

STATEMENT

- 1) We hereby confirm that we fully agree with the terms and conditions stated in the documentation regarding the supply of ammonia, that we have taken them into account in full in the preparation of our tender for the provision of services and that we will execute the subject of the public contract under the aforementioned terms and conditions. In the event that additional documents and/or information comprising different terms and conditions are attached to our tender documentation, we hereby declare that the terms and conditions from the Employer's documentation shall apply and that the additional documents and/or information are irrelevant.
- 2) By submitting this tender, we provide the supply of ammonia fully in line with the documentation relating to the award of the public contract from the preceding paragraph.
- 3) In the event of entering into the framework agreement, we undertake to provide the supply of ammonia within the agreed deadlines as well as within the deadlines set out in the terms and conditions of the Employer.
- 4) Our tender shall be valid for at least 180 days from the date on which the deadline for the submission of tenders expires and shall remain binding and available to the Employer at any time before the expiry of this deadline. We agree that under exceptional circumstances, provided the Employer so requires, we will extend the validity of the tender for an additional period of time determined by the Employer.
- 5) The application/tender is submitted as a whole, together with tender documents, other attached information and statements requested in the documentation relating to the award of the public contract, and shall, together with your decision on the selection of the best tenderer and any subsequent tender coordination documentation constitute the basis for the framework agreement.
- 6) We have carefully examined the documentation relating to the award of the public contract that was made available by the Employer, got acquainted with the restrictions and conditions for the provision of goods/services and took them into consideration in the preparation of our tender.
- 7) We hereby state that all the data comprised in the tender are true, reliable and correspond to the actual state. Should, during the tender process, any circumstances arise which could affect the actual state communicated to the Employer, we shall inform them forthwith of any such circumstance.
- 8) We hereby declare that we meet the requirements under the applicable Slovene legislation for the entire duration of the tender process for the supply of ammonia and we agree with the jurisdiction of the Slovene courts in the event of potential disputes.
- 9) We hereby state that we have sufficient capacities to provide the goods under this public contract. We also state that our financial situation is sufficient to provide the goods under this public contract and that we have the ability to provide the goods under the public contract.
- 10) In the event that we offer to deliver the goods by tank trucks, we declare that we have and the carrier/driver of the tanker has the appropriate authorisations for the carriage of dangerous goods by road in accordance with ADR.
- 11) If we offer to supply goods by rail, we declare that we have, or the carrier has, the appropriate authorisations for the carriage of dangerous goods by rail by tank wagons in accordance with RID.
- 12) We agree that the Employer is under no obligation to accept any of the applications/tenders received, that the tenderer and all other entities shall bear the cost relating to the preparation and submission of the application/tender, i.e., all the cost relating to the participation in the tender

procedure, and that in no event, not even in the event of the Employer's withdrawal from the award of the contract, shall the tenderer or any other economic operator be reimbursed for any of its cost.

13) The tenderer shall ensure that the e-mail address provided by them in the e-JN system is operational and acknowledges the fact that the Employer accepts no responsibility for non-receipt of e-mails sent to the e-mail address provided. The moment an e-mail is sent via the e-JN system or the procurement portal to the e-mail address indicated, the tenderer shall be deemed to have received it.

14) We hereby state that we fully agree with the wording of the model framework agreement which is attached hereto.

15) We declare that we fully comply with the selection criteria set out in the contract award documentation.

16) We declare that in relation to us no grounds for exclusion referred to in point 8.1.1 of the contract award documentation exist.

Place and date: The tenderer confirms the foregoing by submitting ESPD.

Signature of a subcontractor/capacities of other economic operator/co-tenderer in the joint tender, provided the tenderer participates in a joint tender/engages subcontractors or capacities of another economic operator:

Name and surname: _____

Position: _____

Signature: _____

Date: _____

TENDERER/CO-TENDERER DETAILS

TENDERER

Full company name:	
Company's short name:	
Company's registered office:	
Legal representative:	
Authorised person:	
Number of employees:	
ID/tax number:	
Company registration number:	
Current account number:	
Telephone:	
E-mail:	
Person authorised for negotiations and signature of the framework agreement:	

CO-TENDERER

Co-tenderer's full name:	
(Co-tenderer's short name):	
Company's registered office:	
Legal representative:	
Authorised person:	

TENDER

Tender number	
---------------	--

Place and date: The tenderer confirms the foregoing by submitting the tender via the e-JN system.

APPOINTMENT OF THE PERSON RESPONSIBLE FOR THE PREPARATION OF THE TENDER

Tenderer

hereby appoints

Name and surname	
Education	
Position within the company	
Address	
Telephone	
E-mail	

who shall be responsible for the preparation of the tender in line with this contract award documentation and is authorised to represent us in all the matters relating to the tender until the time of the signing of the framework agreement.

Place and date: The tenderer confirms the foregoing by submitting the tender via the e-JN system.

COMPANY
COMPANY
COMPANY

STATEMENT ON THE JOINT TENDER

In relation to the tender for the supply of ammonia we hereby state:

- that in the implementation of this public contract we participate in a joint tender;
- that under this statement we hereby authorise (name, firm) as the lead company, i.e., to represent us vis-a-vis the Employer; and
- that we shall be jointly and severally liable to the Employer for the implementation of this public contract.

Lead company legal representative

Member legal representative

Member legal representative

Member legal representative

In the event of a joint tender, a legal act on the joint implementation of the contract shall be submitted.

Place and date:

Economic operator who authorises the lead partner shall confirm the foregoing by submitting the lead partner's tender via the e-JN system.

**STATEMENT ON THE PARTICIPATION OF NATURAL AND LEGAL PERSONS IN THE CAPITAL
OF THE TENDERER**

As regards the public contract "Supply of ammonia" published on the public procurement portal on _____ under notice number _____ and in accordance with Article 14(6) of ZintPK of the Republic of Slovenia we hereby give the following

**STATEMENT ON THE PARTICIPATION OF NATURAL AND LEGAL PERSONS IN THE CAPITAL
OF THE ECONOMIC OPERATOR**

I, the undersigned legal representative of the economic operator (company name/name of the economic operator, company registration no., address):

Direct and indirect participation in the ownership of the economic operator:

1) Participation of natural persons

Name and surname	Residence address	Ownership stake

2) Participation of legal persons¹

Company name	Registered office	Company registration no.	Ownership stake	Owners of ownership stakes/company shares

3) Participation of **silent partners in the economic operator or owners of the economic operator**

Firm/name and surname	Registered office/residence address	Company registration no./national ID number	Ownership stake

¹For public limited companies only those shareholders shall be stated who, indirectly or directly, hold more than five percent of the company's shares or have more than a five percent share in the company's founders' rights, management or capital.

4) **Participation of economic operators associated with the economic operator or owners of the economic operator - companies associated to the economic operator and owners of the economic operators**²

Company name	Registered office	Company registration no.	Ownership stake

I, the economic operator, hereby give my consent for the Employer to submit this statement or data comprised herein to the Commission for the Prevention of Corruption in accordance with article 14(6) of ZintPK. The Employer shall be obliged to protect the statement in accordance with the Personal Data Protection Act.

The economic operator represents and warrants that the data comprised herein is up to date, true and accurate. If the economic operator submits a false statement or provides inaccurate data regarding the facts contained in the statement, this shall lead to a nullity of the contract/framework agreement.

The economic operator explicitly represents and warrants that they stated all natural persons that, either directly or indirectly, have a participating stake in the capital of the economic operator.

Name and surname: _____

Position: _____

Signature: _____

Date: _____

² The definitions of associated companies in Article 527 of the Companies Act (Official Gazette of RS No. 65/2009-ZGD-1-UPB1, as amended) shall apply.

LIST OF SUBCONTRACTORS

The tenderer hereby declares (please circle a) or b) as applicable)

A) that we shall implement the public contract "Supply of ammonia" with the following subcontractors:

Subcontractor	Type of the provision of goods/services	Value of the provision of goods/services	Deadline for the provision of goods/services	Proportion in the tender value of the provision of goods/services

We hereby declare that

- during the implementation of the public contract, we will inform the Employer of any changes to the information referred to in point a) and provide information on any new subcontractors that we subsequently intend to include in the implementation of the contract, no later than five days after the change.

Place and date: The tenderer confirms the foregoing by submitting the tender via the e-JN system.

b) We hereby declare that no subcontractors are involved

We are aware of the fact that if we fail to notify all the subcontractors, the Employer may terminate the framework agreement on grounds of fault if they discover at a later stage that we engaged subcontractors or subcontractors which we failed to notify, even if at the time of tender submission the subcontracting relationship had already been in place.

Place and date: The tenderer confirms the foregoing by submitting the tender via the e-JN system.

SUBCONTRACTOR DETAILS

Employer: Termoelektrarna Šoštanj d.o.o., Cesta Lole Ribarja 18, 3325 Šoštanj

Subject: Supply of ammonia

SUBCONTRACTOR

Full company name:	
Company's short name:	
Company's registered office:	
Legal representative:	
Authorised person:	
Number of employees:	
ID/tax number:	
Company registration number:	
Current account number:	
Telephone:	
E-mail:	

Place and date: The tenderer confirms the foregoing by submitting the tender via the e-JN system.

If there is more than one subcontractor involved, the data should be submitted for each of them separately.

APPENDIX No. 9

(To be completed only if a subcontractor's request for direct payment is attached)

Contractor: _____ (*Tenderer's name and address*)

Subcontractor: _____ (*Subcontractor's name and address*)

CONSENT AND AUTHORISATION OF THE CONTRACTOR AND SUBCONTRACTOR

For the subject of the public contract "Supply of ammonia" the contractor authorises the Employer and states the following:

- in the event we are selected as the best tenderer, we hereby authorise the Employer to make any payments for the work subcontracted directly to subcontractors based on an a preliminarily approved invoice/statement;
- in the event we are selected as the best tenderer, we hereby state to be fully responsible for subcontracted works listed in Appendix No. 6;
- we hereby state to attach to our invoices/statements the invoices/statements of our subcontractors approved beforehand by us.

In our capacity as a subcontractor, we hereby state, that:

- the Employer shall pay our receivables due from the tenderer (i.e., the tenderer who subcontracted works to us), which shall proceed from the work performed under the relevant public contract, directly to our current account, i.e., on the basis of issued statements approved beforehand by the tenderer; any such statements shall be attached to the invoices issued by the tenderer to the Employer.

The tenderer and subcontractor confirm the foregoing by submitting the Statement – Appendix No. 2. via the e-JN system.

If there is more than one subcontractor involved, the appendix should be completed for each of them separately.