**Pursuant to Article 118, paragraph 7 of the Law on Public Procurement (“Official Gazette of the Republic of Serbia”, No. 91/19), the**

**Public Procurement Office determines the content**

Standard form

Statement on fulfilment of criteria for qualitative selection of economic operator (SFC)

Part I: Data on the public procurement procedure and the contracting authority

|  |  |
| --- | --- |
| All data in the SFC are entered by the economic operator | |
| Contracting authority[[1]](#footnote-1) | Answer |
| Name: | [ ] |
| Subject matter of procurement: | Answer |
| Name or short description of the procurement:[[2]](#footnote-2) | [ ] |
| Reference to the relevant announcement[[3]](#footnote-3) published on the Public Procurement Portal: | Advertisement number:  [ ][ ][ ][ ]/С [ ][ ][ ]–[ ][ ][ ][ ][ ][ ][ ],  date []. |
| Case reference number assigned by the contracting authority (if applicable)[[4]](#footnote-4): | [ ] |

Part II: Data on the economic operator

A: Data on the economic operator

|  |  |
| --- | --- |
| Economic operator | Answer |
| Name: | [ ] |
| Tax identification number, if applicable: | [ ] |
| If the item “Tax identification number” is not applicable, provide another identification number, if required and if applicable: [ ] | [ ] |
| Address: | [……] |
| Contact person or persons[[5]](#footnote-5): | [……] |
| Phone: | [……] |
| Email: | [……] |
| Website (*if applicable*): | [……] |
| General information | Answer |
| Is the economic operator a micro, small or medium-sized legal entity or entrepreneur[[6]](#footnote-6)? | Yes  No |
| Only in the case the procurement is reserved[[7]](#footnote-7): is the economic operator whose main goal is professional rehabilitation and employment of persons with disabilities, an economic operator organised in accordance with the law governing social entrepreneurship[[8]](#footnote-8) or will it ensure the execution of contracts under the protective employment programme? | Yes  No |
| If you have answered yes to the previous question, what is the corresponding percentage of disabled or disadvantaged workers? | […….] |
| Is the economic operator registered in the register of bidders[[9]](#footnote-9) in the Republic of Serbia? | Yes  No |
| If the answer is yes: |  |
| please indicate the web address where registration is available: | *(Web address):*  *[……]* |
| If the answer is yes:  Fill in the Statement with the required information, as the case may be |  |
| Does the economic operator have a certificate issued by the competent authority or body on entry in the official register of economic operators or a certificate issued by the competent certification body in a Member State of the European Union[[10]](#footnote-10)? | Yes No Not applicable |
| If the answer is yes: |  |
| a) state the name of the register or certificate and the corresponding registration number or certificate number, if applicable: | a) [……] |
| b) if the certificate on registration or certificate are available in electronic form, please state: | *b) (web address, competent issuing authority or body, precise reference to the documentation):*  *[……] [……] [……] [……]* |
| (c) the references on which the registration or certification is based and, if applicable, the classification from the official register[[11]](#footnote-11): | c) [……] |
| d) Does the registration or certification include all the required criteria for qualitative selection? | e) yes  No |
| Form of participation | Answer |
| Does the economic operator participate in the public procurement procedure together with other economic operators[[12]](#footnote-12)? | Yes  No |
| If yes to the above question, please provide that other entities submit a separate ESPD form | |
| If yes to the above question: |  |
| please list the economic operators participating in the procurement procedure: | [……] |
| Lots | Answer |
| If applicable, indicate the lot(s) for which the economic operator wishes to submit a bid: | [ ] |

B: Data on the representatives of the economic operator

List the names and addresses of the persons authorised to represent the economic operator:

|  |  |
| --- | --- |
| Representative, if any | Answer |
| Full name and surname:  Date and place of birth, if required: | [……] [……] |
| Function: | [……] |
| Postal address: | [……] |
| Phone: | [……] |
| Email: | [……] |
| If necessary, provide detailed information on representation (its forms, scope, purpose, etc.): | [……] |

C: Information about reliance on the capacities of other entities

|  |  |
| --- | --- |
| Reliance | Answer |
| Does the economic operator use the capacities of other entities to meet the selection criteria set out in Part IV, as well as the criteria and rules (if any) set out in Part V? | Yes  No |
| If yes to the above question, please provide a separate ESPD response setting out the information required under Sections A and B of this Part and Part III for each of the entities concerned, duly filled in by the entities concerned.  Insofar as it is relevant for the specific capacity or capacities on which the economic operator relies, please include the information under Parts IV and V for each of the entities concerned[[13]](#footnote-13). | |

D: Data on subcontractors (whose capacities are not used by the economic operator)

|  |  |
| --- | --- |
| Subcontracting | Answer |
| Does the economic operator intend to subcontract any share of the contract to third parties? | Yes  No |
| If yes and in so far as known[[14]](#footnote-14), please list the proposed subcontractors: | […..] |

If yes to the above question, please provide a separate ESPD form setting out the information required in sections A and B of this Part and in Part III for each subcontractor, completed by those subcontractors.

Part III: Exclusion grounds

A: Mandatory grounds for exclusion

|  |  |  |
| --- | --- | --- |
| I. Grounds related to convictions for criminal offenses listed in Article 111 of the [[15]](#footnote-15)Law on Public Procurement (hereinafter referred to as: the Law) or related criminal offenses according to the regulations of the state of residence of the economic operator or the state of citizenship of the natural person | Answer | |
| Has the economic operator itself or its legal representative been convicted of one or more criminal offences by *res judicata* (final judgment) rendered within the last five years or more, if the final judgment establishes a longer period of prohibition of participation in the public procurement procedure that is still applicable? | Yes  No  *If the relevant documentation is available electronically, please indicate: (Web address, issuing authority or body, precise reference to the documentation):*  *[……] [……] [……] [……][[16]](#footnote-16)* | |
| If yes, please specify[[17]](#footnote-17): |  | |
| a) the date of the judgement, on the basis of which it was rendered (criminal offence referred to in Article 111 of the Law, or relevant criminal offences); | a) date: [], criminal offence: [ ] | |
| b) please specify who was convicted | b) [……] | |
| c) if the judgement established: | c) duration of the period of prohibition of participation in the public procurement procedure [……] | |
|  | *If the relevant documentation is available electronically, please indicate: (Web address, issuing authority or body, precise reference to the documentation):*  *[……] [……] [……] [……][[18]](#footnote-18)* | |
| In the case of judgments, has the economic operator taken measures to prove its reliability regardless of the existence of grounds for exclusion[[19]](#footnote-19)? | Yes  No | |
| If yes to the above question, please describe measures taken: | [……] | |
| II. Grounds relating to the payment of taxes or social security contributions | Answer | |
| Has the economic operator settled all its due obligations of taxes or contributions for compulsory social insurance? | Yes  No | |
| If the answer is yes, please indicate: | Taxes | Contributions for social insurance |
| a) the country concerned | a) [……] | a) [……] |
| b) What is the amount concerned? | b) [……] | b) [……] |
| c) How has this breach of obligations been established: |  |  |
| 1) Through a judicial or administrative decision: | c1)  Yes No | c1)  Yes No |
| * Is this decision final and binding? | Yes  No | Yes  No |
| * state the date of the judgment or decision | [……] | [……] |
| 2) in another way. Please indicate: | c2) [ …] | c2) [ …] |
| c) Has the economic operator under a binding arrangement or resolution been granted the deferred payment of debt, including, where applicable, any interest accrued or fines? | d) Yes  No  If yes, please provide details:  [……] | d) Yes  No  If yes, please provide details:  [……] |
| If the relevant documentation concerning payment of taxes or social contributions is available electronically, please indicate: | (web address, issuing authority or body, precise reference to the documentation):[[20]](#footnote-20)  [……] [……] [……] | |
| III. Obligations in the field of environmental protection, social and labour law | Answer | |
| Has the economic operator in the period of the previous two years up to the date of expiry of the time limit for submission of tenders, i.e., requests, violated applicable obligations in the area of the environmental protection, social and labour law, including collective agreements, and in particular the obligation to disburse the contracted wages, or other compulsory payments, including obligations in accordance with the provisions of the international conventions listed in Annex 8 of the Law[[21]](#footnote-21)? | Yes  No | |
| If yes, has the economic operator taken measures to prove its reliability regardless of the existence of grounds for exclusion in accordance with Article 113 of the Law?  Yes  No  If yes, describe the measures taken:  [……] | |
| IV. Conflict of interest | Answer | |
| Is the economic operator aware of any conflict of interest[[22]](#footnote-22) due to its participation in the procurement procedure? | Yes  No | |
| If yes, please provide details: | [……] | |
| V. Undue influence on the procedure | Answer | |
| Can the economic operator confirm that it has not tried to exert undue influence on the decision-making process of the contracting authority, obtained confidential information that could give it an advantage in the public procurement procedure or provided misleading information that may affect decisions concerning the exclusion of economic operator, the choice of economic operator or the award of a contract? | Yes  No | |
| VI. Grounds for exclusion for public procurement in the field of defence and security [[23]](#footnote-23) | Answer | |
| Whether the economic operator, to its knowledge, can confirm that it has not been established on the basis of any evidence, including protected data sources, that it does not have the reliability necessary to exclude risks to the security of the Republic of Serbia as a result of events from the previous five years from the day of expiration of the deadline for submission of bids, i.e., applications? | Yes  No  If yes, has the economic operator taken measures to prove its reliability regardless of the existence of grounds for exclusion in accordance with Article 113 of the Law?  Yes  No  If yes, describe the measures taken:  [……] | |

B: Other grounds for exclusion[[24]](#footnote-24)

|  |  |
| --- | --- |
| Information on other grounds for exclusion | Answer |
| Is the economic operator in any of the following situations:  a) in bankruptcy, or  b) subject of insolvency or winding-up proceedings, or  c) its assets are managed by a bankruptcy (liquidation) trustee or a court, or  d) in the arrangement of the agreement with the creditors, or  e) has ceased to carry on business, or  f) in any similar situation arising from a similar procedure under national laws and regulations? | Yes  No |
| If yes to the above question: |  |
| * provide details: | * [……] |
| * state the reasons why the economic operator is still able to perform the contract, taking into account the applicable rules and measures for the continuation of business in these circumstances: [……] | * [……] |
| If the relevant documentation is available electronically, please indicate: | *(web address, issuing authority or body, precise reference to the documentation):*  *[……] [……] [……]* |
| In the period of the previous three years from the date of expiration of the deadline for submission of bids, i.e., applications, has the responsibility of the economic operator for a severe form of unprofessional conduct been established? | Yes  No |
| If yes, please provide details: | [……] |
| If yes, has the economic operator taken measures in accordance with Article 113 of the Law?  Yes  No  If yes, describe the measures taken:  [……] |
| In the period of the previous three years from the date of expiration of the deadline for submission of bids, has it been determined that the economic operator has agreed with other economic operators in order to distort competition? | Yes  No |
| If yes, please provide details: | [……] |
| If yes, has the economic operator taken measures in accordance with Article 113 of the Law?  Yes  No  If yes, describe the measures taken:  [……] |
| Was the economic operator or a related person involved in the preparation of the procurement procedure? | Yes  No |
| If yes, please provide details: | [……] |
| In the period of the previous three years from the date of expiry of the deadline for submission of bids, was the economic operator a contracting party in a previously concluded public procurement contract or concession contract which resulted in termination of that contract, collection of collateral, damages, etc.? | Yes  No |
| If yes, please provide details: | [……] |
| If yes, has the economic operator taken measures in accordance with Article 113 of the Law?  Yes  No  If yes, describe the measures taken:  […….] |
| Can an economic operator confirm that in the period of the previous three years from the date of expiry of the deadline for submission of bids in public procurement procedures:  a) has not provided false information necessary to verify the grounds for exclusion or the selection criteria of the economic operator;  b) was able to submit evidence of fulfilment of the criteria for qualitative selection of the economic operator. | Yes  No |
| If the answer is yes, please indicate details: | [……] |
|  | If no, has the economic operator taken measures in accordance with Article 113 of the Law?  Yes  No  If yes, describe the measures taken:  […….] |

Part IV: Selection criteria

*Concerning the selection criteria (Sections A to D of this part), the bidder declares that:*

A: Performing professional activities

The economic operator should provide data only if the contracting authority requires these selection criteria in the appropriate advertisement or tender documentation to which the advertisement refers.

|  |  |
| --- | --- |
| Performing professional activities | Answer |
| 1) A economic operator is entered in the register of economic operators, court register, professional register or other appropriate register, if such register is kept in the country where the economic operator has its registered office: | [……] |
| If the relevant documentation is available electronically, please indicate: | *(web address, issuing authority or body, precise reference to the documentation):*  *[……] [……] [……]* |
| 2) Does the economic operator have the necessary specific authorisation, i.e., permission of the competent authority to perform the activity that is the subject of public procurement or is it a member of a certain organisation in order to be able to perform the activity in question? | Yes  No If yes, state what it is and whether the economic operator meets this condition:  Yes  No |
| If the relevant documentation is available electronically, please indicate: | *(web address, issuing authority or body, precise reference to the documentation):*  *[……] [……] [……]* |

B: Financial and economic capacity

The economic operator should provide data only if the contracting authority requires these selection criteria in the appropriate advertisement or tender documentation to which the advertisement refers.

|  |  |
| --- | --- |
| Financial and economic capacity | Answer |
| 1) The total income of the economic operator for the required number of financial years from the relevant announcement or tender documentation is: | Year: [……] Income: [……] […] Currency  Year: [……] Income: [……] […] Currency  Year: [……] Income: [……] […] Currency |
| If the relevant documentation is available electronically, please indicate: | *(web address, issuing authority or body, precise reference to the documentation):*  *[……] [……] [……]* |
| 2) The total income of the economic operator, including certain income in the area covered by the subject of public procurement defined in the relevant announcement or tender documentation for the required number of financial years is: | year: [……] total income: [……] income in the area: [……] […] currency  year: [……] total income: [……] income in the area: [……] […] currency  year: [……] total income: [……] income in the area: [……] […] currency |
| If the relevant documentation is available electronically, please indicate: | *(web address, issuing authority or body, precise reference to the documentation):*  *[……] [……] [……]* |
| 3) With regard to the financial indicators [[25]](#footnote-25)specified in the appropriate announcement or tender documentation, the economic operator declares that the actual values ​​for the required indicators are as follows: | (determination of the required ratio - the relationship between x and y[[26]](#footnote-26) - and value):  […….…], […….…][[27]](#footnote-27) |
| If the relevant documentation is available electronically, please indicate: | *(web address, issuing authority or body, precise reference to the documentation):*  *[……] [……] [……]* |
| 4) The sum insured from the professional liability insurance of the economic operator is: | [………][…] currency |
| if the data are available electronically, please state: | *(web address, issuing authority or body, precise reference to the documentation):*  *[……] [……] [……]* |
| With regard to other economic or financial capacities, if any, which could be stated in the appropriate announcement or tender documentation, the economic operator declares: [……] | [……] |
| If the relevant documentation that could be listed in the relevant advertisement or tender documentation is available electronically, please specify: | *(web address, issuing authority or body, precise reference to the documentation):*  *[……] [……] [……]* |

C: Technical and professional capacity

The economic operator should provide data only if the contracting authority requires these selection criteria in the appropriate advertisement or tender documentation to which the advertisement refers.

|  |  |
| --- | --- |
| Technical and professional capacity | Answer |
| 1a) For public procurement contracts for works: |  |
| In the reference period, [[28]](#footnote-28)the economic operator performed the following works of the defined type: | Number of years (period defined in the appropriate announcement or tender documentation):  [……]  Works: [… ..…] |
| If the relevant documentation on the satisfactory performance and outcome of the most important works is available in electronic form, please specify: | *(web address, issuing authority or body, precise reference to the documentation):*  *[……] [……] [……]* |
| 1b) For public procurement contracts for goods: |  |
| In the reference period, [[29]](#footnote-29)the economic operator delivered the following relevant goods[[30]](#footnote-30): | Number of years (period defined in the appropriate announcement or tender documentation):  [……] |
| 1c) For public procurement contracts for services: |  |
| In the reference period, [[31]](#footnote-31)the economic operator provided the following relevant services[[32]](#footnote-32): | Number of years *(period defined in the appropriate announcement or tender documentation):*  [……] |
| 2) The economic operator may engage the following technical persons or bodies[[33]](#footnote-33), in particular those responsible for quality control: | [………] |
| In the case of public works contracts, the economic operator may engage the following technical persons or bodies to carry out the works: | [………] |
| 3) The economic operator shall use the following technical means and measures for quality assurance and have the following means for study and research: | [………] |
| 4) The economic operator will be able to use the following supply chains and monitoring systems during the execution of the contract: | [………] |
| 5) For goods and services that are the subject of procurement, and which are complex in nature or necessary for a specific purpose: |  |
| The economic operator shall accept quality control[[34]](#footnote-34) with regard to the production or technical capacities of the economic operator and, if necessary, the means of study and research at its disposal and the quality control measures it will apply. | Yes  No |
| 6) The following educational and professional qualifications are held by: |  |
| a) the service provider or the contractor itself | a) [……] |
| *and/or* (depending on the requirements set out in the relevant procurement documents) |  |
| b) its managerial staff: | b) [……] |
| 7) The economic operator will be able to apply the following measures for environmental management during the execution of the contract: | [……] |
| 8) The average annual number of employees in the economic operator and the number of managerial staff for the last three years before the deadline for submission of bids, i.e., applications is: | year, average annual number of employees:  [………], [………],  [………], [………],  [………], [………],  year, number of managerial staff:  [………], [………],  [………], [………],  [………], [………] |
| 9) The economic operator will have the following tools, plant or technical equipment available for the execution of the contract: | [………] |
| 10) For public procurement contracts for goods: |  |
| The economic operator will submit the required samples, descriptions or photographs of the delivery product, which do not need to be accompanied by certifications of authenticity. | Yes  No |
| If the contracting authority requests certificates of authenticity, the economic operator declares that it will provide the required certificates. | Yes  No |
| If the relevant documentation is available electronically, please indicate: | *(web address, issuing authority or body, precise reference to the documentation):*  *[……] [……] [……]* |
| 11) In the case of public procurement contracts: |  |
| Can the economic operator provide the required certificates drawn up by official quality control institutes or agencies of recognised competence attesting the conformity of products clearly identified by references to the technical specifications or standards, which are set out in the relevant procurement documents? | Yes  No |
| If no, please explain why and indicate what other evidence can be provided: | [……] |
| If the relevant documentation is available electronically, please indicate: | *(web address, issuing authority or body, precise reference to the documentation):*  *[……] [……] [……]* |
| Technical and professional capacity for public procurement in the field of defence and security[[35]](#footnote-35) | Answer |
| 12) The economic operator shall use the following technical means and measures for quality assurance and have the following means for study and research, and internal rules concerning intellectual property: | [………] |
| 13)The economic operator shall accept quality control[[36]](#footnote-36) with regard to the production or technical capacities of the economic operator and, if necessary, the means of study and research at its disposal and the quality control measures it will apply. | Yes  No |
| 14) In the case of a public procurement contract which also covers installation or installation work or services, the following educational and professional qualifications shall be: |  |
| a) economic operator | a) [……] |
| *and/or* (depending on the requirements set out in the relevant procurement documents) |  |
| b) its management staff, in particular the person or persons responsible for providing services or managing the works. | b) [……] |
| 15) In order to meet any additional needs required by the contracting authority in case of crisis or to perform maintenance, modernisation or adjustment of delivery covered by the public procurement contract, the economic operator will have the following tools, materials, technical equipment, staff and knowledge and experience and/or sources of supply available for the performance of the contract: | [………] |
| 16) In the case of contracts involving, requiring and/or containing classified information: |  |
| Can an economic operator provide the required certificate for access to classified information of the level of protection requested by the contracting authority or an equivalent security certificate issued to the economic operator by another state? | Yes  No |

D: Quality Assurance Systems and Environmental Management Standards

The economic operator should provide data only if the contracting authority requires compliance of the economic operator with the relevant quality assurance standards and/or environmental management standards in the relevant advertisement or in the tender documentation to which the advertisement refers.

|  |  |
| --- | --- |
| Quality Assurance Systems and Environmental Management Standards | Answer |
| Will the economic operator be able to produce certificates drawn up by independent bodies attesting that the economic operator complies with the required quality assurance standards, including accessibility for disabled persons? | Yes  No |
| If no, please explain why and indicate what other evidence regarding the quality assurance system can be provided: | [………] [………] |
| If the relevant documentation is available electronically, please indicate: | *(web address, issuing authority or body, precise reference to the documentation):*  *[……] [……] [……]* |
| Will the economic operator be able to produce certificates drawn up by independent bodies attesting that the economic operator complies with the required environmental management systems or standards? | Yes  No |
| If no, please explain why and indicate what other evidence regarding environmental management systems or standards can be provided: | [………] [………] |
| If the relevant documentation is available electronically, please indicate: | *(web address, issuing authority or body, precise reference to the documentation):*  *[……] [……] [……]* |

Part V: Limiting the number of qualified candidates

The economic operator should provide information only if the contracting authority has determined objective and non-discriminatory criteria or rules that must be applied in order to limit the number of candidates who will be invited to submit a tender or to participate in the dialogue. This information, which may be accompanied by requests relating to certificates (or types of certificates) or supporting documents, if any, which must be provided, is set out in the relevant advertisement or in the documentation to which the advertisement refers.

Exclusively for restrictive procedure, competitive negotiated procedure, negotiated procedure with public call, competitive dialogue and innovation partnership.

|  |  |
| --- | --- |
| Limitation of the number | Answer |
| An economic operator shall meet objective and non-discriminatory criteria or rules applicable to limit the number of candidates as follows: | […….] |
| If certain certificates or other forms of supporting documents are required, indicate for each of them whether the economic operator has the necessary documents: | Yes  No[[37]](#footnote-37) |
| If any of these certificates or other forms of documentation are available in electronic form[[38]](#footnote-38), please indicate for each of them: | *(web address, issuing authority or body, precise reference to the documentation):*  *[……][……][……][[39]](#footnote-39)* |

Part VI: Final Statement[[40]](#footnote-40)

*I declare that the above information in Parts II - V is correct and true and that I am fully aware of the consequences of misrepresentation.*

*I declare that I am able, at the request of the contracting authority and without delay within the legally prescribed period, to submit evidence of compliance with the criteria for qualitative selection of the economic operator.*

*I agree to enable the contracting authority to obtain evidence, i.e., to inspect the evidence on the fulfilment of the criteria I stated in the Statement on the fulfilment of the criteria for qualitative selection of an economic operator by direct access to a free national database in Serbia or a third country.*

Yes, fully

Partially[[41]](#footnote-41), for Parts/Sections/Points:

No

1. The data should be copied from section I, item I.1 of appropriate advertisement. In the case of joint procurement, please state the names of all included contracting authorities. [↑](#footnote-ref-1)
2. Please see items II.1.1 (name) and II.1.4 (a short description) of appropriate advertisement. [↑](#footnote-ref-2)
3. For public contracting authorities: public invitation or notice on the implementation of the negotiation procedure without publishing a public invitation. For sectoral contracting authorities: periodic indicative notification when it is used as public invitation in the public procurement procedure, or notification on establishment of qualification system or notification on conducting the negotiation procedure without publication of a public invitation. [↑](#footnote-ref-3)
4. Please see item II.1.1 of appropriate advertisement. [↑](#footnote-ref-4)
5. Please repeat data on contact persons as many times as necessary. [↑](#footnote-ref-5)
6. Definition of micro, small and medium-sized legal entity or entrepreneur according to the Law on Accounting(“Official Gazette of the Republic of Serbia”, No. 73/2019). The data is needed for statistical purposes only.

   Micro *legal entities or entrepreneurs*: legal entity and entrepreneur that at the balance sheet date does not exceed limits of two of the following criteria: 1) average number of employees 10; 2) operating revenue of EUR 700,000 in the dinar counter value; 3) value of total assets EUR 350,000 in the dinar counter value.

   *Small legal entities or entrepreneurs*: legal entity and entrepreneur that at the balance sheet date exceeds the cap values of two criteria for micro legal entities, but does not exceed the cap values of two of the following criteria: 1) average number of employees 50; 2) operating revenue of EUR 8,800,000 in the dinar counter value; 3) value of total assets EUR 4,400,000 in the dinar counter value.

   *Medium legal entities or entrepreneurs*: legal entity and entrepreneur that at the balance sheet date exceeds the cap values of two criteria for small legal entities, but does not exceed the cap values of two of the following criteria: 1) average number of employees 250; 2) operating revenue of EUR 40,000,000 in the dinar counter value; 3) value of total assets EUR 20,000,000 in the dinar counter value. [↑](#footnote-ref-6)
7. Please see public invitation, item III.1.5. [↑](#footnote-ref-7)
8. That is, whose main goal is social and professional integration of persons in a disadvantaged position. [↑](#footnote-ref-8)
9. Article 128 of the Law. [↑](#footnote-ref-9)
10. Article 129 of the Law. [↑](#footnote-ref-10)
11. If there are, references and classification are stated in the certificate. [↑](#footnote-ref-11)
12. Separately as part of the group, consortium, joint venture etc. [↑](#footnote-ref-12)
13. E.g., for technical bodies involved in quality control: Part IV, Section C, point 2). [↑](#footnote-ref-13)
14. For example, in the case of competitive negotiated procedure or a competitive dialogue, as in other two-stage procedures, the ESPD is submitted in the first phase of the procedure. At that stage, the economic operator does not have to know whether it would engage subcontractors, so in that case it does not have to provide data on subcontractors here. [↑](#footnote-ref-14)
15. Criminal acts listed in Article 111, paragraph 1, item 1, of the Law:

    The criminal offence he/she committed as a member of an organised criminal group and criminal offense of organising for the purpose of committing criminal offences; the criminal offence of abuse of the position of the responsible person, the criminal offence of misconduct in connection with public, the criminal offence of taking bribe in performing an economic activity, the criminal offence of giving bribe in performing an economic activity, the criminal offence of abuse of official position, the criminal offence of trafficking in influence, the criminal offence of accepting bribe and the criminal offence of bribery; the criminal offence of fraud, the criminal offence of obtaining and using the loan and other benefits, the criminal offence of fraud in performing an economic activity and the criminal offence of tax evasion; the criminal offence of terrorism, criminal offence of public incitement to commit terrorist acts, the criminal offence of recruitment and training for the commission of terrorist acts and the criminal offence of terrorist association; the criminal offence of money laundering and the criminal offence of financing terrorism; the criminal offence of trafficking in human beings and the criminal offence of establishing a slavery relation and transportation of persons in slavery relation. [↑](#footnote-ref-15)
16. Please repeat as many times as necessary. [↑](#footnote-ref-16)
17. Please repeat as many times as necessary. [↑](#footnote-ref-17)
18. Please repeat as many times as necessary. [↑](#footnote-ref-18)
19. In accordance with the provisions of Article 113 of the Law. [↑](#footnote-ref-19)
20. Please repeat as many times as necessary. [↑](#footnote-ref-20)
21. As stated for the needs of this public procurement in the Law, corresponding advertisement or tender documentation. [↑](#footnote-ref-21)
22. As stated in the Law, corresponding advertisement or tender documentation. [↑](#footnote-ref-22)
23. Compulsory grounds for exclusion of economic operator from by-law regulating public procurement in the field of defence and security. [↑](#footnote-ref-23)
24. If the contracting authority envisaged them in the procurement documentation. See Article 112 of the Law. [↑](#footnote-ref-24)
25. For example, relation between assets and liabilities. [↑](#footnote-ref-25)
26. For example, relation between assets and liabilities. [↑](#footnote-ref-26)
27. Please repeat as many times as necessary. [↑](#footnote-ref-27)
28. The contracting authorities may **request** no more than five years, and if necessary to ensure the appropriate level of competition, even a period longer than five years. [↑](#footnote-ref-28)
29. The contracting authorities may **request** no more than three years, and if necessary to ensure the appropriate level of competition, even a period longer than three years. [↑](#footnote-ref-29)
30. **All** users (public and private) may be listed for the goods concerned. [↑](#footnote-ref-30)
31. The contracting authorities may **request** no more than three years, and if necessary to ensure the appropriate level of competition, even a period longer than three years. [↑](#footnote-ref-31)
32. **All** users (public and private) may be listed for the services concerned. [↑](#footnote-ref-32)
33. For technical persons or bodies that do not belong directly to the economic operator, but whose capacities the economic entity relies on as set out in Part II, a separate Form of Declaration (ESPD) must be completed in Section V. [↑](#footnote-ref-33)
34. The control is done by the contracting authority, or authorised entity authorised on its behalf in which the economic operator was incorporated, if it agrees to it. [↑](#footnote-ref-34)
35. Selection criteria related to the technical and professional capacity of the economic operator from the bylaw which regulates public procurement in the field of defence and security, which the contracting authority may determine, in addition to the evidence referred to in Article 124 of the Law (items 1-12 of this Chapter), in the public procurement procedure. [↑](#footnote-ref-35)
36. The control is done by the contracting authority, or authorised entity authorised on its behalf in which the economic operator was incorporated, if it agrees to it. [↑](#footnote-ref-36)
37. Please repeat as many times as necessary. [↑](#footnote-ref-37)
38. Please clearly state item to which the response refers. [↑](#footnote-ref-38)
39. Please repeat as many times as necessary. [↑](#footnote-ref-39)
40. This Final Statement is an integral part of the bid form, i.e., the application form that is automatically generated on the Public Procurement Portal during the preparation and submission of the bid or application.

    e-Statement on fulfilment of criteria for qualitative selection of an economic operator is an integrated functionality of the Public Procurement Portal. E-Statement is composed and submitted completely through the Public Procurement Portal. [↑](#footnote-ref-40)
41. Provided that the economic operator has submitted the necessary data *(website, competent authority or issuing body, precise reference to the documentation) which allows the contracting authority to do so.* *As needed, appropriate consent is necessary for such approach.* [↑](#footnote-ref-41)