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| APPENDIX NO. 1  TO THE INVITATION TO PRE-QUALIFICATION  in the procedure  entitled  "***Selection of the EPC Contractor  for the Waste-to-Energy Plant. Employer - Recycling Park Sp. z o. o.*** "  Employer  Recycling Park sp. z o. o.  Kamionka 21 64-800 Chodzież Polska |
| Warsaw, 17 November 2023 |

APPLICATION  
FOR ADMISSION TO PARTICIPATE IN THE PROCEDURE

for

"*Selection of the EPC Contractor for the Waste-to-Energy Plant.*

*Employer – Recycling Park Sp. z o.o.*"

("Procedure")

1. EMPLOYER

Recycling Park sp. z o. o. with its registered office in Kamionka (registration address: Kamionka 21, 64-800 Chodzież, Poland), entered in the Register of Entrepreneurs of the National Court Register kept by the District Court Poznań - Nowe Miasto and Wilda in Poznań, IX Economic Department of the National Court Register, under KRS number 0000303394, NIP number 7642592968 and REGON number 300798767, with a share capital of PLN 552,000.00.

2. CONTRACTOR

This application is submitted by[[1]](#footnote-1):

|  |  |  |
| --- | --- | --- |
| No. | NAME(S) OF THE CONTRACTOR(S) | ADDRESS(ES) OF THE CONTRACTOR(S) |
|  |  |  |
|  |  |  |

* 1. **CONTACT DETAILS OF THE CONTRACTOR[[2]](#footnote-2):**

[All correspondence will be served only to the address / e-mail]:

|  |  |
| --- | --- |
| CONTACT PERSON |  |
| CORRESPONDENCE ADDRESS |  |
| PHONE NUMBER |  |
| E-MAIL |  |
| NIP [Tax Registration Number] |  |

3. DECLARATIONS

I (we), the undersigned, acting on behalf of the Contractor, declare that:

1. referring to the Invitation to participate in prequalification in the Procedure entitled "*Selection of the EPC Contractor for the Waste-to-Energy Plant. Employer - Recycling Park sp. z o.o.* " (hereinafter referred to as the " **Invitation**"), I (we) declare willingness to participate in the Procedure;
2. I (we) have read and fully accept without any reservations the content of the Invitation and the Conditions for Participation in the Procedure and the Selection Criteria;
3. I am (we are) / I am (we are) not in a situation of conflict of interest in accordance with section 3.5 (f) of the Invitation;
4. I (we) meet the eligibility criteria set out in section 6 of the Invitation, as proof of which I (we) submit: …………………………………………………………………………….
5. I (we) reserve/do not reserve part(s) of the Application as a trade secret within the meaning of the Act of 16 April 1993 on combating unfair competition (consolidated text: Journal of Laws of 2022, item 1233) and therefore the information contained in the files/pages …………………………………………….…………………[[3]](#footnote-3) of the Application constitutes a trade secret within the meaning of the above-mentioned provisions. The remaining parts of the Application and its appendices are public and do not contain information constituting a trade secret;
6. I (we) have read the Employer's Information Clause regarding the GDPR contained in the Invitation to participate in the prequalification;
7. I (we) have received and read the Code of Conduct for the ENERIS Group Business Partners ("the Code”). At the same time, on behalf of the represented entity, I (we) confirm compliance with the principles of this Code, and in the event that the Employer invites us to participate in Stage II of the Procedure, I (we) give permission to the Employer or an appointed representative to carry out an audit in my company for the purpose of verifying the Contractor's compliance with the Code;
8. I (we) fulfilled the information obligations provided for in Art. 13 or Art. 14 of the GDPR to natural persons from whom I (we) have obtained personal data directly or indirectly in order to apply for the award of the Contract in this Procedure,;
9. I (we) plan to perform the Contract\*:

* entirely on our own,

engaging subcontractors to perform the subject of the Contract;

and indicate the scope that I (we) intend to entrust to the subcontractor: …………………………………………………………………………………………………………………………………………

\* *delete as appropriate*

1. we declare participation in the Technical Dialogue planned at Stage I of the Procedure.
2. I (we) understand and accept that (i) the Prequalification process may be cancelled at any time, (ii) the Employer is not obliged to accept any Application or to invite the Contractors who have been qualified as a result of the Prequalification to submit a Bid for the performance of the Contract being the subject of this Prequalification, (iii) the Employer shall not bear any liability towards the Contractors in this respect;
3. all information, statements and descriptions contained in the Application are true, correct and complete in all respects to the best of our knowledge and belief.

Appendices to this Application are:

1. ………………………………………..
2. ………………………………………..
3. ………………………………………..
4. ………………………………………..

ON BEHALF OF THE CONTRACTOR:

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *place and date* | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *full name/signature* |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *full name/signature* |

TEMPLATE

LIST OF COMPLETED DESIGN WORKS

Referring to the content of the Invitation to participate in prequalification in the Procedure entitled "*Selection of the EPC Contractor for the Waste-to-Energy Plant. Employer - Recycling Park sp. z o.o.* " and acting on behalf of and for:

….............................................................................................................................................................................................................................................................................................................................................................................................................................................................. *Contractor's name and address*

I (we) declare that I (we) have correctly performed the following tasks, which in their scope correspond to the scope specified in section 7.4 subsection1) tir. (i) of the Invitation:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No. | DATE OF IMPLEMENTATION  (FROM-TO) | RECIPIENT OFSERVICES (NAME AND ADDRESS) | SUBJECT OF IMPLEMENTATION  (DESCRIBE THE SERVICE PROVIDED  TO THE EXTENT ENABLING VERIFICATION OF MEETING THE  CONDITION FOR PARTICIPATION) | GROSS VALUE  (PLN) |
| 1 | 2 | 3 | 4 | 5 |
| 1. | from …………………  to ………………… |  |  | ……………… |
| 2. | from …………………  to ………………… |  |  | ……………… |
| 3. | from …………………  to ………………… |  |  | ……………… |

The Contractor is obliged to attach evidence that the services listed have been duly performed.

|  |
| --- |
| NOTE! The Employer reserves the right to call on the Contractor within the set time limit to submit explanations and/or complete the Application in the scope of submitted declarations and documents. |

ON BEHALF OF THE CONTRACTOR:

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *place and date* | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *full name/signature* |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *full name/signature* |

TEMPLATE

LIST OF COMPLETED WORKS AND DELIVERIES

Referring to the content of the Invitation to participate in prequalification in the Procedure entitled "*Selection of the EPC Contractor for the Waste-to-Energy Plant. Employer - Recycling Park sp. z o.o.* " and acting on behalf of and for:

….............................................................................................................................................................................................................................................................................................................................................................................................................................................................. *Contractor's name and address*

I (we) declare that I (we) have correctly performed the following tasks, which in their scope correspond to the scope specified in section 7.4 subsection 1) tir. (ii) of the Invitation:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No. | DATE OF IMPLEMENTATION  (FROM-TO) | RECIPIENT OF SERVICES  (NAME AND ADDRESS) | SUBJECT OF IMPLEMENTATION  (DESCRIBE THE IMPLEMENTED CONSTRUCTION WORKS TO THE EXTENT ENABLING VERIFICATION OF MEETING THE CONDITION FOR PARTICIPATION) | GROSS VALUE  (PLN) |
| 1 | 2 | 3 | 4 | 5 |
| 1. | from …………………  to ………………… |  |  | ……………… |
| 2. | from …………………  to ………………… |  |  | ……………… |
| 3 | from …………………  to ………………… |  |  | ……………… |

The Contractor is obliged to attach evidence that the works and deliveries listed have been duly performed.

|  |
| --- |
| NOTE! The Employer reserves the right to call on the Contractor within the set time limit to submit explanations and/or complete the Application in the scope of submitted declarations and documents. |

ON BEHALF OF THE CONTRACTOR:

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *place and date* | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *full name/signature* |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *full name/signature* |

TEMPLATE

LIST OF PERSONNEL TO BE ASSIGNED TO THE IMPLEMENTATION OF THE CONTRACT

Referring to the content of the Invitation to participate in prequalification in the Procedure entitled "*Selection of the EPC Contractor for the Waste-to-Energy Plant. Employer - Recycling Park sp. z o.o.* " and acting on behalf of and for:

….............................................................................................................................................................................................................................................................................................................................................................................................................................................................. *Contractor's name and address*

I (we) present a list of persons who will be directed to perform the Contract, meeting the conditions referred to in section 7.4 subsection 3) of the Invitation:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No. | FULL NAME | PROFESSIONAL QUALIFICATIONS/ EDUCATION/ EXPERIENCE | SCOPE OF PERFORMED ACTIVITIES | INFORMATION  ON THE BASIS FOR HAVING THE PERSON AT THE DISPOSAL |
| 1 | 2 | 3 | 4 | 5 |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

INSTRUCTIONS:

1. In column 3, a description of the education and experience of the person indicated in column 2 should be provided, confirming that this person meets the relevant requirements presented in the Invitation to participate in prequalification.

2. In column 4, the scope of activities anticipated for the indicated person should be provided.

3. In column 5, the basis for having the indicated person at disposal should be provided.

4. In the event that the person indicated in the list is not, for example, an employee of the Contractor, or the Contractor does not directly have this person at its disposal pursuant to another legal basis (e.g. contract of mandate, contract for specific work, other), the declaration of that person should be presented that they will be at the disposal of the Contractor during the time needed to perform the subject Contract, or the declaration of another entity that will have this person at its disposal to put them at the disposal of the Contractor for the purposes of the Contract implementation.

ON BEHALF OF THE CONTRACTOR:

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *place and date* | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *full name/signature* |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *full name/signature* |

TEMPLATE

STATEMENT ON THE AVERAGE ANNUAL REVENUE OF THE CONTRACTOR

Referring to the content of the Invitation to participate in prequalification in the Procedure entitled "*Selection of the EPC Contractor for the Waste-to-Energy Plant. Employer - Recycling Park sp. z o.o.* " and acting on behalf of and for:

….............................................................................................................................................................................................................................................................................................................................................................................................................................................................. *Contractor's name and address*

below, I present information on the Contractor's annual revenue to the extent specified in section 7.4 subsection 2) of the Invitation:

|  |  |  |  |
| --- | --- | --- | --- |
| **DATA ON ANNUAL OPERATING REVENUES  FOR THE PERIOD OF THE LAST 3 (THREE) FINANCIAL YEARS** (AND IF THE PERIOD OF BUSINESS ACTIVITY IS SHORTER, DURING THIS PERIOD) | | | |
| YEAR | AMOUNT/CURRENCY | **EXCHANGE RATE**[[4]](#footnote-4) | **EQUIVALENT IN PLN** (IF APPLICABLE) |
| [enter year] | [enter the amount and specify the currency] |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  | | **AVERAGE ANNUAL REVENUE**[[5]](#footnote-5) |  |

ON BEHALF OF THE CONTRACTOR:

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *place and date* | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *full name/signature* |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *full name/signature* |

TEMPLATE

**DECLARATION ON THE LACK OF GROUNDS FOR EXCLUSION FROM THE PROCEDURE**   
under the Act on special solutions to counteract the support of aggression to Ukraine and to protect national security   
(Journal of Laws of 2022, item 835)

Referring to the content of the Invitation to participate in prequalification in the Procedure entitled "*Selection of the EPC Contractor for the Waste-to-Energy Plant. Employer - Recycling Park sp. z o.o.* " and acting on behalf of and for:

….............................................................................................................................................................................................................................................................................................................................................................................................................................................................. *Contractor's name and address*

I/we declare that I/we are not subject to[[6]](#footnote-6) exclusion under Art. 7 para. 1 of the Act on special solutions in the field of counteracting the support of aggression against Ukraine and serving to protect national security (i.e. Journal of Laws of 2023, item 1497 as amended).

ON BEHALF OF THE CONTRACTOR:

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *place and date* | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *full name/signature* |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *full name/signature* |

TEMPLATE

DECLARATION OF ABSENCE OF CONFLICT OF INTERESTS

Referring to the content of the Invitation to participate in prequalification in the Procedure entitled "*Selection of the EPC Contractor for the Waste-to-Energy Plant. Employer - Recycling Park sp. z o.o.* " and acting on behalf of and for:

….............................................................................................................................................................................................................................................................................................................................................................................................................................................................. *Contractor's name and address*

I/we declare that there are / are not[[7]](#footnote-7) mutual capital or personal ties between the Contractor and the Employer, or persons authorized to incur obligations on its behalf, or persons performing on its behalf activities related to the preparation and implementation of the provider/contractor selection procedure, excluding participation in this procedure, classified as a conflict of interest within the meaning of the Invitation to participate in prequalification.[[8]](#footnote-8)

ON BEHALF OF THE CONTRACTOR:

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *place and date* | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *full name/signature* |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *full name/signature* |

TEMPLATE

DECLARATION OF NOT BEING SUBJECT TO EXCLUSION

Referring to the content of the Invitation to participate in prequalification in the Procedure entitled "*Selection of the EPC Contractor for the Waste-to-Energy Plant. Employer - Recycling Park sp. z o.o.* " and acting on behalf of and for:

….............................................................................................................................................................................................................................................................................................................................................................................................................................................................. *Contractor's name and address*

I (we) declare that[[9]](#footnote-9) the circumstances described in section 7.1 subsections 2)- 6) of the Invitation to participate in prequalification (Exclusion Grounds) do/do not apply to the Contractor[[10]](#footnote-10).

ON BEHALF OF THE CONTRACTOR:

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *place and date* | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *full name/signature* |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *full name/signature* |

TEMPLATE

CONFIDENTIALITY UNDERTAKING

|  |  |  |
| --- | --- | --- |
| FROM: | [CONTRACTOR] |  |
|  | TO: | **Recycling Park sp. z o.o.** Kamionka 21 64-800 Chodzież |

CONFIDENTIALITY UNDERTAKING

(hereinafter also referred to as the "Commitment")

Referring to the content of the Invitation to participate in prequalification in the Procedure entitled "*Selection of the EPC Contractor for the Waste-to-Energy Plant. Employer - Recycling Park Sp. z o.o.*" ("**Procedure**") I, the undersigned ……………………………………. …………… *(full name*), acting on behalf of and for the Contractor[[11]](#footnote-11):

….............................................................................................................................................................................................................................................................................................................................................................................................................................................................. *Contractor's name and address*

declare that:

1) I (we) have been informed by the Employer's company, i.e. Recycling Park sp. z o.o. with its registered office in Kamionka (the "**Employer**"), about the confidential nature of the indicated information regarding the Investment consisting in the construction of the Recycling Park sp. z o.o. Waste-to-Energy Plant in Kamionka (the "**Investment**").

2) I (we) acknowledge that, in accordance with the will of the Employer, confidential information is every information regarding the Investment, in particular organizational, technical, processing, commercial, operational, financial, business information, as well as information regarding strategies, plans, contracts, agreements, know–how disclosed to me (us) by the Employer or entities participating in the management of the Procedure (including consultants of the Employer) in connection with my (our) participation in the Procedure, regardless of the form of such disclosure (including in the case of verbal disclosure of information), under the condition that I (we) are informed about the confidential nature of the information disclosed ("**Confidential Information**").

3) Due to the nonpublic nature of the confidential information, I (we) hereby undertake to:

1. not to disclose Confidential Information to persons other than employees or associates of the Contractor directly involved in the Contractor's participation in the Procedure or in the performance of the Contract, without the prior written consent of the Employer,
2. oblige (in writing) the employees or associates of the Contractor who receive access to Confidential Information to comply with the provisions of this Confidentiality Undertaking,
3. use Confidential Information only for purposes related to the Procedure or performance of the Contract,
4. ensure proper and secure storage of Confidential Information, including in particular taking appropriate measures to protect Confidential Information against loss or disclosure,
5. at the written request of the Employer communicated at any time, return or destroy any Confidential Information made available by the Employer or entities acting on its behalf within 7 days of receiving the request (in the event of destruction of documents, the Contractor shall submit a protocol documenting this circumstance to the Employer within 7 days from the date of their destruction).

4) The obligations arising from this declaration shall apply for a period of 6 (six) years from the date of its signing, regardless of the date and form of completion of the Procedure.

5) In the event of non-performance or improper performance of this obligation to maintain the secrecy of Confidential Information by the Contractor, including in particular the breach by the Contractor, or by any entity for which the Contractor is responsible, of any obligations arising from the content of the subject Undertaking, I (we) undertake to pay to the Employer a contractual penalty of PLN 50 000.00 (fifty thousand) for each breach, payable on first request within 7 (seven) days from the date of delivery of the Employer's request to me (us).

6) The payment of the contractual penalty indicated above does not limit the Employer's rights to claim compensation exceeding the amount of the reserved contractual penalty from the Contractor on general terms, or to demand the profits obtained by the Contractor resulting from the breach of this Undertaking.

7) In the event of a breach of the provisions of the Undertaking by the Contractor, the Employer may suspend the provision of any Information to it, withdraw consent to the use of the Information already provided, or request the immediate return or permanent removal of all disclosed Information and Information carriers.

8) I acknowledge that the Employer's finding of a breach of the provisions of this Undertaking may constitute a basis for excluding the Contractor from participation in the Procedure.

9) This Undertaking shall be governed by Polish law. Any disputes arising in connection with the Undertaking shall be settled by the court having jurisdiction over the seat of the Employer.

10) Any amendments and supplements to this Undertaking shall be made in writing under pain of nullity.

ON BEHALF OF THE CONTRACTOR:

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *place and date* | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *full name/signature* |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *full name/signature* |

1. *The Contractor models the table above depending on its composition.* [↑](#footnote-ref-1)
2. *Contractors jointly applying for the award of the contract shall indicate the details of the proxy (leader) with whom all correspondence will be handled;* [↑](#footnote-ref-2)
3. *Delete where inapplicable, and fill in only where applicable. "Trade secret" means technical, technological, organizational information of an enterprise or other information of economic value, which, as a whole or in a special summary and collection of its elements, is not generally known to persons usually dealing with this type of information or is not easily accessible to such persons, provided that the person entitled to use or dispose of the information has taken, with due diligence, action to keep it confidential; in this case, it must be demonstrated that the confidential information constitutes a business secret.*  [↑](#footnote-ref-3)
4. If Contractors submit documents containing data in currencies other than PLN, it should be converted according to the average exchange rate of the National Bank of Poland as at the date of publishing the Contract notice on the Employer's website. If the average exchange rate for a foreign currency is not published on the date of publication of the Contract notice, the closest exchange rate announced by the National Bank of Poland after the date of publication of the Contract notice should be adopted as the exchange rate. [↑](#footnote-ref-4)
5. The total equivalent in PLN for all years divided by the total number of years. [↑](#footnote-ref-5)
6. Delete where not applicable. [↑](#footnote-ref-6)
7. Delete where not applicable. [↑](#footnote-ref-7)
8. The ties referred to above shall be understood as mutual connections between the Employer or persons authorized to incur obligations on its behalf or persons performing activities related to the preparation and performance of the prequalification procedure on its behalf and the Contractor, occurring in particular when persons performing activities related to the preparation, performance or award of the contract:

   1) apply for the award of this contract;

   2) are married, in a relationship of kinship or affinity in the direct line, kinship or affinity in the collateral line to the second degree, or are related by reason of adoption, custody or guardianship, or are in cohabitation with the contractor, his legal representative or members of the management bodies or supervisory bodies of the contractors applying for the award of the contract;

   3) within a period of 3 years prior to the commencement of the procurement award procedure, they were in an employment or contractual relationship with the Contractor, received remuneration from the Contractor on another basis or were members of the management or supervisory bodies of Contractors applying for the award of the procurement;

   4) have such a legal or factual relationship with the Contractor that there is reasonable doubt as to their impartiality or independence in connection with the procurement procedure on account of their direct or indirect financial, economic or personal interest in the specific outcome of that procedure. [↑](#footnote-ref-8)
9. Delete where not applicable. [↑](#footnote-ref-9)
10. The Employer has the right to exclude from the Procedure (Grounds for Exclusion) the Contractors:

    1) (…)

    2) who, within the last 3 years before the commencement of the Procedure, caused damage to the Employer or another entity (in particular any of the companies belonging to the ENERIS Group) by not performing an agreement of a similar nature as this Contract or by performing it improperly, and this damage was not voluntarily repaired until the date of commencement of the Procedure, unless the non-performance or improper performance is a consequence of circumstances for which the Contractor is not responsible;

    3) for whom liquidation has been opened, composition or bankruptcy proceedings have been initiated, or enforcement proceedings which may negatively affect the Contractor's financial capacity are pending against them;

    4) who are in arrears in payment of taxes, fees or social or health contributions,

    5) who have submitted false or misleading information affecting or likely to affect the outcome of the Procedure;

    6) who are in a dispute with the Employer or another company in the Employer's group, particularly if the dispute relates to contracts performed by the Contractor for the Employer;

    7) (…). [↑](#footnote-ref-10)
11. Contractors jointly applying for the award of the contract shall indicate the data of all members of the Consortium. The Undertaking must be signed in accordance with the rules of representation of the Consortium. [↑](#footnote-ref-11)