**Appendix 2**to the Tender Documents

**QUALIFICATION CRITERIA AND DOCUMENTS REQUIRED
TO CONFIRM THE COMPLIANCE OF THE PARTICIPANT'S PROPOSAL WITH THE QUALIFICATION CRITERIA AND OTHER REQUIREMENTS OF THE CUSTOMER**

**Table 1. Qualification requirements for participants in the procurement procedure**

|  |  |
| --- | --- |
| **Requirement** | **Documents and information confirming the Participant's compliance with the qualification criteria\*\*** |
| 1. Availability of equipment and material and technical base and technology | 1.1. Certificate of availability of equipment and material and technical base (in the form according to **Appendix 2.1** to the tender documentation).The list of equipment includes machines and mechanisms that must be used when performing work. The amount of equipment must be sufficient to perform the work in full.For documentary confirmation of the information specified in the reference, the participant must provide as part of his proposal copies of technical passports or copies of valid lease agreements (service provision) or copies of purchase/sale agreements, or copies of the vehicle registration certificate confirming that the participant has equipment, machines and mechanisms that will be involved in the performance of works (services). In the event that the current legislation does not provide for the mandatory availability of technical passports, vehicle registration certificates, the participant shall provide a copy of the balance sheet or inventory information as part of the offer for this equipment, machines and/or mechanisms. In the event that it is not possible to confirm the availability of the material and technical base with the documents listed above, the participants as part of the proposal provide an information certificate, drawn up in an arbitrary form, with justified reasons and an indication of the legal grounds. |
| 2. Availability of suitably qualified employees with the necessary knowledge and experience | 2.1. Information (**appendix 2.2**) regarding the availability of staff at the participant who has the appropriate qualifications to perform work in accordance with the subject of the procurement and in accordance with the requirements of the Terms of Reference;2.2. Participants in the tender offer must submit a copy of the qualification certificate of the architect or design engineer (design engineers), which was issued by the authorized body in accordance with the established form and is valid on the territory of Ukraine, for the possibility of the participant receiving a positive report (conclusion) of the state examinations in accordance with the current legislation of Ukraine. In the event that the Participant engages a design engineer (design engineers) to perform the works under the contract, the Participant shall provide, together with a copy of the qualification certificate of the design engineer, the contract on the involvement of this design engineer to perform the workAlso, information on engineering and technical employees and information on employees of working professions, as well as the total number of employees according to the staffing schedule, must be indicated in the certificate. The participant must have the main engineering and technical workers necessary to ensure the performance of the works:- Civil engineer;- Designer;- Master;- Engineer estimator;- Architect or design engineer;- Safety Engineer. |
| 3. Availability of documented experience in the implementation of a similar contract | 3.1. A certificate of experience in the execution of a similar contract, which is the subject of procurement (in the form according to Appendix 2.3 to the tender documentation), which contains a list of similar (relevant) design and construction works with documentary confirmation of the services provided/works performed by the participant for the past 5 years.Contracts regarding the design and construction of facilities according to the class of consequences (responsibility) not lower than SS2) are considered to be similar in terms of type of work.3.2. To confirm the information specified in the certificate (clause 3.1), the participant must provide a copy (s) of the specified contract (s). Documents confirming their implementation (acts of completed works drawn up in the KB-2b form and/or certificates of the cost of the completed works drawn up in the KB-3 form); a copy of the positive feedback letter(s) from the counterparty(s)/customer(s) regarding the performance of similar works by the participant; if available: a copy of the act of facility readiness for operation or information about the document that confirms the object's readiness for operation (the number of the declaration on the object's readiness for operation or the certificate certifying the conformity of the completed object. |

*\*\*In the case of participation of an association of participants, confirmation of compliance with the qualification criteria is carried out taking into account the generalized combined indicators of each member of such an association on the basis of the information provided by the association.*

**2. Confirmation**of the absence of the grounds specified in paragraph 47 of the Features**.**

When submitting a tender proposal in the electronic procurement system, the customer shall not require the participant of the procurement procedure to provide any documents confirming the absence of the grounds specified in paragraph 47 of the Specifics (except for paragraph fourteen of this paragraph), except for self-declaration of the absence of such grounds by the participant of the procurement procedure in accordance with paragraph sixteen of paragraph 47 of the Specifics.

The participant of the procurement procedure confirms the absence of the grounds specified in clause 47 of the Specifics (except for subparagraphs 1 and 7, paragraph fourteen of this clause) by independently declaring the absence of such grounds in the electronic procurement system when submitting a tender proposal.

Based on the results of consideration of the tender proposal of the participant of the procurement procedure, the customer independently confirms in the electronic procurement system that the participant of the procurement procedure does not have the grounds specified in subparagraphs 1 and 7 of this paragraph.

To confirm the absence of the grounds specified in paragraph fourteen of clause 47 of the Specifics, the Participant must provide:

1). A certificate/information in an arbitrary form that the participant has fulfilled its obligations under the procurement contracts concluded within the last three years with the State Customs Service of Ukraine. If the participant in the procurement procedure did not fulfill his obligations under the previously concluded procurement contracts with the State Customs Service of Ukraine, which led to its early termination, and sanctions were applied in the form of fines and/or compensation for damages - within three years from the date of such early termination contract, such a Participant can provide confirmation of taking measures to prove its reliability (for this, the Participant (entity) must prove that it has paid or has undertaken to pay the relevant obligations and compensation for the losses incurred). If the Customer considers such confirmation sufficient, the Participant may not be denied participation in the procurement procedure.

*If, at the time of submission of the tender proposal by the participant in the electronic procurement system, there is no technical possibility for the participant to confirm the absence of certain grounds specified in paragraph 47 of the Specifics by self-declaration in the electronic system, then the fact of submission of the tender proposal is considered to be an independent declaration of the absence of such grounds for refusing to participate in the tender in accordance with the requirements of paragraph 47 of the Specifics.*

**2. Other documents from the Participant required by the Customer**

|  |  |
| --- | --- |
| **Requirement** | **Documents confirming compliance information** |
| 2. Information about the Participant | - a copy of the document confirming the participant's registration on the territory of Poland:- a copy of a document confirming that the participant has been conducting business on the territory of Poland for at least three years;- a copy of the document confirming the participant's payment of taxes and deductions for social insurance in the Republic of Poland;- a copy of the participant's financial statements for the past three years, with documents confirming the participant's profitability or an explanatory note outlining and justifying all circumstances that caused unprofitability |

**3. Other information is established in accordance with the law (for PARTICIPANTS - legal entities, individuals and individual entrepreneurs.**

|  |
| --- |
| **Other documents from the Participant:** |
| **1** | If the tender proposal is submitted not by the head of the participant specified in the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations, but by another person, the participant shall provide a power of attorney or power of attorney for such person. |
| **2** | **Reliable information in**the form of a certificate of any form, which indicates data on the availability of a valid license or a permit document to carry out a type of economic activity, if obtaining a permit or license to carry out such type of activity is provided for by law. Instead of a *certificate of any form, the participant can provide a valid license or a permit document* |
| **3** | A letter of guarantee from the Participant with the following content:"By this letter, we confirm that the Procurement Participant – the name of the Participant is not subject to special economic and other restrictive measures provided for by the Law of Ukraine "On Sanctions", or special sanctions for violation of the legislation on foreign economic activity, as well as any other circumstances and measures of a regulatory, administrative or other nature that prevent the conclusion and/or execution of the procurement contract."  |
| **4** | Letter of approval of the Participant with the terms of the draft Contract, contained **in Appendix 5** to the tender documents. |
| **5** | A certificate drawn up in any form, which contains information about the founder and ultimate beneficial owner of the participant, in particular: the name of the legal entity that is the founder of the participant, its location and country of registration; surname, first name and patronymic of the founder and/or ultimate beneficial owner, address of his place of residence and citizenship.*This certificate is provided only by participants who are legal entities and only during the period when the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations is not functioning. Information about the ultimate beneficial owner is indicated in the certificate only by participants – legal entities, who must have such information in the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations in accordance with paragraph 9 of part 2 of Article 9 of the Law of Ukraine "On State Registration of Legal Entities, Individual Entrepreneurs and Public Organizations".* |
| **6** | If the participant or its ultimate beneficial owner, member or participant (shareholder) with a share in the authorized capital of 10 percent or more is a citizen of the Russian Federation / Republic of Belarus and resides on the territory of Ukraine on legal grounds, the participant must provide in respect of the following persons as part of the tender offer:-       a military ID issued to a foreigner who has duly concluded a contract for military service in the Armed Forces of Ukraine, the State Special Transport Service or the National Guard of Ukraine,*or*-       refugee certificate or a document confirming the granting of asylum in Ukraine,*or*-       identity card of a person in need of additional protection in Ukraine,*or*-       identity card of a person who has been granted temporary protection in Ukraine,*or*an extract from the register of the territorial community confirming the registered or declared place of residence (stay) of the person together with a temporary residence permit or a permanent residence permit or a visa. |
| **7** | Certificate that the Participant is not a person associated with the aggressor state in respect of which a moratorium (ban) has been established on the fulfillment, including enforcement, of monetary and other obligations (in accordance with the Resolution of the Cabinet of Ministers of Ukraine "[On ensuring the protection of national interests in future claims of the state of Ukraine in connection with the military aggression of the Russian Federation" dated 03.03.2022 No. 187](file:///%5C%5C10.5.67.17%5C_PRotokols%5C2022%5C%D0%B4%D0%BE%D0%BA%D1%83%D0%BC%D0%B5%D0%BD%D1%82%D0%B8%20%D0%B2%20%D0%B2%D0%BE%D1%94%D0%BD%D0%BD%D0%B8%D0%B9%20%D1%87%D0%B0%D1%81%5C%D1%81%D0%BF%D1%80%D0%BE%D1%89%D0%B5%D0%BD%D1%96%5C%D0%9E%D0%B1%D0%BB%D0%B0%D0%B4%D0%BD%D0%B0%D0%BD%D0%BD%D1%8F%5C7%20%D0%BF%D1%96%D0%B4%D1%88%D0%B8%D0%BF%D0%BD%D0%B8%D0%BA%D0%B8%5C7%20%D0%BF%D1%96%D0%B4%D1%88%D0%B8%D0%BF%D0%BD%D0%B8%D0%BA%D0%B8.docx#Text))). |

*Notes:*

1. *If the tender documentation requires the provision of documents that are not provided for in the activities of the participant, he shall provide a certificate in any form indicating the relevant fact and with reference to the regulatory documents confirming it.*

2. In case of postponement of the deadline for submission of bids*, the documents submitted as part of the bidder's bid shall be valid as of the final date of the deadline for submission of bids.*

*3.       Non-resident bidders shall submit the documents specified in these tender documents
taking into account the peculiarities of the legislation of the country in which this Participant is registered (analogues of documents). In case of submission of the document, the Non-Resident Participant must provide a letter indicating the document instead of which he submitted such a document.*

**Appendix 2.1**to the Tender Documents

*ON THE PARTICIPANT'S LETTERHEAD (if available)*

**INFORMATION
ON THE AVAILABILITY OF EQUIPMENT AND MATERIAL AND TECHNICAL BASE AND TECHNOLOGY**

*(name/full name of the participant),*in compliance with the requirements of Article 16 of the Law of Ukraine "On Public Procurement" and tender documentation, informs about the availability of the necessary equipment and material and technical base in accordance with the qualification criteria established by the Customer, namely:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Salary No. | Name of equipment | Quantity | Technical condition | Notes (ownership, rent, etc.) |
|   |   |   |   |   |
|   |   |   |   |   |

***(Position, surname, initials, signature of the authorized person of the participant)***

**Appendix 2.2**to the Tender Documents

*Form*

*ON THE PARTICIPANT'S LETTERHEAD (if available)*

**INFORMATION
ON THE AVAILABILITY OF EMPLOYEES WITH APPROPRIATE QUALIFICATIONS,
WHO HAVE THE NECESSARY KNOWLEDGE AND EXPERIENCE**

*(name/full name of the participant),*in compliance with the requirements of Article 16 of the Law of Ukraine "On Public Procurement" and tender documentation, informs about the availability of employees of appropriate qualifications in the enterprise who have the necessary knowledge and experience for the proper fulfillment of the terms of the procurement contract, namely:

|  |  |  |  |
| --- | --- | --- | --- |
| Salary No. | NAME | Post | Work experience |
|   |   |   |   |
|   |   |   |   |

*(Position, surname, initials, signature of the authorized person of the Participant, certified by the seal (if any)*

**Appendix 2.3**to the Tender Documents

*Form*

*ON THE PARTICIPANT'S LETTERHEAD (if available)*

**INFORMATION
ON THE EXPERIENCE OF EXECUTING A SIMILAR CONTRACT**

*(name/full name of the Participant)*in pursuance of the requirements of Article 16 of the Law of Ukraine "On Public Procurement" and tender documentation, informs about the experience of implementing a similar contract, namely:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Salary No. | Date and number of the contract | Name of the customer | Subject of the Agreement | Contract amount | General term of the contract |
|   |   |   |   |   |   |
|   |   |   |   |   |   |

*(Position, surname, initials, signature of the authorized person of the Participant, certified by the seal (if any))*