

DĄBROWA GÓRNICZA, 08TH OF MARCH 2019

REQUEST FOR QUOTATION # 02/173/2019

In connection with the implementation of the project "**New railway products in Huta Królewska**" (project no. POIR.01.02.00-00-0173 / 16), co-financed by the European Regional Development Fund query is about to be submitted. The quotation will be completed under Intelligent Development Operational Program 2014-2020 (Measure 1.2 "Sectoral R&D programs") and the obligation to make purchases based on the most economically advantageous offer, respecting the principles of fair competition, efficiency and transparency. ARCELORMITTAL POLAND SA requests for quotation of 4 steel rollers price with DDP delivery (according to INCOTERMS 2010) in order to start new product trials. Parts will be used for developing the manufacturing process of a 50E2 rail at ArcelorMittal Poland SA branch - Huta Królewska.

I. BUYER:

ARCELORMITTAL POLAND S.A

Al. J. Piłsudskiego 92
41-300 Dąbrowa Górnicza
jakub.jodlowski@arcelormittal.com
P: +48 32 776 7786
Web: <http://poland.arcelormittal.com/>

hereinafter referred to as the 'Company' or the 'Buyer'.

II. PROCEDURE:

- II.1. This procedure is not subject to the provisions of the act of 29th January 2004 on Public procurement law (i.e. J.oL. of 2017, item 1579 with further changes).
- II.2. This procedure is awarded in a mode consistent with the principle of competitiveness.
- II.3. This procedure is performed in accordance with the principle for fair competition, effectiveness, openness, transparency and equal access.
- II.4. The Buyer shall make every effort to avoid any conflict of interest understood as the absence of impartiality and objectivity.
- II.5. The present procedure shall be carried out in accordance with the Contract awarding regulations (hereinafter: Regulations) which is in effect at the Buyer's company.
- II.6. The Contract Awarding Regulations are available at the Buyer's headquarters (Al.J. Piłsudskiego 92 Dąbrowa Górnicza) and on the Buyer's website.
- II.7. The Buyer reserves the right to:
 - a) change the content of the request for quotation inclusive of a change of the procedure conditions;
 - b) close the procedure without the selection of any of the bids or cancellation of the procedure at any of its stages, without the indication of cause.
- II.8. The changes introduced in the request for quotation shall be communicated by the Buyer to the Bidders in each of the manners specified as a form of publication specified in the Regulations.
- II.9. The Buyer reserves itself the right to ask the Bidders at each stage of the procedure for additional information, documents or explanations. The Buyer shall contact the Bidder via electronic means specified in the content of the bid sent by the Bidder.
- II.10. The Buyer reserves itself the right to undertake negotiations with all Bidders, who submitted a bid that meets the access conditions (i.e. the conditions for participation in the procedure)

specified in the content of the request for quotation The negotiations shall be run according to the following rules:

- a. after the lapse of the bids submission deadline, the Buyer shall notify all of the Bidders, who submitted their non-rejectable bids about the possible execution of negotiations and shall invite those Bidders for negotiations, whereby the meeting dates shall be arranged individually with each Bidder,
 - b. the arrangements concerning the date of negotiations shall be run via electronic mail,
 - c. the negotiations shall solely cover those parameters which constitute the bids evaluation criteria,
 - d. the flow of the negotiations shall be documented in the form of a written report signed by the negotiation teams of the Buyer and of the Bidder,
 - e. within up to 7 days as of the day of completion of negotiations the Bidder submits a modified bid which takes into account the arrangements from negotiations. The modified bid may not contain conditions which are less beneficial than the original bid,
 - f. in case the Bidder refuses to take part in the negotiations, the negotiations fail to lead to binding arrangements or the Bidder fails to submit a modified bid, then the originally submitted Bidder's bid shall be subject to evaluation,
 - g. The Buyer shall, within up to 60 days as of submission of the last modified bid, evaluate the bids and select the Contractor whose bid is the best,
 - h. The Buyer may ask the Bidders to give their consent to an extension of the bid validity period for a period of up to 60 days.
- II.11. In case of closing of the procedure without a selection or cancellation of the procedure, the Buyer shall immediately inform the Bidders, who submitted the bids and publish a relevant information.
- II.12. This request for bid does not oblige the Buyer to conclude an Agreement.
- II.13. As part of this procedure the Buyer does not allow the possibility of acceptance of partial bid.
- II.14. As part of this procedure the Buyer does not allow the possibility of awarding variant bids.
- II.15. The submission of a bid is equal to the acceptance, without reservations, of the contents of this request for bid together with its appendices as well as the Contract Awarding Regulations.
- II.16. The Bidders are entitled to means of legal protection in the form of a protest concerning the bids evaluation which is performed in accordance with the Contract Awarding Regulations.
- II.17. The documentation related to this request for quotation (together with appendices) may be prepared in the Polish and English language. In case of discrepancies in the contents of the indicated documentation, the Polish version of the bid shall be binding.

III. DESCRIPTION OF THE CONTRACT SUBJECT MATTER (TOGETHER WITH AN INDICATION OF THE CPV CODES):

The subject of the order will include the supply of 4 forged steel rollers. Provided items will carry out rolling tests as part of the development works of the aforementioned project. A detailed description of the subject of the order can be found in Appendix No. 2.

Code / CPV¹ codes:

42954000-8 (PARTS OF ROLLING MASHINES)

43700000-0 (MACHINERY FOR METALLURGY AND ASSOCIATED PARTS)

List of cast steel rolls:

#	Description	Drawing	Quantity
1	50E2 – walec dolny 14A	DHWD50E2PK1D	1
2	50E2 – walec górny 14A	DHWD50E2PK1G	1
3	50E2 – walec środkowy 14A	DHWD50E2PK1S	1
4	50E2 – walec dolny 15A	DHWD50E2PK2D	1

The date of the visual inspection shall be arranged after signing and sending of the confidentiality agreement / declaration by the bidders. Due to the fact that the bids submission deadline expires on 10.04.2019 at 12:00 the Bidders will be entitled to perform a single visual inspection. The date of the visual inspection shall be agreed with the Bidder via electronic mail).

Deadline for contract completion 31st September 2019.

IV. CONDITIONS FOR AWARDING OF A CONTRACT, PARTICIPATION IN THE PROCEDURE AND DESCRIPTION OF THE BIDS EVALUATION METHOD:

- IV.1. The awarding of a contract may be pursued by the Bidders who:
- have the licences for execution of a certain activity or action, if the regulations impose an obligation to have such licences - a condition confirmed with a statement;
 - run an activity which is consistent with the description of the contract subject matter - a condition confirmed with a statement;

¹ Pursuant to the Commission Regulation (EC) no. 213/2008 of 28th November 2007 amending the Regulation (EC) no. 2195/2002 of the European Parliament and of the Council on the Common Procurement Vocabulary (CPV) and the Directives 2004/17/EC and 2004/18/EC of the European Parliament and the Council on public procurement procedures as regards the revision of the CPV

- c. have the necessary knowledge and experience as well as the technical potential and people able perform the contract; the seller have manufactured and delivered a similar roll (>5Mg weight) - a condition confirmed with a statement,
- d. are in a financial and economic situation which ensures the performance of the contract - condition confirmed with experience,
- e. are neither in a state of liquidation nor have they announced their bankruptcy; a condition confirmed with a statement,
- f. are not in arrears with the payment of public & legal fees, taxes, or premiums for social or health insurance - the Bidder shall present a declaration / certificate, that it is not in arrears with the above-mentioned payments public & legal fees ,taxes, social insurance premiums),
- g. were not convicted with a lawful decision for any crime committed in relation to the contract awarding procedure, for the crime of bribery, for a crime against the economic turnover or other crime committed in order to obtain financial benefits -as a partner of a registered partnership, a partner or management board member of a professional partnership; a general partner of a limited partnership as well as a limited joint-stock partnership; a member of the management body of a legal person;
- h. were not validly sentenced, for an offence committed in connection with a contract award procedure, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits as a , as a partner of a registered partnership, a partner or management board member of a professional partnership; a general partner of a limited partnership as well as a limited joint-stock partnership; a member of the management body of a legal person;
- i. signed the confidentiality agreements or declarations in accordance with the template specified by the Buyer, which has been attached to this request, and with the purpose of receiving of a full description of the contract subject matter- if applicable;
- j. signed the Work Health & Safety Agreements according to a template attached to the present request for quotation

IV.2. The Buyer shall verify the compliance of the presented bid with the requirements of the description of the contract subject matter through examination of the completeness of the presented descriptions. A failure to fulfil one of the below mentioned requirements by the bidder will mean that the bid was rejected and will not be subject to further evaluation.

IV.3. The following Bidders shall be excluded from the contract awarding procedure:

- a. bidders who do not meet the conditions specified under IV.1 and IV.2 of this request for quotation;
- b. bidders who over the last 3 years before initiation of the procedure caused a damage by not performing a contract or by performing it in an improper manner, whereas the said damage was not voluntarily remedied by the day of initiation of the procedure, unless the non-performance or improper performance results from circumstances for which the Bidder is not liable. Therefore the Buyer will exclude from the procedure such bidder who will jointly meet all of the following premises:
 - (1) within the last 3 years before initiation of the procedure the Bidder caused a damage by not performing a contract or by performing it in an improper manner,
 - (2) the damage was not voluntarily remedied by him until the day of initiation of the procedure,
 - (3) a contrario the non-performance or improper performance of a contract results from circumstances, for which the Bidder is liable.
- c. natural persons, who have been validly sentenced for an offence committed in connection with a contract award procedure, offence against the rights of people performing paid work, offence against the environment, for bribery, for an offence against economic turnover or for

- any other offence committed with the aim of gaining financial profits, as well as for treasury offence or an offence of participation in organized crime group or in an union aimed at committing an offence or treasury offence;
- d. registered partnerships whose partner has been validly sentenced for an offence committed in connection with a contract award procedure, offence against the rights of people performing paid work, offence against the environment, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits, as well as for treasury offence or an offence of participation in organized crime group or in an union aimed at committing an offence or treasury offence;
 - e. professional partnership whose partner or member of the management board has been validly sentenced for an offence committed in connection with a contract award procedure, offence against the rights of people performing paid work, offence against the environment, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits, as well as for treasury offence or an offence of participation in organized crime group or in an union aimed at committing an offence or treasury offence;
 - f. limited partnerships and limited joint-stock partnerships whose general partner has been validly sentenced for an offence committed in connection with a contract award procedure, offence against the rights of people performing paid work, offence against the environment, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits, as well as for treasury offence or an offence of participation in organized crime group or in an union aimed at committing an offence or treasury offence;
 - g. legal persons whose active member of the managing body has been validly sentenced for an offence committed in connection with a contract award procedure, offence against the rights of people performing paid work, offence against the environment, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits, as well as for treasury offence or an offence of participation in organized crime group or in an union aimed at committing an offence or treasury offence;
 - h. collective entities, with respect to whom a court has issued a decision prohibiting them from competing for contracts under the provisions concerning the liability of collective entities for tort under the liability to penalty;
- IV.4. The Bidders with capital or personal links with the Buyer shall be excluded from the contract awarding procedure (mutual connections between the Buyer or persons authorized to enter into obligations on behalf of the Buyer or persons performing - on behalf of the Buyer - activities associated with carrying out the procedure to select the Contractor and the Bidder) - a condition confirmed with a statement.

Capital or personal links mean any mutual connections between the Contracting Party or persons authorized to enter into obligations on behalf of the Contracting Party or persons performing - on behalf of the Contracting Party - activities associated with preparation and carrying out the proceedings to select the Supplier, and the Supplier, in particular:

- participation in a company as a partner of a general partnership or a partnership,
- possession of at least 10% of shares or stock,
- performing the function of a supervisory or management authority, legal proxy or representative,
- being married, in a direct kinship or relationship, kinship of the second degree or secondary relationship of the second degree in relation to the adoption, care or guardianship.

V. BIDS EVALUATION CRITERIA TOGETHER WITH AN INFORMATION ABOUT POINT OR PERCENTAGE WEIGHTS ASSIGNED TO THE INDIVIDUAL BIDS EVALUATION CRITERIA:

V.1. The evaluation consists of two parts: the financial & trade evaluation as well as the technical evaluation.

Item	Criterion	Weight of the criterion	Evaluation method
1	Price	50%	Proportion of the lowest price from submitted offers to the price from the offer being evaluated.
2	Delivery time	50%	Please find the evaluation below

Criterion: price

Weight: 50% = 50 points

- Please specify the prices in net values (without VAT) as well as in gross values.
- The price should be quoted in EUR.
- Quotation of the price in another currency shall result in the Buyer's conversion of the price into EUR using the exchange rate tables (Table A - Average exchange rates for foreign currencies) of the National Bank of Poland as of the date specified in item VII.I (final date for submission of offers).
- In case of negotiations with the Bidders and submission of final bids by them, the Buyer's conversion to the EUR currency will be made using the exchange rate tables (Table A - Average exchange rates of foreign currencies) of the National Bank of Poland as of the day specified in item 3 above.
- Regardless of the prices quoted by the Bidder in a currency other than EUR, the currency of the contract concluded with the Bidder selected by the Buyer is EUR.
- Description of the manner of granting of points for the fulfilment of a given bid evaluation criterion. Score will be calculated as a proportion of the lowest price among the submitted bids to the price from the examined bid in the procedure, multiplied by the criterion weight.
 - $C = (C_{mn} / C_{nob}) \times 50\%$ where:
 - C - number of points for a price,
 - C_{mn} - lowest net bid price,
 - C_{nob} - net price of the examined bid,
 - The total number of points awarded for a given evaluated offer is the sum of points awarded under the individual criteria:
 - $C + TR = 100$

Criterion: delivery time

Weight: 50% = 50 points

- Please offer DDP Dabrowa Górnicza, where the date of completion means the date of delivery of the Subject of the Order to the address of the Ordering Party.
- Description of the method of awarding points for fulfilling a given offer evaluation criterion.
Criterion: delivery term

3. Scoring will be calculated as the proportion of the difference between the offered date of implementation and the longest date on the offers received and the longest offered date of implementation counted in days multiplied by the weight of the criterion.
 - a. $T = (T_{\max}/T_{\text{ofer}}) \times 50\%$ where:
 - i. TR - number of points for the date of delivery term;
 - ii. T_{\max} - the most-offered date of completion (number of days between the latest offered date of completion and the preferred date of implementation in accordance with point III),
 - iii. T_{ofer} offered date of completion (number of days between the offered date of implementation and the preferred date of implementation in accordance with point III).

If as part of the purchase of services and supplies necessary to perform a Project, the Buyer shall select from among several bids which are most beneficial from the economic viewpoint, the Buyer shall select the bid which is better in terms of its impact on the environment and climate (e.g. smaller energy consumption, smaller consumption of water, use of materials from recycling etc.) or a bid placed by a bidder holding a valid and implemented occupational health and safety management system, quality management system, environmental management system and energy management system.

VI. PLACE, DEADLINE AND PROCEDURE FOR SUBMISSION OF BIDS:

- VII.1. **The bids must be submitted by 10.04.2019 and 1200 CET.**
- VII.2. The bid (together with its appendices) may be prepared in the Polish and English language. In case of discrepancies in the contents of the submitted bid, the Polish version of the bid shall be binding. **The name and number of the Request for quotation specified on the first page of this enquiry should be indicated on the envelope and/or in the subject of an e-mail.**
- VII.3. The bid should be signed by people authorized to represent the Bidder pursuant to a registration document or pursuant to a power of attorney.
- VII.4. The bids should be submitted by email (Jakub.jodlowski@arcelormittal.com, Rafal.kloczkowski@arcelormitta.com and Lukasz.cygan1@arcelormittal.com) or by regular mail / courier service / in person (address: Al. J. Piłsudskiego 92; Dąbrowa Górnicza, POLAND). The bid should be addressed to Mr Jakub Jodlowski, European Procurement Organisation].
- VII.5. The bids submission date shall be the day on which it reaches the Buyer's headquarters reaches the e-mail address specified in the request.
- VII.6. Bids received after the deadline will not be evaluated.
- VII.7. The Bidder may ask the Buyer to explain the content of the request for quotation. The Buyer shall provide explanations if the request was submitted to the Buyer not later than 3 working days (working days: days from Monday 8:00 a.m. until Friday 3:30 p.m. with exclusion of the national public holidays), before the lapse of the bids submission deadline. In case of contracts with an at least 30-day long deadline for the submission of bids, the questions of the Bidders may be submitted not later than within 7 working days before the lapse of the bids submission deadline. The content of the questions with explanations of the Buyer is published in the same way in which the request for quotation was published.
- VII.8. The Bidders are entitled to ask questions concerning the content of the contract attached to the request for quotation. The questions should be addressed to the email address: Jakub.jodlowski@arcelormittal.com, Rafal.kloczkowski@arcelormitta.com or Lukasz.cygan1@arcelormittal.com during all request for quotation time. The questions must include reference to a specific item of the contract.

- VII.9. Questions concerning the content of the request for quotation together with the attachments (as well as the content of the subject-matter of the order) should be addressed to the following e-mail addresses: Jakub.jodlowski@arcelormittal.com, Rafal.kloczkowski@arcelormitta.com or Lukasz.cygan1@arcelormittal.com. A person authorised to contact the Bidders in technical matters is Mr Daniel Hirszel (Daniel.hirszel@arcelormittal.com).
- VII.10. The costs related to preparation of a bid shall be incurred by a Bidder.
- VII.11. The bid must be prepared in accordance with the form which is included in appendix no. 1 to this request for quotation.
- VII.12. During the evaluation of bids the Buyer may request from the Bidders the provision of explanations and supplements to the content of their submitted bids.
- VII.13. The information about the need to supplement the submitted bid (including: the scope of the required supplements as well as the deadline and manner for their submission) shall be submitted by electronic mail.
- VII.14. In case of the Bidders' failure to deliver the certificates or declarations confirming the fulfilment of the conditions for participation in a contract awarding procedure, the Suppliers Selection Committee may specify an additional deadline for their submission.
- VII.15. The bid must be accompanied by:
- Declarations that confirm the meeting of the contract-related conditions specified under point IV.1., IV.3. and IV.4. of this request for quotation,
 - A signed confidentiality agreement or declaration – if applicable,
 - A signed Work Health & Safety Agreement,
 - The Bidder's registration document or his power of attorney - if applicable.

VII. BID VALIDITY PERIOD:

The bid should contain its binding validity period (at least 30 days as of the day of its submission).

The Buyer may ask the Bidders to give their consent to an extension of the bid validity period for a period of up to 60 days.

VIII. ADDITIONAL INFORMATION

- IX.1. Place, deadline and rules for receiving of detailed documents if they constitute an element of the request for quotation: if applicable.
- IX.2. Conditions and deadline for any possible supplementing of bids by the Bidders: if applicable.
- IX.3. The Buyer reserves himself the right to change the conditions of the Agreement which was concluded as a result of the present contract. The changes may refer to:
- the term of the Agreement resulting e.g. from extension in project execution,
 - the volume of the contract. The increase in the volume of the contract shall not exceed 50% of the value of the awarded contract specified in the concluded Agreement,
 - Changes indicated in section 8 of the Contract (i.e. Conditions for Changes to the Contract) attached hereto – if applicable.

.....
(company stamp, stamp and signature of a representative)

APPENDICES:

1. PRICE INFORMATION FORM USED FOR ORDER VALUE ESTIMATION
2. DESCRIPTION OF THE ORDER SUBJECT (TECHNICAL DRAWINGS INC.),
3. DECLARATION CERTIFYING THE FULFILMENT OF CONDITIONS FROM POINT IV.1 OF THE REQUEST FOR QUOTATION,
4. DECLARATION CERTIFYING THE FULFILMENT OF CONDITIONS FROM POINT IV.3 OF THE REQUEST FOR QUOTATION,
5. DECLARATION CERTIFYING THE FULFILMENT OF CONDITIONS FROM POINT IV.4 OF THE REQUEST

APPENDIX NO. 1 TO THE REQUEST FOR QUOTATION no 02/0173/2019 released on the 8th of March 2019.

BID FORM

The bid constitutes a reply to the request for quotation no. 02/0173/2019 released on the 8th of March 2019 concerning the supply of 4 cast rollers.

1. Data of the bidder:

- a. Name:
- b. Address of the registered office:
- c. Taxpayer ID No. (NIP):
- d. Business Entity ID No. (REGON):
- e. Person authorized to contact the Buyer:
name and surname:
Phone:
e-mail address:

2. I offer the execution of the contract subject matter at the following price:

	PRICE	CURRENCY	IN WORDS
NET VALUE			
VAT VALUE (... %)			
GROSS VALUE			

BUYER'S INFORMATION:

Please specify the prices in net values (without VAT) as well as in gross values.

The price should be quoted in PLN/EUR.

If applicable:

Quotation of the price in another currency shall result in the Buyer's conversion of the price intousing the exchange rate tables (Table A - Average exchange rates for foreign currencies) of the National Bank of Poland as of the date specified in item VII.1 according to request for quotation (final date for submission of offers).

In case of negotiations with the Bidders and submission of final bids by them, the Buyer's conversion to the PLN currency will be made using the exchange rate tables (Table A - Average exchange rates of foreign currencies) of the National Bank of Poland as of the day specified in item 3 above.

Regardless of the prices quoted by the Bidder in a currency other than PLN the currency of the contract concluded with the Bidder selected by the Buyer is PLN.

- 3.** I confirm to have acquainted myself with the request for quotation together with its appendices and I do not raise any objections to it.
- 4.** The bid is valid for 30 days as of its submission date.
- 5.** I acknowledge that if I attest an untruth the bid shall be rejected.

APPENDICES TO THE BID:

1. Declaration confirming the fulfilment of the conditions from point IV.1 of the request for quotation no. 02/0173/2019 released on the 8th of March 2019,
2. Declaration confirming the fulfilment of the conditions from point IV.3 of the request for quotation bids no. 02/0173/2019 released on the 8th of March 2019,
3. Declaration confirming the fulfilment of the conditions from point IV.4 of the request for quotation bids no. 02/0173/2019 released on the 8th of March 2019,
4. Factual description concerning the method of execution of the contract subject matter

..... (date)

.....
Company stamp, stamp and signature of a representative

APPENDIX NO. 3 TO THE BID FORM

REFERS TO THE REQUEST FOR QUOTATION NO. no. 02/0173/2019 RELEASED ON THE 8th OF MARCH 2019

DECLARATION CERTIFYING THE FULFILMENT OF CONDITIONS FROM POINT IV.1 OF THE REQUEST FOR QUOTATION

I hereby declare that the Bidder
(name and address of the registered office) meets the following conditions:

1. It has the licences necessary to perform a defined activity or action, if such licences are required by law.
2. It runs its activity in accordance with a description of the contract subject matter.
3. It has the necessary knowledge and experience as well as technical capacity and persons able to execute the contract.
4. Its economic and financial position allows for execution of the contract.
5. It is neither in a state of liquidation nor has it declared its bankruptcy.
6. It is not in arrears with payment of public & legal fees, taxes, or social and health insurance premiums.
7. were not convicted with a lawful decision for any crime committed in relation to the contract awarding procedure, for the crime of bribery, for a crime against the economic turnover or other crime committed in order to obtain financial benefits - as a partner of a registered partnership, a partner or management board member of a professional partnership; a general partner of a limited partnership as well as a limited joint-stock partnership; a member of the management body of a legal person.
8. were not validly sentenced, for an offence committed in connection with a contract award procedure, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits - as a partner of a registered partnership, a partner or management board member of a professional partnership; a general partner of a limited partnership as well as a limited joint-stock partnership; a member of the management body of a legal person.
9. Other – if applicable.

.....
Place and date

.....
Company stamp, stamp and signature of a representative*

* Signature of a person or persons entered in registers to incur obligations on behalf of the Bidder or in a proper authorization.

APPENDIX NO. 4 TO THE BID FORM

REFERS TO THE REQUEST FOR QUOTATION NO. no. 02/0173/2019 RELEASED ON THE 8th OF MARCH 2019

DECLARATION CERTIFYING THE FULFILMENT OF CONDITIONS FROM POINT **IV.3** OF THE REQUEST FOR QUOTATION

STATEMENT
CERTIFYING THE FULFILMENT OF CONDITIONS REFERRING TO THE PROCEDURE

I, the undersigned confirm the absence of grounds for exclusion from the procedure indicated below:

- a. Within the last 3 years before initiation of the procedure, I did not cause a damage by not performing a contract or by performing it in an improper manner, whereas the said damage was not voluntarily remedied by the day of initiation of the procedure, unless the non-performance or improper performance results from circumstances for which the Bidder is not liable. Bidder confirms that there was no joint fulfilment of to the following premises:
 - (1) within the last 3 years before initiation of the procedure the Bidder caused a damage by not performing a contract or by performing it in an improper manner,
 - (2) the damage was not voluntarily remedied by him until the day of initiation of the procedure,
 - (3) a contrario the non-performance or improper performance of a contract results from circumstances, for which the Bidder is liable.
- b. natural persons, who have not been validly sentenced for an offence committed in connection with a contract award procedure, offence against the rights of people performing paid work, offence against the environment, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits, as well as for treasury offence or an offence of participation in organized crime group or in an union aimed at committing an offence or treasury offence;
- c. registered partnerships whose partner who have not been validly sentenced for an offence committed in connection with a contract award procedure, offence against the rights of people performing paid work, offence against the environment, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits, as well as for treasury offence or an offence of participation in organized crime group or in an union aimed at committing an offence or treasury offence;
- d. professional partnership whose partner or member of the management board who have not been validly sentenced for an offence committed in connection with a contract award procedure, offence against the rights of people performing paid work, offence against the environment, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits, as well as for treasury offence or an offence of participation in organized crime group or in an union aimed at committing an offence or treasury offence;
- e. limited partnerships and limited joint-stock partnerships whose general partner have not been validly sentenced for an offence committed in connection with a contract award procedure, offence against the rights of people performing paid work, offence against the environment, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits, as well as for treasury offence or an offence of participation in organized crime group or in an union aimed at committing an offence or treasury offence;

- f. legal persons whose active member of the managing body who have not been validly sentenced for an offence committed in connection with a contract award procedure, offence against the rights of people performing paid work, offence against the environment, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits, as well as for treasury offence or an offence of participation in organized crime group or in an union aimed at committing an offence or treasury offence;
- g. collective entities, with respect to whom a court has not issued a decision prohibiting them from competing for contracts under the provisions concerning the liability of collective entities for tort under the liability to penalty;

.....
Place and date

.....
*Company stamp, stamp and signature of a representative **

* Signature of a person or persons entered in registers to incur obligations on behalf of the Bidder or in a proper authorization.

APPENDIX NO. 5 TO THE BID FORM

REFERS TO THE REQUEST FOR QUOTATION NO. no. 02/0173/2019 RELEASED ON THE 8th OF MARCH 2019

DECLARATION CERTIFYING THE FULFILMENT OF CONDITIONS FROM POINT **IV.4** OF THE REQUEST

STATEMENT
OF NO CAPITAL OR PERSONAL LINKS WITH THE CONTRACTING PARTY

I, the undersigned confirm the absence of capital or personal relations between (name and address of the registered office) and the Buyer.

Capital or personal links mean any mutual connections between the Contracting Party or persons authorized to enter into obligations on behalf of the Contracting Party or persons performing - on behalf of the Contracting Party - activities associated with preparation and carrying out the proceedings to select the Supplier, and the Supplier, in particular:

- a) participation in a company as a partner of a general partnership or a partnership,
- b) holding of at least 10% of stocks or shares,
- c) holding the function of a member of a supervisory or managing body, proxy, authorised representative,
- d) being joined in matrimony, related through kinship or direct affinity, secondary kinship or affinity up to the second degree, or linked through adoption, care or custody.

.....
Place and date

.....
* *Company stamp, stamp and signature of a representative*

* Signature of a person or persons entered in registers to incur obligations on behalf of the Bidder or in a proper authorization.