



Bratislava, 21.07.2026
To all interested parties

Explanation No. 1

The contracting authority hereby informs that in the public procurement of the above-limit contract entitled: **"Library and Information System"** published in the European OJ No. 134/2026 on July 15, 2026, and in the Journal of Public Procurement No. 141/2026 under number 9987 – MSS from July 16, 2026, the following question was received:

Question No. 1:

We want to request clarification of the information provided in the tender documents for this above-limit public contract.

We want to ask you for information on which specific documents the contracting authority will require from a company in the USA to prove fulfillment of the participation conditions concerning personal status (Section 21.3), or what other documents will need to be submitted for a subcontractor based in the USA.

At the same time, we would like to verify whether it is possible to replace some of these documents with a solemn declaration, at least at a certain stage of the procurement procedure.

Given that the relevant US authorities do not issue certain documents commonly available in EU countries (e.g., certificates of no tax arrears or standard extracts from criminal records), we want to ensure we can obtain all required documents from our sister company by the bid submission deadline.

Answer No. 1:

Proving the fulfillment of participation conditions concerning personal status by foreign economic operators (including entities from third countries, such as the USA) is governed by Act No. 343/2015 Coll. on Public Procurement and on Amendments and Supplements to Certain Acts, as amended (hereinafter referred to as the "PPA"), and the established methodological and decision-making practice of the Public Procurement Office. A foreign tenderer proves personal status in accordance with Section 32, Paragraph 4 and Paragraph 5 of the PPA:

"If a tenderer or candidate has their registered office, place of business, or habitual residence outside the territory of the Slovak Republic, and the state of their registered office, place of business, or habitual residence does not issue some of the documents referred to in Paragraph 2 or does not issue equivalent documents, they may be replaced by a solemn declaration in accordance with the regulations in force in the state of their registered office, place of business, or habitual residence.

If the law of the state of the tenderer or candidate with their registered office, place of business, or habitual residence outside the territory of the Slovak Republic does not regulate the institution of a solemn declaration, it may be replaced by a declaration made before a court, administrative authority, notary, other professional institution, or trade institution in accordance with the regulations in force in the state of the registered office, place of business, or habitual residence of the tenderer or candidate",

and this is done based on the following binding hierarchy of documents:

1. Primary obligation: Identical or equivalent (comparable) documents

A tenderer with its registered office outside the territory of the Slovak Republic is primarily obliged to submit the same or equivalent documents as those submitted by a Slovak entity, provided that the state where it is registered issues them. These are official documents issued by the competent courts or administrative authorities in the country of registration (e.g., official extracts from criminal records, certificates from tax authorities or social security offices).

2. Secondary option: Solemn declaration (Section 32, Paragraph 4 of the PPA)

Replacing official documents with a solemn declaration is, in accordance with the law and the methodology of the Public Procurement Office (ÚVO), **possible only if the state of the tenderer's registered office objectively does not issue the requested documents or their equivalents.**

- For the application of this option, the legal order of the state of the tenderer's registered office must regulate and permit the institution of a solemn declaration.
- In such a solemn declaration, the tenderer must explicitly identify and state the fact that the country in question does not issue the respective official documents (nor their equivalents), and refer to the specific statutory provision of the foreign legal order under which this solemn declaration is made.

3. Tertiary option: Declaration (Section 32, Paragraph 5 of the PPA)

If the legal order of the state of the tenderer's registered office does not regulate the institution of a solemn declaration, this declaration is replaced by a **declaration made before a competent court, administrative authority, notary, other professional institution, or chamber of commerce in accordance** with the regulations in force in the state of the tenderer's registered office.

A tenderer cannot prove their entire personal status solely by submitting a solemn declaration on the grounds that they are a foreign entity. If equivalent official registers and documents exist and are available in the state where the registered office is located (e.g., tax certificates or extracts from criminal records at the federal or state level), **they must submit these official documents.** Submitting only a solemn declaration when equivalent documents are available could constitute grounds for non-compliance with the participation conditions.

