

**Współfinansowane z unijnego systemu handlu
uprawnieniami do emisji (Funduszu Modernizacyjnego)**

Appendix No. 2 - Declaration of compliance with the conditions for participation in the proceedings

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name (company) of the Contractor

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registered office/place of residence/address of the Contractor

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Contractor's Tax Identification Number/Personal ID Number

STATEMENT

By joining the procurement procedure for **"Construction of the BESS-H5 electrical energy storage system with a maximum charging and discharging power of 2.0 MW and a nominal capacity of 5.15 MWh"** I declare on behalf of the Contractor that there are no circumstances that would exclude me from applying for the contract, in particular:

- I have not been declared bankrupt and no liquidation proceedings have been opened against me,
- I am not linked to the Ordering Party personally or by capital, where capital or personal links are understood as mutual links between the Ordering Party or persons authorized to incur obligations on behalf of the Ordering Party or persons performing on behalf of the Ordering Party activities related to the preparation and conduct of the procedure for selecting the Contractor and the Contractor, consisting in particular in:
 - a. participating in a company as a partner in a civil partnership or partnership,
 - b. owning at least 10% of shares or stocks (unless a lower threshold is provided for by law),
 - c. performing the function of a member of the supervisory or management body, proxy, or attorney,
 - d. being in a marital relationship, a relationship of kinship or affinity in a direct line, a relationship of kinship or affinity in the collateral line up to the second degree, or being related by adoption,

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- care or guardianship, or being in cohabitation with the contractor, his legal representative or members of the management or supervisory bodies of the contractors applying for the contract,
- e. being in such a legal or factual relationship with the contractor that there is a justified doubt as to their impartiality or independence in connection with the contract award procedure.
- I am not subject to exclusion from the proceedings under Article 7 paragraph 1 of the Act of April 13, 2022, on special solutions for counteracting support for aggression against Ukraine and for protecting national security (Journal of Laws of 2022, item 835, as amended)¹.
 - I am not on the list of persons and entities subject to sanctions, in accordance with the lists published on the website of the Public Information Bulletin of the Minister of Internal Affairs and Administration: <https://www.gov.pl/web/mswia/lista-osob-i-podmiotow-objetych-sankcjami> and <https://www.gov.pl/web/mswia/decyzje-ministra-swia-w-sprawie-wpisu-na-liste-sankcyjna>.
 - our company is not owned by Russian citizens for more than 50% or does not operate on behalf of and under the direction of a Russian citizen – verified based on the Central Register of Beneficial Owners: <https://crbr.podatki.gov.pl/>.
 - I have not breached my obligations regarding the payment of taxes, fees or social security or health insurance contributions, and in the event of arrears, the due taxes, fees or contributions have been settled together with interest or fines, or a binding agreement has been concluded on the repayment of these liabilities,

¹ Pursuant to Article 7 paragraph 1 of the Act of 13 April 2022 on special solutions for counteracting support for aggression against Ukraine and serving to protect national security, hereinafter referred to as the "Act", the following persons are excluded from a public procurement procedure or a competition conducted on the basis of the Public Procurement Law: 1) a contractor and a competition participant included in the lists specified in Regulation No. 765/2006 and Regulation No. 269/2014 or entered on the list on the basis of a decision on entry on the list deciding on the application of the measure referred to in Article 1 item 3 of the Act; 2) a contractor and a competition participant whose beneficial owner within the meaning of the Act of 1 March 2018 on counteracting money laundering and terrorism financing (Journal of Laws of 2022, items 593 and 655) is a person included in the lists specified in Regulation No. 765/2006 and Regulation No. 269/2014 or entered on the list or being such a beneficial owner from 24 February 2022, provided that the person was entered on the list on the basis of a decision on entry on the list deciding on the application of the measure referred to in Art. 1 item 3 of the Act; 3) a contractor and a competition participant whose parent entity within the meaning of Art. 3 sec. 1 point 37 of the Accounting Act of 29 September 1994 (Journal of Laws of 2021, items 217, 2105 and 2106), is an entity listed in the lists specified in Regulation 765/2006 and Regulation 269/2014 or entered on the list or being such a parent entity from 24 February 2022, provided that it was entered on the list on the basis of a decision on entry on the list deciding on the application of the measure referred to in Art. 1 point 3 of the Act.

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- none of the members of the management or supervisory bodies, partners in a general partnership or professional partnership or general partners in a limited partnership or limited joint-stock partnership or procurators of the Contractor has been finally convicted of a criminal offence:
 - a) of a terrorist nature, referred to in Article 115 § 20 and Article 165a of the Penal Code, against public security (Article 165a of the Penal Code), against the environment (Articles 181–188 of the Penal Code), against the rights of persons performing paid work (Articles 218–221 of the Penal Code), against the activities of state institutions and local government (Articles 228–230a of the Penal Code), against elections and referendums (Article 250a of the Penal Code), against public order (Article 258 of the Penal Code) and against the protection of information (Articles 270–309 of the Penal Code),
 - b) tax offence,
 - c) an offence specified in Article 9 or Article 10 of the Act of 15 June 2012 on the effects of entrusting work to foreigners staying illegally on the territory of the Republic of Poland (Journal of Laws, item 769),
- I have not been banned from applying for public contracts under the Act of 28 October 2002 on the liability of collective entities for acts prohibited under penalty (Journal of Laws of 2015, items 1212, 1844 and 1855 and of 2016, items 437 and 544),
- I have not entered into an agreement with other entities aimed at distorting competition, in particular I have not submitted separate applications to participate in the proceedings or offers within the same capital group within the meaning of the Act of 16 February 2007 on Competition and Consumer Protection.

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(place, date)

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(signature of the representative
authorized to represent the Contractor)