**The manner of providing evidence to eliminate an economic operator from public procurement procedure**

The grounds for eliminating an economic operator from public procurement procedure are Articles 111 and 112 of the PPL.

The grounds for elimination envisaged by Article 111 of the PPL must be envisaged by every contracting authority in procurement documents, whereas the grounds under Article 112 of the PPL may, but do not have to be envisaged.

Also, the PPL provisions prescribe the way to prove non-existence of grounds for elimination.

Namely, Article 118 of the PPL envisages that economic operators shall submit within tenders, i.e., applications, a declaration on fulfilment of qualification criteria, on a standard template which, inter alia, confirms that there are no grounds for elimination.

Article 119 of the PPL envisages that contracting authorities may request the evidence of fulfilment of the qualification criteria only from the bidder who has submitted the most economically advantageous tender.

Also, Article 121 envisages the evidence proving the absence of grounds for elimination from Article 111 Paragraph 1 points 1) and 2) and Article 112 Paragraph 1 point 1) of the PPL.

Bearing in mind the above PPL provisions, it can be inferred that the non-existence of grounds for elimination under Article 111 Para.1 points 1) and 2), as well as Article 112 Para 1 of the PPL is proven by the bidder, whereas the non-existence of all other grounds for elimination, i.e., grounds prescribed by Article 111 Para. 1 points 3) – 5) of the PPL and Article 112 Para. 1 points 2) – 6) of the PPL shall be established by the contracting authority.

Such conclusion primarily emanates from the way of formulating the grounds for elimination under Articles 111 and 112 of the PPL.

For example, Article 111 Para. 1 point 1) of the PPL envisages that contracting authorities shall eliminate an economic operator from public procurement procedure unless the economic operator proves that it has not been enforceable sentenced within the past five years from the day that the tender or application submission deadline expires**,** unless the enforceable judgment establishes another period of ban on participation in tendering proceduresfor specific criminal offences.

On the other hand, for instance under Article 111 Paragraph 1 point 3) of the PPL envisages that the contracting authority shall eliminate an economic operator from public procurement procedure if it **establishes** that within the past two years from the day the deadline for tender of application submission expires, the economic operator has violated the obligations in the areas of environment protection, social and labour law, including collective bargains, especially the obligation to pay the agreed remuneration or other compulsory payments, including the obligations in keeping with the provisions of international conventions listed in Annex 8 to this Law.

Bearing in mind all the above, we indicate that with a declaration on meeting qualification criteria submitted by the bidder along with bids, every bidder, inter alia, confirms the non-existence of all defined grounds for elimination, while the contracting authority may request from the bidder with most economically advantageous tender to submit only the evidence prescribed under Article 121 Para. 1 of the PPL, i.e., the evidence proving non-existence of grounds for elimination under Article 111 Para. 1 points 1) and 2) and Article 112 Para. 1 point 1) of the PPL.