w.e.f. [•] [01.07.2026]

Declaration by the Bidder

(To be submitted along with the bid, on company letterhead duly signed and stamped by authorised signatory)

1. Background and Legal Basis

This Declaration forms an integral part of the Grid for Assessing the Eligibility of Firms (GAEF). It provides clarifications and binding confirmations in respect of:

- **Mandatory and optional grounds of exclusion** under Sections 123 and 124 of the Act Against Restraints of Competition (Gesetz gegen Wettbewerbsbeschränkungen – GWB), Germany; and
- The corresponding provisions under applicable laws of India, including but not limited to the General Financial Rules, Rule 151; and other relevant Indian penal, anti-corruption, fiscal, labour, competition and regulatory statutes.

For the purpose of this Declaration, references to Sections 123 and 124 GWB shall be read harmoniously with corresponding provisions under Indian law, and the stricter standard shall prevail for assessment of eligibility.

2. Mandatory Grounds of Exclusion

2.1 Under German Law

Section 123 GWB provides for mandatory exclusion of an undertaking from the procurement process where the undertaking or its management has been convicted of certain criminal offences, including but not limited to:

- Participation in a criminal organisation;
- Terrorism or financing of terrorism;
- Money laundering;
- Fraud;
- Bribery or corruption;
- Human trafficking;
- Non-fulfilment of obligations relating to payment of taxes or social security contributions (Section 123(4) GWB).

2.2 Corresponding Provisions under Indian Law

Without prejudice to the above, the Bidder declares that neither the Bidder nor any member of its Board of Directors, partners, key managerial personnel, or any person having controlling interest in the Bidder has been convicted of, or is subject to final and binding judicial or administrative findings in respect of offences under, inter alia:

- Indian Penal Code;

- Prevention of Corruption Act;
- Prevention of Money Laundering Act;
- Unlawful Activities (Prevention) Act;
- Immoral Traffic (Prevention) Act;
- Companies Act (including fraud-related provisions);
- Competition Act (in respect of anti-competitive agreements, bid-rigging or abuse of dominance);
- Any other applicable central, state or local legislation providing for criminal liability relating to fraud, corruption, financial misconduct, terrorism, organised crime, trafficking, or similar offences.

Further, making reference to Rule 151(1) of the General Financial Rules, of the Government of India for guidance purposes, the Bidder confirms that it is not debarred on grounds relating to offences under the Indian Penal Code, 1860 or the Prevention of Corruption Act, 1988.

2.3 Fiscal and Statutory Compliance

The Bidder further declares that it:

- Has not wilfully defaulted in payment of income tax under the Income Tax Act;
- Has not wilfully defaulted in payment of Goods and Services Tax under the applicable GST laws;
- Has not wilfully defaulted in payment of any tax under applicable national, state or local laws;
- Has complied with all statutory dues relating to employee benefits and social security contributions, including provident fund, professional tax, labour welfare cess and similar obligations under applicable labour laws;
- Has not wilfully violated the provisions of the Foreign Contribution (Regulation) Act, (where applicable).

For the purposes of this Declaration, "default" shall mean a violation established by a final and binding judicial or administrative decision. Where any 'alleged' violation is under contestation by the Bidder, the Bidder shall disclose complete particulars of the same and shall provide further documentation and clarifications as may be required by the GIZ.

3. Discretionary (Facultative) Grounds of Exclusion

3.1 Under German Law

Section 124(1) and 124(2) GWB provide facultative grounds for exclusion, including but not limited to:

- Breach of environmental, social or labour obligations;
- Insolvency proceedings;
- Grave professional misconduct;
- Anti-competitive conduct;
- Conflict of interest;
- Deficient performance under prior public contracts;
- Misrepresentation or provision of misleading information.

3.2 Corresponding and Extended Grounds under Indian Law

In addition to the above, and to strengthen the integrity of the procurement process, the Bidder declares that neither the Bidder nor its management:

a. Has breached applicable environmental, social, labour or employee legislations in the course of its operations;

b. Is subject to insolvency, liquidation, bankruptcy, winding-up or similar proceedings under the Insolvency and Bankruptcy Code or any analogous law;

c. Has engaged in collusion, bid-rigging or anti-competitive conduct impairing fair competition within the meaning of the Competition Act or Section 124 GWB;

d. Is subject to any actual or potential conflict of interest that may compromise the transparency or fairness of the procurement process;

e. Has had any prior public contract or concession contract terminated for default, or been subjected to damages, penalties, blacklisting or sanctions for deficient performance;

f. Has entered into any financial or business arrangement with any official or representative of the procuring entity that could improperly influence the procurement or contract execution process;

g. Has exercised coercion, undue influence, or made threats to affect the procurement process;

h. Has made any false declaration, misrepresentation, suppression of material facts, or provided misleading information in this or any other tender process;

i. Has been debarred, blacklisted or suspended by any Ministry, Government Department, statutory authority, public sector undertaking or other public body under the General Financial Rules or other applicable procurement guidelines;

j. Has failed to implement adequate compliance systems, internal controls and anti-corruption policies consistent with internationally accepted standards of corporate governance.

4. Compliance Undertaking

The Bidder hereby:

1. Affirmatively certifies that none of the mandatory grounds of exclusion apply as of the date of submission of the bid.
2. Declares and undertakes that if, at any time during the procurement process or during the execution of the contract, any circumstance arises which would constitute a ground of exclusion under Sections 123 or 124 GWB or under applicable Indian law, the Bidder shall immediately inform the Procuring Entity i.e. the GIZ, in writing.
3. Acknowledges and agrees that suppression of information, misrepresentation, or submission of false declarations shall result in immediate disqualification, forfeiture of

bid security/performance security, termination of contract (if awarded), and possible debarment/blacklisting.

4. Authorises the GIZ to seek independent verification from competent authorities in Germany, India, or any other relevant jurisdiction.

5. Truthful Declaration

This Declaration is true and correct to the best of the Bidder's knowledge and belief. It is submitted voluntarily and with full understanding that it forms a material basis for evaluation of eligibility under the GAEF and applicable procurement laws of Germany and India.

Any false statement or omission shall render the Bidder liable for exclusion from the procurement process and for any further action permissible under applicable law.

For and on behalf of the Bidder

Name of the Bidder: _____
Authorised Signatory: _____
Name & Designation: _____
Date: _____
Place: _____

(Seal & Signature)