

MANDATORY EXCLUSION

To be filled by each Applicant. If multiple companies and or individuals seek to apply then each party shall complete a separate Mandatory exclusion form.

Challenge Number:

Challenge Title:

Name:

Company Name:

Company Address:

Email:

Instructions for Bidders

Failure to disclose information relevant to this section or misrepresentation in relation to the information disclosed may result in exclusion of the bidder from this procurement process or the termination of any subsequent contract that is to be awarded to them.

The bidder may be asked to provide the relevant documentation or to state where the extract from the relevant register, for example judicial records, is available electronically to the public body so that it may retrieve this information. **By indicating this information, the bidder agrees that the public body may retrieve the documentation subject to Data Protection Laws on the processing of personal data, and in particular of special categories of data such as on offences, criminal convictions or security measure.**

Grounds for Mandatory Exclusion relating to Criminal Convictions

1. The common law offence of conspiracy; where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA on the fight against organised crime or an offence under sections 28 or 30 of the Criminal Justice and Licensing (Scotland) Act 2010;
2. **a) Corruption;** within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906, where the offence relates to active corruption as defined in Article 3 of the Council Act of 26th May 1997 and Article 3(1) of Council Joint Action 98/742/JHA;
b) Bribery or Corruption within the meaning of sections 68 and 69 of the Criminal Justice (Scotland) Act 2003, where the offence relates to active bribery or corruption
c) Bribery within the meaning of sections 1 or 6 of the Bribery Act 2010;
3. Fraud where the offence relates to fraud affecting the European Communities' financial interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities
 - a) the offence of cheating the Revenue
 - b) the common law offence of fraud

- c) the common law offence of theft or fraud
 - d) fraudulent trading within the meaning of section 458 of the Companies Act 1985, or section 993 of the Companies Act 2006;
 - e) fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994;
 - f) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;
 - g) the common law offence of uttering; or
 - h) the common law offence of attempting to pervert the course of justice;
4. Terrorist offences or offences linked to terrorist activities; listed in section 41 of the Counter-Terrorism Act 2008; or Schedule 2 to that Act where the court has determined that there is a terrorist connection.
5. a) Money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002;
- b) Money Laundering or Terrorist financing; an offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988;
6. Child labour and other forms of trafficking in human beings; any offence under Part 1 of the Human Trafficking and Exploitation (Scotland) Act 2015 or under any provision referred to in the Schedule to that Act;
7. Drugs trafficking, an offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994.
7. Drugs trafficking, an offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994;

Question		Answer
1	Has the bidder itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein been the subject of a conviction by final judgment within the last five years for one of the reasons (1-7) listed above?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2	If the answer is yes to any, please provide details including: <ul style="list-style-type: none"> • Date of conviction • Which of the points 1-7 it relates to and the reason • Name of the person convicted • A description of any measures taken by the bidder to demonstrate its reliability despite the existence of this relevant ground for exclusion 	

Signatory Name:	
Signature:	
Date:	