ANNEX 5

Ref.: Reference number – Title of the Evaluation

Self-Declaration on Standards of Conduct in a Direct Contracting/Procurement Procedure

(1) Throughout the procurement procedure, in particular during bid clarification meetings, negotiations, presentations and other contact with the contracting authority, all participants in the procurement procedure – including their representatives, presenters and other contact persons – are expected to behave in a manner that:

- respects the dignity of everyone present,
- is free from discrimination, harassment or unequal treatment based on the characteristics specified in section 1 of the German General Act on Equal Treatment (Allgemeines Gleichbehandlungsgesetz, AGG), in particular gender, ethnic origin, religion, disability, age, sexual identity,
- does not involve racist, sexist, misogynistic, homophobic or transphobic utterances, gestures or behaviours, or utterances, gestures or behaviours that violate human dignity.

(2) Infringements of these standards of conduct during the procurement procedure will be classed as **grave professional misconduct within the meaning of section 124 (1) No. 3 of the German Competition Act (Gesetz gegen Wettbewerbsbeschränkungen, GWB)** and may lead to the bidder being **immediately excluded** from the procurement procedure.

(3) The contracting authority will **document** any infringements **immediately** and inform the bidder of these in writing. The bidder will be given the opportunity to make a **statement at short notice** before a decision is made on whether to exclude them. This does not apply if the infringement is so serious that further participation in the current stage of the procedure (e.g. a presentation) is unacceptable. In this case, the contracting authority can **end** this stage of the procedure **with immediate effect** for the bidder in question.

(4) Documented infringements can also be used as grounds for an exclusion from future procurement procedures if the statutory requirements are met.

Standards of conduct and values when executing the contract

Anti-discrimination and respect

(1) The contractor undertakes to respect and comply with the principles of non-discrimination, equal treatment and human dignity when executing the contract. This includes, in particular, the prohibition on discrimination, harassment and unequal treatment based on the characteristics specified in section 1 AGG (race and ethnic origin, gender, religion or ideology, disability, age, sexual identity).

(2) The contractor shall ensure that employees who are involved in the execution of this contract receive appropriate training and are informed about the applicable requirements.

(3) In the event of serious or repeated infringements of the principles specified in (1), the contracting authority shall be entitled:

- to claim a contractual penalty of [5% of the contract value, at least EUR 2,500.00],
- to terminate the contract without notice for good cause.

(4) Conduct shall, in particular, be deemed to be a serious infringement if such conduct has been identified by a final administrative or court decision or if the contractor does not stop such conduct in spite of a written warning from the contracting authority.

Bonn, xx/xx/2026 Signature: _____