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# Self-Declaration of Eligibility

**Tender reference number:** SYM 2026/02

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## Contents

|   |   |
|---|---|
| 1. General information on the Contractor .....                    | 2 |
| 2. Grounds for exclusion .....                                    | 2 |
| 3. Professional and technical capacity and performance .....      | 3 |
| 4. Minimum requirements for economic and financial capacity ..... | 4 |
| 5. Remuneration and contractual framework.....                    | 4 |
| 6. General declaration and signature .....                        | 4 |

## 1. General information on the Contractor

*Please attach a copy of your current official register entry as a separate file. The copy must not be older than six months prior to the tender submission deadline.*

*Please note that for this tender, registration in the country of assignment, Kyrgyzstan, is required.*

|                          |  |
|--------------------------|--|
| Legal Form               |  |
| Address                  |  |
| Telephone                |  |
| E-Mail                   |  |
| Contact Person           |  |
| Official Register number |  |
| Name of Register         |  |
| Country of Registration  |  |
| Date of Registration     |  |
| VAT-ID                   |  |

## 2. Grounds for exclusion

*NABU will assess the measures taken by the company and decide on a case-by-case basis whether there are grounds for exclusion.*

*The Contractor also undertakes to promptly inform NABU if any of the circumstances or grounds for exclusion described above arises during the award procedure.*

### 2.1. Do any of the grounds for exclusion specified in Section 123 or Section 124 of the German Act against Restraints on Competition (GWB) apply in your case?<sup>1</sup>

☐ YES, under Section 123 GWB ☐ YES, under Section 124 GWB ☐ NO

If yes, please provide details:

If yes, have 'self-cleaning measures' under Section 125 GWB been taken?

☐ YES ☐ NO

If yes, please describe the measure(s):

### 2.2. In the past three years, have you been sentenced to imprisonment of more than three months or a fine under criminal law of more than 90 daily rates or an administrative fine of more than EUR 2,500 based on the grounds for exclusion listed in Section 124 (2) GWB, resulting in an entry in the Central Trade and Industry Register ('Gewerbezentralregister') or the Competition Register ('Wettbewerbsregister')?

☐ YES ☐ NO

<sup>1</sup> See Annex II for an English translation of the pertinent sections of the law.



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If yes, have remedial measures been taken to re-establish reliability?

☐ YES

☐ NO

If yes, please describe the measure(s):

**2.3. In the past three years, has an administrative fine of EUR 175,000 or more been imposed due to a violation under Section 24 of the German Supply Chain Act (LkSG)?<sup>2</sup>**

☐ YES

☐ NO

If yes, have 'self-cleaning measures' under Section 125 GWB been taken in accordance with Section 22 (1) LkSG?

☐ YES

☐ NO

If yes, please describe the measure(s):

### **3. Professional and technical capacity and performance**

**3.1. The Contractor confirms that it possesses the technical and professional capacity required to perform the Services in accordance with the highest professional standards and will assign appropriately qualified personnel.**

☐ YES

☐ NO

**3.2. Proof of technical eligibility is provided by naming up to 10 reference projects.**

Please enter the relevant information from the past three years in the table 'Overview of reference projects' (Annex I) in line with the required criteria. Candidate/bidding consortia should also submit no more than 10 reference projects.

The reference projects of a candidate/bidding consortium may also have been completed by one member of the consortium. Candidates that do not meet these minimum criteria will be considered ineligible and excluded from the subsequent tender procedure.

**Minimum requirements for references:**

- The technical assessment is based only on reference projects with a minimum contract volume of 500,000 EUR.
- At least three reference projects in Kyrgyzstan in the last ten years in one or more of the following technical fields:
  - Biodiversity and Natural Resource Management,
  - Environmental Education and Capacity Development,
  - Policy and Governance for Biodiversity Mainstreaming,
  - Sustainable Land Use / Pasture Management.

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<sup>2</sup> See Annex III for an English translation of the pertinent sections of the law.



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#### 4. Minimum requirements for economic and financial capacity

*NABU reserves the right to request supporting documentation or clarifications to verify the financial information provided in this Self-Declaration, including information relating to the tenderer's economic and financial capacity.*

**4.1. Your organisation's average annual turnover in the past three financial years amounted to at least 2 times the estimated annual contract volume.**

☐ YES

☐ NO

**4.2. Your organisation can:**

- pre-finance activities between payments, and
- ensure continuous implementation without financial interruptions?

☐ YES

☐ NO

#### 5. Remuneration and contractual framework

The Contractor acknowledges the remuneration structure, payment conditions, reporting requirements, and reimbursement rules as defined in the Terms of Reference, including time sheet and documentation obligations.

☐ YES

☐ NO

#### 6. General declaration and signature

We hereby declare:

In submitting this document, I/we confirm that the information provided above is complete and true and that we are aware of the requirements written out in detail in the Terms of Reference (ToR).

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Location, Date

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Signature



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## ANNEX I

**Overview of reference projects** (*only reference projects with the minimum contract volume stipulated above under 'Minimum requirements for references'*)

| No. | Project title | Commis-<br>sioning party | Period | Contract value in<br>EUR | Country | Technical fields* | Project description<br>(brief description of the content<br>of the measure) |
|-----|---------------|--------------------------|--------|--------------------------|---------|-------------------|---|
| 1   |               |                          |        |                          |         |                   |   |
| 2   |               |                          |        |                          |         |                   |   |
| 3   |               |                          |        |                          |         |                   |   |
| 4   |               |                          |        |                          |         |                   |   |
| 5   |               |                          |        |                          |         |                   |   |
| 6   |               |                          |        |                          |         |                   |   |
| 7   |               |                          |        |                          |         |                   |   |
| 8   |               |                          |        |                          |         |                   |   |
| 9   |               |                          |        |                          |         |                   |   |
| 10  |               |                          |        |                          |         |                   |   |

\*Technical Fields:

- Biodiversity and Natural Resource Management
- Environmental Education and Capacity Development
- Policy and Governance for Biodiversity Mainstreaming
- Sustainable Land Use / Pasture Management



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## ANNEX II

Please note that this English version is an unofficial translation provided for informational purposes only. The legally binding version is the German-language text. The English translation of the German Act against Restraints on Competition (GWB) in its entirety is available at: [https://www.gesetze-im-internet.de/englisch\\_gwb/englisch\\_gwb.htm](https://www.gesetze-im-internet.de/englisch_gwb/englisch_gwb.htm)

### Section 123

#### Compulsory Grounds for Exclusion

(1) Public contracting authorities shall exclude an undertaking from participation at any point in the procurement procedure when they are aware that a person whose conduct is imputable to the undertaking in accordance with subsection (3) has been convicted by final judgement or a final administrative fine has been issued against the undertaking under Section 30 of the German Administrative Offences Act [Gesetz über Ordnungswidrigkeiten] for a criminal offence under:

1. Section 129 of the German Criminal Code [Strafgesetzbuch] (forming criminal organisations), Section 129a of the German Criminal Code (forming terrorist organisations) or Section 129b of the German Criminal Code (foreign criminal and terrorist organisations);
2. Section 89c of the German Criminal Code (financing of terrorism) or for participation in such a crime or for the provision or collection of financial resources with the knowledge that such financial resources will be used or are intended to be used, wholly or in part, to commit a crime under Section 89a(2) no 2 of the German Criminal Code;
3. Section 261 of the German Criminal Code (money laundering);
4. Section 263 of the German Criminal Code (fraud), provided that the criminal offence is directed against the budget of the European Union or against budgets administered by the European Union or on its behalf;
5. Section 264 of the German Criminal Code (subsidy fraud), provided that the criminal offence is directed against the budget of the European Union or against budgets administered by the European Union or on its behalf;
6. Section 299 of the German Criminal Code (taking and giving bribes in commercial practice), Sections 299a and 299b of the German Criminal Code (taking and giving bribes in the health sector);
7. Section 108e of the German Criminal Code (taking of bribes by and giving of bribes to elected officials);

8. Sections 333 and 334 of the German Criminal Code (granting benefits and giving bribes), each also in conjunction with Section 335a of the German Criminal Code (foreign and international officials);

9. Article 2 Section 2 of the German Act on Combating International Bribery [Gesetz zur Bekämpfung internationaler Bestechung] (Bribery of Foreign Public Officials in International Business Transactions) or

10. Sections 232, 232a (1) to (5), Sections 232b to 233a of the German Criminal Code (human trafficking, forced prostitution, forced labour, exploitation of labour, exploitation involving deprivation of liberty).

(2) A conviction or the issuance of an administrative fine under the comparable provisions of other countries are the equivalent of a conviction or the issuance of an administrative fine within the meaning of subsection (1).

(3) The conduct of a person convicted by final judgement shall be imputable to an undertaking if that person has acted as the person responsible for the management of the undertaking; this also includes supervision of management or the exercise of control in another manner in a managerial position.

(4) Public contracting authorities shall at any point in the procurement procedure exclude an undertaking from participating in the procurement procedure if

1. the undertaking has not fulfilled its obligations relating to the payment of taxes, charges or social security contributions and this has been established by a judicial or administrative decision having final and binding effect or

2. the public contracting authorities can prove the breach of an obligation under no 1 in another suitable manner.

Sentence 1 shall not apply if the undertaking has fulfilled its obligations by making the payment or committing to pay the taxes, charges and social security contributions, including interest, fines for late payment and penalties.

(5) An exclusion under subsection (1) may be disregarded if this is imperative for compelling reasons of public interest. An exclusion under subsection (4) sentence 1 may be disregarded if this is imperative for compelling reasons of public interest or if an exclusion would be obviously disproportionate. Section 125 shall remain unaffected.

## **Section 124**

### **Facultative Grounds for Exclusion**

(1) Taking the principle of proportionality into account, public contracting authorities may at any point in the procurement procedure exclude an undertaking from participating in the procurement procedure if

1. the undertaking has demonstrably breached applicable environmental, social or labour obligations in carrying out public contracts;
2. the undertaking is insolvent, an insolvency proceeding or a comparable proceeding over the assets of the undertaking has been filed or opened, the opening of such a proceeding has been denied for lack of assets, the undertaking is in liquidation proceedings or has ceased to do business;
3. the undertaking has demonstrably committed grave professional misconduct which renders its integrity questionable; Section 123(3) shall apply mutatis mutandis;
4. the public contracting authority has sufficient indications that the undertaking has concluded agreements with other undertakings or engaged in concerted practices which have as their object or effect, the prevention, restriction or distortion of competition;
5. a conflict of interest exists in the execution of the procurement procedure which could compromise the impartiality and independence of a person working for the public contracting authority in the executing of the procurement procedure and which cannot be effectively remedied by other, less intrusive measures;
6. a distortion of competition results from the prior involvement of the undertaking in the preparation of the procurement procedure, and such distortion of competition cannot be remedied by other, less intrusive measures;
7. the undertaking has produced significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract or concession contract which led to an early termination, damages or other comparable sanctions;
8. the undertaking has committed a serious misrepresentation or withheld information or is not able to submit the required evidence with respect to the grounds for exclusion or the selection criteria; or
9. the undertaking
  - a) has attempted to unduly influence the decision-making process of the public contracting authority;
  - b) has attempted to obtain confidential information that may confer upon it undue advantages in the procurement procedure; or





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c) has negligently or intentionally provided misleading information that may have a material influence on the decision of the public contracting authority concerning the award decision, or has attempted to provide such information.

(2) Section 21 of the Posted Workers Act [Arbeitnehmer-Entsendegesetz], Section 98c of the Residence Act [Aufenthaltsgesetz], Section 19 of the Minimum Wage Act [Mindestlohngesetz], Section 21 of the Act to Combat Undeclared Work and Unlawful Employment [Schwarzarbeitsbekämpfungsgesetz] and Section 22 of the Act on Corporate Due Diligence Obligations in Supply Chains [Lieferkettensorgfaltspflichtengesetz] shall remain unaffected.

### ANNEX III

For convenience, an English translation of the German Act against Restraints on Competition (GWB) is available at: [https://www.bmas.de/SharedDocs/Downloads/DE/Internationales/act-corporate-due-diligence-obligations-supply-chains.pdf?\\_\\_blob=publicationFile&v=3](https://www.bmas.de/SharedDocs/Downloads/DE/Internationales/act-corporate-due-diligence-obligations-supply-chains.pdf?__blob=publicationFile&v=3)

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#### Section 24

##### Provisions on administrative fines

(1) A person has committed a regulatory offence when he or she, intentionally or by negligence,

1. contrary to section 4 (3) sentence 1, fails to ensure that a determination referred to therein has been made,
2. contrary to section 5 (1) sentence 1 or section 9 (3) no. 1, does not carry out a risk analysis, does not carry it out correctly, completely or in time,
3. contrary to section 6 (1), does not take a preventive measure or does not take it in time,
4. contrary to section 6 (5) sentence 1, section 7 (4) sentence 1 or section 8 (5) sentence 1, does not carry out a review or does not carry it out in time,
5. contrary to section 6 (5) sentence 3, section 7 (4) sentence 3 or section 8 (5) sentence 2, fails to update a measure or fails to update it in time,
6. contrary to section 7 (1) sentence 1, fails to take remedial action or fails to take such action in time,
7. contrary to
  - a) section 7 (2) sentence 1 or
  - b) section 9 (3) no. 3

fails to draw up a concept or draw it up in time, or fails to implement it or implement it in time,

8. contrary to section 8 (1) sentence 1, also in conjunction with section 9 (1), fails to ensure that a complaints procedure is in place,

9. contrary to section 10 (1) sentence 2, fails to keep documentation or does not keep it for at least seven years,

10. contrary to section 10 (2) sentence 1, fails to prepare a report correctly,

11. contrary to section 10 (2) sentence 1, fails to make a report referred to therein publicly available or fails to do so in time,

12. contrary to section 12, does not submit a report or does not submit it in time or

13. fails to comply with an enforceable order pursuant to section 13 (2) or section 15 sentence 2 no. 2.

(2) The regulatory offence may be punished

1. in the cases referred to in paragraph (1)

a) nos. 3, 7 letter b and no. 8

b) nos. 6 and 7 letter a with a fine of up to eight hundred thousand euros,

2. in the cases of paragraph (1) nos. 1, 2, 4, 5 and 13, with an administrative fine of up to five hundred thousand euros and

3. in the other cases referred to in paragraph (1), with an administrative fine of up to one hundred thousand euros.

In the cases of sentence 1 nos. 1 and 2, section 30 (2) sentence 3 of the Regulatory Offences Act applies.

(3) In the case of a legal person or association of persons with an average annual turnover of more than 400 million euros, a regulatory offence under paragraph (1) nos. 6 or 7 (a) may be punished with an administrative fine of up to 2 per cent of the average annual turnover in derogation from paragraph (2) sentence 2 in conjunction with sentence 1 no. 1 (b). The calculation of the average annual turnover of the legal person or association of persons is based on the worldwide turnover of all natural and legal persons as well as all associations of persons in the last three financial years preceding the decision by the authority insofar as these persons and associations of persons operate as an economic unit. The average annual turnover may be estimated.

(4) The basis for the assessment of the administrative fine for legal persons and associations of persons is the significance of the regulatory offence. The economic circumstances of the legal person or association of persons are to be taken into account in the assessment. In the assessment, the

circumstances are to be weighed up insofar as they speak for and against the legal person or association of persons. The following is to be taken into consideration, among other things:

1. the charge against the perpetrator of the regulatory offence,
2. the motives and objectives of the perpetrator of the regulatory offence,
3. significance, extent and duration of the regulatory offence,
4. the type of execution of the regulatory offence, in particular the number of perpetrators and their position in the legal person or association of persons,
5. the effects of the regulatory offence,
6. previous regulatory offences for which the legal person or association of persons is responsible pursuant to section 30 of the Regulatory Offences Act, also in conjunction with section 130 of the Regulatory Offences Act, as well as precautions taken before the regulatory offence to prevent and detect regulatory offences,
7. the efforts taken by the legal person or association of persons to detect the offence and to repair the damage, as well as precautions taken after the regulatory offence to prevent and detect regulatory offences,
8. the consequences of the regulatory offence suffered by the legal person or association of persons.

(5) The administrative authority within the meaning of section 36 (1) no. 1 of the Regulatory Offences Act is the Federal Office for Economic Affairs and Export Control. Section 19 (1) sentences 2 and 3 apply to the legal and technical supervision of the Federal Office.