



Javni holding Ljubljana

Energetika Ljubljana · Voka Snaga · LPP

JAVNI HOLDING Ljubljana, d.o.o.

Verovškova ulica 70  
1000 Ljubljana

T +386 1 474 08 00

F +386 1 474 08 11

E info@jhlsi

S www.jhlsi

Datum: 22. 5. 2025

ZADEVA: POJASNILO ŠT. 1 K RAZPISNI DOKUMENTACIJI ŠT. **ENLJ-SPV-117/25 - Zamenjava pregrevalnika 2 in 3 v kotlu 3 po sklopih**

**1. Dne 20. 5. 2025 smo po elektronski pošti prejeli vprašanje potencialnega ponudnika z naslednjo vsebino:**

»Dear whom it may concern, In regards to the two (2) certificates mentioned below (which are part of this tender submission), can these certificates be used for this tender submission considering they were issued on 07.01.2025? Is there a certain requirement on the latest issue date, validity, etc.....

o certificate from the criminal record for natural persons (issued on 07.01.2025)

o certificate from the criminal record for a legal entity (issued on 07.01.2025)

Thank you.«

*V kolikor je naročnik pravilno razumel postavljeno vprašanje potencialnega ponudnika je prevod vprašanja naslednji:*

»Spoštovani, ki vas to morda zadeva, glede spodaj omenjenih dveh (2) potrdil (ki sta del te ponudbe), ali se ti potrdili lahko uporabita za to ponudbo, glede na to, da sta bili izdani 07.01.2025? Ali obstaja določena zahteva glede zadnjega datuma izdaje, veljavnosti itd. ...

- potrdilo iz kazenske evidence za fizične osebe (izdano 07.01.2025)

- potrdilo iz kazenske evidence za pravne osebe (izdano 07.01.2025)

Hvala.«

Odgovor na zgornje vprašanje potencialnega ponudnika:

V zvezi z dokazovanjem neobstoja razlogov za izključitev iz prvega odstavka 75. člena ZJN-3, je z novelo ZJN-3D uvedena povezava sistema e-Dosje s Centralno kazensko evidenco in naročniki sami preverjajo tudi ta izločitveni razlog (razen pri tujih gospodarskih subjektih, kjer lahko preverijo le nekaznovanost v Sloveniji, ne v njihovi matični državi).

V 77. členu ZJN-3 je v tretjem odstavku določeno, da kot zadosten dokaz, da ne obstaja razlog za izključitev iz 75. člena tega zakona, naročnik v zvezi s prvim odstavkom 75. člena tega zakona kot dokazilo sprejme izpis iz ustrezne evidence, kakršna je kazenska evidenca in le-ta ni starejši od 4 mesecev, šteto od roka za oddajo prijav ali ponudb, ali je pridobljen najpozneje v 90 dneh od roka za oddajo prijav ali ponudb, če tega registra ni, pa enakovreden dokument, ki ga izda pristojni sodni ali upravni organ v Republiki Sloveniji, drugi državi članici ali matični državi ali državi, v kateri ima sedež gospodarski subjekt, in iz katerega je razvidno, da ne obstajajo razlogi za izključitev.

Potrdila iz kazenske evidence za pravne in fizične osebe, izdane 7.1.2025 so torej neustrezne, saj so starejše od 4 mesecev, šteto od roka za oddajo ponudbe (tj. 10.6.2025).

Družba je imetnik polnega certifikata Družini prijazno podjetje in naprednega krovnega certifikata Družbeno odgovoren delodajalec.

Družba za izvajanje strokovnih in razvojnih nalog na področju gospodarskih javnih služb reg. pri Okrožnem sodišču v Ljubljani, št. reg. vložka 1/25680/00, matična št.: 5860193, osnovni kapital: 151446841 EUR, TR: NLB 02924-0012614747, ID št. za DDV: SI57209294, predsednica nadzornega sveta: Jadranka Dakić.



Ne glede na zgoraj navedeno, lahko, če država članica ali tretja država dokumentov in potrdil iz drugega odstavka tega odgovora ne izdaja ali če ti ne zajemajo vseh primerov iz 1. in 2. odstavka, ter b) točke 4. odstavka 75. člena ZJN-3, jih je mogoče nadomestiti z zapriseženo izjavo, če ta v državi članici ali tretji državi ni predvidena, pa z izjavo določene osebe, dano pred pristojnim sodnim ali upravnim organom, notarjem ali pred pristojno poklicno ali trgovinsko organizacijo v matični državi te osebe ali v državi, v kateri ima sedež gospodarski subjekt.

*Naročnik je **pripravil izjave (Priloga 3/3) katere lahko (ni pa nujno) gospodarski subjekt uporabi za dokazovanje izpolnjevanja pogojev**, v primeru, da pristojni državni organi ne izdajajo tovrstnih dokazil ali če ti ne zajemajo vseh primerov.*

**2. Dne 21. 5. 2025 smo po elektronski pošti prejeli vprašanje potencialnega ponudnika z naslednjo vsebino:**

» Dear whom it may concern, Can the exact same EPSD document (signed pdf and xml versions) be used for this tender ENLJ-SPV-117/25 , that were submitted for the previously conducted negotiation procedure with publication no. JPE-SPV-397-24 for lot 1? Both ENLJ-SPV-117/25 & JPE-SPV-397-24 are for the same project (Zamenjava pregrevalnika 2 in 3 v kotlu 3 po sklopih). Thank you in advance.«

*V kolikor je naročnik pravilno razumel postavljeno vprašanje potencialnega ponudnika je prevod vprašanja naslednji:*

»Spoštovani, ali se lahko za ta razpis ENLJ-SPV-117/25 uporabi popolnoma isti dokument EPSD (podpisani različici pdf in xml), ki je bil predložen v predhodno izvedenem postopku pogajanj z objavo št. JPE-SPV-397-24 za sklop 1? Tako ENLJ-SPV-117/25 kot JPE-SPV-397-24 se nanašata na isti projekt (Zamenjava pregrevalnika 2 in 3 v kotlu 3 po sklopih). Vnaprej hvala.«

Odgovor na zgornje vprašanje potencialnega ponudnika:

Gospodarski subjekt lahko v skladu s 4 odstavkom 79. člena ZJN-3 ponovno uporabi ESPD, ki ga je uporabil v prejšnjem postopku javnega naročanja (JPE-SPV-397/24), če potrdi, da so informacije v njem še vedno točne in ustrezne ter v skladu z naročnikovimi zahtevami za predmetno naročilo št. ENLJ-SPV-117/25.

**Naročnik meni, da objavljen odgovor ni razlog za podaljšanje roka za oddajo ponudbe.**

To pojasnilo postane sestavni del razpisne dokumentacije.

*Pojasnilo je bilo dne, 22. 5. 2025 objavljen tudi na Portalu javnih naročil.*

Lepo pozdravljeni!

JAVNI HOLDING Ljubljana  
Sektor za javna naročila



Naročnik je v nadaljevanju pripravil osnutke izjav v angleškem jeziku, katere lahko (ni pa nujno) gospodarski subjekt uporabi za dokazovanje izpolnjevanja pogojev v skladu z zahtevami in pogoji razpisne dokumentacije, v primeru, da pristojni državni organi ne izdajajo tovrstnih dokazil ali če ti ne zajemajo vseh primerov.

Vsak gospodarski subjekt nosi odgovornost, da predloži zahtevana potrdil oziroma dokazila ali izjave za vsako osebo, ki je članica upravnega, vodstvenega ali nadzornega organa gospodarskega subjekta ali ki ima pooblastila za njegovo zastopanje ali odločanje ali nadzor v njem.

Ponudnik **mora** obrazce oziroma izjave preko sistema e-JN naložiti **v Razdelek »DOKUMENTI«, del »Ostale priloge«**.



## STATEMENT ON THE BASIC SUITABILITY FOR LEGAL ENTITIES

**Note:** This statement is a draft statement that can be used (but not necessarily) by the economic operator to prove the fulfilment of conditions, if the competent national authorities do not issue such proofs or where such do not cover all cases.

Public contract, no. ENLJ-SPV-117/25 – “Zamenjava pregrevalnika 2 in 3 v kotlu 3 po sklopih”

Name of economic operator:	
Head office/Address of the economic operator:	
Tax number (or another national number):	
Registration number (or another national number):	

By signing this statement, the undersigned legal representative \_\_\_\_\_  
(name, surname, function), for the economic operator \_\_\_\_\_  
(name of economic operator), under criminal and material responsibility, hereby declare that on the date the deadline for the submission of tenders of the above public contract as well as at the moment of the statement:

**1. our economic operator has not been the subject of a conviction by final judgment that has elements of the following criminal offences stated in Article 75, Paragraph 1 of ZJN-3 or set forth in the Criminal Code (Official Gazette of RS, no. 50/12 – official consolidated text, with amendments; hereinafter also: KZ-1):**

terrorism (Article 108 of KZ-1), financing of terrorist activities (Article 109 of KZ-1), incitement and public glorification of terrorist activities (Article 110 of KZ-1), conscripting and training for terrorist activities (Article 111 of KZ-1), enslavement (Article 112 of KZ-1), trafficking in human being (Article 113 of KZ-1), acceptance of bribe during the election or ballot (Article 157 of KZ-1), violation of fundamental rights of employees (Article 196 of KZ-1), fraud (Article 211 of KZ-1), abuse of a position of monopoly (Article 225 of KZ-1), false bankruptcy (Article 226 of KZ-1), defrauding creditors (Article 227 of KZ-1), business fraud (Article 228 of KZ-1), fraud to the detriment of European Communities (Article 229 of KZ-1), fraud in obtaining loans and benefits (Article 230 of KZ-1), fraud in securities trading (Article 231 of KZ-1), deception of purchasers (Article 232 of KZ-1), unauthorised use of another's mark or model (Article 233 of KZ-1), unauthorised use of another's patent or topography (Article 234 of KZ-1), forgery or destruction of business documents (Article 235 of KZ-1), disclosure and unauthorised acquisition of trade secrets (Article 236 of KZ-1), breaking into business information systems (Article 237 of KZ-1), abuse of insider information (Article 238 of KZ-1), abuse of financial instruments market (Article 239 of KZ-1), abuse of position or trust in business activity (Article 240 of KZ-1), unauthorised acceptance of gifts (Article 241 of KZ-1), unauthorised giving of gifts (Article 242 of KZ-1), counterfeiting money (Article 243 of KZ-1), fabrication and use of counterfeit stamps of value or securities (Article 244 of KZ-1), money laundering (Article 245 of KZ-1), presentation of bad cheques and abuse of bank or credit cards (Article 246 of KZ-1), use of a counterfeit bank, credit or other card (Article 247 of KZ-1), fabrication, acquisition and disposal of instruments of forgery (Article 248 of KZ-1), tax evasion (Article 249 of KZ-1), smuggling (Article 250 of KZ-1), abuse of office or official duties (Article 257 of KZ-1), harm to public funds (Article 257a of KZ-1), disclosure of classified information (Article 260 of KZ-1), acceptance of bribes (Article 261 of KZ-1), giving bribes (Article 262 of KZ-1), accepting benefits for illegal intermediation (Article 263 of KZ-1), giving gifts for illegal intervention (Article 264 of KZ-1), criminal association (Article 294 of KZ-1);



2. the entity or all entities who are member of the administrative, managerial or supervisory body or who have powers for its representation or decision-making or control, have not been the subject of a conviction by final judgment that has elements of the following criminal offences stated in Article 75, Paragraph 1 of ZJN-3 or set forth in the Criminal Code (Official Gazette of RS, no. 50/12 – official consolidated text, with amendments; hereinafter also: KZ-1):

terrorism (Article 108 of KZ-1), financing of terrorist activities (Article 109 of KZ-1), incitement and public glorification of terrorist activities (Article 110 of KZ-1), conscripting and training for terrorist activities (Article 111 of KZ-1), enslavement (Article 112 of KZ-1), trafficking in human being (Article 113 of KZ-1), acceptance of bribe during the election or ballot (Article 157 of KZ-1), violation of fundamental rights of employees (Article 196 of KZ-1), fraud (Article 211 of KZ-1), abuse of a position of monopoly (Article 225 of KZ-1), false bankruptcy (Article 226 of KZ-1), defrauding creditors (Article 227 of KZ-1), business fraud (Article 228 of KZ-1), fraud to the detriment of European Communities (Article 229 of KZ-1), fraud in obtaining loans and benefits (Article 230 of KZ-1), fraud in securities trading (Article 231 of KZ-1), deception of purchasers (Article 232 of KZ-1), unauthorised use of another's mark or model (Article 233 of KZ-1), unauthorised use of another's patent or topography (Article 234 of KZ-1), forgery or destruction of business documents (Article 235 of KZ-1), disclosure and unauthorised acquisition of trade secrets (Article 236 of KZ-1), breaking into business information systems (Article 237 of KZ-1), abuse of insider information (Article 238 of KZ-1), abuse of financial instruments market (Article 239 of KZ-1), abuse of position or trust in business activity (Article 240 of KZ-1), unauthorised acceptance of gifts (Article 241 of KZ-1), unauthorised giving of gifts (Article 242 of KZ-1), counterfeiting money (Article 243 of KZ-1), fabrication and use of counterfeit stamps of value or securities (Article 244 of KZ-1), money laundering (Article 245 of KZ-1), presentation of bad cheques and abuse of bank or credit cards (Article 246 of KZ-1), use of a counterfeit bank, credit or other card (Article 247 of KZ-1), fabrication, acquisition and disposal of instruments of forgery (Article 248 of KZ-1), tax evasion (Article 249 of KZ-1), smuggling (Article 250 of KZ-1), abuse of office or official duties (Article 257 of KZ-1), harm to public funds (Article 257a of KZ-1), disclosure of classified information (Article 260 of KZ-1), acceptance of bribes (Article 261 of KZ-1), giving bribes (Article 262 of KZ-1), accepting benefits for illegal intermediation (Article 263 of KZ-1), giving gifts for illegal intervention (Article 264 of KZ-1), criminal association (Article 294 of KZ-1);

**Economic operator:** \_\_\_\_\_

**Name and surname:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Place in date:** \_\_\_\_\_

#### *AUTHENTICATION*

**Note:** The economic operator shall submit the statement as a sworn statement. If such a statement is not issued in the country in which the economic operator is headquartered, the economic operator shall submit the statement given before the competent judicial or administrative body, notary or before the competent professional or trade organisation in the home country of that person or in the country in which the economic operator is headquartered.



## STATEMENT ON THE BASIC SUITABILITY FOR NATURAL ENTITY

**Note:** This statement is a draft statement that can be used (but not necessarily) by persons who are member of the administrative, managerial or supervisory body or who have powers for its representation or decision-making or control in the economic entity to prove the fulfilment of conditions, if the competent national authorities do not issue such proofs or where these do not cover all cases.

Public contract, no. ENLJ-SPV-117/25 – “Zamenjava pregrevalnika 2 in 3 v kotlu 3 po sklopih”

Name and surname of the person:	
Position:	
Name of the economic operator (in which the person is a member of the administrative, managerial or supervisory body or who has powers for its representation or decision-making or control):	
Head office/address of the economic entity:	

By signing this statement, the undersigned \_\_\_\_\_ (name and surname), under criminal and material liability hereby declare that on the date the deadline for the submission of tenders of the above public contract as well as at the moment of the statement:

- 1. I, as a person, who is a member of the administrative, managerial or supervisory body or who have powers for its representation or decision-making or control, have not been the subject of a conviction by final judgment that has elements of the following criminal offences stated in Article 75, Paragraph 1 of ZJN-3 or set forth in the Criminal Code (Official Gazette of RS, no. 50/12 – official consolidated text, with amendments; hereinafter also: KZ-1):**

terrorism (Article 108 of KZ-1), financing of terrorist activities (Article 109 of KZ-1), incitement and public glorification of terrorist activities (Article 110 of KZ-1), conscripting and training for terrorist activities (Article 111 of KZ-1), enslavement (Article 112 of KZ-1), trafficking in human being (Article 113 of KZ-1), acceptance of bribe during the election or ballot (Article 157 of KZ-1), violation of fundamental rights of employees (Article 196 of KZ-1), fraud (Article 211 of KZ-1), abuse of a position of monopoly (Article 225 of KZ-1), false bankruptcy (Article 226 of KZ-1), defrauding creditors (Article 227 of KZ-1), business fraud (Article 228 of KZ-1), fraud to the detriment of European Communities (Article 229 of KZ-1), fraud in obtaining loans and benefits (Article 230 of KZ-1), fraud in securities trading (Article 231 of KZ-1), deception of purchasers (Article 232 of KZ-1), unauthorised use of another's mark or model (Article 233 of KZ-1), unauthorised use of another's patent or topography (Article 234 of KZ-1), forgery or destruction of business documents (Article 235 of KZ-1), disclosure and unauthorised acquisition of trade secrets (Article 236 of KZ-1), breaking into business information systems (Article 237 of KZ-1), abuse of insider information (Article 238 of KZ-1), abuse of financial instruments market (Article 239 of KZ-1), abuse of position or trust in business activity (Article 240 of KZ-1), unauthorised acceptance of gifts (Article 241 of KZ-1), unauthorised giving of gifts (Article 242 of KZ-1), counterfeiting money (Article 243 of KZ-1), fabrication and use of counterfeit stamps of value or securities (Article 244 of KZ-1), money laundering (Article 245 of KZ-1), presentation of bad cheques and abuse of bank or credit cards (Article 246 of KZ-1), use of a counterfeit bank, credit or other card (Article 247 of KZ-1), fabrication, acquisition and disposal of instruments of forgery (Article 248 of KZ-1), tax evasion (Article 249 of KZ-1), smuggling (Article 250 of KZ-1), abuse of office or official duties (Article 257 of KZ-1), harm to public funds (Article 257a of KZ-1), disclosure of classified information (Article 260 of KZ-1), acceptance of bribes (Article 261 of KZ-1), giving bribes (Article 262 of KZ-1), accepting benefits for illegal intermediation (Article 263 of KZ-1), giving gifts for illegal intervention (Article 264 of KZ-1), criminal association (Article 294 of KZ-1);

**Name and surname:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Place and date:** \_\_\_\_\_

### AUTHENTICATION

**Note:** This statement shall be submitted as a sworn statement. If in the country in which the person has address such a statement is not issued, the statement of a specific person, given before the competent judicial or administrative body, notary or before the competent professional or trade organisation in the home country of that person or in the country in which this person has address shall be submitted.



## STATEMENT ON THE BASIC SUITABILITY FOR LEGAL ENTITIES

**Note:** This statement is a draft statement that can be used (but not necessarily) by the economic operator to prove the fulfilment of conditions, if the competent national authorities do not issue such proofs or where these do not cover all cases.

Public contract, no. ENLJ-SPV-117/25 – “Zamenjava pregrevalnika 2 in 3 v kotlu 3 po sklopih”

Name and surname of the person:	
Head office/address of the economic entity:	
Tax number (or another national number):	
Registration number (or another national number):	

By signing the statement the undersigned legal representative \_\_\_\_\_  
(name and surname, position), for the economic operator \_\_\_\_\_  
(name of economic operator) under criminal and material liability hereby declare:

**1. That pursuant to Article 75, Paragraph 2 of ZJN-3 on the date of the submission of tender as well as at the moment of the statement, as an economic operator:**

- We comply with the mandatory charges and other non-monetary liabilities pursuant to the act regulating the financial administration that, which are collected by the tax authority in accordance with the regulation of the country in which we are headquartered or the regulations of the the Contracting Entity,
- The value of unpaid overdue liabilities on the date of the submission of tender does not exceed EUR 50,
- That on the date of the submission of tender we have not have any unsubmitted withholding tax returns for income from the employment relationship for the period of five years preceding the date of the submission of the tender or request.

**2. that we, as the economic operator, pursuant to Article 75, Paragraph 4 of ZJN-3, have not been fined at least twice for offences concerning labour compensation, work time, rests, performance of work on the basis of civil law contracts despite the existence of elements of an employment relationship or in relation to undeclared employment pursuant to a final decision issued by a competent authority of the Republic of Slovenia or another member state or a third country within the last three years before the bid submission deadline.**

**Economic operator:** \_\_\_\_\_

**Name and surname:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Place and date:** \_\_\_\_\_

### AUTHENTICATION

**Note:** The economic operator shall submit the statement as a sworn statement. If such a statement is not issued in the country in which the economic operator is headquartered, the economic operator shall submit the statement given before the competent judicial or administrative body, notary or before the competent professional or trade organisation in the home country of that person or in the country in which the economic operator is headquartered.