

**Supplement** to the condition of the design competition

**„Košice–Hornád – New City Centre “**

## **I3 – Specification of the requirements of §32 Act on public procurement**

**(Abstract from the act n. 343/2015 on public procurement)**

Conditions of participation

§ 32

Personal position

(1) Public procurement is available for participation only to the entity complying with the following conditions of participation related to the personal position

a) the entity itself or a member of the statutory authority, or any supervisory authority thereof, or a procurer has never been sentenced for the offence of corruption, damaging financial interests of EC, legalisation of the income from criminal activities, the crime of founding, organising or support of a criminal group, terrorism, or a terrorist group, support, or any founding participation therein, crime of trafficking, or any criminal offence, the subject matter thereof is in any way related to enterprising, or machinations in public procurement.

b) the entity has no outstanding payments regarding social security, or health insurance and the insurance companies register no receivables therefrom, as being overdue, pursuant to the special regulations 46 b) in the Slovakia republic, or in the residential country, place of business or usual residence.

c) the Board of revenues registers no outstanding payments of taxes due and the same applies for the Customs board, regarding that entity, pursuant to the special regulations 46 c) in Slovakia or in the residential country, place of business or usual residence.

d) no bankruptcy proceedings have been declared regarding the property of this entity, it is not under restructuring, wind up or no proceedings have been declared or suspended for insufficient property

e) the entity is authorised to deliver goods, to perform constructions, or to provide related services

f) the entity was not prohibited regarding participation in public procurement confirmed by the final resolution applicable in Slovakia or in the residential country, place of business or usual residence.

g) in the last recent years preceding declaring and provable commencement of public procurement, he has not committed relevant breach of the obligations regarding Environmental issues, social laws or labour laws according to the special regulations 47) for which he was sanctioned, which can be proven by the public procurer or a procurer.

h) in the last recent years preceding declaring and provable commencement of public procurement, he has not committed any substantial breach of the professional duties, which can be proven by the public procurer, or a procurer.

(2) If the section 3 does not stipulate otherwise, the applicant to the party interested proves complying with the conditions of participation as per section 1

a) letter. a) by presenting an abstract from the criminal record not older than 3 months

b) letter. b) by presenting a confirmation of the social security company or Health insurance company a not older than 3 months

c) letter. c) by presenting a confirmation of the locally competent board of revenues and customs not older than 3 months

d) letter. d) by presenting a confirmation of the competent court not older than 3 months

e) letter. e) by presenting license to deliver goods, or to provide service related to the subject of order

f) letter. f) by presenting true statement

(3) The applicant or the party interested is obliged to present documents pursuant to the section 2, if the public procurer or the procurer is authorised to use data from information systems of public procurement pursuant to a special regulation 47 a). If the applicant, or the party interested fails to present the document as per sec. 2 letter a) he is obliged for the purposes of provide the condition as per sec. 1 letter a) to provide to the public procurer or the procurer, the data necessary for application for the abstract from the criminal record. 47b). According to the 2<sup>nd</sup> sentence, the public procurer or the procurer authorised to use data from the information systems of public procurement pursuant to a special regulations 47a) immediately sends via electronic communication in electronic form to the General Attorney's Authority of SR the application for issuing an abstract from the criminal record. The public procurer and the procurer will state in the announcement of declaring the public procurement or in the announcement used as the application for the competition which documents as per sec. 2, on grounds of using data from the information system of public administration are not to be presented.

(4) If the applicant, or a party interested has the place of residence, business or usual residence outside the territory of SR and his residential country, country of business or usual residence does not issue any of the above documents as per sec. 2, or equal ones, those can be substituted by true statement according to the regulations applicable in his residential country, country of business or usual residence