

Annex 4

CONDITIONS OF PARTICIPATION

1. COMMON PROVISIONS

Any contractor wishing to participate in this tendering procedure must demonstrate in its request to participate that it meets the selection criteria set out in this document, in the manner prescribed by law or within the scope of the requirements and form set out in this Annex.

The applicant can temporarily replace the required documents by using a preliminary declaration - the so-called Single European Document. The Single European Document form with the data in "Part I" is attached to Annex 8 of the Information Document. If the candidate makes use of this temporary document replacement tool, **he CANNOT** complete only the section: GLOBAL FIGURE FOR ALL ELIGIBILITY CONDITIONS and must fill in the other sections of Part IV of the Single European Document, as well as Part V. Reduction of the number of qualified candidates.

If the applicant provisionally replaces the documents to prove the fulfilment of the conditions of participation **with a single European document**, the Contracting Authority **applies the provision of Section 39 (6)** of the Public Procurement Act, and in order to ensure the proper course of the public procurement (i.e. participation of only duly qualified entities), it will **ask the applicant to submit the documents replaced by the single European document already at the qualification stage** (evaluation of applications for participation). Failure to submit documents within the set deadline is a reason for the exclusion of the applicant in accordance with Section 40 (6) (i) of the Public Procurement Act. The contracting authority recommends that interested parties have, as far as possible, all the documents necessary, in particular to prove their personal status, prepared in advance, in view of the fact that in most cases it takes a longer time to obtain the necessary documents.

2. CONDITIONS FOR PARTICIPATION IN PUBLIC PROCUREMENT PURSUANT TO SECTION 32 PERSONAL STATUS

Only those who meet the conditions for participation relating to personal status defined in **Section 32(1)** of the Law on public procurement may participate in this public procurement.

The applicant must meet the following conditions of participation regarding personal status and prove their fulfilment by submitting the following documents:

- a) he/she has not been convicted of the criminal offence of corruption, the criminal offence of damaging the financial interests of the European Communities, the criminal offence of money laundering, the criminal offence of money laundering, the criminal offence of money laundering, the criminal offence of establishing, plotting and supporting a criminal group, the criminal offence of establishing, plotting or supporting a terrorist group, the criminal offence of terrorism and certain forms of participation in terrorism, the criminal offence of trafficking in human beings, the criminal offence of which is related to business or the criminal offence of machinations in public procurement and public auction,
- b) he/she has no registered arrears on social insurance premiums and the health insurance company does not register overdue receivables against him/her according to special regulations **in the Slovak Republic and in the state of his/her registered office**, place of business or habitual residence,

- c) has no registered tax arrears towards the tax office and the customs office according to special regulations **in the Slovak Republic and in the state of residence**, place of business or habitual residence,
- d) his assets have not been declared bankrupt, are not in restructuring, are not in liquidation, nor have bankruptcy proceedings been discontinued against him due to lack of assets or bankruptcy cancelled due to lack of assets,
- e) is authorised to deliver goods, carry out construction work or provide a service;
- f) does not have an imposed ban on participation in public procurement confirmed by a final decision **in the Slovak Republic and in the state of residence**, place of business or habitual residence.

In accordance with Section 32 (7) and (8) of the Public Procurement Act, the conditions for participation under Section 32 (1) (a) of the Public Procurement Act **must also be met by a person** other than the person referred to in paragraph 1 (a), **if that person has the right to act on his or her behalf, the rights associated with decision-making or control in the economic operator who wishes to participate in the public procurement.** The fulfilment of this condition is demonstrated **by submitting an affidavit** as part of the application for participation. In the affidavit, the applicant shall include a list of persons meeting the defining features pursuant to Section 32 (8) of the Public Procurement Act (see the model statement in Annex No. 10 of the Information Document).

In accordance with Section 32 (2) of the Public Procurement Act, the **applicant shall prove** the fulfilment of the conditions defined in Section 32 (1) (a) to (f) of the Public Procurement Act **by submitting the following documents:**

- i. letter a) a documented **extract from the criminal record not older than three months and an affidavit** pursuant to Section 32 (7) of the Public Procurement Act,
- ii. letter b) a documented **certificate of health insurance companies operating in the Slovak Republic and at the place of registered office of the Applicant and the Social Insurance Agency in the Slovak Republic and institutions responsible for social insurance operating at the place of the registered office** of the Applicant not older than three months,
- iii. letter c) by a documented **certificate from the locally competent tax office in the Slovak Republic and at the place of the registered office of the Applicant and the locally competent customs office in the Slovak Republic and at the place of the registered office of the** Applicant not older than three months,
- iv. (d) a documented certificate **from the competent court** not older than three months,
- v. (e) a documented **document on the authorisation to deliver goods, carry out construction works or provide a service**, which corresponds to the subject of the contract,
- vi. (f) by a documented **affidavit**.

A Candidate registered in the Slovak List of Economic Operators pursuant to Section 152 of the Public Procurement Act may prove the fulfilment of the conditions for participation in personal status pursuant to Section 32(1)(a) to (f) of the Public Procurement Act by registration in the List of Economic Operators, whereby if the entry of the Candidate in the List of Economic Operators does not contain current facts valid at the time of the announcement of this public procurement, the Applicant shall submit these necessary up-to-date documents in the application for participation.

A candidate who is not registered in the list of economic operators pursuant to Section 152 of the Public Procurement Act shall prove the fulfilment of the conditions for participation in personal status by means of documents pursuant to point 2 of this part of this document.

If the applicant 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 Section 32 (2) of the Public Procurement Act, or does not issue equivalent documents, it may replace them with 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 applicant with its registered office, place of business or habitual residence outside the territory of the Slovak Republic does not regulate the institute of an affidavit, it may be replaced by a declaration made before a court, administrative authority, notary, other professional institution or business institution in accordance with the regulations in force in the state of the applicant's registered office, place of business or habitual residence.

A bidder, which consists of a group of suppliers, demonstrates the fulfilment of the conditions of participation relating to personal status for each member of the group separately.

The contracting authority is not entitled to use data from public administration information systems under a special regulation, and therefore the applicant shall prove that these conditions of participation have been met in one of the above ways.

The contracting authority shall also not require the submission of a document or documents available to it from another public procurement and which are up-to-date and valid. For the purpose of identifying the document referred to in the first sentence, the candidate or tenderer shall indicate in the request to participate or in the tender the identification of the contract in which it submitted the document referred to in the first sentence, together with the precise identification of the part of the tender or request to participate in which that document appears.

3. CONDITIONS FOR PARTICIPATION IN PUBLIC PROCUREMENT PURSUANT TO SECTION 33 FINANCIAL AND ECONOMIC STATUS

In general, to meet the following eligibility criteria:

The applicant may use the financial resources of another person to prove any of the conditions of financial and economic status, regardless of their legal relationship, in accordance with Section 33 (3) of the Public Procurement Act (the so-called Nominated Economic Subcontractor). In such a case, **the Interested Party must prove to the Contracting Authority in the application for participation that it will actually use the resources of the Nominated Economic Subcontractor in the performance of the contract (i.e. specifically state how it will use the resources of the person in the**

performance of the contract), whose position it uses to prove its financial and economic status. This fact is proved **by the Applicant by a written contract concluded with the Nominated Economic Subcontractor**, the economic results of which he intends to prove his financial and economic standing. A written contract must include a specific commitment on the part of the person to be able to use the person's resources for the entire duration of the contractual relationship. At the same time, the contracting authority **exercises the right of liability of this person** under Section 33 (2) of the Public Procurement Act. **The specific scope of responsibility and the form of guarantees of the Nominated Economic Subcontractor will be the subject of negotiations.** The nominated economic subcontractor must demonstrate the fulfilment of the conditions of participation regarding personal status under Section 32 of the Public Procurement Act, except for Section 32 (1) (e) of the Public Procurement Act, and there must be no grounds for exclusion under Section 40 (6) (a) to (g) and (7) of the Public Procurement Act. The Contracting Authority may assess the existence of grounds for exclusion in the case of the Nominated Economic Subcontractor pursuant to Section 40 (8) of the Public Procurement Act.

For the purpose of demonstrating the fulfilment of the above-mentioned conditions of participation of financial and economic standing, the exchange rate of the European Central Bank (ECB) in force on the date of publication of the contract notice in the Official Journal of the EU shall be used for the conversion of another currency into the euro.

A tenderer consisting of a **group/consortium of economic operators** participating in the procurement shall demonstrate compliance with the conditions of participation relating to **financial or economic standing jointly for the group**, meaning that **at least one member of the group** must demonstrate compliance with the required condition of participation (it **is not permitted** to demonstrate compliance by **aggregating/summing** the economic results of the individual members of the group); this is without prejudice to the possibility of demonstrating compliance with this condition of participation through a **nominated economic subcontractor**.

Required conditions for participation of financial and economic standing:

1. Pursuant to **Section 33 (1)** of the Public Procurement Act, the applicant shall prove his financial and economic standing **by submitting financial statements and an affidavit on the achievement of the required value of the IN 05 Index.**

For the purpose of assessing the financial and economic position of the applicant, the contracting authority will examine the financial health of the company (applicant) through the **INDEX IN05 index** - Czech credit-scoring model. This index is determined by comparing economic indicators from the balance sheet and profit and loss account for legal entities and from the statement of assets and liabilities and the statement of income and expenses for natural persons entrepreneurs (financial statements).

Minimum required level: The applicant shall prove that in the monitored period, **the last three completed financial years**, or years that are available depending on the establishment, commencement of activity or end of the tax period, **the IN05 index value has reached at least 0.90** (rounded to 2 decimal places). The completed financial year is considered to be the year for which the applicant has approved financial statements.

The monitored period is the last three completed financial years preceding the year of the announcement of this public procurement, or the years for which data are available depending on the establishment or commencement of the activity or the end of the tax period

Method of proving the fulfilment of the participation condition:

The applicant shall submit the following documents:

a. Accounts:

- I. the applicant, a legal person/natural person entrepreneur with its registered office in the territory of the Slovak Republic, which has its financial statements published in the Register of Financial Statements of the Slovak Republic, does not submit any document, the Contracting Authority shall determine the value of the IN05 index on the basis of publicly available data.
 - II. An interested party, a legal person/natural person entrepreneur with its registered office in the territory of the Slovak Republic, which is not obliged to publish its financial statements in the Register of Financial Statements, shall submit documents constituting financial statements for the last three completed financial years, or for the years that are available depending on the establishment, commencement of activity or termination of the tax period. At the same time, the Applicant shall submit to the Contracting Authority a signed **affidavit** stating that it does not have any financial statements submitted to the Tax Office or other competent authority other than the submitted financial statements.
 - III. the applicant, a legal person/natural person with its registered office/residence **outside the territory of the Slovak Republic**, submits documents equivalent to the documents constituting the financial statements for the last three completed financial years, or for the years that are available depending on the establishment, commencement of business activity or end of the tax period in the original language and must also be translated into Slovak (this does not apply to the Czech language). The applicant is obliged to submit, together with the documents replacing the financial statements, a document in which he identifies the relevant rows of documents replacing the financial statements for the individual indicators entering the formula for the purpose of determining the value of the IN05 index. At the same time, the applicant shall sign **an affidavit** stating that they do not have financial statements other than those submitted to the tax office or other competent authority at their registered office/place of residence. The interested party may also refer to the published financial statements in the relevant register of the given country (the obligation to submit an official translation of the financial statements remains unchanged).
- b. **Affidavit on the achievement of the required value of the IN05 index**, which will contain the calculation of the IN05 index of the applicant broken down for the last three years (indicative calculation of IN05). The contracting authority shall provide a control calculation of the IN05 index on the basis of the data submitted by the interested parties, or available in the Register of Financial Statements. This calculation will then be binding to prove the required value of the IN05 index.

The formula and data that go into the IN05 index calculation formula are below. The contracting authority also states the specification of individual lines from the relevant statements, but it cannot be ruled out that in one of the assessed years the lines in the financial statements may have changed (both for legal entities and natural persons) or are numbered differently, in the case of legal or natural persons with their registered office outside the territory of the Slovak Republic.

Method of calculating the IN05 index value for legal entities (domestic and foreign):

$$\text{Index IN05} = 0.13*Y1 + 0.04*Y2 + 3.97*Y3 + 0.21*Y4 + 0.09*Y5$$

By the story:

"**S**" means the Balance Sheet or equivalent document of a foreign legal entity;

"**VZaS**" means the Profit and Loss Account or an equivalent document of a foreign legal entity;

"**Y1**" = Assets/(External resources) = $(y.1 \text{ S})/(r.1 \text{ S} - r.80 \text{ S})$;

"**Y2**" = EBIT/(Expense Interest) = $(y.49 \text{ VZaS} + y.57 \text{ VZaS} + y.61 \text{ VZaS})/(y.49 \text{ VZaS})$;

The maximum value of Y2 = 9, if the applicant does not draw loans, the Y2 indicator will be 9.

"**Y3**" = EBIT/Assets = $(y.49 \text{ VZaS} + y.57 \text{ VZaS} + y.61 \text{ VZaS})/(y.1 \text{ S})$;

"**Y4**" = (Total Revenues)/Assets = $(R.33S)/(R.122 \text{ S} + R.139)$;

"**Y5**" = Current Assets/Current Debt = $(R. 33 \text{ S})/(R. 122 \text{ S} + R. 139)$

"*" stands for product

and thus,

$$\text{IN05 Index} = 0.13*(\text{Assets/External Resources}) + 0.04*(\text{EBIT/Expense Interest}) + 3.97*(\text{EBIT/Assets}) + 0.21*(\text{Revenues/Assets}) + 0.09*(\text{Current Assets/Current Debt})$$

How to calculate the IN05 index value for a micro-enterprise:

$$\text{Index IN05} = 0.13*Y1 + 0.04*Y2 + 3.97*Y3 + 0.21*Y4 + 0.09*Y5$$

By the story:

"**Y1**" = Assets/External resources = $(r.1 \text{ S})/(r.1 \text{ S} - 25 \text{ S})$;

"**Y2**" = EBIT/Expense interest = $(y.31 \text{ VZaS} + y.36 \text{ VZaS} + y.38 \text{ VZaS})/(y.31 \text{ VZaS})$;

The maximum value of Y2 = 9, if the applicant does not draw loans, the Y2 indicator will be 9.

"**Y3**" = EBIT/Assets = $(y.31 \text{ VZaS} + y.36 \text{ VZaS} + y.38 \text{ VZaS})/(y.1 \text{ S})$;

"**Y4**" = Total Revenues/Assets = $(R.2 \text{ VZaS} + R.3 \text{ VZaS} + R.6 \text{ VZaS} + R.28 \text{ VZaS})/(R.1S)$;

"**Y5**" = Current Assets/Current Debt = $(R. 14 \text{ S})/(R. 38 \text{ S} + R. 44 \text{ S})$

"*" stands for product

and thus,

$$\text{IN05 Index} = 0.13 * (\text{Assets/External Resources}) + 0.04 * (\text{EBIT/Expense Interest}) + 3.97 * (\text{EBIT/Assets}) + 0.21 * (\text{Revenues/Assets}) + 0.09 * (\text{Current Assets/Current Debt})$$

Method of calculating the IN05 index value for a natural person - entrepreneur:

$$\text{Index IN05} = 0.13 * Y1 + 0.04 * Y2 + 3.97 * Y3 + 0.21 * Y4 + 0.09 * Y5$$

By the story:

"**VMaZ**" means the Statement of Assets and Liabilities or an equivalent document of a foreign natural person of an entrepreneur;

"**VPaV**" means the Statement of Income and Expenses or an equivalent document of a foreign natural person of an entrepreneur;

"**Y1**" = Assets/External resources = (y.15 VMaZ total assets)/(y.20 VMaZ total liabilities);

"**Y2**" = EBIT/Expense interest = (year 10 VPaV cost interest charged on other expenses + income tax recorded in the "Tax liability" line of the tax return + year 12 VPaV difference between income and expenses)/(year 10 VPaV cost interest charged on other expenses);

The maximum value of Y2 = 9, if the applicant does not draw loans, the Y2 indicator will be 9.

"**Y3**" = EBIT/Assets = (y. 10 VPaV expense interest charged on other expenses + income tax recorded in the line "Tax liability" of the tax return)/(y. 15 VPaZ total assets);

"**Y4**" = Total revenues/Assets = (y. 04 VPaV total income)/(y. 15 VMaZ total assets);

"**Y5**" = Current assets/Current debt = (y. 04 VMaZ inventories + y. 08 VMaZ receivables all + y. 09 VMaZ financial assets)/(y. 17 VMaZ current liabilities due within 1 year + y. 18 VMaZ current bank loans - overdrafts, authorized overdrafts, or parts of loans repayable within 1 year)

"*" stands for product

and thus,

$$\text{IN05 Index} = 0.13 * \text{Assets/External Resources} + 0.04 * \text{EBIT/Expense Interest} + 3.97 * \text{EBIT/Assets} + 0.21 * \text{Revenues/Assets} + 0.09 * \text{Current Assets/Current Debt}$$

2. Pursuant to **Section 33(1)(d)** of the Public Procurement Act, the **bidder shall prove** by submitting an **overview of turnover in the area of the subject** of the contract (i.e. design and/or investmentconstruction) **for the last four completed financial years (2021, 2022, 2023 a 2024)**, for which the data are available depending on the establishment or commencement of the activity. Turnover in the field of design and/or investment construction **means revenues (revenues) from the design and/or implementation of construction works**, in particular the construction, modernization or reconstruction of buildings (including technologies) or civil engineering works (including the supply of technologies).

Minimum level required:

The applicant shall demonstrate **the turnover achieved in the field of design and/or investment construction** for **the last four completed financial years (2021, 2022, 2023 a 2024)**, or the years for which they are available depending on the establishment or commencement of the activity, **in min. an aggregate amount of EUR 200 000 000.00**. The applicant shall support the overview of the achieved turnover with:

- profit and loss statements or statements of income and expenses, and
- **a description of the economic/financial results** (e.g., a breakdown of revenues by type of activity, an extract/report from the ERP system, the annual report); or
- **a declaration/confirmation by an independent person** who is, under applicable legal regulations, authorised **to certify financial information** and who is legally obliged to act truthfully and in a binding manner (i.e., is liable for the certification of the financial information). Under Slovak law, such persons include, for example, an auditor or a notary public.

An interested party, a legal person/natural person entrepreneur with its registered office in the territory of the Slovak Republic, which has its financial statements published in the Register of Financial Statements of the Slovak Republic, does not submit statements of profits and losses or statements of income and expenses.

In the event that the documents are submitted by an applicant with a registered office outside the territory of the Slovak Republic, he must submit documents equivalent to the profit and loss account or the statement of income and expenses, which prove the fulfilment of the conditions of participation in the original language and at the same time they must be translated into Slovak, except for documents submitted in Czech. The interested party may also refer to the published financial statements in the relevant register of the given country (the obligation to submit an official translation of the financial statements remains unchanged)

If an applicant with a registered office outside the Slovak Republic is unable to submit such verified documents for objective reasons, he or she shall submit an affidavit of this fact within objective reason, which will also state the total turnover achieved in the last three financial years, or the years for which they are available depending on the establishment or commencement of the activity or the end of the tax period.

4. CONDITIONS FOR PARTICIPATION IN PUBLIC PROCUREMENT PURSUANT TO SECTION 34 TECHNICAL COMPETENCE OR PROFESSIONAL COMPETENCE

In general, to meet the following eligibility criteria:

Only those who meet the requirements set out below for demonstrating technical or professional competence may participate in this tendering procedure and shall prove that they have met them by submitting the documents referred to above.

The bidder, consisting of a group of suppliers participating in the public procurement, demonstrates the fulfilment of the conditions of participation related to technical and professional competence jointly on behalf of the group (i.e. at least one member of the group of suppliers must

demonstrate the fulfilment of the required participation condition; this is without prejudice to the possibility for the nominated technical subcontractor to demonstrate the fulfilment of this condition of participation).

In the case of reference experience whose price was in a currency other than euro, the foreign currency of the candidate must be converted according to the exchange rate of the ECB in force on the date of publication of the contract notice in the Official Journal of the EU.

An applicant may use the technical and professional capacities of another person (the so-called "A-S) to demonstrate their technical competence or professional competence.'**Nominated Technical Subcontractor**', irrespective of their legalrelationship, in accordance with Section 34(3) of the Law on Public Procurement. In such a case, **the applicant must prove** to the Contracting Authority that during the performance of the contract, the proposed key expert will actually participate in the performance in a position responsible for a certain part of the subject of the contract. This fact is proven **by the Candidate by a written contract concluded with** the Nominated Technical Subcontractor. The written contract **must indicate the commitment of the Nominated Technical Subcontractor that the proposed key expert will properly participate in the performance of the subject of the contract to the extent of the position responsible for a certain part of the subject of the contract** (corresponding to his expertise). The nominated technical subcontractor must meet the conditions of participation regarding personal status according to Section 32 (1) (a) to (f) of the Public Procurement Act and there must be no grounds for exclusion under Section 40 (6) (a) to (g) and (7) of the Public Procurement Act.

In accordance with the Public Procurement Act, the applicant is entitled to demonstrate the fulfilment of the above conditions of participation also through the capacities of the Nominated Technical Subcontractors. Given the scope and complexity of the subject matter of the contract, the contracting authority warns in advance that **the negotiations on the contractual conditions** will also include a discussion on **the rules of supply chain management**. The aim is to ensure **the smoothness, timeliness and reliability of the implementation of the work**, especially if the key activities will be carried out by subcontractors. **The contracting authority reserves the right to design and negotiate contractual mechanisms** that will manage and control relations with subcontractors, including, for example:

- Options for concluding a tripartite contract (general contractor, subcontractor, Contracting Entity), and/or
- demonstrating the transparent assignment of tasks and monitoring their fulfilment, and/or
- the participation of the contracting authority's representatives in negotiations with subcontractors in resolving material and time problems, and/or
- subcontracting tasks directly where justified, and/or
- approving the procedure and outputs of subcontractors, and/or
- the possibility **to make direct payments to subcontractors** if necessary to ensure continuity of performance.
- Interested parties should therefore take into account **the competence and availability of their contractors at the bidding stage** and prepare to actively cooperate in the coordination of subcontractors during the implementation of the contract.

3. In accordance with the provision of **Section 34(1)(b)** of the Public Procurement Act, the candidate shall submit a list of construction works of the same or similar nature and complexity to the subject-matter of the contract, carried out **in the previous fifteen years** (15) from the announcement of the public contract, indicating the prices, places and deadlines for the execution of the works. The list must be **supplemented by a confirmation of satisfactory execution of construction works** and evaluation of the construction works carried out according to the business conditions (see Annex No. 5 of the Information Document).
- If the customer was a Slovak contracting authority or a Slovak contracting authority under the Public Procurement Act, the document is a reference; if the reference was not made in accordance with Section 12 of the Public Procurement Act, the document may also be a statement of the bidder or the interested party about their implementation, supplemented by a document proving their implementation;
 - If the customer was a person other than the Slovak public contracting authority or the Slovak contracting authority under the Public Procurement Act, the interested party submits a confirmed reference letter (proof of performance) to the customer. If such a confirmation is not available to the applicant, the applicant shall submit a statement on their implementation, which shall be supplemented by a document proving their implementation or the contractual relationship on the basis of which they were carried out. The reference letter and/or related documents may also be submitted in English or Czech.

The minimum level required for this eligibility condition:

The list of construction works carried out must show that the applicant carried out construction works of the same or similar nature as the subject of the contract in the relevant period, to the following extent:

Option A: design at the DRS level, delivery, assembly (or installation and construction) and commissioning of at least one WTE waste recovery facility with a capacity of at least 80 000 tons of waste per year, which included the delivery of at least:

- i. combustion equipment with a steamboiler, and
- ii. flue gas cleaning system, and
- iii. energy utilisation system - cogeneration of electricity and heat, and
- iv. the construction part for the above technologies;

or

Option B: design in DRS stage, delivery, assembly (or installation or construction) and commissioning of at least:

- i. two (2) complete steam boiler combustion plants with a thermal input of at least 25 MW per steam boiler, **and**
- ii. two (2) complete flue gas cleaning systems designed for a wet flue gas flow rate of at least 50 000 Nm³ / hour at the boiler outlet for each flue gas cleaning system,

for WTE lines, each of the four services referred to in points (i) and (ii) could be carried out on different projects, but also on one project (one WTE). Within the scope of this criterion, projects in which only service or repair or overhaul of the required technological units was carried out, i.e. for reference experience to be recognised, it is necessary that its object is the supply of new technological equipment, not the repair of existing equipment.;

or

Option C: design in the DRS stage, supply, assembly (or installation or construction) and commissioning of at least two (2) power plants/power units for the combined production of electricity and heat with a thermal input of at least 25 MW for each steam boiler, which included the supply of at least:

- i. a solid fuel combustion plant with a steamboiler, and
- ii. flue gas cleaning system, and
- iii. energy utilisation system - cogeneration of electricity and heat, and
- iv. construction part for the above technologies.

(together all alternatives hereinafter referred to as "**Reference Experience**", individually as "**Reference Experience**").

For the purposes of the Reference Experience:

- Energy equipment/energy units means an electric power facility pursuant to Section 2 (b) of the first point of Act No. 251/2012 Coll. on Energy and on Amendments to Certain Acts, in the version effective as of the date of publication of the Notice;
- Projection at the DRS level means the preparation of project documentation intended for the implementation of the work (construction documentation / construction documentation / detailed design documentation / execution-level documentation / engineering documentation for installation and commissioning), which:
 - i. it served as a technical basis for the execution of the work (construction, installation of technology),
 - ii. contains the drawing part, bills of area, technical specifications, calculations, diagrams and descriptions of equipment wiring, and
 - iii. determines the details of solutions for all professions (machine, electrical, automation, construction part);

The Contracting Authority strongly recommends that the list of Reference Experiences be drawn up in accordance with Annex 4 of the Briefing Paper: Reference Letters for Reference Experiences

The Contracting Authority stipulates that one implemented project may be used to prove only one criterion according to Option A / Variant B / Variant C of this Participation Condition.

The Contracting Authority accepts the Reference Experience regarding the performed services according to Variant A / Variant B / Variant C of this Condition of Participation to the person who was contractually responsible for the implementation of the services required within the relevant reference.

4. In accordance with the provision of **Section 34 (1) (g)** of the Public Procurement Act, the applicant shall submit data on the education and professional experience or professional qualifications of persons designated for the performance of the contract or concession contract or managerial staff, if they are not a criterion for the evaluation of tenders.

Minimum level required:

The contracting authority requires the candidate to demonstrate in the application for participation the excellent competence of the designated key experts (to the extent specified in the table below) and the availability of these experts to perform the subject of the contract.

The applicant is not entitled to use one person to meet the conditions of several experts (i.e. the accumulation of persons is not allowed).

For the purposes of this eligibility condition, if a demonstration of the experience of a key expert is required, then the key expert must have experience (hereinafter referred to as the "**Energy Reference Building**") in the design and/or implementation and commissioning of construction or renovation projects **that included:**

- i. connection (i.e. installation and commissioning) of new (not repaired) technological units of power equipment in power generation or WTE facilities, or
- ii. the involvement of new technological energy units in manufacturing companies.

For the purposes of this eligibility requirement, if a demonstration of experience as a key expert is required, then the key expert must have experience (hereinafter referred to as "**Reference Experience**") in the design and/or implementation and commissioning of construction or refurbishment projects **that included:**

- i. connection (i.e. installation and commissioning) of new technological units of energy equipment in power generation facilities or WTEs, or
- ii. the involvement of new technological energy units in production companies, or
- iii. Involvement of new production technological units in production companies in the field of:
 - Production of industrial fertilizers, or
 - Manufacture of heavy organic or inorganic chemistry, or
 - Petrochemical industry, or
 - Metallurgical industry.

(requirements (i.), ii), iii.), hereinafter referred to as "**Reference Aspects**").

For the purposes of defining the Reference Practice and the Reference Energy Construction, energy equipment/energy units shall mean:

- i. an electric power facility, pursuant to Section 2(b)(1) of Act No. 251/2012 Coll. on Energy and on Amendments to Certain Acts, in the version effective on the date of publication of the contract notice in the EU Gazette (hereinafter referred to as the "Energy Act"), or
- ii. energy equipment in the heating industry pursuant to Section 2 (c) of Act No. 657/2004 Coll. on Thermal Energy and Amendments to Certain Acts, as amended,

At the same time, **the energy facility must ensure** the production of electricity **by burning solid, liquid or gaseous fuels** (coal of all kinds, coke, briquettes, solid alternative fuels from waste, wood chips and biomass, biogas, landfill gas, natural gas, etc.) or by nuclear fission reaction. The production of electricity and heat from sources that **do not include the combustion of fuels** (especially photovoltaic, wind, hydro) or nuclear fission reaction **is not allowed for the purpose of meeting the Reference Practice or the Reference Energy Construction of Key Experts.**

In the application for participation, the applicant must demonstrate that he or she has (in the case of the position of Project Manager / Team Leader as an own employee and in the case of other key professionals either as an own employee or as an employee of a Nominated Technical Subcontractor) **persons holding the positions listed below who have the experience** (experience or qualifications) listed below.

Key Expert	Requirement for an expert (for the avoidance of doubt, the requirements for the Reference Practice and the Reference Energy Structure are defined above)	Method of proof
Project Manager - Team Leader	<ul style="list-style-type: none"> • Ad1) Min. 10 years (120 months) of Reference Experience as a Project Manager/Team Leader. • Ad2) Has experience in the position of Project Manager in investment projects (any) with a total investment value of at least EUR 200 million excluding VAT, while at least one experience was on the Reference Energy Construction with an investment value of at least EUR 10 million excluding VAT. 	<p>It is demonstrated by submitting a Reference CV.</p> <p>Attention! It is required to fill this position with the candidate's own capacities!</p>
Deputy Project Manager	<ul style="list-style-type: none"> • Min. 10 years (120 months) of Reference Experience as a Project Manager. • He has experience in the position of Project Manager in investment projects (of any kind) with a total investment value of at least EUR 200 million excluding 	<p>It is demonstrated by submitting a Reference CV.</p>

	VAT, while at least one experience was on the Reference Energy Construction with an investment value of at least EUR 10 million excluding VAT.	Attention! It is required to fill this position with the candidate's own capacities!
Project Chief Engineer [HIP] (person responsible for the design part of the performance)	<ul style="list-style-type: none"> Ad1) Min. 10 years (120 months) of Reference experience in a management position in the field of design (head of the design team). A management position is understood as a person directly responsible for the projection in terms of the objective of the contractual obligation. Ad2) Possesses professional competence pursuant to Section 5 (1) of Act No. 138/1992 Coll., as amended (or an equivalent legal norm valid in the country of the applicant's registered office or in the country of origin of the person). Ad3) Has experience in the position of Chief Project Engineer (design activity) on at least one Energy Reference Construction with an investment value of at least EUR 10 million excluding VAT. 	Ad1) and Ad3) It is proven by submitting a Reference CV. Ad2) It is demonstrated by presenting a valid authorization to perform the given activity of the key expert
Deputy Chief Engineer of the project [zHIP] (person responsible for the design part of the performance)	<ul style="list-style-type: none"> Ad1) Min. 10 years (120 months) of Reference experience in a management position in the field of design (head of the design team). A management position is understood as a person directly responsible for the projection in terms of the objective of the contractual obligation. Ad2) Has professional competence pursuant to Section 5 (1) of Act No. 138/1992 Coll., as amended (or an equivalent legal norm valid in the country of the applicant's registered office or in the country of origin of the person). Ad3) Has experience in the position of Chief Project Engineer (design activity) on 	Ad1) and Ad3) It is proven by submitting a Reference CV. Ad2) It is demonstrated by presenting a valid authorization to perform the given activity of the key expert

	at least one Energy Reference Construction with an investment value of at least EUR 10 million excluding VAT.	
A minimum of three (3) experts designated for the position of Construction Manager (three (3) persons designated for the position of Construction Manager with the required experience/experience are required)	<p><u>Each individually:</u></p> <ul style="list-style-type: none"> • Ad1) Min. 10 years (120 months) of Reference experience in management positions (Design Team Leader / Expert Implementation Team Leader / Site Manager / Chief Site Manager). • A management position is understood as a person directly responsible for the design/implementation of the project/implementation of the architectural or technological part of the project in accordance with the objective of the contractual obligation. • Ad2) Has experience as a construction manager on at least one Energy Reference Construction with an investment value of at least EUR 10 million excluding VAT. <p><u>Summaries for all (allowed cumulation of expertise):</u></p> <ul style="list-style-type: none"> • Ad3) They have the professional qualification of "Authorized Construction Manager" according to § 5b of Act No. 138/1992 Coll., as amended (or an equivalent legal norm valid in the country of the registered office of the applicant or in the country of origin of the person)<u>for the subcategories:</u> <ol style="list-style-type: none"> i. Pipeline, power and other line constructions (code 24); ii. Complex industrial buildings (code 25); iii. Sanitary equipment and installations (code 31); iv. Electrical equipment (code 33) 	<p>Ad1 + Ad2) It is proven by submitting a Reference CV.</p> <p>Ad3) It is demonstrated by presenting a valid authorization to perform the given activity of the key expert.</p>

	v. Thermal equipment (code 34)	
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The Contracting Authority strongly recommends that the submitted CV with information on the reference experience and Reference Energy Constructions of the relevant expert be prepared in accordance with Annex 7 of the Information Document.