

Annex no. 4 of tender documents – Terms and conditions for participation

TERMS AND CONDITIONS FOR PARTICIPATION - PERSONAL STATUS

1. Personal status pursuant to § 32(1)(e) and (f) of Act No. 343/2015 Coll. on Public Procurement and on amendments and additions to certain Acts, as amended (hereinafter referred to as the "Public Procurement Act"):

1.1. An economic entity who fulfils the conditions of participation relating to personal status pursuant to §32(1)(e) and (f) of the Public Procurement Act may participate in the procurement procedure. The tenderer shall prove compliance with the conditions of participation relating to personal standing pursuant to § 32(1)(e) and (f) of the Public Procurement Act by means of documents pursuant to § 32(2)(e) and (f) and Article 32(4) and (5) of the Public Procurement Act respectively.

1.2. The tenderer with its registered office/place of business in the Slovak Republic, and whose data are kept in the information systems of the public administration of the Slovak Republic, is not obliged to submit to the contracting authority the required documents referred to in point 1.1. pursuant to § 32(3) of the Public Procurement Act, namely due to the use of data from public administration information systems.

1.3 Warning:

1.3.1. Proof of the conditions of participation shall also be effective against the contracting authority in the manner provided in §152(4) of the Public Procurement Act, i.e. through registration in the List of Economic Entities. A tenderer registered in the List of Economic Entities pursuant to the Public Procurement Act is not obliged to submit documents pursuant to §32(2)(e) and (f) of the Public Procurement Act in the public procurement process.

1.3.2. The contracting authority shall recognise an equivalent registration, such as registration in the List of Economic Entities under the Act, or a certificate of registration issued by a competent authority of another Member State, by which the tenderer proves compliance with the conditions for participation in the public procurement. The contracting authority shall also accept other equivalent evidence submitted by the tenderer.

1.3.3. If the tenderer has its registered office, place of business or habitual residence outside the territory of the Slovak Republic and the state of its registered office, place of business or habitual residence does not issue any of the documents referred to in § 32(2)(e) and (f) of the Public Procurement Act or does not issue equivalent documents, they may be replaced by an affidavit in accordance with the regulations in force in the state of its registered office, place of business or habitual residence. If the law of the State of the tenderer whose seat, place of business or habitual residence is outside the territory of the Slovak Republic does not provide for the institution of an affidavit, it may be replaced by a declaration made before a court, an administrative authority, a notary, another professional institution or a commercial institution in accordance with the rules in force in the State of the tenderer's seat, place of business or habitual residence.

1.3.4. Where a group of suppliers participates in the procurement procedure, proof of compliance with the conditions of participation relating to personal capacity shall be required for each member of the group separately and proof of compliance with the conditions of participation relating to technical or professional capacity shall be provided jointly. The fulfilment of the participation condition pursuant to § 32(1)(e) of the Public Procurement Act shall be demonstrated by a member of the group only in relation to the part of the subject-matter of the contract which it is to provide.

TERMS AND CONDITIONS FOR PARTICIPATION - FINANCIAL AND ECONOMIC STATUS

It is not required.

TERMS AND CONDITIONS FOR PARTICIPATION - TECHNICAL OR PROFESSIONAL COMPETENCE

Proof of technical or professional competence is required in accordance with **§ 34(1)(a) of the Public Procurement Act**, the detailed definition of the participation condition being set out in the Call for Tenders.

The economic entity may provisionally replace the documents specified by the contracting authority to demonstrate compliance with terms and conditions for participation by the Single European Procurement Document in accordance with § 39 of the Public Procurement Act or by an affidavit in which it declares that it meets the conditions of participation specified by the contracting authority and provides the contracting authority, upon request, with the documents which it has replaced by the affidavit. The economic entity may also include in the affidavit information on documents which are directly and free of charge accessible in electronic databases, including the information necessary to access those databases, and information on documents which he has submitted to the contracting authority in another procurement and which are still valid. If the economic entity uses an affidavit, the contracting authority may, for the purposes of ensuring the proper conduct of the procurement procedure, proceed in accordance with § 39(6) of the Public Procurement Act. The contracting authority shall proceed in accordance with Article 39(7) and (8) of the Public Procurement Act if the affidavit also contains the information referred to in the second sentence.

Single European Document (§ 39)

For the purposes of the Act, the Single European Procurement Document (hereinafter referred to as the 'ESPD') shall constitute the Act on public procurement, a document which may be used by an economic entity as a preliminary substitute for documents to prove compliance with the conditions of participation determined by the contracting authority.

Jednotný európsky dokument (§ 39)

Jednotný európsky dokument pre verejné obstarávanie (ďalej len „JED“) predstavuje na účely zákona o VO dokument, ktorým hospodársky subjekt môže predbežne nahradiť doklady na preukázanie splnenia podmienok účasti určené verejným obstarávateľom.

The contracting authority shall allow economic entities to declare compliance with the conditions of participation by means of the global indication given in section a IV of the ESPD.

The economic entity may in Part IV. of the ESPD indicate “GLOBAL DATA FOR ALL CONDITIONS OF PARTICIPATION” without having to fill in the other sections of Part IV. It is sufficient if the economic entity indicates the following: - 'Meets the required conditions of participation → Yes'.

To complete the **ESPD**, you can use the European Commission's free service providing an electronic version of this form. In this case, we recommend that interested parties download the template of the ESPD form in .rtf format from the website of the Office of the Contracting Authority <https://www.uvo.gov.sk/espd/filter?lang=sk>, fill it in directly, and transfer/transcribe the data from the .pdf document which contains the information concerning the procedure and the identification of the contracting authority.