**Proceedings no. BZP.2710.50.2023.MG**

**Annex no. 2 to the ToR**

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| **DECLARATION OF THE CONTRACTOR / JOINT BIDDER / ENTITY PROVIDING RESOURCES ON THE LACK OF GROUNDS FOR EXCLUSION AND ON THE FULFILMENT OF THE CONDITIONS FOR PARTICIPATION IN THE PROCEEDINGS SUBMITTED PURSUANT TO ARTICLE 125 SECTION 1 OF THE PUBLIC PROCUREMENT LAW** |

1. in the case of joint bidding by Contractors, a declaration shall be submitted by each of the Contractors bidding jointly for being awarded the contract in the extent in which each of the Contractors demonstrates that there are no grounds for exclusion and in the extent that each of the Contractors demonstrates the fulfilment with the conditions for participation in the proceedings.
2. in the case of relying on the abilities or situation of the entity providing resources, a declaration shall also be submitted by the entity providing resources, confirming the lack of grounds for exclusion of that entity and, respectively, the fulfilment of the conditions for participation in the procedure, in the extent in which the Contractor relies on its resources.

**Contractor/Resource Provider:**

………………………………………………………………………………………………………………..………………………………

(full name/company of the Contractor/entity providing resources on whose behalf the declaration is made, address)

KRS/CEiDG (depending on the entity): ………………………….……………………………………………………………

Represented by: ……………………………………………………………………………………………………………..……

(name, surname, position/reason for representation)

for the purpose of the public procurement proceedings entitled:

**Delivery of an evaporator for the production of organic layers in UHV**

**as part of IDUB, retrofitting scientific and research equipment of FAB**

**DECLARATION REGARDING THE GROUNDS FOR EXCLUSION FROM THE PROCEEDINGS BY THE CONTRACTOR/JOINT BIDDER/RESOURCE PROVIDER:**

1. I declare that I am not subject to exclusion from the proceedings under Article 108 section 1 of the Public Procurement Law.
2. I declare that I am not subject to exclusion from the proceedings under Article 109 section 1, point 7, 8 and 10 of the Public Procurement Law.
3. **I declare that I am not subject to exclusion from the proceedings on the basis of Article 7 section 1 of the Act of 13 April 2022 on special solutions in the scope of preventing the support for aggression against Ukraine and serving to protect national security (Journal of Laws, item 835).**

I declare[[1]](#footnote-1) that there are grounds for excluding me me from the proceedings on the basis of Article ............................. of the Public Procurement Law /Act on special solutions in the scope of preventing the support for aggression against Ukraine and serving to protect national security *(state the applicable basis for exclusion from among those listed above in points 1 -3).*

At the same time, I declare that in connection with the aforementioned circumstance listed in points 1-2 above, I have taken the following corrective measures pursuant to Article 110 section 2 of the Public Procurement Law \*: ……………………………

*\** fill in if applicable

**DECLARATION REGARDING THE FULFILLMENT OF THE CONDITIONS FOR PARTICIPATION IN THE PROCEEDINGS BY THE CONTRACTOR/JOINT BIDDER:**

* + - 1. I declare that I meet the conditions for participation in the proceedings specified by the Ordering Party in Chapter VI of the ToR, i.e..:

**in terms of technical or professional capacity (experience): YES / NO[[2]](#footnote-2)**

* + - 1. (fill in if applicable) Ideclare that in order to confirm the fulfilment of the conditions for participation in the proceedings specified by the Ordering Party in Chapter VI of the ToR, **I rely on the technical or professional skills of the entity providing resources**[[3]](#footnote-3):

……………………………………………………………………………………………………………………………………………………

(provide full name/company, address, and depending on the entity: KRS/CEiDG)  
…………………………………………………………………………………………………………………………………………………..

**in terms of the following experience:** ………………………………………..……………………………

**DECLARATION REGARDING THE FULFILLMENT OF THE CONDITIONS FOR PARTICIPATION IN THE PROCEEDINGS BY THE ENTITY PROVIDING RESOURCES:**

I declare that I meet the conditions for participation in the proceedings specified by the Ordering Party in Chapter VI, point 1.2.4 of the ToR, i.e.

**in terms of technical or professional capacity** – YES/NO \*

\*select as appropriate

**INFORMATION ABOUT DOCUMENTS CONFIRMING THE AUTHORIZATION TO ACT ON BEHALF OF THE CONTRACTOR AND ABOUT SUBJECTIVE MEANS OF EVIDENCE HELD BY THE ORDERING PARTY OR OBTAINABLE THROUGH FREE AND PUBLICLY AVAILABLE DATABASES, IN PARTICULAR PUBLIC REGISTERS:**

I indicate that the documents confirming the authorization to act on behalf of the Contractor, as well as correct and up-to-date subjective evidence (if applicable) are in possession of the Ordering Party or they can obtain access to them through free and publicly available databases, in particular public registers within the meaning of the Information Technology of Entities Performing Public Tasks Act of 17 February 2005, based on the following data:

from the database/records:

| **No.** | **Name of declaration or document** | **Address of free and publicly available database/record** | **Data enabling access to these means**  **(KRS or NIP or REGON number, etc.).** |
| --- | --- | --- | --- |
|  | KRS |  |  |
| 2 | CEIDG |  |  |
| 3 | [other] |  |  |

at the request of the Ordering Party*:*

| **No.** | **Name of declaration or document** | **Data allowing access to these measures**  **(proceedings to which the subject evidence has been submitted - name, case number, advertisement number, etc.).** |
| --- | --- | --- |
| 1 |  |  |
| 2 |  |  |

**DECLARATION ON THE PROVIDED INFORMATION:**

I declare that all the information provided in the above declarations is up-to-date at the date of submission of bids and is correct and has been provided in full knowledge of the consequences of misleading the ordering party when presenting the information.

**The declaration must bear an electronic signature or a trusted signature or a personal signature, as appropriate, by the person(s) authorised to represent the Contractor / Joint Bidder / Entity Providing Resources.**

1. Fill in if applicable. [↑](#footnote-ref-1)
2. Select as appropriate [↑](#footnote-ref-2)
3. The Contractor relying on the abilities or situation of the entities providing resources **shall submit, together with the bid, a commitment of the entity providing the resources** to make the necessary resources available for the purpose of performance of a given contract or other subjective evidence confirming that the Contractor, while performing the contract, will have at their disposal the necessary resources of those entities. The commitment of the entity providing resources confirms that the relationship between the Contractor and the entities providing the resources guarantees real access to those resources and specifies in particular:

   1) the scope of resources available to the Contractor from the entity providing the resources;

   2) the manner and period in which the resources of the entity providing the resources will be made available to the Contractor and used by them in performing the contract;

   3) whether and to what extent the entity providing the resources, on the capacities of which the Contractor relies in relation to the conditions for participation in proceedings concerning education, professional qualifications or experience, will perform the works or services to which the indicated capacities refer.

   The template of the commitment provided by the entity providing resources is included as Annex No. 5 to the ToR. [↑](#footnote-ref-3)