Contracting authority:

JAVNO PODJETJE ENERGETIKA LJUBLJANA d.o.o.
Verovškova ulica 62
1000 Ljubljana

On behalf of the client, the public procurement is managed by:

JAVNI HOLDING Ljubljana, d.o.o.
Verovškova ulica 70
1000 Ljubljana

Number: **ENLJ-VOD-SP-419/25**

DOCUMENTATION RELATED TO THE AWARD OF A PUBLIC PROCUREMENT CONTRACT BY NEGOTIATION WITH PUBLICATION

"Project for the production of heat and power from renewable sources – BIOMASS"

VOLUME P – APPLICATION

Ljubljana, December 2025

The project "Project for the production of heat and electricity from renewable sources – BIOMASS" is co-financed by the European Union from the European Regional Development Fund and the Cohesion Fund up to the amount of EUR 30,000,000.00, planned within the framework of the European Cohesion Policy Programme for the period 2021–2027 in Slovenia, priority 3 "Green transition for climate neutrality", specific objective RSO 2.2 "Promoting energy from renewable sources in accordance with Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources, including the sustainability criteria set out in the Directive.
~~**Co-financing of the project pursuant to Decision No. 545-31/2025-2570-15 of the Ministry of the Environment, Climate and Energy dated 23 October 2025**~~

The author is solely responsible for this publication. The European Union is not responsible for any use that may be made of the information contained therein.

INVITATION TO SUBMIT AN APPLICATION

JAVNI HOLDING Ljubljana, d.o.o., Verovškova ulica 70, 1000 Ljubljana, on behalf of the contracting authority JAVNO PODJETJE ENERGETIKA LJUBLJANA d.o.o., Verovškova ulica 62, 1000 Ljubljana,

invites

all interested economic operators to submit their applications in accordance with the requirements of the documentation relating to the award of the public procurement:

"Project for the production of heat and power from renewable sources – BIOMASS"

The documentation relating to the public procurement (hereinafter also referred to as: tender documentation or Volume P) specifies the requirements and conditions for the selection of qualified economic operators who will be recognised as eligible and invited to participate in phase 2, i.e. to submit tenders and negotiate. After the completion of phase 2, the contracting authority will conclude a contract with the selected economic operator.

Any amendments, additions and clarifications to the tender documentation, as well as answers to questions from economic operators, form an integral part of the tender documentation.

Yours sincerely

JAVNI HOLDING Ljubljana, d.o.o.
Director
l.r. Krištof Mlakar

1. GENERAL PROVISIONS

1.1. Subject of the public procurement

The subject of the public procurement is the selection of a contractor for the "Project for the production of heat and electricity from renewable sources – BIOMASS" (hereinafter: BIOMASS project), which operates within the PUBLIC COMPANY ENERGETIKA LJUBLJANA d.o.o. , Verovškova ulica 62, 1000 Ljubljana, unit TE-TOL, Toplarniška ulica 19, 1000 Ljubljana, according to the **EPC (Engineering, Procurement, Construction – turnkey)** principle. The selected economic operator will be responsible for the entire project cycle, including the following activities:

1. **Engineering, comprehensive project management, review, supervision, and design of the entire project, including PZI (Detailed Design), PID (As-Built Documentation), DZO (Operational Documentation), as well as all preparatory and implementation documentation.**
2. **Preparation of all technical, safety and legislative documentation necessary for the implementation and legalisation of the project.**
3. **Preparation of the construction site and storage areas.**
4. **Complete dismantling and removal of existing boiler equipment in block 1 (except for the steel structure of the boiler).**
5. **Complete dismantling and removal of existing electrical equipment in block 1.**
6. **Complete dismantling and removal of existing turbine equipment.**
7. **Supply and installation of complete new biomass boiler equipment (thermal power 90 MWt ± 2 MWt) with feed pumps, bag filter and ash removal system), turbine equipment (backpressure steam turbine) with generator, district heating heaters (DH1 and DH2) and associated condensation and circulation pumps and other associated systems and subsystems of the turbine plant, including (but not limited to) a new block transformer, transformers for own use and auxiliary transformers, a new 110 kV connection of the new block transformer to the existing 110 kV GIS plant, and the reconstruction of the existing machine room of the main drive facility (GPO).**
8. **Supply and installation of pipe connections and equipment such as high-pressure, medium-pressure and start-up or bypass reduction stations and pipe connections between the old and new systems equipped with automatic drainage. Supply and installation of a cooling system, including a new cooling water pump from the Ljubljanica River.**
9. **Supply and installation of a new return condensate regeneration heater and all other safety and control equipment for the smooth operation of the new biomass unit.**
10. **Supply and installation of exhaust pipes, valves, silencers for steam blowing and cleaning, flushing of pipes and equipment (if necessary) and storage, emptying, removal of waste water and other liquids.**
11. **Initial filling of hydraulic and lubrication systems and chemical reagents,**
12. **Preparation of existing foundations and turbine tables for the installation of a new backpressure steam turbine with a generator and district heating boilers.**

13. **Construction of a facility for receiving and storing biomass with an upgrade of the existing fuel transport system.**
14. **Connection of facilities and equipment to the existing technological, municipal and transport infrastructure.**
15. **Implementation of system regulation and management and integration into the existing TE-TOL management, protection, control and measurement system.**
16. **Supply of all materials and components necessary for the implementation of the project to the construction site.**
17. **Construction, assembly and coordination of all construction, mechanical, electrical and I&C works.**
18. **Monitoring and monthly reporting on construction progress.**
19. **Performing inspections, tests, cold and hot starts, and functional tests.**
20. **Handover of the facility for trial operation and final start-up of the power plant.**
21. **Training of the client's personnel and support during the trial operation period,**
22. **Preparation and submission of all necessary documentation (not covered in the above points) and cooperation and support to the client in procedures for the successful completion of technical inspection in accordance with administrative procedures, obtaining a decision on the commencement of trial operation, a use permit, permits for connection to the system operator's network (EON, ION, FON), as well as any other permits necessary to establish the conditions for the operation of newly supplied equipment.**
23. **Preparation and submission of, and cooperation in the performance of, a technical or financial inspection of the work/services performed (including all subcontractors) by the competent authorities in connection with the co-financing of the project.**

Supplies and services are tendered on a turnkey basis within specified supply limits, with the contract being concluded in accordance with the FIDIC Conditions of Contract for Supply, Engineering and Construction Services EPC Turnkey Projects, Turnkey Projects (Silver Book, first edition 1999).

The subject of the public procurement is described in more detail in the tender documentation, namely in Chapter 2.

1.1.1. Mandatory visit of the existing facility - Obligation of the economic operator to obtain comprehensive information

Regardless of the information contained in the tender documentation, interested economic operators (in the case of a joint application, a visit by one member of the group of economic operators is sufficient) **must visit the contracting authority's existing block 1** (including the space intended for the biomass reception and storage facility and the existing transport system) where the tendered works will be carried out, in order to obtain any other information relating to the performance of the works under this tender documentation that may affect the price or obligations of the economic operator and its performance capacity, and familiarise themselves with the conditions at the contracting authority's location at Toplarniška ulica 19 in Ljubljana.

For this purpose, the contracting authority will organise meetings with individual economic operators at the contracting authority's location, which are mandatory for all interested economic operators. The visits will take place on working days between 8 a.m. and 3 p.m. local time (CET (UTC+1)). **Interested economic operators shall arrange the visit** to the premises **in advance** with the contracting authority's **contact person**:

- Mr Dušan Strušnik; tel. no. + e 386 1 58 75 326, e-mail: dusan.strusnik@energetika.si;
- Mr Matjaž Pintar; tel. no. +386 1 58 75 334, e-mail: matjaz.pintar@energetika.si.

The deadline for registering for a visit is 14 January 2026.

Visit dates are: until 15 January 2026 inclusive.

The economic operator shall not be entitled to any increase in value/price on the grounds that it was not fully informed of the conditions relating to the obligations in question.

The visit is mandatory. The contracting authority will reject as inadmissible any application from an interested economic operator who does not carry out the visit of the property (in a timely manner). The economic operator must submit a signed certificate (issued by the contracting authority) as **Annex 17** confirming that they have carried out the mandatory visit of the facility where the works that are the subject of the public procurement procedure will be carried out.

1.2. Information about the contracting authority

The contracting authority for the public procurement is **JAVNO PODJETJE ENERGETIKA LJUBLJANA d.o.o., Verovškova ulica 62, 1000 Ljubljana** (hereinafter also referred to as: ENLJ or ENERGETIKA LJUBLJANA d.o.o.), which, on the basis of a power of attorney, has transferred the execution of the public procurement procedure in question to JAVNI HOLDING Ljubljana, d.o.o., Verovškova ulica 70, 1000 Ljubljana.

The contract with the selected economic operator was signed by the director of JAVNO PODJETJE ENERGETIKA LJUBLJANA d.o.o., Verovškova ulica 62, 1000 Ljubljana, Mr Samo Lozej.

1.3. Co-financing of the project

The project "Project for the production of heat and electricity from renewable sources – BIOMASS" is co-financed by the European Union from the European Regional Development Fund and the Cohesion Fund up to the amount of EUR 30,000,000.00, planned within the framework of the European Cohesion Policy Programme for the period 2021–2027 in Slovenia, priority 3 "Green transition for climate neutrality", specific objective RSO 2.2 "Promoting energy from renewable sources in accordance with Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources, including the sustainability criteria set out in the Directive, or the project is co-financed with funds allocated on the basis of the decision of the Ministry of the Environment, Climate and Energy No. 545-31/2025-2570-15 of 23 October 2025, issued within the framework of a public call for co-financing the construction and

restructuring of district heating and cooling systems based on renewable energy sources for the period 2025 to 2029 (reference JR EKP DO OVE 2025) (hereinafter also referred to as: Public Call).

In view of the above, economic operators who submit a tender in this public procurement procedure, and in particular the selected economic operator (including its subcontractors) may be subject to a technical or financial review of the services performed under this public procurement by the Ministry of the Environment, Climate and Energy (MOPE), the Ministry of Finance (MF), the Court of Auditors, the European Commission, the CINEA agency, the European Anti-Fraud Office (OLAF) and the European Court of Auditors at any time during the implementation of the public procurement, which is partly co-financed by European Union grants, or for a period of five years after the final payment has been made.

Due to the co-financing conditions, the deadline for the performance of the public procurement is 30 April 2029. If the deadline is not met, the contracting authority will have to return all co-financing funds received, plus statutory default interest for the period from the date of transfer to the date of repayment.

1.4. Legal basis for the implementation of the public procurement

The public procurement is being implemented in accordance with the provisions of:

- the Public Procurement Act (Official Gazette of the Republic of Slovenia, No. 91/15 and subsequent amendments; hereinafter: ZJN-3),
- the Legal Protection in Public Procurement Procedures Act (Official Gazette of the Republic of Slovenia, No. 43/11 and subsequent amendments; hereinafter: ZPVPJN),
- other regulations based on the above-mentioned laws, and
- other legislative regulations (including EU law regulations) relating to the subject of the contract.

The contracting authority shall notify economic operators of all decisions in accordance with Article 90 of ZJN-3 by publishing the signed decision referred to in that Article on the Public Procurement Portal.

Economic operators may register to receive notification of the publication of the decision on the recognition of suitability or the award of the public procurement by selecting the icon "Notify me of the decision on the public procurement" on the Public Procurement Portal (where the relevant public procurement notice is published). Notwithstanding the above, in accordance with ZJN-3, the decision shall be deemed to have been delivered on the date of publication on the Public Procurement Portal.

1.5. Definition of the procedure and documentation for preparing the application and tender

The contracting authority will award the public procurement using a negotiated procedure with publication, in accordance with Article 45 of ZJN-3. **The contracting authority will carry out the procedure in two consecutive phases**:

First phase (also: Phase 1): determination of suitability.

Second phase (also: Phase 2): submission of initial tenders and negotiations with the submission of final tenders.

The documentation for preparing the application and tender for the public procurement in question consists of four volumes:

I. For Phase 1:

- Volume P: Application with attachments,

II. For phase 2:

- Volume 1: General part with the contract,
- Volume 2: Technical part, and
- Volume 3: Annexes to the contract.

The contracting authority expects that the decision on the award of the public procurement will be issued and the contract with the selected economic operator will be concluded in the third quarter of 2026.

Phase 1: Verification of suitability:

In **the first phase**, the contracting authority will, by means of a decision/resolution, **recognise the suitability of economic operators** who submit admissible applications and who meet the conditions for recognition of suitability **set out in this tender documentation (Volume P: Application),** i.e. that there are no grounds for exclusion of the economic operator and that the economic operator meets the conditions for participation and that the application meets the other requirements of the contracting authority set out in this tender documentation (Volume P). In the first phase (applications), interested economic operators **do not** (yet) **submit** their tender prices – this will be done by the invited economic operators in the second phase.

Second phase: submission of initial tenders and negotiations with the submission of final tenders:

In the second phase, the contracting authority will send the tender documentation to the economic operators who have been recognised as eligible on the basis of their applications – an invitation to submit an initial tender, which will contain:

- Volume 1: General part with the contract,
- Volume 2: Technical part, and
- Volume 3: Annexes to the contract.

Based on the tender documentation received, the invited economic operators will submit their first tender, which will consist of a technical part and a commercial part. After reviewing the initial tenders received, the contracting authority will invite economic operators whose initial tenders meet the needs and requirements of the contracting authority, as specified in the technical specifications and in the documentation relating to the award of the public procurement, to participate in negotiations. The initial commercial tender will serve as the starting point for negotiations. Detailed negotiation rules will be specified in the written invitation to economic operators to participate in negotiations.

1.5.1. Definition of terms

"**Economic operator**" means any natural or legal person or group of such persons, including any temporary association of undertakings, which offers to execute works, supply goods or provide services on the market or in public procurement procedures. An economic operator means a candidate acting alone, candidates in a joint application, a tenderer acting alone, tenderers in a joint tender and nominated subcontractors, as well as other forms of entities permitted by and in accordance with ZJN-3.

A "**candidate**" is an economic operator who, on the basis of a published public procurement notice, has submitted a timely application to participate in the negotiated procedure with publication and has attached to the application the information/evidence required by the contracting authority to determine its suitability.

"**Tenderer**" means an economic operator whose suitability has been recognised on the basis of its application.

Hereinafter, the terms "tenderer, tender, etc." shall apply mutatis mutandis to "candidate, application".

1.6. Deadline and method of submission of applications

The deadline for submitting applications is 30 January 2026 by 10 a.m. local time of the contracting authority (CET (UTC+1)). The economic operator shall bear all costs of preparing and submitting the application.

The economic operator **must submit** the application **to the e-JN information system** (electronic submission of applications/tenders) at https://ejn.gov.si, in accordance with **Chapter 6 of the tender documentation**.

1.7. Questions or additional explanations

Economic operators may request questions or additional clarifications regarding the public procurement or tender documentation via the Public Procurement Portal, **but no later than 16 January 2026 by 10 a.m. local time of the contracting authority (CET (UTC+1))**.

Answers or clarifications will be published on the Public Procurement Portal **no later than six (6) calendar days before the deadline for submission of applications,** provided that the request is submitted in a timely manner. The contracting authority is not obliged to respond to requests for additional clarifications or questions submitted in any other way.

1.8. Validity of the application/tender

The candidate's application (first phase of the procedure) is an integral and inseparable part of the candidate's tender (second phase of the procedure), or the tender and application are an integral and inseparable part of the entire documentation of the economic operator (candidate or tenderer) participating in the public procurement procedure in question.

The application must be valid and binding and must remain valid until 31 December 2026.

1.9. Language and currency

The public procurement procedure is conducted in Slovenian language.

Volume P – Application, Volume 1 – General Part and Volume 3 – Contract are/shall prepared in Slovenian and English, while Volume 2 – Technical Part shall likely be prepared in English only. In the event of any ambiguity (inconsistency) between the two language versions, the Slovenian language shall be used for their linguistic interpretation.

The economic operator may submit the application in Slovenian or English. The economic operator may submit its tender (technical and commercial) in Slovenian or English.

The contracting authority reserves the right to request that the candidate/tenderer/economic operator translate individual documents from the application/tender into Slovenian or English at the economic operator's expense, if this is necessary for the review or evaluation of applications/tenders. The contracting authority shall notify the economic operator of the need for translation and shall also set a deadline by which the translation of the document must be submitted. If the economic operator fails to submit the translation within the deadline set by the contracting authority, the application/tender shall be excluded from further evaluation.

The contracting authority reserves the right to determine, at its own discretion, whether the economic operator should submit a translation prepared by a sworn interpreter for Slovenian/English or a regular (uncertified) translation. The costs of translation shall be borne by the economic operator.

Correspondence with economic operators will be conducted in Slovenian or English, depending on the economic operator.

Financial data must be provided in euros (EUR), accurate to 2 (two) decimal places.

Economic operators whose domestic currency is not the euro (EUR), should convert the financial data into euros (EUR) when completing the annexes and the ESPD form, based on the ECB reference rate valid on the date of publication of this public procurement on the Public Procurement Portal of the Republic of Slovenia.

1.10. Completeness of the application/tender, admissibility of the application/tender, review and evaluation of the application/tender

The subject of the application/tender must **comply with** all technical and other requirements and conditions specified in the contracting authority's documentation for the first and second phases of the procedure. The economic operator must offer all the equipment, services and construction works specified in the tender documentation for the subject of the public procurement for which it is submitting an application/tender, in

accordance with all the requirements and conditions of the tender documentation for the first and second phases of the procedure **(the application/tender must be complete).**

If the application/tender does not comply with all the requirements and conditions of the tender documentation and in accordance with ZJN-3, the contracting authority will exclude such application/tender from participation in the public procurement procedure.

When verifying compliance with the requirements of the tender documentation, the contracting authority may request additional authorisations from the economic operator to obtain data from official records that it would need to verify the data from official records.

1.11. Legal protection

Economic operators are guaranteed legal protection in accordance with the ZPVPJN.

Under the ZPVPJN, a review request may be filed at any stage of the public procurement procedure and against any act of the contracting authority, unless otherwise provided by the law governing public procurement or the ZPVPJN.

If the review request relates to the content of the publication, the invitation to tender or the documentation relating to the public procurement, the applicant is required to pay a fee of EUR 4,000.00 into the transaction account no. SI56 0110 0100 0358 802, reference 11 16110-7111290-XXXXXXLL (the first six digits are the serial number of the publication on the single information portal for public procurement, which the economic operator enters itself, and the last two digits are the year code).

The review request must be drawn up in accordance with the provisions of Article 15 of the ZPVPJN and submitted via the eRevizija portal. The applicant must enclose proof of payment of the fee with the request for review. The review request shall be submitted in accordance with the deadline set out in Article 25 of the ZPVPJN.

1.12. Application

An economic operator may submit only one application, either on its own behalf or as a partner in a joint application (group of economic operators). If an economic operator appears in several applications as a partner in a joint application, the contracting authority will exclude from the public procurement procedure all applications in which the economic operator appears.

1.12.1. Application as an independent participant

An economic operator may submit an independent application. The economic operator must submit the annexes in accordance with this tender documentation in the application.

If the economic operator acting independently is not also:

- the designer of the energy block, **it must** indicate in the application the contractor designing the energy block **as a partner in the joint application or as a subcontractor**,
- the supplier of a high-pressure biomass steam boiler for wood chips, **it must** indicate the supplier of the high-pressure biomass steam boiler for wood chips **as a partner in the joint application or as a subcontractor** in the application.
- the supplier of the backpressure steam turbine **must** indicate the supplier of the backpressure steam turbine **as a partner in the joint application or as a subcontractor** in the application.

The economic operator may fulfil the above requirement with partners in a joint application or with subcontractors.

A supplier is an economic operator that manufactures and/or supplies equipment, namely:
- a manufacturer that manufactures and supplies the equipment,
- a local/regional subsidiary of the manufacturer or a branch of the manufacturer where the manufacturer manufactures and the local/regional subsidiary or branch of the manufacturer supplies the equipment,
- a local/regional subsidiary or branch of a corporation of which the manufacturer is also a part (group of affiliated companies), where the manufacturer, as part of a group of affiliated companies, manufactures the equipment, and a local subsidiary or branch of the corporation, as part of a group of affiliated companies, supplies the equipment.

Only economic operators who have demonstrated technical and professional/personnel capacity for the above works in accordance with the requirements of the tender documentation may participate.

1.12.2. Joint application

Groups of economic operators, including temporary associations, may also participate in the public procurement procedure. Groups of economic operators are not required to take on any legal form.

A joint application is an application submitted by a group of natural or legal persons who are jointly and severally liable to the contracting authority.

<u>The following must be evident from the joint procurement agreement:</u>
- list of all partners in the group of economic operators (company name, business address and registered office of partners, legal representative, registration number, tax number),
- authorised main contractor (authorised representative, i.e. member of the group as lead partner) for the performance of contractual obligations, with whom the contracting authority will communicate and who is authorised in relation to the contracting authority to make statements on behalf of all members of the group of economic operators,
- authorisation for the project leader (lead partner) to represent the group of economic operators (partners in the joint tender) and to communicate with the contracting authority,

- a statement that the economic operator who is a partner in the joint application accepts all obligations arising from the agreements between the lead partner and the contracting authority,
- the scope of the contract (specification of the type of work) to be performed by each partner and their responsibilities,
- a statement that all partners in the joint tender are familiar with the content of the documentation relating to the award of the public procurement and that they agree with it in full,
- the mutual responsibility of individual members of the group for the performance of the contract within the group of economic operators,
- the unlimited joint and several liability of all members (partners) of the group of economic operators to the contracting authority,
- the insurance provider for all contractual obligations,
- all holders of financial accounts and transactions, specifying the transaction account through which the payment of contractual obligations will be made,
- provisions in the event of withdrawal[1] of any partner in the group of economic operators,
- the signatories to the contract (specifying whether the signatories are all members of the group or an authorised member),
- the obligation of the members of the group to regularly inform the contracting authority of any changes to the legal act on the joint execution of the contract.

Each member of the group of economic operators is jointly and severally liable to the contracting authority within the framework of the joint tender.

The legal act on the joint execution of the contract, signed by all economic operators participating in the joint tender for the execution of the public procurement, shall be attached to Annex 1 of the application in the first phase.

In the second phase of the procedure, the economic operator will have to supplement the documentation related to the Act on the joint execution of the public procurement for the designated group of economic operators:

- by specifying the quantity, share (%) assumed by each partner in the group of economic operators and the indicative value of the contract in EUR without VAT,
- with an addendum to the Act on the joint execution of the public procurement in accordance with the previous indent.

[1] The contracting authority shall permit withdrawal in the following cases: - if insolvency or compulsory liquidation proceedings have been initiated against the economic operator under the law governing insolvency and compulsory liquidation proceedings, or liquidation proceedings under the law governing commercial companies; - if its assets or operations are being managed by an administrator or court, or - if its business activities have been temporarily suspended, or - if proceedings have been initiated against it in accordance with the regulations of another country or a situation with the same legal consequences have arisen,
and another economic operator that meets the conditions for participation originally set, quality assurance standards and environmental management standards and for which there are no original grounds for exclusion, wholly or partially succeeds the original contractor following a restructuring of the undertaking, including a takeover, merger, consolidation or insolvency.

On the basis of the negotiations conducted and the final tender submitted in the second phase of the procedure, the economic operator may change the indicative value of the works in EUR without VAT for the works undertaken by each partner, which shall be consistent with the final tender. The share (%) of the public procurement undertaken by each partner shall remain unchanged.

If the economic operator is participating **in a joint application** (with partner(s)), it must submit a **separate** ESPD form for **each** of the partners participating in the joint application in addition to its own.

In the event that there is no:

- the designer of the energy block concept **must** be listed in the application **as a subcontractor** for the design of the energy block concept,
- the supplier of the high-pressure biomass steam boiler for wood chips **must** be listed in the application **as a subcontractor**,
- the supplier of the backpressure steam turbine **must** be listed in the application **as a subcontractor**.

A supplier is an economic operator that manufactures and/or supplies equipment, namely:

- a manufacturer that manufactures and supplies equipment,
- a local/regional subsidiary of the manufacturer or a branch of the manufacturer where the manufacturer manufactures and the local/regional subsidiary or branch of the manufacturer supplies the equipment,
- a local/regional subsidiary or branch of a corporation of which the manufacturer is also a part – a group of affiliated companies where the manufacturer, as part of a group of affiliated companies, manufactures the equipment, and a local subsidiary or branch of a corporation, as part of a group of affiliated companies, supplies the equipment.

The contracting authority will not allow changes to the partners in the group of economic operators (in a joint application) during the public procurement procedure and during the term of the contract, except in cases provided for in the Act on Joint Implementation of Public Procurement and provided that such a change is permissible under ZJN-3.

In addition to economic operators in a joint tender, only economic operators who have demonstrated technical and professional/personnel capacity for the above-mentioned works in accordance with the requirements of the tender documentation may participate in the tender. The aforementioned economic operators may participate in the application as partners in a joint application or as subcontractors.

In the case of a joint application, the main (lead) economic operator must attach a completed and signed ESPD in .pdf format for all partners in the joint application in the section "PARTICIPANTS", "ESPD – other participants" section, and in the "DOCUMENTS" section, "Other attachments" section, in .pdf format:

- a completed, signed and stamped Annex 2 INFORMATION ON THE INDIVIDUAL ECONOMIC OPERATOR IN THE APPLICATION;

- completed, signed and stamped Form 1 to Annex 1 LEGAL ACT ON JOINT PARTICIPATION – in the case of a joint application;
- other supporting documents, as specified in the individual points below in the tender documentation.

1.12.3. Application with subcontractors

An economic operator may subcontract part of a public procurement.

In accordance with Article 94 of ZJN-3, **a subcontractor** is an economic operator, which is a legal or natural person, and for the tenderer with whom the contracting authority has concluded a contract for the performance of a public procurement in accordance with this Act, supplies goods or performs services or construction works directly related to the subject matter of the public procurement.

If the economic operator will perform the public procurement with subcontractors, it must state in the application:

- list all subcontractors and each part of the public procurement (specifying the type of work) that it intends to subcontract,
- provide the contact details and legal representatives of the proposed subcontractors, together with a statement that all subcontractors are familiar with the content of the documentation relating to the award of the public procurement and with the payment terms set out in the documentation relating to the award of the public procurement (to the extent specified therein) and that they fully agree with them,
- attach the completed ESPD of these subcontractors in accordance with Article 79 of ZJN-3, and
- attach the subcontractor's request and consent for direct payment, if the subcontractor so requests (Annex 3), together with the economic operator's authorisation (Annex 4).

Subcontractors must meet the required conditions for participation, there must be no grounds for their exclusion, and they must also meet all other requirements and conditions set out in the tender documentation and ZJN-3 relating to subcontractors. The economic operator must submit the completed and signed required annexes or documentation from the tender documentation for all the subcontractors listed. If the economic operator does not comply with Article 94 of ZJN-3, the contracting authority will submit a proposal to the State Audit Commission to initiate proceedings for an offence under point 2 of the first paragraph of Article 112 of ZJN-3.

In the second phase of the procedure, the economic operator will have to supplement the documentation related to the nominated subcontractors:

- by stating the quantity, percentage (%) that it is subcontracting and the indicative value of the contract in EUR without VAT, the place of performance and the deadline for performance of the contract,
- with an addendum to the Agreement on Mutual Cooperation (subcontracting agreement) in accordance with the previous indent.

On the basis of the negotiations conducted and the final tender submitted in the second phase of the procedure, the economic operator may change the indicative value of the works in EUR excluding VAT for the works subcontracted, which shall be consistent with the final tender. The share (%) of the public procurement that is subcontracted shall not change.

The selected economic operator to whom the public procurement is awarded will be fully responsible to the contracting authority for the performance of the contract, regardless of the number of subcontractors.

During the performance of the public procurement contract, the selected economic operator must notify the contracting authority of any changes to the information referred to in the second paragraph of Article 94 of ZJN-3 and send information on new subcontractors that it intends to subsequently involve in the performance of the public procurement contract no later than five days after the change. In the event of the inclusion of new subcontractors, the main economic operator must also submit, together with the notification, the information and documents referred to in the second, third and fourth indents of the second paragraph of Article 94 of ZJN-3, as well as any changes regarding the beneficial owners of those subcontractors whose value of works/supplies exceeds EUR 50,000.

The contracting authority must reject any subcontractor if there are grounds for exclusion under the first, second or fourth paragraph of Article 75 of ZJN-3, except in the case referred to in the third paragraph of Article 75 of ZJN-3, and may also reject any subcontractor if there are grounds for exclusion under the sixth paragraph of Article 75 of ZJN-3. The contracting authority may also reject a proposal to replace a subcontractor or to include a new subcontractor if this could affect the smooth performance or completion of the works and if the new subcontractor does not meet the conditions set by the contracting authority in the documentation relating to the award of the public procurement. The contracting authority must notify the economic operator of any rejection of a new subcontractor. If the economic operator nevertheless engages a new subcontractor, this shall constitute grounds for termination of the contract by the contracting authority.

Where the economic operator meets the specific condition for cooperation with a subcontractor, it may only replace that subcontractor with a subcontractor who meets the condition for cooperation that the economic operator met with the replaced subcontractor.

Only if the subcontractor requests direct payment in accordance with and in the manner specified in the second and third paragraphs of Article 94 of ZJN-3 shall direct payment to the subcontractor be considered mandatory and binding on the contracting authority and the main contractor.

Where an economic operator intends to perform a public procurement with a subcontractor who requests direct payment, it must:

- the main contractor in the contract authorises the contracting authority to pay the subcontractor directly on the basis of an invoice or statement approved by the economic operator

- the subcontractor shall submit a consent form on the basis of which the contracting authority shall settle the subcontractor's claim against the economic operator instead of the economic operator,
- the economic operator shall attach to its invoice or statement an invoice or statement from the subcontractor, which it has previously approved.

If direct payment to the subcontractor is not mandatory, the contracting authority shall require the main contractor to send it, upon first request, or, if no such request is made, no later than 60 days after payment of the final invoice or statement, send its written statement and the subcontractor's written statement confirming that the subcontractor has received payment for the construction work or services performed or goods delivered directly related to the subject of the public procurement. If the main contractor fails to comply with this requirement, the contracting authority shall submit a proposal to the State Audit Commission to initiate proceedings for an offence under point 2 of paragraph 1 of Article 112 of ZJN-3.

Evidence or required documentation for subcontractors:

- completed, signed and stamped (if a stamp is used) Annex 6 DECLARATION ON THE PARTICIPATION OF NATURAL AND LEGAL PERSONS IN THE OWNERSHIP STRUCTURE of THE ECONOMIC OPERATOR/SUBCONTRACTOR,
- completed, signed and stamped (if a stamp is used) Annex 5 ESPD FORM by the subcontractor(s),
- completed, signed and stamped (if a stamp is used) Annex 2 INFORMATION ON THE INDIVIDUAL ECONOMIC OPERATOR IN THE APPLICATION,
- completed, signed and stamped (if a stamp is used) Annex 4 AUTHORISATION OF THE ECONOMIC OPERATOR (in the case of a request by an individual subcontractor for direct payments, so that the contracting authority pays the subcontractor directly on the basis of an invoice or statement of account certified by the main economic operator)
- completed, signed and stamped (if a stamp is used) Annex 3 SUBCONTRACTOR'S REQUEST AND CONSENT FOR DIRECT PAYMENTS (in the event of a request by an individual subcontractor for direct payments, on the basis of which the contracting authority settles the subcontractor's claim against the economic operator instead of the economic operator),
- concluded MUTUAL COOPERATION AGREEMENT – in the case of registration with a subcontractor (between the (independent/lead/partner) economic operator and the individual subcontractor) (Form 2 to Annex 1), in which it must define the work (specifying the type of work) to be performed by the subcontractor,
- and other evidence, as specified in the individual points below in the tender documentation.

The annexes shall be completed and attached separately for each of the participating subcontractors in the application.

If the economic operator is participating with **subcontractors**, it must also attach a **separate** ESPD form for **each** subcontractor in the application.

If the economic operator does not submit an application with any subcontractors, it is not necessary to comply with the provisions or complete/attach the annexes relating to subcontractors.

1.12.4. Use of the capacities of other entities

An economic operator may use the capacities of other entities for the performance of a public procurement or in the context of a tender, as provided for in Article 81 of ZJN-3. The entity or entities whose capacities the economic operator intends to use must meet the conditions for participation, there must be no grounds for their exclusion, and they must also meet all other conditions and requirements set out in the tender documentation and ZJN-3 that relate to entities whose capacities the economic operator intends to use.

The use of the capacities of other entities is referred to when another entity is not directly involved in the performance of the contract itself, but only lends certain equipment, technical resources, machinery, etc. to the economic operator. If the other entity will directly perform part of the public procurement with the capacities it has at its disposal and to which the economic operator refers, then we are talking about an entity that meets the definition of a subcontractor, and the economic operator should therefore nominate it as a subcontractor(s) and not as an entity whose capacity the economic operator uses in its tender.

Evidence or required documentation for entities whose capacity is used by the economic operator:

- completed, signed and stamped (if a stamp is used) Annex 6 DECLARATION ON THE PARTICIPATION OF NATURAL AND LEGAL PERSONS IN THE OWNERSHIP STRUCTURE of THE ECONOMIC OPERATOR/SUBCONTRACTOR,
- completed, signed and stamped (if a stamp is used) Annex 5 ESPD FORM by the entity/entities,
- completed, signed and stamped (if applicable) Annex 2 INFORMATION ON THE INDIVIDUAL ECONOMIC OPERATOR IN THE APPLICATION,
- proof that the economic entity will have the funds available, for example by submitting guarantees from these entities for this purpose,
- and other evidence, as specified in the individual points below in the tender documentation.

The economic operator to whom the public procurement is awarded will be fully responsible to the contracting authority for the performance of the contract, regardless of the number of entities whose capacity the economic operator will use in the tender or in the performance of the public procurement.

The economic operator must submit the completed and signed required forms or documentation from the tender documentation for all the entities whose capacities it intends to use, as well as a **separate** ESPD form for **each** entity.

If the economic operator does not use the capacities of other entities for the performance of the public procurement, it is not necessary to comply with the provisions or complete/attach the annexes relating to the entity or entities whose capacities the economic operator uses in the application/tender.

1.12.5. Performance of specialised professional work

The contracting authority will require all contractors for individual work packages that require specialised knowledge (construction, electrical installations, mechanical installations, I&C, assembly, etc.) to demonstrate their technical, personnel and professional competence to perform this work. These areas and the conditions and requirements will be defined in more detail in phase 2 of the procedure, namely in Volume 1 and/or Volume 2. **Contractors for individual work packages in accordance with this point will have to be nominated as subcontractors.**

In accordance with the previous paragraph, the contracting authority consequently allows economic operators to nominate subcontractors even after the deadline for submission of applications, but no later than the deadline for submission of the first tender (within the second phase of the public procurement procedure). Subsequently nominated subcontractors shall meet all the conditions and requirements relating to subcontractors and shall be specified in Volume 1 and/or Volume 2.

1.13. Confidentiality of data and access

The contracting authority shall not disclose information submitted by an economic operator and deignated as a trade secret, as defined by the law governing commercial companies, unless otherwise provided by that or another law. The contracting authority must ensure the protection of data that is considered personal or confidential in accordance with the provisions of the law governing the protection of personal data and the protection of confidential information. The contracting authority shall ensure the publicity and confidentiality of data in accordance with Article 35 of ZJN-3.

The contracting authority shall allow economic operators to inspect the applications of the selected economic operator(s) in accordance with Article 35 of ZJN-3. Economic operators must submit their request for access in writing to the contracting authority in a timely manner at the following address: JAVNI HOLDING Ljubljana, d.o.o., Verovškova ulica 70, 1000 Ljubljana, or by e-mail to: sjn@jhl.si.

1.14. Warranty for defects

The selected economic operator with whom the contracting authority will conclude a contract shall guarantee the rectification of all types of defects in the subject of the public procurement, in accordance with the provisions of the contract and the Obligations Code.

1.15. Variant/optional application

The contracting authority does not allow the submission of variant and optional applications/tenders. The contracting authority will reject such applications as inadmissible.

1.16. Annexes to the tender documentation

The annexes to the tender documentation consist of the application documentation listed in point 6.2 of this tender documentation and other annexes intended to familiarise economic operators with the subject of the public procurement, which do not constitute tender requirements and for which the contracting authority assumes no responsibility (unless otherwise specified in the tender documentation for phases 1 and 2), namely:

- **Annex A:** Conceptual design: PROJECT FOR THE PRODUCTION OF HEAT AND POWER FROM RENEWABLE SOURCES – BIOMASS, No. I-06-1947-SP-1 with annexes:
  - Drawings,
  - Annex 1. Energy Biomass V2_noise,
  - Annex 2. List of electricity consumers – biomass,
  - Annex 3. List of electricity consumers – GPO,
  - Annex 4. List of connection points,
  - Annex 5._3D MODEL Steel structures (.nwd),
  - Annex 6 Steel structure design,
  - Annex 7 Geological and geotechnical report,
- **Annex B (in Slovenian only):** Building permit no. 35105-63/2024-2560-16 dated 17 January 2025,
- **Annex C (in Slovenian only):** Assessment of compliance with the "principle of no significant harm" (Ocena skladnosti z »načelom, da se ne škoduje bistveno«) with annex:
  - Climate resilience assessment for the project "Project for the production of heat and electricity from renewable sources – BIOMASS" (Presoja podnebne odpornosti za projekt »Projekt proizvodnje toplote in električne energije iz obnovljivih virov – BIOMASA«), September 2025,
- **Annex D (in Slovenian only):** Assessment of the strengthening of the climate resilience of infrastructure with a Statement on the strengthening of climate resilience (Ocena krepitve podnebne odpornosti infrastrukture z Izjavo o krepitvi podnebne odpornosti).

2. SUBJECT OF THE PUBLIC PROCUREMENT AND OTHER CONDITIONS AND REQUIREMENTS

2.1. Indicative technical description of the subject of the public procurement

The subject of the public procurement covers:

1. **Engineering, comprehensive project management, review, supervision, and design of the entire project, including PZI (Detailed Design), PID (As-Built Documentation), DZO (Operational Documentation), as well as all preparatory and implementation documentation.**
2. **Preparation of all technical, safety and legislative documentation necessary for the implementation and legalisation of the project.**
3. **Preparation of the construction site and storage areas.**
4. **Complete dismantling and removal of existing boiler equipment in block 1 (except for the steel structure of the boiler).**

5. **Complete dismantling and removal of existing electrical equipment in block 1.**
6. **Complete dismantling and removal of existing turbine equipment.**
7. **Supply and installation of complete new biomass boiler equipment (thermal power 90 MWt ± 2 MWt) with feed pumps, bag filter and ash removal system), turbine equipment (backpressure steam turbine) with generator, district heating heaters (DH1 and DH2) and associated condensation and circulation pumps and other associated systems and subsystems of the turbine plant, including (but not limited to) a new block transformer, transformers for own use and auxiliary transformers, a new 110 kV connection of the new block transformer to the existing 110 kV GIS plant, and the reconstruction of the existing machine room of the main drive facility (GPO).**
8. **Supply and installation of pipe connections and equipment such as high-pressure, medium-pressure and start-up or bypass reduction stations and pipe connections between the old and new systems equipped with automatic drainage. Supply and installation of a cooling system, including a new cooling water pump from the Ljubljanica River.**
9. **Supply and installation of a new return condensate regeneration heater and all other safety and control equipment for the smooth operation of the new biomass unit.**
10. **Supply and installation of exhaust pipes, valves, silencers for steam blowing and cleaning, flushing of pipes and equipment (if necessary) and storage, emptying, removal of waste-water and other liquids.**
11. **Initial filling of hydraulic and lubrication systems and chemical reagents,**
12. **Preparation of existing foundations and turbine tables for the installation of a new backpressure steam turbine with a generator and district heating boilers.**
13. **Construction of a facility for receiving and storing biomass with an upgrade of the existing fuel transport system.**
14. **Connection of facilities and equipment to the existing technological, municipal and transport infrastructure.**
15. **Implementation of system regulation and management and integration into the existing TE-TOL management, protection, control and measurement system.**
16. **Supply of all materials and components necessary for the implementation of the project to the construction site.**
17. **Construction, assembly and coordination of all construction, mechanical, electrical and I&C works.**
18. **Monitoring and monthly reporting on construction progress.**
19. **Performing inspections, tests, cold and hot starts, and functional tests.**
20. **Handover of the facility for trial operation and final start-up of the power plant.**
21. **Training of the client's personnel and support during the trial operation period,**
22. **Preparation and submission of all necessary documentation (not covered in the above points) and cooperation and support to the client in procedures for the successful completion of technical inspection in accordance with administrative procedures, obtaining a decision on the commencement of trial operation, a use permit, permits for connection to the system operator's network (EON, ION, FON), as well as any other permits necessary to establish the conditions for the operation of newly supplied equipment.**

23. Preparation and submission of, and cooperation in the performance of, a technical or financial inspection of the work/services performed (including all subcontractors) by the competent authorities in connection with the co-financing of the project.

Within the framework of the public procurement, the contracting authority will request the supply and installation of all new high-pressure biomass boiler equipment for wood chips with an input thermal capacity of 90 MWt ± 2 MWt, a new back-pressure steam turbine with an electrical power of 20 MWe ± 2 MWe and a total output thermal power of 55 MWt ± 5 MWt. The annual net efficiency of the system (energy conversion efficiency) must be in line with BAT-AEPL from BAT conclusions for LCP (2017) and amount to at least 80%. The system must ensure normal and reliable operation of the boiler and backpressure steam turbine in the load range from 50% to 100% MCR, whereby the design of the backpressure steam turbine must be adapted to normal and rapid changes in boiler load.

The subject of the public procurement is also evident from the attached **"Conceptual design: PROJECT FOR THE PRODUCTION OF HEAT AND POWER FROM RENEWABLE SOURCES – BIOMASS, No. I-06-1947-SP-1"** (hereinafter also referred to as the conceptual design), which forms an integral and inseparable part of the tender documentation.

The conceptual design is attached solely as an informative document to give economic operators a better idea of the subject of the public procurement. The conceptual design does not represent the contracting authority's tender requirements for the implementation of the technical solutions described therein and does not restrict economic operators in their choice of technology. In the second phase of the procedure, the technical part of the tender documentation will mainly contain functional requirements, while the technical solutions for their fulfilment will be limited only to the extent dictated by the contracting authority's justified needs (e.g. requirements regarding safety, reliability, maintenance, functionality, emissions, efficiency, compatibility with existing equipment, etc.). Economic operators may propose equivalent or alternative solutions that meet these functional requirements.

The contracting authority has obtained building permit No. 35105-63/2024-2560-16 dated 17 January 2025 for the execution of the public procurement, for the reconstruction of steam boiler 1 (N1) in block 1 of the main power plant (GPO), the construction of a new facility for the reception, storage and transport of wood biomass, and the construction of a new transfer station, as specified in Annex B to this tender documentation. As the subject of the public procurement is a facility for which, in accordance with the regulations, in the event of changes to the building permit, it may be necessary to carry out a preliminary procedure or an environmental impact assessment, all risks for any technical solution that would require changes to the issued building permit (including, but not limited to, the completion of the project within the deadline for completion of the operation with the obtained operating permit by 30 April 2029) shall be borne by the economic operator.

2.2. Deadline for implementation

Due to the **co-financing conditions** described in point 1.3, **the deadline for the implementation of the subject of the public procurement with the obtained operating permit is 30 April 2029**. If the deadline is not met, the contracting authority will have to return all co-financing funds received, plus statutory default interest for the period from the date of transfer to the date of repayment.

3. CONDITIONS FOR DETERMINING ELIGIBILITY

3.1. GENERAL

In order to determine eligibility, the economic operator must meet the conditions and requirements in accordance with the provisions of ZJN-3 and the provisions of the tender documentation.

When submitting applications for participation, instead of certificates issued by public authorities or third parties, the contracting authority shall accept as preliminary evidence the European Single Procurement Document (hereinafter: ESPD).~~the European Single Procurement Document (hereinafter: ESPD) shall be accepted as preliminary evidence~~.

EVIDENCE:
The economic operator shall demonstrate compliance with the conditions and requirements:

- **with the ESPD form as preliminary evidence**

  In the case of a joint/partner application, and/or in the case of a tender with subcontractors and/or in the case of a tender with entities whose capacity is used by the economic operator, the ESPD form must be submitted by each partner in the tender, and each subcontractor and entity whose capacity is used by the economic operator.

- **with Annex 1 APPLICATION or Annex 2 INFORMATION ON THE INDIVIDUAL ECONOMIC OPERATOR IN THE APPLICATION as general proof of compliance with the conditions and requirements (even if not explicitly stated as proof/method of proof in a specific point),** with which the (individual) economic operator declares or confirms that it meets all the conditions and requirements of the contracting authority specified in the tender documentation

- **and with other (additional/special) evidence, insofar as/as specified in the individual points below in this chapter**.

The **contracting authority** is entitled to make enquiries about the fulfilment of the conditions and requirements before making a decision on the recognition of suitability, and therefore **reserves the right to request the economic operator to submit additional evidence of the fulfilment of the conditions and requirements in Chapter 3 within the required time limit.** If the statements regarding the fulfilment of the conditions and requirements do not reflect the actual situation, the contracting authority will not take them into account.

3.1.1. ESPD

Applies to all economic operators:
The ESPD is an official statement by the economic operator that there are no grounds for exclusion and that it meets the conditions for participation, while also providing the relevant information requested by the contracting authority. In addition, the ESPD specifies the official body or third party responsible for issuing the evidence and includes a formal statement that the economic operator will be able to provide this evidence on request and without delay.

By submitting the ESPD form, the economic operator is deemed to **declare or confirm that it meets all the conditions and requirements** of **the contracting authority** specified in the tender documentation (regardless of whether the contracting authority has marked and entered all the conditions it requires in the tender documentation in the ESPD form) and that, at the (possible) request (invitation) of the contracting authority, it will submit evidence proving that it meets these conditions and requirements of the contracting authority (for it). Therefore, the provisions regarding the ESPD in this point (and the following ones) apply to all tender documentation (all chapters).

The contracting authority will verify the actual fulfilment of the contracting authority's conditions and requirements in accordance with the evidence or in the manner specified in the tender documentation and in accordance with ZJN-3.

The entity must complete the ESPD carefully and provide true information, otherwise it will be considered to have made a false statement, which is an offence under point 5 of the first paragraph or point 1 of the second paragraph of Article 112. of ZJN-3, which is punishable by a fine and exclusion from public procurement procedures for a period of three or five years.

Economic operator:
The economic operator must enclose a completed ESPD form, which is attached to this tender documentation, with the application.

Joint application (with partner(s)), application with subcontractors and/or entities whose capacities are used by the economic operator:
If an economic operator is participating in a joint application (with partner(s)), it **must** enclose a **separate** ESPD form for each of the partners participating in the joint application in addition to its own. **The same applies** if the economic operator is cooperating with subcontractors or if the economic operator refers to other economic operators when demonstrating its capacity *(a separate ESPD form must be submitted for itself as an economic operator, and separate ESPD forms for each subcontractor and entity whose capacity the economic operator uses in the application).*

3.1.2. Instructions for the ESPD form

The economic operator (other entities within the application) first saves the contracting authority's ESPD form (in electronic form in .xml format) on their computer (or other electronic medium), which is available at the location where the tender documentation is published.

The economic operator then goes to the (free) website https://ejn.gov.si/espd/ (note: **the "EN" option for English can be selected at the top right)** and starts filling in the ESPD form by **indicating that it is an economic operator** and selecting the option: **"Import ESPD**". The economic operator then selects the company's registered office (country), **followed by the "Upload" command**, and searches on their computer (or other electronic medium) for the ESPD (.xml file) prepared by the contracting authority for the purposes of the public procurement in question, which the economic operator has previously saved on their computer (or other electronic media). The economic operator then begins to fill in the ESPD form and attaches it to the application.

The contracting authority may, at any time during the procedure, request economic operators to submit all or part of the evidence relating to the statements made in the declaration (ESPD).

An independent/leading economic operator submitting an application in the e-JN system uploads its ESPD to the "Documents" section, under "ESPD – tenderer", and uploads the ESPDs of other participants to the "Participants" section, under "ESPD – other participants".

An independent/lead economic operator submitting an application in the e-JN system shall upload an electronically signed ESPD in xml. format or an unsigned ESPD in xml. format, in which case, in accordance with the General Terms and Conditions of Use of the e-JN system, it is considered that a legally binding document has been submitted, which has the same validity as a signed document. For other participating independent/leading economic operators, the section "Participants", part "ESPD – other participants" shall contain signed ESPDs in pdf. format or electronically signed xml.

Before issuing a decision on the recognition of suitability (phase 1) or awarding a public procurement (phase 2), the contracting authority may request the economic operator to whom it has decided to award suitability (phase 1) or award a public procurement (phase 2) to submit the latest evidence proving that it meets all the conditions specified in the tender documentation (Volume P, Volume 1, Volume 2, Volume 3) in relation to the award of the public procurement. Economic operators may submit all the required evidence together with their application or tender.

The contracting authority reserves the right to ask economic operators to supplement or clarify the evidence submitted.

To assist in completing the ESPD form, the contracting authority provides guidelines here for completing the ESPD in Part II, Section A, Section C and Section D:

Part II refers to information relating to the **economic operator** and can be broken down into four sections:

- Section A contains information about the economic operator and the method of submitting the tender (independently or together with other economic and whether it is a reserved public procurement in accordance with Article 31 of ZJN-3).
- Section B contains information on the representatives of the economic operator, i.e. persons for whom there must be no grounds for exclusion under the first paragraph of Article 75 of ZJN-3.
- Section C is intended for providing information on the possible use of the capacities of other entities.
- Section D is intended for providing information on the possible subcontracting of part of the public procurement.

Part II, Section A: Information about the economic operator:

The economic operator shall provide its basic business information. The information entered in this part of the ESPD form (i.e. points (a) and (b) of Section A of Part II of the ESPD form) is intended to present the entities that are involved in the public procurement on an equal footing, not subordinate to each other, i.e. to present partners and not subcontractors. The economic operator is therefore only required to provide information on the lead partner or partners in this section, and not on subcontractors.

If the economic operator **is not submitting a joint (partner) application**, it shall answer "NO" to the question "Is the economic operator participating in the public procurement procedure together with other entities?", even if the economic operator is participating in the tender with subcontractors. Answering "NO" in this section does not mean that the selected economic operator is not acting with subcontractors.

If an economic operator **submits a joint (partner) application**, each partner shall answer "YES" to the question "Is the economic operator participating in the public procurement procedure together with other entities?" and provide information about the other partners.

Each economic operator participating in a group submitting a joint application must complete an ESPD. **At least as many completed ESPDs as there are partners submitting the joint application** must be **submitted** with the joint application.

Part II, Section B: Information on the economic operator's representatives:

The economic operator shall provide **information on its legal representatives (transfer of authority by law or company act) or persons who are members of its administrative, management or supervisory body or who have the power to represent it or make decisions or exercise control within it**, including information on the citizen's unique identification number (EMŠO). The latter is necessary to verify the grounds for exclusion from the first paragraph of Article 75 of ZJN-3 in the Slovenian official register.

Part II, Section C: Information on the use of the capacities of other entities and Section D: Information on subcontractors whose capacities the economic operator does not use:

Part II, Section C and Part II, Section D are intended for statements on various facts.

If the economic operator is acting with **a subcontractor/subcontractors** whose capacities **it relies on to meet the conditions for participation** (e.g. in relation to the required references), in Part II, **Section C**, it shall indicate "YES" and submit a separate ESPD form for each subcontractor concerned. Otherwise, it shall indicate "NO".

If the economic operator is acting with a subcontractor/subcontractors whose capacity **it does not rely** on to meet the conditions for participation (i.e. those subcontractors not covered by Section C), in Part II, **section D**, tick "YES" and submit a separate ESPD form for each subcontractor concerned.

Where the economic operator completes the ESPD as:

- **an economic operator whose capacities are referred to by the candidate or tenderer** in Section C of Part II of its ESPD, or
- an economic operator nominated **as a subcontractor** by the candidate or tenderer in Section D of Part II of its ESPD,

it shall complete Sections A and B of Part II and Parts III and V. It shall complete Part IV only if this is necessary in view of the manner in which the candidate or tenderer refers to its capacities or if this is expressly requested by the contracting authority in accordance with the fourth paragraph of Article 94 of ZJN-3.

Instructions for using the ESPD for economic operators are available at: Instructions and forms.

3.2. GROUNDS FOR EXCLUSION

The contracting authority may exclude an economic operator from the public procurement procedure at any time during the procedure if it is found that, prior to or during the public procurement procedure, that operator is in one of the situations referred to in the first, second or fourth paragraph of Article 75 of ZJN-3 due to acts committed or omitted. The contracting authority may also exclude an economic operator at any stage of the procedure if it is established that, prior to or during the public procurement procedure, that operator is in one of the situations referred to in the sixth paragraph of Article 75 of ZJN-3, based on actions taken or not taken.

Reasons for exclusion:	
A.	**Reasons related to criminal convictions (first paragraph of Article 75 of ZJN-3):** An economic operator or a person who is a member of the administrative, management or supervisory body of that economic operator or who has powers of representation, decision-making or control therein has been convicted of criminal offences under the Criminal Code (Official Gazette of the Republic of Slovenia, No. 50/12 – official consolidated text, 6/16 – corr., 54/15, 38/16, 27/17, 23/20, 91/20, 95/21, 186/21 and 105/22 – ZZNŠPP; hereinafter: KZ-1) or for comparable criminal offences pronounced by foreign courts: - terrorism (Article 108 of KZ-1), - financing of terrorism (Article 109 of KZ-1), - incitement and public glorification of terrorist acts (Article 110 of KZ-1),

	- recruitment and training for terrorism (Article 111 of KZ-1), - enslavement (Article 112 of the KZ-1), - trafficking in human beings (Article 113 of the KZ-1), - accepting bribes in elections (Article 157 of the KZ-1), - violation of fundamental rights of workers (Article 196 of the KZ-1), - fraud (Article 211 of the KZ-1), - unlawful restriction of competition (Article 225 of the KZ-1), - causing bankruptcy through fraud or dishonest business practices (Article 226 of the KZ-1), - damage to creditors (Article 227 of the KZ-1), - business fraud (Article 228 of the KZ-1), - fraud against the European Union (Article 229 of the KZ-1), - deception in obtaining and using loans or benefits (Article 230 of the KZ-1), - deception in securities trading (Article 231 of the KZ-1), - deception of customers (Article 232 of the KZ-1), - unauthorised use of a foreign mark or model (Article 233 of the KZ-1), - unauthorised use of a foreign invention or topography (Article 234 of the KZ-1), - forgery or destruction of business documents (Article 235 of the KZ-1), - disclosure and unauthorised acquisition of business secrets (Article 236 of the KZ-1), - abuse of an information system (Article 237 of the KZ-1), - misuse of inside information (Article 238 of the KZ-1), - abuse of the financial instruments market (Article 239 of the KZ-1), - abuse of position or trust in economic activity (Article 240 of the KZ-1), - unauthorised acceptance of gifts (Article 241 of the KZ-1), - unauthorised giving of gifts (Article 242 of the KZ-1), - counterfeiting of money (Article 243 of the KZ-1), - counterfeiting and use of counterfeit securities or securities (Article 244 of the KZ-1), - money laundering (Article 245 of the KZ-1), - misuse of non-cash means of payment (Article 246 of the KZ-1), - use of counterfeit non-cash means of payment (Article 247 of the KZ-1), - manufacture, acquisition and disposal of counterfeiting equipment (Article 248 of the KZ-1), - tax evasion (Article 249 of the KZ-1), - smuggling (Article 250 of the KZ-1-1), - abuse of official position or official rights (Article 257 of the KZ-1), - misappropriation of public funds (Article 257.a of the KZ-1), - disclosure of confidential information (Article 260 of the KZ-1), - acceptance of bribes (Article 261 of the KZ-1), - giving bribes (Article 262 of the KZ-1), - acceptance of benefits for illegal mediation (Article 263 of the KZ-1), - giving gifts for illegal mediation (Article 264 of the KZ-1), - criminal association (Article 294 of the KZ-1).
	ESPD, Part III: Grounds for exclusion, A: Grounds related to criminal convictions Article 57(1) of Directive 2014/24/EU (in conjunction with Article 80 of Directive 2014/25/EU) sets out the following grounds for exclusion:

- Participation in a criminal organisation: An economic operator or any person who is a member of its administrative, management or supervisory body or who has powers of representation, decision-making or supervisory functions in that entity, has been the subject of a final conviction for participation in a criminal organisation, where no more than five years have elapsed since the conviction or, in its case, the period of exclusion specified directly in the conviction is still applicable.
  As defined in Article 2 of Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ L 300, 11.11.2008, p. 42).
- Corruption: An economic operator or any person who is a member of its administrative, management or supervisory body or who is authorised to represent, decision-making or control in that entity has been convicted of corruption by a final judgment, where no more than five years have elapsed since the conviction or, in its case, where the period of exclusion specified directly in the conviction is still applicable.
  As defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, OJ C 195, 25.6.1997, p. 1, and Article 2(1) of Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192, 31.7.2003, p. 54).
  This ground for exclusion also covers corruption as defined in the national law of the contracting authority or economic operator.
- Fraud: An economic operator or any person who is a member of its administrative, management or supervisory body or who has powers of representation, decision-making or supervisory functions in that entity, has been convicted of fraud by a final judgment, where no more than five years have elapsed since the conviction or, in her case, the period of exclusion specified directly in the conviction is still applicable.
  Within the meaning of Article 1 of the Convention on the Protection of the European Communities' Financial Interests (OJ C 316, 27.11.1995, p. 48).
- Terrorist offences or offences linked to terrorist activities: An economic operator or any person who is a member of its administrative, management or supervisory body or who has powers of representation, decision-making or control in that entity, has been the subject of a final conviction for terrorist offences or offences linked to terrorist activities, where the conviction has a maximum of five years since it became final or, in its case, where the period of exclusion specified directly in the conviction is still applicable.
  As defined in Articles 1 and 3 of the Council Framework Decision of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3).
  This ground for exclusion also covers incitement to commit a criminal offence, aiding or abetting a criminal offence, or attempting to commit a criminal offence, as referred to in Article 4 of that Framework Decision.
- Money laundering or terrorist financing: An economic operator or any person who is a member of its administrative, management or supervisory body or who has powers of representation, decision-making or supervisory functions in that entity, has been the subject of a final conviction for money laundering or terrorist financing, where no more than five years have elapsed since the conviction or, in its case, where the period of exclusion specified directly in the conviction is still applicable.

	As defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309, 25.11.2005, p. 15). - Child labour and other forms of trafficking in human beings: A legal entity or any person who is a member of its administrative, management or supervisory body or who has powers of representation, decision-making or supervisory functions in that entity has been convicted of child labour or other forms of trafficking in human beings, where no more than five years have elapsed since the conviction or, in its case, where the period of exclusion specified directly in the conviction is still applicable. *As defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1).*
Corrective measures:	An economic operator which is in one of the situations referred to in point A may, at the latest by the deadline for submission of applications or tenders, provide evidence to the contracting authority that it has taken sufficient measures to demonstrate its reliability despite the existence of grounds for exclusion. Sufficient measures shall include: - payment or commitment to pay compensation for all damage caused by the criminal offence or infringement - active cooperation with the investigating authorities in order to clarify all the facts and circumstances, and - taking specific technical, organisational and personnel measures appropriate to prevent further criminal offences or infringements. When assessing the measures taken by the economic operator, the contracting authority shall take into account the seriousness and specific circumstances of the criminal offence or infringement. If the contracting authority considers that the evidence provided by the economic operator is sufficient, it shall not exclude the economic operator from the public procurement procedure, regardless of the existence of the grounds referred to in point (a). If the contracting authority considers that the measures are not sufficient, it shall send the economic operator a statement of reasons for its decision. An economic operator who has been excluded from participation in public procurement or concession award procedures on the basis of a final judgment or decision on an offence that has effect in the Republic of Slovenia shall not be entitled to the possibility of corrective measures during the period of exclusion. Where a final judgment for a criminal offence does not specify the duration of exclusion from public procurement procedures for the reasons under A and the contracting authority assesses that the corrective measures taken by the economic operator are not sufficient, the contracting authority shall exclude the economic operator from the public procurement procedure if five years have not yet elapsed since the date of the final judgment for the criminal offence in question.
Supporting documents in the application**:**	Completed ESPD form (in "Part III: Grounds for exclusion, Section A: Grounds related to criminal convictions"). If the economic operator's answer to any of the reasons is YES, the economic operator must enter the information required by the ESPD in the fields provided. If the economic operator invokes a corrective mechanism, with a "Yes" answer to the question "Have you taken measures to demonstrate your reliability ("self-cleaning")?" in the field "Please describe them*" in the field "Please describe them*".

	When listing the representatives of the economic operator in the ESPD (in "Part II: Information relating to the economic operator, B: Information on the representatives of the economic operator"), it is mandatory to provide the personal identification numbers of all representatives in order to verify compliance with the condition in the criminal record. We would like to emphasise that it is necessary to list all persons who are members of the administrative, management or supervisory body of the economic operator or who have powers of representation, decision-making or control within it.
	In order to speed up the review of applications, it is desirable that economic operators also submit the following with their application: - An extract from the relevant register, such as the court register, or, if no such register exists, an equivalent document issued by the competent judicial or administrative authority in the Republic of Slovenia, another Member State or the country of origin or the country in which the economic operator is established, showing that there are no grounds for exclusion (for economic operators and for all persons who are members of the administrative, management or supervisory body of each of the economic operators in the tender or who have powers of representation, decision-making or control therein), which is not older than 4 months from the deadline for submission of applications/tenders.
Note:	The reasons under A apply to every economic operator (independent economic operator, member of a group of economic operators, subcontractor) that participates in the tender or cooperates in the performance of the contract. These reasons also apply to all entities whose capacities are used by the tenderer. For information that cannot be verified or that the contracting authority is unable to verify in the official records of state or local authorities, the contracting authority reserves the right to request additional information or (material) evidence. The economic operator shall submit to the contracting authority, within the time limit set by the contracting authority, the following evidence for the economic operator and all persons who are members of the administrative, management or supervisory body of the economic operator or who have the power to represent, decide or supervise it: - an extract from the relevant register, such as the criminal record, which is not older than 4 months from the deadline for submission of applications or tenders, or is obtained no later than 90 days from the deadline for submission of applications or tenders, if such a register does not exist, an equivalent document issued by a competent judicial or administrative authority in the Republic of Slovenia, another Member State or the country of origin or the country in which the economic operator is established, showing that there are no grounds for exclusion. If the competent authorities of the country do not issue such certificates or if they do not cover all cases, the economic operator shall submit a sworn statement. If this is not provided for in the country in which the economic operator is established, the economic operator shall submit a declaration by a specific person made before a competent judicial or administrative authority, a notary or a competent professional or trade body in the country of origin of that person or in the country in which the economic operator is established.

B.	**Reasons related to the payment of taxes or social security contributions (second paragraph of Article 75 of ZJN-3):** **The economic operator does not fulfil its obligations relating to the payment of taxes and other non-tax financial obligations in accordance with the law governing financial administration, which are collected by the tax authority in accordance with the regulations of the country in which it is established or the regulations of the contracting authority's country.** **An economic operator shall also be deemed not to have fulfilled the obligations referred to in the previous sentence if it has not submitted all tax deduction statements for income from employment for the last five years prior to the deadline for submission of tenders or applications.** The economic operator shall not be excluded if, by the deadline for submitting applications or tenders, the economic operator settles any outstanding liabilities amounting to €50 or more and submits all tax withholding statements for income from employment for the last five years by the deadline for submitting the application or tender.
	ESPD, Part III: Grounds for exclusion, B: Grounds related to the payment of taxes or social security contributions Article 57(2) of Directive 2014/24/EU (in conjunction with Article 80 of Directive 2014/25/EU) sets out the following grounds for exclusion: - Payment of taxes: The economic operator has breached its obligations relating to the payment of taxes in the country in which it is established and in the Member State of the contracting authority or contracting entity, if different. - Payment of social security contributions: The economic operator has breached its obligations relating to the payment of social security contributions in the country in which it is established and in the Member State of the contracting authority or contracting entity, if different.
~~**Corrective measures:**~~	~~The economic operator shall not be excluded if, by the deadline for submitting applications or tenders, the economic operator settles any outstanding liabilities amounting to €50 or more and submits all tax withholding statements for income from employment for the last five years by the deadline for submitting the application or tender.~~
Supporting documents in the application**:**	Completed ESPD form (in "Part III: Grounds for exclusion, B: Grounds related to the payment of taxes or social security contributions"). If the economic operator's answer to any of the reasons is YES, the economic operator must enter the information required by the ESPD in the fields provided and describe whether the economic operator has fulfilled its obligations by paying or concluding a binding agreement on the payment of taxes or social security contributions due, including any interest or penalties charged.
Note:	The reasons under B apply to every economic operator (independent economic operator, member of a group of economic operators, subcontractor) that participates in the application or in the performance of the contract. These reasons also apply to all entities whose capacities are used by the tenderer. For information that cannot be verified or that the contracting authority is unable to verify in the official records of state or local authorities, the contracting authority reserves the right to request additional information or (material) evidence. The economic operator shall submit the following evidence to the contracting authority within the time limit set by the contracting authority: - a certificate issued by the competent authority in the Republic of Slovenia, another Member State or a third country.

	If the competent authorities of the country do not issue such evidence or if it does not cover all cases, the economic operator shall submit a sworn statement. If this is not provided for in the country in which the economic operator is established, the economic operator shall submit a statement by a specific person made before a competent judicial or administrative authority, a notary or a competent professional or trade body in the country of origin of that person or in the country in which the economic operator is established.
C.	**Reasons related to insolvency, conflict of interest and violation of professional rules (sixth paragraph of Article 75 of ZJN-3):** - The economic operator has breached its obligations in the field of environmental, social and labour law as laid down in European Union law, regulations applicable in the Republic of Slovenia, collective agreements or regulations of international environmental, social and labour law. The list of international social and environmental conventions is set out in Annex X to Directive 2014/24/EU and Annex XIV to Directive 2014/25/EU. - The economic operator is subject to insolvency or compulsory winding-up proceedings under the law governing insolvency and compulsory winding-up proceedings, or liquidation proceedings under the law governing companies, its assets or business are being administered by an administrator or court, or its business activities have been suspended, or proceedings have been initiated against it in accordance with the regulations of another country, or a situation with the same legal consequences has arisen. - The contracting authority may demonstrate by appropriate means that the economic operator has committed a serious breach of professional rules, which undermines its integrity. - The contracting authority may reasonably conclude that the economic operator has entered into an agreement with other economic operators with the aim or effect of preventing, restricting or distorting competition. The contracting authority's conclusion in the previous sentence shall also be considered justified if, on the basis of the contracting authority's report, the competition authority informs the contracting authority within 15 days that it will initiate proceedings to determine whether an infringement has been committed. The competition authority may, taking into account the complexity of the case or for reasons on the part of the party against whom the report has been filed, extend this period by up to 15 days in exceptional cases, of which it must notify the contracting authority no later than the last day of the period. - Conflicts of interest referred to in the second paragraph of Article 91 of ZJN-3 cannot be effectively remedied by other, less severe measures. - Distortions of competition due to the prior involvement of economic operators in the preparation of the public procurement procedure in accordance with Article 65 of ZJN-3 cannot be effectively remedied by other, less severe measures. - In previous public procurement contracts concluded with the contracting authority, the economic operator has shown significant or persistent deficiencies in the performance of key obligations, as a result of which the contracting authority terminated the previous contract or agreement prematurely or claimed damages or imposed other comparable sanctions.

	- The economic operator is guilty of providing seriously misleading explanations when providing information required for the purpose of verifying the existence of grounds for exclusion or the fulfilment of conditions for participation, or if it has failed to disclose such information or is unable to provide the evidence required in accordance with Article 79 of ZJN-3. - The economic operator has attempted to unduly influence the contracting authority's decision-making or to obtain confidential information that could give it an undue advantage in the public procurement procedure, or has negligently submitted misleading information that could significantly influence the decision on exclusion, selection or award of the public procurement.
	ESPD, Part III: Grounds for exclusion, C: Grounds related to insolvency, conflict of interest and professional misconduct Article 57(4) of Directive 2014/24/EU (in conjunction with Article 80 of Directive 2014/25/EU) sets out the following grounds for exclusion: - Breach of obligations in the field of environmental law: The economic operator has, to its knowledge, breached its obligations in the field of environmental law. *As specified for the purposes of this public procurement in national legislation, in the relevant notice, in the procurement documentation or in Article 18(2) of Directive 2014/24/EU* - Breach of obligations in the field of social law: The economic operator has, to its knowledge, breached its obligations in the field of social law. *As specified for the purposes of this public procurement in national legislation, in the relevant notice, in the procurement documentation or in Article 18(2) of Directive 2014/24/EU.* - Breach of obligations in the field of labour law: The economic operator has, to its knowledge, breached its obligations in the field of labour law. *As specified for the purposes of this public procurement in national legislation, in the relevant notice, in the procurement documentation or in Article 18(2) of Directive 2014/24/EU.* - Bankruptcy: An economic operator that is bankrupt. - Insolvency: Economic operator subject to insolvency or liquidation proceedings. - Arrangement with creditors: An economic operator has an arrangement with creditors. - Situation similar to bankruptcy under national law: An economic operator is in a situation similar to bankruptcy arising from similar proceedings under national laws and regulations. - Assets administered by an insolvency practitioner: The assets of the economic operator are administered by an insolvency practitioner or a court. - Business activities are temporarily suspended: The economic operator's business activities are temporarily suspended. - Serious breach of professional rules: The economic operator has committed a serious breach of professional rules. *As specified for the purposes of this public procurement in national legislation, in the relevant notice or in the documentation relating to the award of the public procurement*. - Agreements with other economic operators with the aim of distorting competition: The economic operator has entered into agreements with other economic operators with the aim of distorting competition. - Conflict of interest due to its participation in the procurement procedure: The economic operator is aware of a conflict of interest due to its participation in the procurement procedure.

	As specified for the purposes of this public procurement in national legislation, in the relevant notice or documentation relating to the award of the public procurement or in Article 24 of Directive 2014/24/EU. - Direct or indirect involvement in the preparation of this procurement procedure: The economic operator or a company affiliated with the economic operator has advised the contracting authority or the contracting entity or has otherwise been involved in the preparation of the procurement procedure. - Early termination of a contract, damages or other comparable penalties: The economic operator has had a previous public procurement contract, previous contract for the performance of a contract concluded with the contracting authority, or previous concession contract was terminated early, or compensation or other comparable sanctions were imposed in connection with the aforementioned previous contract. - Misrepresentation, concealment of information, failure to submit the required documentation and obtaining confidential information about this procedure: The economic operator has found itself in one of the following situations: a) it was guilty of serious misrepresentation in submitting the information necessary to verify that there are no grounds for exclusion and that the conditions for participation are met, b) it concealed such information, c) it has been unable to provide evidence at the request of the contracting authority or contracting entity without delay, and d) it has attempted to unduly influence the decision-making process of the contracting authority or contracting entity, to obtain confidential information that could give it an undue advantage in the public procurement procedure, or negligently submitted misleading information that could significantly influence decisions on exclusion, selection or award of the contract?
Exceptions:	The contracting authority may decide not to exclude from the public procurement procedure an economic operator in respect of which a court has issued a final decision confirming a compulsory settlement.
Corrective measures:	An economic operator in one of the situations referred to in point C may, at the latest by the deadline for submission of applications or tenders, provide the contracting authority with evidence that it has taken sufficient measures to demonstrate its reliability despite the existence of grounds for exclusion. Sufficient measures shall include: - payment or commitment to pay compensation for all damage caused by the criminal offence or infringement - active cooperation with the investigating authorities in order to clarify all the facts and circumstances, and - taking specific technical, organisational and personnel measures appropriate to prevent further criminal offences or infringements. When assessing the measures taken by the economic operator, the contracting authority shall take into account the seriousness and specific circumstances of the criminal offence or infringement. If the contracting authority considers that the evidence provided by the economic operator is sufficient, it shall not exclude the economic operator from the public procurement procedure, regardless of the existence of the grounds under C. If the contracting authority considers that the measures are insufficient, it shall send the economic operator a statement of reasons for its decision. An economic operator who has been excluded from participation in public procurement or concession award procedures on the basis of a final judgment or decision on an offence that has effect in the Republic of Slovenia shall not be entitled to use the possibility of corrective measures during the period of exclusion.

	Where a final judgment for a criminal offence does not specify the duration of exclusion from public procurement procedures for the reasons under C and the contracting authority assesses that the corrective measures taken by the economic operator are not sufficient, the contracting authority shall exclude the economic operator from the public procurement procedure if three years have not yet elapsed since the date of the final judgment for the criminal offence in question.
Supporting documents in the application**:**	Completed ESPD form (in "Part III: Grounds for exclusion, Section C: Grounds related to insolvency, conflict of interest and breach of professional rules"). If the economic operator's answer to any of the reasons is YES, the economic operator must enter the information required by the ESPD in the fields provided. In the case of violations in the field of environmental, social and labour law and in the case of violations under previous contracts with the contracting authority for which the economic operator is invoking a corrective mechanism, with a "Yes" answer to the question "Have you taken measures to demonstrate your reliability ("self-cleaning")?" in the field "Please describe them*" write the violations and measures by which you can demonstrate your reliability despite the existence of grounds for exclusion. In the case of other violations for which the economic operator is applying the corrective mechanism, describe them in detail and state the reasons on which you base the smooth performance of the contract under this public procurement.
Note:	The grounds for exclusion apply to any economic operator (independent economic operator, member of a group of economic operators, subcontractor) participating in the tender or involved in the performance of the contract. These grounds also apply to all entities whose capacities are used by the tenderer. For information that cannot be verified or that the contracting authority is unable to verify in the official records of state or local authorities, the contracting authority reserves the right to request additional information or (material) evidence or statements issued by a judicial or administrative authority, a notary or the competent authorities of professional or economic entities in the country where the economic entity has its registered office.
D.	**National grounds for exclusion (fourth paragraph of Article 75 of ZJN-3):** a) **On the date of expiry of the deadline for submission of tenders or applications, the economic operator is listed in the register of economic operators subject to secondary sanctions of exclusion from public procurement procedures.** b) **In the last three years prior to the deadline for submission of tenders or applications, the competent authority of the Republic of Slovenia or another Member State or a third country has found at least two infringements in relation to payment for work, working time, rest periods, the performance of work on the basis of civil law contracts despite the existence of elements of an employment relationship, or in relation to undeclared work, for which it has been fined by one or more final decisions.**
	ESPD, Part III: Grounds for exclusion, D: National grounds for exclusion Exclusively national grounds for exclusion: - On the date of expiry of the deadline for submission of tenders or applications, the economic operator is listed in the register of economic operators subject to secondary sanctions of exclusion from public procurement procedures.

	- In the last three years prior to the deadline for submission of tenders or applications, the economic operator has been found by a competent authority of the Republic of Slovenia or another Member State or a third country to have committed at least two infringements relating to the payment of wages, working time, rest periods, the performance of work on the basis of civil law contracts despite the existence of elements of an employment relationship, or in relation to undeclared work, for which it has been fined by a final decision or several final decisions. - An economic operator or any person who is a member of its administrative, management or supervisory body or is authorised to represent, decision-making or supervisory functions in that entity, has been convicted by a final judgment for violations of the fundamental rights of workers, where no more than five years have elapsed since the conviction or, in its case, the period of exclusion specified directly in the conviction is still in force. *As defined in Article 196 of the KZ-1.*
Corrective measures:	An economic operator in respect of whom, in the last three years prior to the deadline for the submission of tenders or applications, the competent authority of the Republic of Slovenia or another Member State or a third country has established at least two infringements relating to the payment of wages, working time, rest periods, the performance of work on the basis of civil law contracts despite the existence of elements of an employment relationship, or in relation to undeclared work, for which it has been fined for an offence by one or more final decisions, it may, at the latest by the deadline for submission of applications or tenders to the contracting authority, provide evidence that it has taken sufficient measures to demonstrate its reliability despite the existence of grounds for exclusion. Sufficient measures shall include: - payment or commitment to pay compensation for all damage caused by the criminal offence or infringement, - active cooperation with the investigating authorities in order to clarify all the facts and circumstances, and - taking specific technical, organisational and personnel measures appropriate to prevent further criminal offences or infringements. When assessing the measures taken by the economic operator, the contracting authority shall take into account the seriousness and specific circumstances of the criminal offence or infringement. If the contracting authority considers that the evidence provided by the economic operator is sufficient, it shall not exclude the economic operator from the public procurement procedure, regardless of the reason in question. If the contracting authority considers that the measures are insufficient, it shall send the economic operator a statement of reasons for its decision. An economic operator who has been excluded from participation in public procurement or concession award procedures on the basis of a final judgment or decision on an offence that has effect in the Republic of Slovenia shall not be entitled to use the option referred to in the previous paragraph of this Article during the period of exclusion.
Supporting documents in the application**:**	Completed ESPD form (in "Part III: Grounds for exclusion, Section D: National grounds for exclusion").

	If the economic operator's response to a case of infringement relating to payment for work, working time, rest periods, performance of work on the basis of civil law contracts despite the existence of elements of an employment relationship, or relating to undeclared work is YES and it invokes a corrective mechanism, it shall indicate in a self-declaration attached to the tender the infringements and measures by which it can demonstrate its reliability despite the existence of the aforementioned grounds for exclusion.
Note:	The grounds for exclusion apply to any economic operator (independent economic operator, partner, subcontractor) participating in the application or involved in the performance of the contract. These grounds also apply to all entities whose capacities are used by the tenderer. For information that cannot be verified or that the contracting authority is unable to verify in the official records of state or local authorities, the contracting authority reserves the right to request additional information or (material) evidence. **The economic operator shall submit the following evidence to the contracting authority within the time limit set by the contracting authority**: - in relation to point a) of the fourth paragraph of Article 75 of ZJN-3, a self-declaration, - in relation to point b) of the fourth paragraph of Article 75 of ZJN-3, an extract from the register of final decisions on offences kept by the competent authority in the Republic of Slovenia, another Member State or a third country. If the competent authorities of the country do not issue such evidence or if it does not cover all cases, the economic operator shall submit a sworn statement. If this is not provided for in the country where the economic operator is established, the economic operator shall submit a statement by a specific person made before a competent judicial or administrative authority, a notary or a competent professional or trade organisation in the country of origin of that person or in the country where the economic operator is established.

Note for foreign economic operators:
An economic operator established outside the Republic of Slovenia will have to submit the certificates/evidence of its (national) competent authority itself.

➢ **EMŠO:**
For verification purposes in the e-Dosje information system**,** economic operators (and all other participating entities) **shall indicate** the personal identification **number (EMŠO)** of all persons who are members of the administrative, management **or** supervisory body of the economic operator **or** who have powers of representation, decision-making **or** control therein in the application for **VSE:**

- in the ESPD form in "Part II: Information relating to the economic entity, B: Information on the representatives of the economic entity" (in the line: "If necessary, provide detailed information on the representation (its form, scope, purpose, EMŠO, etc.)" or
- on their own form.

3.3. CONDITIONS FOR PARTICIPATION

3.3.1. Suitability to pursue the professional activity

1.	**The economic operator is entered in one of the professional or trade registers kept in the Member State in which the economic operator is established and is registered to perform the activity it is undertaking in the application.**
	ESPD, Part IV: Conditions for participation, A: Suitability Article 58(2) of Directive 2014/24/EU sets out the following conditions for participation: - Enrolment in the relevant professional register: Is enrolled in the relevant professional registers kept in the Member State of establishment, as listed in Annex XI to Directive 2014/24/EU; economic operators from certain Member States may be required to meet other requirements listed in that Annex. - Enrolment in the commercial register: Is enrolled in the relevant commercial registers kept in the Member State of establishment, as specified in Annex XI to Directive 2014/24/EU; economic operators from certain Member States may be required to fulfil any other requirements specified in that Annex.
Supporting documents in the application:	Completed ESPD form (in "Part IV: Conditions for participation, Section A: Suitability"): - Entry in the relevant professional register: If the answer is YES, the economic operator shall enter the registration number of the entry in the professional register and then provide the details for accessing the database containing information on the entry in the professional register, if this is available free of charge. OR - Entry in the commercial register: If the answer is YES, the economic operator shall enter the registration number of the entry in the commercial register and then provide the details for accessing the database containing information on the entry in the commercial register, if this is available free of charge. The ESPD must contain all the information necessary for the contracting authority to verify compliance with the relevant condition in the official register. If such verification is not possible, the contracting authority will require the tenderer to submit a copy of the entry in one of the professional or commercial registers.
Note:	The condition must be met by every economic operator (independent economic operator, member of a group of economic operators, subcontractor) participating in the application or involved in the performance of the contract. Each economic operator shall demonstrate that it meets the condition for the part of the contract it is undertaking in the application. **At the request of the contracting authority**, the economic operator shall submit the following evidence to the contracting authority within the time limit specified by the contracting authority: - additional evidence (e.g. certificate of entry in one of the professional or trade registers kept in the Member State in which the economic operator is established, reflecting the situation at the time of the deadline for submission of applications. **In order to speed up the review of applications, it is desirable that the economic operator submit this evidence together with the application (as Annex 9).**

3.3.2. Economic and financial standing

1.	**The economic operator's total annual turnover for the financial years 2022, 2023 and 2024, or, if it has been operating for less than three (3) years, for the period since it began operating until the end of 2024, must be at least EUR 30,000,000.00.**
	ESPD, Part IV: Conditions for participation, B: Economic and financial standing Article 58(3) of Directive 2014/24/EU sets out the following conditions for participation: - Overall annual turnover: Your overall annual turnover for the number of years required in the relevant notice, procurement documentation or ESPD is: AND - Establishment of the economic operator: If the required information on (general or specific) turnover is not available for the entire period required, indicate the date on which the company was established or the economic operator started trading:
Supporting documents in the application:	Completed ESPD form (in "Part IV: Conditions for participation, Section B: Economic and financial standing"): - Overall annual turnover: Economic operator number of years, minimum sum and currency (EUR) OR - Establishment of the economic operator: The economic operator shall enter the date of establishment if it has been operating for less than three (3) years. The ESPD must contain all the information necessary for the contracting authority to verify compliance with the relevant condition in the official register. If such verification is not possible, the contracting authority will require the economic operator to submit a copy of its entry in one of the professional or trade registers.
Note:	The condition must be met by an independent economic operator (in the case of an independent application). In the case of a joint application, the condition may be fulfilled cumulatively (jointly) by all members of the group of economic operators (in the case of a joint application). This condition cannot be fulfilled by subcontractors/other entities within the meaning of the section 1.12.4 above. Economic operators whose domestic currency is not the euro (EUR) should convert their financial data when completing the ESPD form based on the ECB reference rate valid on the date of publication of this public procurement on the Public Procurement Portal of the Republic of Slovenia. **At the request of the contracting authority**, the economic operator shall submit the following evidence to the contracting authority within the time limit specified by the contracting authority: - additional evidence (e.g. audited financial statements of the company's total turnover for the required period, taking into account the date of establishment of the company or the start of business of the economic operator, or other appropriate evidence showing that the condition is met). **In order to speed up the review of applications, it is desirable that the economic operator submit this evidence together with the application** (as Annex 10)**.**
2.	**The economic operator's financial reports for the last three financial years (i.e. 2022, 2023 and 2024) do not show a loss.**
	ESPD, Part IV: Conditions for participation, B: Economic and financial standing

	Article 58(3) of Directive 2014/24/EU lays down the following conditions for participation: - Economic operators have the economic and financial capacity to perform the public procurement.
SUPPORTING DOCUMENTS IN THE APPLICATION:	Completed ESPD form. By submitting the ESPD form, the economic operator is deemed to have declared that it meets the relevant condition.
Note:	The condition must be met by an independent economic operator (in the case of an independent application). In the case of a joint application, the condition must be met by each of the economic operators in the joint application.
	At the request of the contracting authority, the economic operator shall submit the following evidence to the contracting authority within the time limit specified by the contracting authority: - additional evidence (e.g. audited financial statements of the company's total turnover for the required period, taking into account the date of establishment of the company or the start of operations of the economic operator, or other relevant evidence demonstrating that the condition is met). **In order to speed up the review of applications, it is desirable that the economic operator submit this evidence together with the application** (as Annex 10)**.**
3.	**The economic operator's credit rating must be at least SB6 or better**
	ESPD, Part IV: Conditions for participation, B: Economic and financial standing Article 58(3) of Directive 2014/24/EU lays down the following conditions for participation: Economic operators shall have the economic and financial capacity to perform the public procurement.
SUPPORTING DOCUMENTS IN THE APPLICATION:	Completed ESPD form. By submitting the ESPD form, the economic operator is deemed to have declared that it meets the relevant condition.
Note	The condition must be met by an independent economic operator (in the case of an independent application). In the case of a joint application, the condition must be met by each of the economic operators in the joint application.
	At the request of the contracting authority, the economic operator shall submit the following evidence to the contracting authority within the time limit specified by the contracting authority: - additional evidence, namely S.BON-1 or S.BON-1/P or eS.BON, which must not be older than 30 (thirty) days from the deadline for submission of applications or must be obtained no later than 60 (sixty) days from the deadline for submission of applications (this provision means that the document containing the economic operator's credit rating information must be issued and prepared within the specified period).

	An economic operator based in a foreign country shall submit a credit rating prepared for it in its country by any credit rating agency and a comparison of its credit rating with the credit rating scale of one of the following credit rating agencies: Standard and Poor's or Fitch Ratings or Moody's Investors Service. When verifying the adequacy or equivalence of the credit rating, the contracting authority shall take into account the comparison of credit ratings published on the AJPES website at the following link: https://www.ajpes.si/bonitetne_storitve/s.bon_ajpes/bonitetna_lestvica. **In order to speed up the review of applications, it is desirable that the economic operator submit this evidence together with the application** (as Annex 10)**.**

The contracting authority reserves the right to request the economic operator to submit additional evidence or explanations regarding the fulfilment of the condition within the required time limit.

3.3.3. Quality management system and environmental management system

All requirements in this section relating to the economic operator apply to the independent candidate (in the case of an independent application) as well as to all members of the group of economic operators/candidates (in the case of a joint application).

1.	**The economic operator has a certified quality management system in place (ISO 9001 or equivalent)**
	ESPD, Part IV: Conditions for participation, D: Quality assurance schemes and environmental management standards Article 62(1) of Directive 2014/24/EU lays down the following conditions for participation: - The economic operator may submit certificates issued by independent bodies confirming that the economic operator complies with the required quality assurance standards:
SUPPORTING DOCUMENTS IN THE APPLICATION:	Completed ESPD form (in "Part IV: Conditions for participation, D: Quality assurance schemes and environmental management standards"): - Certificates from independent bodies on quality assurance standards,
Note:	This condition must be met by each economic operator (independent economic operator, member of a group of economic operators in the case of a joint application). **At the request of the contracting authority**, the economic operator shall submit the following evidence to the contracting authority within the time limit specified by the contracting authority: - additional evidence (e.g. photocopies of quality system certificates). **In order to speed up the review of applications, it is desirable that the economic operator submit this evidence together with the application** (as Annex 11)**.**

	The contracting authority will recognise equivalent certificates issued by authorities based in other Member States. The contracting authority will also accept other evidence of equivalent quality assurance measures if a particular economic operator, for reasons beyond its control, is unable to obtain such a certificate within the relevant time limit, provided that it can demonstrate that the proposed quality assurance measures meet the required quality assurance standards.
2.	**The economic operator has a certified environmental management system in place (ISO 14001 or equivalent)**
	ESPD, Part IV: Conditions for participation, D: Quality assurance schemes and environmental management standards Article 62(2) of Directive 2014/24/EU lays down the following conditions for participation: - The economic operator may submit certificates issued by independent bodies confirming that the economic operator complies with the required environmental management systems or standards:
SUPPORTING DOCUMENTS IN THE APPLICATION:	Completed ESPD form (in "Part IV: Conditions for participation, D: Quality assurance schemes and environmental management standards"): - Certificates from independent bodies on environmental management systems or standards.
Note:	This condition must be met by each economic operator (independent economic operator, member of a group of economic operators in the case of a joint application). **At the request of the contracting authority**, the economic operator shall submit the following evidence to the contracting authority within the time limit specified by the contracting authority: - additional evidence (e.g. photocopies of environmental management certificates). **In order to speed up the review of applications, it is desirable that the economic operator submit this proof together with the application** (as Annex 12). The contracting authority will accept equivalent certificates issued by authorities based in other Member States. If, for reasons beyond its control, the economic operator clearly does not have access to these certificates or cannot obtain them within the relevant time limit, the contracting authority shall also accept other evidence of environmental management measures, provided that the economic operator proves that these measures are equivalent to those required under the applicable environmental management system or standard.

3.3.4. Technical and professional/staff capacity

The economic operator may fulfil the technical and professional conditions or capacity(ies) listed below independently, as a group of economic operators (partners) in the case of a joint application, or with subcontractors or an entity whose capacity the economic operator will use (depending on the activities that are the subject of the public procurement and which will be performed by the individual entity within the framework of the tender), but this entity (with which the conditions or capacity are demonstrated) must also perform the work that is the subject of the public procurement.

If the other entity with which the conditions or capacity are demonstrated and to which the leading economic operator refers will directly perform part of the subject of the public procurement itself, then we are talking about an entity that meets the definition ***of a subcontractor***, ***and*** *the lead economic operator should therefore nominate it as a subcontractor(s)* ***and not*** *as an entity or entities whose capacity is used by the economic operator in the tender.*

The contracting authority reserves the right to request the economic operator to submit additional evidence or explanations regarding the fulfilment of the required conditions within the specified time limit.

3.3.4.1. General

The contracting authority requires the following general technical and personnel conditions:

- The economic operator must have all the technical resources and equipment at its disposal and must ensure the appropriate technical capacity for the high-quality performance of the entire contract within the specified time limit, in accordance with the requirements of the tender documentation, professional rules and the provisions of regulations and standards in the field of the subject of the contract.
- The subject of the application must meet all the standards, conditions and requirements of the contracting authority specified in the tender documentation.
- The economic operator must have at its disposal appropriate personnel who are experienced, professionally qualified and capable of performing the subject of the public procurement and who will participate in the performance of the subject public procurement.

SUPPORTING DOCUMENTS IN THE APPLICATION:

- ESPD from all participating economic operators in the application. By submitting the ESPD form, the economic operator is deemed to have declared that it meets the relevant condition.

3.3.4.2. Technical ability and capacity to perform contractual obligations

The economic operator must submit **the organisational structure of the project implementation team** and demonstrate that it has sufficient and appropriate technical capacity and capabilities to fulfil the subject of the public procurement. **The** attached **organisational structure must include (at least):**

1. A description of the project management methodology;
2. Description of the organisation of the economic operator's project implementation team for cooperation with the contracting authority;
3. Project management software (name, description and operation).

SUPPORTING DOCUMENTS IN THE APPLICATION:

- ESPD from all participating economic operators in the application. By submitting the ESPD form, the economic operator is deemed to have declared that it meets the relevant condition.
- Organisational structure of the project implementation team, prepared/drawn up by the economic operator and attached to Annex 12.

The contracting authority reserves the right to request the economic operator to submit additional evidence or explanations regarding the fulfilment of technical capacity within the required deadline.

3.3.4.3. Professional (personnel) capacity and references of staff

A) General

The economic operator must demonstrate the professional competence and experience of the responsible persons/experts who will be appointed to perform specific tasks, as set out below. Each of the appointed responsible persons/experts must meet the required conditions.

The economic operator must have/provide professional staff (project team) with relevant experience in energy and wood biomass thermal power plants, covering the following functions on the part of the economic operator with indicative (but not exhaustive) descriptions of the tasks expected of them by the contracting authority:

a) Project Manager (PM)

Responsible for overall project management, coordination of all stakeholders, supervision of the timetable, budget and achievement of contractual objectives.

b) Site Manager (SM)

Responsible for organising and supervising all activities on the construction site, ensuring safety, quality and compliance with the implementation plan.

c) Site Biomass Boiler Engineer (SBBE)

Specialist in the installation, connection and testing of biomass boilers, ensuring technical compliance with project documentation.

d) Site Steam Turbine Engineer (SSTE)

Responsible for the installation and connection of the steam turbine to the generator and supervision of its start-up and operation.

e) Site Mechanical Engineer (SME)

Coordinates the installation of mechanical components (pipelines, steam pipes, pumps, heaters, etc.), ensures the proper execution of mechanical works and testing.

f) Site Electrical Engineer (SEE)

Coordinates the implementation of electrical works, including cabling and equipment connection, and ensures compliance with safety standards.

g) Site Instrumentation and Control Engineer (SI&CE)

Responsible for the installation and configuration of measurement, control and regulation systems and their integration into the client's systems.

h) Site Commissioning Engineer (SCE)

Leads the commissioning, functional testing and optimisation of the entire system before handover to operation.

The client will require that the above-mentioned members of the project implementation team (except for the person under point a)) be physically present on the construction site during the performance of the relevant work.

The contracting authority, with the requirements set for the appointed staff, requires the formation of a project implementation team of the economic operator that will lead the project and cooperate with the contracting authority. The term "engineer" **does not imply a requirement** that the appointed experts must meet the conditions for engineers within the meaning of the Construction Act (GZ-1) or the Architectural and Engineering Activities Act (ZAID) or in accordance with national legislation governing the subject area in the country where the economic operator is established.

The selected economic operator with whom the contracting authority will conclude the contract may, during the performance of the contract, replace the nominated staff only with the prior written consent of the contracting authority and on the basis of justified reasons on the part of the economic operator (e.g. prolonged sick leave, termination of employment, etc.). Notwithstanding the above, the contracting authority may, during the performance of the contract, request the replacement of the appointed expert in the event of inadequate performance of the work by the individual expert. The newly nominated staff must meet the same conditions and requirements as the individual staff member/expert they are replacing/substituting.

Written and oral communication between the client and the experts shall be in Slovenian or English.

The appointed/nominated staff must meet the following conditions:
- have at least 10 (ten) years of work experience,
- have technical education in the field of work they perform,
- provide references as specified below.

The economic operator may fulfil the above condition independently, as a group of economic operators (partners) in the case of a joint application, or with a subcontractor. A partner in a joint application or a subcontractor with whom the candidate fulfils an individual condition from this point must also be actually involved in the performance of the works/services that are the subject of this public procurement (this entity or person with whom the condition is demonstrated must also perform the works that are the subject of the public procurement). An economic operator cannot be a reference customer at the same time as being a tenderer.

By submitting an application, the economic operator guarantees to the contracting authority that the experts listed in the application, whose appointment by the economic operator proves that it meets the professional capacity requirement, will actually perform the work for the contracting authority.

B) Staff references

The economic operator must demonstrate in the application that **the registered staff**, ,has performed the following activities in a professionally correct, high-quality manner and in accordance with the contractual provisions in the last fifteen (15) years, counting from the deadline for submission of applications:

1. **Project Manager (PM)** must demonstrate continuous management the construction of at least one wood biomass or combined cycle (CHP) thermal power plant with a minimum input thermal capacity of 20 MW for at least two (2) years, which was successfully completed with the handover of the facility to the investor.

2. **Site Manager (SM)** must demonstrate at least two (2) years of continuous work as the operational manager of at least one wood biomass or combined cycle (CHP) power plant with a minimum input thermal capacity of 20 MW, which was successfully completed with the handover of the facility to the investor.

3. **Site Biomass Boiler Engineer (SBBE)** must demonstrate that he/she was the responsible implementation engineer for the construction of at least two (2) operational high-pressure wood biomass boilers, each with a minimum thermal input of 20 MW, which were successfully completed with the handover of the facilities to the investor.

4. **Site Steam Turbine Engineer (SSTE)** must demonstrate that he was the responsible engineer for the installation/assembly of at least two (2) operational steam turbines, each with a minimum electrical power of 5 MW, which were successfully completed with the handover of the facilities to the investor.

5. **Site Mechanical Engineer (SME)** must demonstrate that they were the responsible mechanical implementation engineer for the construction of at least one (1) operational combined cycle power plant (CHP) with a minimum thermal input capacity of 20 MW, which was successfully completed with the handover of the facility to the investor.

6. **Site Electrical Engineer (SEE)** must demonstrate that they were the responsible electrical implementation engineer for the construction of at least one (1) operational power plant with a minimum of 15 MW of electrical power output, which was successfully completed with the handover of the facility to the investor.

7. **Site Instrumentation and Control Engineer (SI&CE)** must demonstrate that they were the responsible automation and control implementation engineer for the construction of at least one (1) operational combined cycle power plant (CHP) with a minimum input thermal capacity of 20 MW, which was successfully completed with the handover of the facility to the investor.

8. **Site Commissioning Engineer (SCE)** must demonstrate that he was the responsible engineer for the commissioning and testing of power plant operation in the construction of at least one (1) operational combined cycle power plant (CHP) with a minimum thermal input of 20 MW, which was successfully completed with the handover of the facility to the investor.

SUPPORTING DOCUMENTS IN THE APPLICATION (APPLIES TO THE ENTIRE POINT):

- ESPD completed in "Part IV: Conditions for participation, Section C: Technical and professional capacity:
  - Technical staff or technical bodies responsible for quality control,
  - Education and professional qualifications" by all participating economic operators in the application.

  By submitting the ESPD form, the economic operator is deemed to have declared that it meets the relevant condition.
- Completed and signed Annex 13/1 PROFESSIONAL CAPACITY – STAFF LIST.

At the request of the contracting authority, the economic operator shall submit the following evidence to the contracting authority within the time limit specified by the contracting authority:

- Curriculum vitae of the nominated staff in the project team, including a description of their work experience (Annex 13/2: CURRICULUM VITAE OF THE NOMINATED STAFF IN THE PROJECT TEAM, INCLUDING A DESCRIPTION OF THEIR WORK EXPERIENCE).
- Reference certificates for the appointed staff, namely for each individual reference project listed by the economic operator in the ESPD, issued by the reference clients (actual investors/end clients) in terms of the content specified in Annex 13/3: CONFIRMATION OF REFERENCES BY INDIVIDUAL CONTRACTING AUTHORITIES - **EXPERT**.

  In order to speed up the review of applications, it is desirable that the economic operator submit this evidence together with the application.

With regard to the reference requirements, the contracting authority will only take into account completed projects/reference works, whereby the date of completion is considered to be the date on which the project was finally accepted by signing the Minutes of Acceptance and Handover of Completed Works (handover minutes), Taking-over-Certificate (TOC) or similar.

The contracting authority expects that CVs will show, in particular, formal education, work experience with a list of previous employers (indicating areas of work – with an emphasis on the connection with the role/position under this point of the tender documentation for which the individual is nominated) and, if possible, the projects in which the individual has participated (including the period of work and a description of the role performed by the individual in each of the projects listed).

By submitting an application, the economic operator guarantees to the contracting authority that the experts listed in the application, whose appointment by the economic operator proves that it meets the staffing requirements, will also perform work for the contracting authority.

The contracting authority is entitled to make enquiries about the references provided before deciding on the recognition of competence, and therefore **reserves the right to request the economic operator to submit additional evidence within the specified time limit (in addition to the above) on the successful completion of the specified reference works (e.g. contract with the investor or employer, invoice, payment confirmation, etc.) or verify the information directly with the investor or employer**. If the contracting authority determines through additional inquiries that any of the references do not demonstrate high-quality work (the statements or references do not reflect the actual situation), such references shall not be taken into account.

References must be confirmed by the individual contracting authority/reference issuer (or investor/payer of the work). The economic operator shall reproduce the form completed and confirmed by the individual contracting authorities/reference issuers in the required number. By submitting an application, the economic operator agrees that the contracting authority may verify the information contained in the attached references or successfully completed projects of the economic operator with the contracting authority/issuer of the reference.

The nominated expert (with whom the references are provided) will only be recognised for those works that he has performed directly (with his own knowledge and capabilities) as the actual contractor.

***An economic operator acting as an independent/leading economic operator, partner and/or subcontractor cannot simultaneously be a reference* client/issuer of references.**

3.3.5. References of the economic operator

3.3.5.1. References of an independent economic operator/member of a group of economic operators in the case of a joint application

The economic operator must demonstrate that, as an independent economic operator or as a member of a group of economic operators in the case of a joint application, in the last fifteen (15) years from the deadline for submission of applications, it has it has participated in the successful implementation of at least **one (1) similar project** as a sole contractor or as a member of a consortium of contractors in a professionally correct, high-quality manner

and in accordance with the contractual provisions, whereby a similar project is considered to be an energy block that:

- has been successfully taken over by the investor by signing the Minutes of Acceptance and Handover of Completed Works (handover minutes), Taking-over Certificate (TOC) or similar,
- has at least 2,000 operating hours after successful takeover,
- has an input thermal power of at least 30 MWt,
- generates at least 10 MWe of net electrical power (50 Hz),
- uses biomass as its primary fuel,
- is a combined heat and power (CHP) unit that uses a high-pressure steam boiler with a fresh steam pressure greater than 60 bar.

SUPPORTING DOCUMENTS IN THE APPLICATION

- ESPD completed in "Part IV: Conditions for participation, Section C: Technical and professional capacity:
  - For construction contracts: execution of a specific type of construction;
- Completed and signed Annex 14/1 LIST OF REFERENCES – ECONOMIC OPERATOR.

At the request of the contracting authority, the economic operator shall submit the following supporting documents to the contracting authority within the time limit specified by the contracting authority:

- Reference certificates of the economic operator, namely for each individual reference transaction that the economic operator cites in the ESPD, issued by the reference clients (actual investors/end clients) in terms of the content specified in Annex 14/2: CONFIRMATION OF REFERENCES BY INDIVIDUAL CONTRACTING AUTHORITIES – ECONOMIC OPERATOR.

  In order to speed up the review of applications, it is desirable that the economic operator submit this evidence together with the application.

With regard to the reference requirements, the contracting authority will only take into account completed projects/reference works, whereby the date of completion is considered to be the date on which the project was finally accepted by signing the Minutes of Acceptance and Handover of Completed Works (handover minutes), Taking-over-Certificate (TOC) or similar.

The contracting authority is entitled to make enquiries about the references provided before deciding on the recognition of suitability, and therefore **reserves the right to request the economic operator to submit additional evidence (in addition to the above) on the successful completion of the specified reference works (e.g. contract with the investor or employer, invoice, payment certificate, etc.) or verify the information directly with the investor or employer**. If the contracting authority determines through additional inquiries that any of the references do not demonstrate high-quality work (the statements or references do not reflect the actual situation), such references shall not be taken into account.

References must be confirmed by the individual contracting authority/reference issuer (or investor/payer of the work). The economic operator shall reproduce the form completed and confirmed by the individual contracting authorities/reference issuers in the required number.

***An economic operator acting as an independent/lead economic operator, partner and/or subcontractor cannot simultaneously be a reference* client/issuer of references.**

3.3.5.2. Other references of the economic operator

If the economic operator does not have a reference as the actual contractor, it must (in accordance with the provisions of points 1.12.2 and 1.12.3) nominate a contractor for the required work with an appropriate reference as a member of a group of economic operators in a joint application or as a subcontractor, in which case that economic operator (with which the references are provided) must also perform the services/work covered by the public procurement (for which the reference will be attached to the tender):

a) Energy block design engineer

The economic operator must demonstrate that, in the last fifteen (15) years from the deadline for submission of applications, it has participated as the main (responsible) designer of the energy block design in at least **two (2)** successfully completed **similar projects** in a professionally correct, high-quality manner and in accordance with the contractual provisions, whereby a similar project is considered to be an energy block that:

- has been successfully taken over by the investor by signing the Minutes of Acceptance and Handover of Completed Works (handover minutes), Taking-over Certificate (TOC) or similar,
- has an input thermal capacity of at least 30 MWt,
- generates at least 10 MWe of net electrical power, of the CHP (Combined Heat and Power) type.

Only references where the reference holder was also the actual contractor are valid.

b) Supplier of backpressure steam turbines

The economic operator must demonstrate that, in the last fifteen (15) years from the deadline for submission of applications, it has participated in at least **three (3) similar projects** as a supplier of steam turbines in a professionally correct, high-quality manner and in accordance with the contractual provisions, whereby a similar project is considered to be an energy block that:

- has been successfully taken over by the investor by signing the Minutes of Acceptance and Handover of Completed Works (handover minutes), Taking-over Certificate (TOC) or similar,
- has a steam turbine with a capacity of at least 10 MWe.

Only references where the reference holder was also the actual contractor are valid.

c) Supplier of a high-pressure biomass steam boiler

The economic operator must demonstrate that, in the last fifteen (15) years from the deadline for submission of applications, it has participated in at least **two (2) similar projects** as a supplier of high-pressure biomass steam boilers in a professionally correct, high-quality manner and in accordance with the contractual provisions, whereby a similar project is considered to be an energy block that:

- has been successfully taken over by the investor by signing the Minutes of Acceptance and Handover of Completed Works (handover minutes), Taking-over Certificate (TOC) or similar,
- includes a high-pressure biomass steam boiler with fresh steam pressure greater than 60 bar and an input thermal capacity of at least 30 MWt.

Only references where the reference holder was also the actual contractor are valid.

SUPPORTING DOCUMENTS IN THE APPLICATION

- ESPD completed in "Part IV: Conditions for participation, Section C: Technical and professional capacity:
  - For construction contracts: execution of construction works of a specific type.

At the request of the contracting authority, the economic operator shall submit the following supporting documents to the contracting authority within the time limit specified by the contracting authority:

- Reference certificates of the economic operator, namely for each individual reference project that the economic operator lists in the ESPD, issued by the reference contracting authorities (actual investors/end contracting authorities) in terms of the content specified in Annex 14/3: CONFIRMATION OF OTHER REFERENCES BY INDIVIDUAL CONTRACTING AUTHORITIES - **ECONOMIC OPERATOR**.

  In order to speed up the review of applications, it is desirable that the economic operator submit this evidence together with the application.

With regard to the reference requirements, the contracting authority will only take into account completed projects/reference works, whereby the date of completion is considered to be the date on which the project was finally accepted by signing the Minutes of Acceptance and Handover of Completed Works (handover minutes), Taking-over-Certificate (TOC) or similar.

The contracting authority is entitled to make enquiries about the references provided before deciding on the recognition of competence, and therefore **reserves the right to request the economic operator to submit additional evidence (in addition to the above) on the successful completion of the specified reference works (e.g. contract with the investor or employer, invoice, payment certificate, etc.) or verify the information directly with the investor or employer**. If the contracting authority determines through additional inquiries that any of the references do not demonstrate high-quality work (the statements or references do not reflect the actual situation), such references shall not be taken into account.

References must be confirmed by the individual contracting authority/reference issuer (or investor/payer of the work). The economic operator shall reproduce the form completed and confirmed by the individual contracting authorities/reference issuers in the required number.

***An economic operator acting as an independent/lead economic operator, partner and/or subcontractor cannot simultaneously be a reference* client/issuer of references.**

3.3.6. Economic operator's liability insurance

The economic operator must have appropriate professional liability insurance **in accordance with the requirements to be specified in phase 2.**

In the case of a joint application, each partner must meet this condition.

In the case of professional liability insurance for a foreign economic operator or foreign member in a joint application, **the insurance must cover damage caused in the Republic of Slovenia.**

Other participating economic operators must have insurance policies in place for the entire duration of their obligations under this public procurement (in accordance with the relevant legislation) for the entire duration of the performance of their obligations under this public procurement, in an amount proportional to the scope of work performed by that economic operator under this tender, taking into account the tender value and the amount of insurance cover of the independent economic operator (contractor) or the lead member in a joint tender. The content of the insurance policies taken out must cover the content of the work performed by the economic operator.

SUPPORTING DOCUMENTS IN THE APPLICATION:

- ESPD from all participating economic operators in the application. By submitting the ESPD form, the economic operator is deemed to have declared that it meets the relevant condition.
- Completed and signed Annex 16 LIABILITY INSURANCE by the independent/lead economic operator or all partner economic operators in the case of a joint application.

3.4. OTHER REQUIREMENTS AND CONDITIONS OF THE CONTRACTING AUTHORITY

A. Participation of natural and legal persons in the ownership of the economic operator

In accordance with the sixth paragraph of Article 14 of the Integrity and Prevention of Corruption Act (Official Gazette of the Republic of Slovenia, No. 69/11-UPB2; hereinafter referred to as ZIntPK), the selected economic operator must, prior to the conclusion of the contract, provide the contracting authority with a statement or information on the participation of natural and legal persons in the ownership of the selected economic

operator, and on economic operators which, according to the provisions of the law governing companies, are considered to be affiliated companies of the selected economic operator. If the economic operator submits a false statement or provides false information about the above facts, this will result in the contract being declared null and void. The statement must be submitted by all economic operators participating in the application (and subsequently in the tender) together with the selected economic operator.

In the event that any of the circumstances listed in Annex 6: DECLARATION ON THE PARTICIPATION OF NATURAL AND LEGAL PERSONS IN THE OWNERSHIP STRUCTURE of THE ECONOMIC OPERATOR/SUBCONTRACTOR changes during the implementation of the project, the economic operator is obliged to notify the contracting authority of the change within fifteen (15) working days of the change occurring.

In accordance with the terms and conditions of the Public Tender referred to in point 1.3 , the contracting authority shall, among other things, provide the competent ministry with information on the actual recipients or beneficial owners of the recipients of funds during the implementation of the BIOMASA project, namely on the contractors, beneficial owners of the contractor, subcontractors and the beneficial owners of subcontractors, where the share of their work performed exceeds EUR 50,000. Information on the beneficial owners, as defined in point 6 of Article 3 of Directive 2015/849/EU, must be provided, namely their first and last names, dates of birth and VAT identification numbers or tax identification numbers.

"**Beneficial owner**" means any natural person or persons who ultimately own or control the customer and/or the natural person or persons on whose behalf the transaction is being carried out or the activity is being performed, and includes at least:

(a)in the case of corporate entities:

(i)the the natural person(s) who ultimately owns or controls a legal entity through direct or indirect ownership of a sufficient percentage of the shares or voting rights or ownership interest in that entity, including through bearer shareholdings, or through control via other means, other than a company listed on a regulated market that is subject to disclosure requirements consistent with Union law or subject to equivalent international standards which ensure adequate transparency of ownership information. A shareholding of 25 % plus one share or an ownership interest of more than 25 % in the customer held by a natural person shall be an indication of direct ownership. A shareholding of 25 % plus one share or an ownership interest of more than 25 % in the customer held by a corporate entity, which is under the control of a natural person(s), or by multiple corporate entities, which are under the control of the same natural person(s), shall be an indication of indirect ownership;

(ii)if, after having exhausted all possible means and provided there are no grounds for suspicion, no person under point (i) is identified, or if there is any doubt that the person(s) identified are the beneficial owner(s), the natural person(s) who hold the position of senior managing official(s), the obliged entities shall keep records of the actions taken in order to identify the beneficial ownership under point (i) and this point;

(b)in the case of trusts:

(i) the settlor;

(ii) the trustee(s);

(iii) the protector, if any;

(iv) the beneficiaries, or where the individuals benefiting from the legal arrangement or entity have yet to be determined, the class of persons in whose main interest the legal arrangement or entity is set up or operates;

(v) any other natural person exercising ultimate control over the trust by means of direct or indirect ownership or by other mean;

(c) in the case of legal entities such as foundations, and legal arrangements similar to trusts, the natural person(s) holding equivalent or similar positions to those referred to in point (b).

SUPPORTING DOCUMENTS IN THE APPLICATION:

- ESPD from all participating economic operators in the application. By submitting the ESPD form, the economic operator is deemed to have declared that it meets the relevant condition.
- Annex 6: DECLARATION ON THE PARTICIPATION OF NATURAL AND LEGAL PERSONS IN THE OWNERSHIP STRUCTURE of THE ECONOMIC OPERATOR/SUBCONTRACTOR for all economic operators and subcontractors in the application (and later in the tender).

B. The contracting authority shall~~will~~, on the basis of ~~the twenty-third paragraph of Article 1 of Council Regulation (EU) 2022/576 of 8 April 2022 amending~~ Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine as amended and corrected~~and Council Decision (CFSP) 2022/578 of 8 April 2022 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine~~, exclude from the public procurement procedure if it or the persons, entities or bodies referred to in the first paragraph of Article 5k of Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine.2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine.

In accordance with the first paragraph of Article 5k of Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, the contracting authority shall exclude an economic operator from the public procurement procedure at any stage of the procedure if it is established that, prior to or during the public procurement procedure, that operator is in the position described in these instructions as follows:

(a) a Russian national, a natural person residing in Russia, or a legal person, entity or body established in Russia

(b) a legal person, entity or body whose proprietary rights are directly or indirectly owned for more than 50 % by a natural or legal person, entity or body referred to in point (a) of this paragraph; or

(c) a natural or legal person, entity or body acting on behalf or at the direction of a natural or legal person, entity or body referred to in point (a) or (b) of this paragraph,

including subcontractors, suppliers or entities whose capacities are used within the meaning of the public procurement directives, if they represent more than 10% of the contract value.

The above conditions also apply to individual members of a group of economic operators in a joint application, to all subcontractors listed in the application and to all other entities whose capacities are used by the economic operator.

SUPPORTING DOCUMENTS IN THE APPLICATION:

- ESPD from all participating economic operators in the application. By submitting the ESPD form, the economic operator is deemed to have declared that it meets the relevant condition.

- Annex 7: DECLARATION RELATED TO THE FIRST PARAGRAPH RELATED TO THE FIRST PARAGRAPH OF ARTICLE 5K OF REGULATION (EU) No 833/2014 for all economic operators in the application (and subsequently in the tender) (applies to all economic operators in the application (and subsequently in the tender), subcontractors, suppliers or entities whose capacities are used within the meaning of the public procurement directives, if they represent more than 10% of the value of the contract.

C. Reciprocity condition – applies to all economic operators established in third countries:

The contracting authority will exclude from the public procurement procedure applications from economic operators in which, in any capacity (independent economic operator, member of a group of economic operators in a joint application, subcontractor) involves an economic operator established in a third country, and who, by the deadline for submission of applications, fail to demonstrate that economic operators established in the European Union (hereinafter: EU) have reciprocal access to the public procurement market in the third country in which the economic operator is established.

Notwithstanding the previous paragraph, the contracting authority shall not exclude the application of an economic operator in which, in any capacity (independent economic operator, member of a group of economic operators in a joint application, subcontractor) involves an economic operator established in a third country that has concluded a bilateral or multilateral international agreement with the Republic of Slovenia enabling the economic operator to participate in the public procurement procedure in question in the role and content it assumes. The contracting authority will only recognise the fulfilment of the condition of reciprocity by entities from third countries if economic operators established in the territory of the Republic of Slovenia have reciprocal access to the public procurement market in the third country in which the economic operator is established. An agreement on mutual access to the public procurement market shall be considered valid if it clearly shows that access to the public procurement market in the third country is open to economic operators established in the territory of the Republic of Slovenia under equal conditions and that economic operators established in the territory of the Republic of Slovenia are not treated unequally in the third country.

Economic operators from third countries are all economic operators established in countries that are not signatories to the Agreement on Government Procurement (GPA Agreement) or countries with which the EU or the Republic of Slovenia has not concluded a valid agreement on mutual access to the public procurement market. A valid agreement on mutual access to the public procurement market is an agreement which clearly shows that access to the public procurement market in the third country is open to economic operators established in the EU under equal conditions and that economic operators established in the EU are not treated unequally in the third country.

If an economic operator is established in a third country that has not concluded an international agreement on the opening of the European Union's public procurement market, the contracting authority shall, during the review of applications, request the submission of evidence (a copy of the agreement) showing that the economic operator has guaranteed access to public procurement procedures in the Republic of Slovenia and that economic operators based in the Republic of Slovenia have reciprocal access to the public procurement market in the third country where the economic operator is based.

SUPPORTING DOCUMENTS IN THE APPLICATION:

- ESPD from all participating economic operators in the application. By submitting the ESPD form, the economic operator is deemed to have declared that it meets the relevant condition.
- Annex 8: DECLARATION OF RECIPROCITY BY ECONOMIC OPERATORS FROM THIRD COUNTRIES. **The declaration must be submitted to the competent judicial or administrative authority or notary** (it is sufficient for the signature on the declaration to be certified by an administrative authority or notary).

At the request of the contracting authority, the economic operator shall submit the following evidence to the contracting authority within the time limit specified by the contracting authority:

- additional evidence, such as *a copy of an international agreement showing that the country in which the economic operator is established has has concluded an international agreement with the EU or the Republic of Slovenia and that economic operators established in the territory of the Republic of Slovenia have reciprocal access to the public procurement market in the third country in which the economic operator is established.*

D. Conflict of interest

The contracting authority shall exclude from the public procurement procedure applications from economic operators in which, in any capacity (independent economic operator, member of a group of economic operators in a joint application, subcontractor and entities whose capacity will be used by the economic operator) there is a conflict of interest as defined in Article 91 of ZJN-3 and the contracting authority will not be able to prevent the conflict of interest in any other, less severe manner.

A conflict of interest is a situation where a person who is in charge of the public procurement procedure, who is involved in the preparation of documentation related to the award of a public procurement or parts thereof, or who makes decisions at any stage of the public procurement procedure, is directly or indirectly connected to the selected economic operator in such a way that this connection or their private, financial or economic interest could influence the objective and impartial performance of their tasks in relation to the public procurement or raise doubts as to their objectivity and impartiality.

E. Acceptance of conditions linked to compliance with the principle of "do no significant harm "

An independent economic operator, a member of a group of economic operators in a joint application, subcontractors listed in the application and entities whose capacity will be used by the economic operator must, throughout the performance of the public procurement, act in accordance with the principle of "do no significant harm" (DNSH) from Article 17 of the Taxonomy Regulation (Regulation (EU) 2020/852, as amended and supplemented), namely:

- Act in accordance with the Assessment of the contracting authority's compliance with the principle of "Do No Significant Harm" (hereinafter: Compliance Assessment) prepared as part of the contracting authority's application to the public tender of the Ministry of the Environment, Climate and Energy (MOPE) for co-financing the construction and restructuring of district heating and cooling systems based on renewable energy sources for the period 2025 to 2029, so that they are aware of all mitigation measures arising from the Compliance Assessment in order to achieve the environmental objectives set out in Article 17 of the Taxonomy Regulation;
- Cooperate with the contracting authority in preparing an updated Compliance Assessment and act in accordance with it;
- In their actions in accordance with the Compliance Assessment and the updated Compliance Assessment referred to in the above indents, take into account the mitigation measures and recommendations as listed, for example, in the Managing Authority's Guidelines for the application of the principle of no significant detriment in the implementation of the European Cohesion Policy Programme for the period 2021-2027 in Slovenia from July 2024 (published at https://evropskasredstva.si/evropska-kohezijskapolitika/navodila-in-smernice/), taking into account in any case the measures and recommendations set out in point 5.2.5 of these guidelines;
- At the request of the contracting authority, provide evidence of compliance with the DNSH technical criteria as set out in Commission Delegated Regulation (EU) 2021/2139 of 4 July 2021 supplementing the Taxonomy Regulation, and on compliance with the mitigation measures and other conditions set out in the first, second and third indents of this Article;
- Implement all other measures necessary to ensure that the public procurement is carried out in accordance with the principle of "do no significant harm".

The assessment of compliance with the "do no significant harm" principle with the annex Climate Resilience Assessment for the project "Project for the production of heat and electricity from renewable sources – BIOMASS", September 2025, is attached to this tender documentation as Annex C and forms an integral part thereof.

SUPPORTING DOCUMENTS IN THE APPLICATION:

- ESPD from all participating economic operators in the application. By submitting the ESPD form, the economic operator is deemed to have declared that it meets the relevant condition;
- Annex 1 APPLICATION;
- Annex 2 INFORMATION ON THE INDIVIDUAL ECONOMIC OPERATOR IN THE APPLICATION.

F. Acceptance of conditions related to the implementation of measures to strengthen the climate resilience of the subject of the public procurement

An independent economic operator, a member of a group of economic operators in a joint application, the subcontractors listed in the application and the entities whose capacity will be used by the economic operator must, in the context of the performance of the public procurement, act in a manner that ensures that the subject of the public procurement is climate-resilient, namely by:

- Acting in accordance with the Contracting Authority's Assessment of the strengthening of the climate resilience of infrastructure in terms of climate change mitigation and adaptation (hereinafter: Assessment of Resilience Strengthening) and the Contracting Authority's Statement on strengthening climate resilience (hereinafter: the Statement), both of which were prepared as part of the Contracting Authority's application for the public tender of the Ministry of the Environment, Climate and Energy (MOPE) for co-financing the construction and restructuring of district heating and cooling systems based on renewable energy sources for the period 2025 to 2029, by implementing all measures and tasks envisaged in the Statement to be carried out during the project implementation phase, as well as other measures envisaged in the Assessment and the Statement, which logically follow that they will be carried out during the project implementation phase, i.e. through the implementation of public procurement;
- Cooperate with the contracting authority in the measures and tasks referred to in the previous ident;
- In its actions in accordance with the Assessment on strengthening resilience, take into account the mitigation and adaptation measures envisaged in relation to strengthening climate resilience in the Managing Authority's Guidelines for strengthening the climate resilience of infrastructure in the period 2021-2027 of September 2023 (published at https://evropskasredstva.si/evropska-kohezijska-politika/navodila-in-smernice/);
- Provide evidence of compliance with and implementation of the measures and tasks set out in the first, second and third indents.

The assessment of resilience enhancement with the Declaration on Climate Resilience Enhancement is attached to this tender documentation as Annex C and forms an integral part thereof.

As part of strengthening climate resilience, an independent economic operator, a member of a group of economic operators in a joint application, subcontractors and entities whose capacity will be used by the economic operator undertake to respect the principle of "energy efficiency first" and that the performance of the public procurement will be consistent with the goal of climate neutrality by 2050.

SUPPORTING DOCUMENTS IN THE APPLICATION:

- ESPD from all participating economic operators in the application. By submitting the ESPD form, the economic operator is deemed to have declared that it meets the relevant condition;
- Annex 1 APPLICATION;
- Annex 2 INFORMATION ON THE INDIVIDUAL ECONOMIC OPERATOR IN THE

APPLICATION.

G. Acceptance of conditions related to compliance with horizontal principles

The independent economic operator, members of a group of economic operators in a joint application, subcontractors listed in the application and entities whose capacity will be used by the economic operator shall ensure compliance with the horizontal principles set out in Article 9 of Regulation (EU) 2021/1060, which primarily concerns the consideration of aspects and the adoption of measures that reasonably ensure:

- Respect for fundamental rights and compliance with the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of Persons with Disabilities;
- Respect for and promotion of equality between men and women and the integration of the principle of gender equality and different aspects of gender equality;
- Prevention of discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation

taking into account the Guidelines on the application of the principles of the EU Charter of Fundamental Rights and the UN Convention on the Rights of Persons with Disabilities in the context of cohesion policy of September 2023 (available at https://evropskasredstva.si/evropska-kohezijskapolitika/instructions-and-guidelines/) and the Manual for the implementation of the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of Persons with Disabilities in accordance with Council Decision 2010/48/EC, of September 2023 (published on the website https://evropskasredstva.si/european-cohesion-policy/instructions-and-guidelines/).

SUPPORTING DOCUMENTS IN THE APPLICATION:

- ESPD from all participating economic operators in the application. By submitting the ESPD form, the economic operator is deemed to have declared that it meets the relevant condition;
- Annex 1 APPLICATION;
- Annex 2 INFORMATION ON THE INDIVIDUAL ECONOMIC OPERATOR IN THE APPLICATION .

H. Acceptance of the terms and conditions of the tender documentation

An independent economic operator, a member of a group of economic operators in a joint application, subcontractors listed in the application and entities whose capacity will be used by the economic operator must confirm that they are familiar with the provisions or requirements and conditions of the tender documentation and that they agree with them (or agree with the part relating to the subcontractor(s) or entity(ies) whose capacity will be used by the economic operator).

SUPPORTING DOCUMENTS IN THE APPLICATION:

- ESPD from all participating economic operators in the application. By submitting the ESPD form, the economic operator is deemed to have declared that it meets the relevant condition;

- Annex 1 APPLICATION;
- Annex 2 INFORMATION ON THE INDIVIDUAL ECONOMIC OPERATOR IN THE APPLICATION.

4. FINANCIAL GUARANTEES

4.1. General

In order to secure the fulfilment of its obligations to the contracting authority, the economic operator must submit a bank guarantee to the contracting authority. **The bank guarantee must be irrevocable, unconditional and payable on first demand**, and must be issued in accordance with the models and requirements set out in the tender documentation.

The bank guarantee must be issued by a bank with its registered office in the Republic of Slovenia.

The bank guarantee is subject to the Uniform Rules for Demand Guarantees (EPGP) revision of 2010, issued by ICC under No. 758, **therefore the bank guarantee must contain the following clause**: *"This security is subject to the Uniform Rules for Demand Guarantees (EPGP), 2010 revision, issued by ICC under No. 758."*

The language used is Slovenian. Any disputes relating to financial security (bank guarantee) shall be settled by the competent court in Ljubljana in accordance with the law of the Republic of Slovenia.

The currency used is EUR. Bank guarantees not submitted by the economic operator on the attached forms from the tender documentation must not differ significantly in content from the model bank guarantees in the tender documentation and must not contain additional conditions for payment, shorter deadlines than those specified by the contracting authority, a lower amount than that specified by the contracting authority, or a change in the local jurisdiction for resolving disputes between the beneficiary and the bank.

4.2. Insurance for the repayment of advance payments

After concluding the contract with the selected contractor (selected economic operator), the contracting authority will pay an advance payment of 10% of the contract price excluding VAT, under the conditions specified in the contract. Before the advance payment is made, the selected economic operator will be required to submit a bank guarantee to secure the repayment of the advance payment. Detailed requirements regarding the guarantee, including a template, will be specified in the tender documentation for Phase 2 (Volume 1).

4.3. Security for the application and tender

Note: withdrawal of the request in accordance with the answer to the question (on 15 January 2026)

To **secure the application and tender**, the economic operator must submit to the contracting authority **an** irrevocable, unconditional and payable on first demand **bank guarantee** for the security of the application and tender **in the amount of EUR 1,000,000.00 and with a validity period until 31 December 2026.**

The bank guarantee **must** comply with the Uniform Rules for Demand Guarantees (EPGP) revision from 2010, issued by ICC under No. 758. **The bank guarantee must be issued by a bank with its registered office in the Republic of Slovenia. The language used is Slovenian.**

The beneficiary of the financial guarantee securing the seriousness of the application and tender is JAVNO PODJETJE ENERGETIKA LJUBLJANA d.o.o., Verovškova ulica 62, 1000 Ljubljana.

The financial guarantee securing the seriousness of the application and tender shall commence on the date set for the submission of applications.

The security for the seriousness of the application and tender may be enforced for the following reasons:

1. the insurance policyholder (i.e. the economic operator) has withdrawn the application or tender after the deadline for receipt of applications or tenders, or has made an inadmissible change to the application or tender during its period of validity; or
2. the selected contractor (i.e. the selected economic operator) has not signed the contract at the request of the beneficiary; or
3. the selected contractor (i.e. the selected economic operator) has not provided a performance guarantee in accordance with the terms of the contract.

- **Requirements for the submission of a bank guarantee for the seriousness of the application and tender**

  This insurance must be subject to the Uniform Rules for Demand Guarantees (EPGP) revision of 2010, issued by ICC under No. 758. In accordance with these rules, the submission of the original guarantee is not mandatory when enforcing the guarantee. Therefore, the contracting authority does not require the original guarantee to be submitted as a condition for the enforcement of the financial guarantee for the seriousness of the application and tender, and thus **requires the submission of a scanned copy of the original bank guarantee issued to the e-JN information system in the "DOCUMENTS" section, in the "Other attachments**" section.

A draft of the financial guarantee securing the seriousness of the application and tender is attached in Annex 15 of the tender documentation.

4.4. Performance bond

After concluding the contract, the selected contractor (economic operator) will be required to submit a bank guarantee for good performance. The guarantee must be irrevocable, unconditional and payable on first demand, issued in the amount of 10% of the contract price including VAT, valid until the expiry of the contract and for at least 28 calendar days

after the signing of the Certificate of Performance. Detailed requirements regarding the guarantee, including mandatory elements and a template, will be specified in the tender documentation for phase 2 of the public procurement procedure (Volume 1).

5. CRITERIA FOR THE SELECTION OF TENDERERS

The contracting authority will select the most economically advantageous tender from among those submitted by economic operators, i.e. the tender with the highest net present value of the project (hereinafter also referred to as NPV) over a period of twenty (20) years. The NPV calculation is expected to take into account the technical characteristics of the subject of the public procurement, the scope of production and the related costs and revenues, and the tender value in EUR excluding VAT. The contracting authority will specify the selection criteria in more detail in the second phase of the public procurement procedure.

6. INSTRUCTIONS TO ECONOMIC OPERATORS FOR PREPARING AND SUBMITTING APPLICATIONS

6.1. Method and instructions for submitting applications

6.1.1. General

Economic operators **must submit** their applications **via the e-JN information system** (hereinafter: e-JN system) at https://ejn.gov.si/eJN2, in accordance with point 3 of the document Instructions for using the information system for the electronic submission of tenders via e-JN: TENDERERS (hereinafter: Instructions for using e-JN), which is part of this tender documentation and published at https://ejn.gov.si/eJN2.

Before submitting an application, the economic operator must register at https://ejn.gov.si/eJN2, in accordance with the Instructions for using e-JN. If the economic operator is already registered in the e-JN information system, it logs into the application at the same address.

The user of the economic operator who is authorised to submit applications/tenders in the e-JN information system submits the application/tender by clicking on the "Submit" button. When applications/tenders are submitted, the e-JN information system records the identity of the user and the time of submission of the application/tender. **By submitting an application/tender, the user demonstrates and declares their willingness to submit a binding application/tender on behalf of the economic operator** (Article 18 of the Obligations Code; Official Gazette of the Republic of Slovenia, No. 97/07 – official consolidated text, 64/16 – decision of the Constitutional Court and 20/18 – OROZ631). Once submitted, the application/tender is binding for the period specified in the application/tender, unless the user of the economic operator withdraws or changes it before the deadline for submitting applications/tenders.

An application shall be deemed to have been submitted in time if the contracting authority receives it via the e-JN system https://ejn.gov.si/eJN2 no later than the deadline for submission of applications. An application shall be deemed to have been submitted if it is marked with the status "SUBMITTED" in the e-JN information system. After the deadline for submission of applications, it will no longer be possible to submit them.

An economic operator may withdraw or change its application until the deadline for submission of applications. If an economic operator withdraws its application in the e-JN information system, the application shall be deemed not to have been submitted and the contracting authority will not be able to see it in the e-JN system. If an economic operator changes its application in the e-JN information system, the last submitted application will be open to the contracting authority in this system.

Note:

- **Make sure you start preparing and submitting your application in good time.**
- When submitting an application/tender, the file size is limited to 500 MB per individual file and 1.5 GB for the entire application/tender documentation (all files together).
- The portal allows you to upload files in zip, xls, xlsx, docx, doc, pdf, xml, jpg, jpeg, png, tif, tiff, and rtf formats.
- Files in other formats can be stored as follows:
  - First, you need to archive ("zip") the files into a *.zip file; to do this, you can use the Windows system functionality or archiving tools (WinZip, 7zip, etc.). To avoid excessively large files, we recommend that scanned documents be submitted in 150 dpi resolution and scanned in black and white.
  - If you intend to upload a large number of files to the "Documents" section, "Other attachments" part, we recommend that you compress ("zip") the files into a *.zip file and then upload it to the "Other attachments" part. This will help you avoid problems when uploading a large number of files to the e-JN system.

6.1.2. Application format

The application **must be attached in "pdf" format/record/file** (scan of the entire application with completed and signed tender documents – no stamp or stamping required), unless otherwise specified in the tender documentation. The economic operator may replace the physical signature with an electronic signature, provided that e-JN allows this and is not otherwise specified in the tender documentation. The economic operator is required to attach all annexes, unless otherwise specified in the individual annexes.

6.1.3. Access to the link for submitting electronic applications

Access to the link (web address) through which economic operators submit electronic applications in this public procurement procedure is available to economic operators in the relevant Public Procurement Notice **on** the JN Portal **in section "B. Procedure – B.5. Electronic submission**".

6.1.4. Instructions for economic operators on uploading documentation to the e-JN system

- **ESPD – Economic operator/main partner:**
  The economic operator (main partner) must complete the ESPD form and upload it in xml format to the e-JN information system **in the "DOCUMENTS" section, "ESPD-tenderer" part (it is signed by submitting the application/tender – electronic signature)**.

- **ESPD – Other participants:**
  In the case of a joint application (with partners), use of the capacities of other entities and/or subcontractors, the economic operator must upload the completed and signed **ESPD forms** for each of the other participating entities (partners from the application group) in pdf format or in electronic form **to** the e-JN information system **in the "PARTICIPANTS" section, "ESPD – other participants" part**. format or in electronic form.

- **Other application documentation/attachments:**
  The economic operator shall upload the remaining application documentation/attachments **in the "DOCUMENTS" section, under "Other attachments**".

  For faster review of applications, it is desirable (but not mandatory) that other application documents/attachments be attached in the order specified in the tender documentation. Other application documents will not be disclosed to the public and other economic operators at the opening of applications.

6.2. Contents of the application documentation

The economic operator submitting the application guarantees, under criminal and material liability, that all information and documents provided in the application are true and correspond to the original.

The documentation required by the contracting authority in the public tender is listed below:

APPLICATION	***Annex 1***

The economic operator in an independent application/lead partner in the case of a joint application must complete and sign **Annex 1** and upload it to **the "DOCUMENTS" section, under "Other annexes**".

LEGAL ACT ON JOINT PARTICIPATION – in the case of a joint application	***Form 1 to Annex 1***

Form 1 to Annex 1 shall be accompanied by a legal act on joint performance of the contract, signed and stamped by all economic operators participating in the performance of the contract. The annex shall be uploaded to the "DOCUMENTS" section, "Other annexes" part.

MUTUAL COOPERATION AGREEMENT – in the case of a tender with a subcontractor	***Form 2 to Annex 1***

Form 2 to Annex 1 shall be accompanied by a Mutual Cooperation Agreement, signed and stamped by the economic operator and the subcontractor. The annex shall be uploaded to the "DOCUMENTS" section, under "Other annexes".

INFORMATION ON THE INDIVIDUAL ECONOMIC OPERATOR IN THE APPLICATION	***Annex 2***

The annex must be completed, signed and uploaded to **the "DOCUMENTS" section, under "Other annexes**".

The annex must be completed and attached for all economic operators appearing in the application (i.e. for all members of the economic operator in the case of a joint application, all subcontractors in the application and/or all entities whose capacity is used by the tenderer in the application).

SUBCONTRACTOR'S REQUEST AND CONSENT FOR DIRECT PAYMENTS	**Annex 3**

The economic operator shall attach the completed and signed annex if the nominated subcontractor requests direct payments. The annex shall be uploaded in the "DOCUMENTS" section, under "Other annexes".

AUTHORISATION OF THE ECONOMIC OPERATOR	**Annex 4**

The economic operator shall attach the completed and signed annex if the nominated subcontractor requests direct payments. The annex shall be uploaded to the "DOCUMENTS" section, under "Other annexes".

ESPD FORM	***Annex***

The economic operator (or the main partner in the case of a joint application) must complete its ESPD form and upload it in .pdf format or in electronic form (unsigned .xml format, which will be signed at the same time as the application is submitted) to the e-JN information system **in the "ESPD – tenderer" section**.

For all partners listed in the application *(in the case of a joint application)* and/or subcontractors *(if the economic operator is performing the public procurement with subcontractors)* and/or entities whose capacity is used by the economic operator *(if the economic operator will use the capacity of other entities to perform the public procurement)*, the economic operator must upload the completed ESPD forms (for each of the other participants) in .pdf or .xml format (electronically signed) to the e-JN information system **in the "PARTICIPANTS" section, under "ESPD – other participants**".

The economic operator submitting the application in the e-JN system shall upload the electronically signed ESPD in xml. format or an unsigned ESPD in xml. format, in which case, in accordance with the General Terms and Conditions of Use of the e-JN information system, it is considered that a legally binding document has been submitted, which has the same validity as a signed document.

DECLARATION ON THE PARTICIPATION OF NATURAL AND LEGAL PERSONS IN THE OWNERSHIP STRUCTURE of THE ECONOMIC OPERATOR/SUBCONTRACTOR	***Annex 6***

The economic operator shall submit completed and signed declarations from all economic operators, including subcontractors, or entities whose capacities are used within the meaning of the public procurement directives, participating in the application (and subsequently in the tender)~~, whose share represents more than EUR 50,000 in value~~. The annex shall be uploaded in the "DOCUMENTS" section, under "Other annexes".

DECLARATION RELATED TO THE FIRST PARAGRAPH RELATED TO THE FIRST PARAGRAPH OF ARTICLE 5K OF REGULATION (EU) No 833/2014	***Annex 7***

The economic operator shall attach the completed and signed annex, signed by all economic operators, including subcontractors or entities whose capacities are used within the meaning of the public procurement directives, participating in the application (and subsequently in the tender). The annex shall be uploaded in the "DOCUMENTS" section, under "Other annexes".

DECLARATION OF RECIPROCITY BY ECONOMIC OPERATORS FROM THIRD COUNTRIES	***Annex 8***

The economic operator shall attach the completed and signed annex, signed by all economic operators in the application, including subcontractors or entities whose capacities are used within the meaning of the public procurement directives, if they represent more than 10% of the contract value. The annex shall be uploaded in the "DOCUMENTS" section, under "Other annexes".

SUITABILITY TO PERFORM THE PROFESSIONAL ACTIVITY	***Annex 9***

The economic operator shall attach the completed and signed annex, signed by all economic operators in the application (independent economic operator, member of a group of economic operators, subcontractor). The annex shall be uploaded in the "DOCUMENTS" section, under "Other annexes".

ECONOMIC AND FINANCIAL SITUATION	***Annex 10***

The economic operator shall attach the completed and signed annex, signed by each economic operator or by the individual economic operators in the case of a joint application. The annex shall be uploaded to the "DOCUMENTS" section, under "Other annexes".

QUALITY MANAGEMENT SYSTEM AND ENVIRONMENTAL MANAGEMENT SYSTEM	***Annex 11***

The economic operator shall attach a completed and signed annex, signed by all economic operators in the application, including those subcontractors involved in the performance of essential parts of the contract. The annex shall be uploaded to the "DOCUMENTS" section, under "Other annexes".

ORGANISATIONAL STRUCTURE OF THE PROJECT IMPLEMENTATION TEAM	***Annex 12***

The economic operator shall attach the signed Annex 12 to the application, enclosing the organisational structure in accordance with the content of the annex. The annex shall be uploaded to the "DOCUMENTS" section, under "Other annexes".

PROFESSIONAL CAPACITY – STAFF LIST	***Annex 13/1***

The economic operator must complete and sign **Annex 13/1** and upload it to **the "DOCUMENTS" section, under "Other annexes**".

CURRICULUM VITAE OF THE NOMINATED STAFF IN THE PROJECT TEAM, INCLUDING A DESCRIPTION OF WORK EXPERIENCE	***Annex 13/2***

The economic operator must complete Annex 13/2, and each nominated individual must sign it. The annex must be completed and submitted at the request of the contracting authority by ***uploading*** it ***separately to the "DOCUMENTS" section,*** ***"Other annexes" part*** *of the e-JN system!* **In order to speed up the review of applications, it is desirable that the economic operator submit this evidence together with the application.**

CONFIRMATION OF REFERENCES BY INDIVIDUAL CONTRACTING AUTHORITIES - **EXPERT**	***Annex 13/3***

The economic operator must complete Annex 13/3, which must be signed by the economic operator and the issuer of the reference. The annex must be completed and submitted at the request of the contracting authority by ***uploading*** it ***separately*** *in the e-JN system* ***in the "DOCUMENTS" section, under "Other attachments"!*** **In order to speed up the review of applications, it is desirable that the economic operator submit this evidence together with the application.**

LIST OF REFERENCES – **ECONOMIC OPERATOR**	***Annex 14/1***

The economic operator must complete and sign **Annex 14/1** and upload it to **the "DOCUMENTS" section, under "Other annexes**".

CONFIRMATION OF REFERENCES BY INDIVIDUAL CONTRACTING AUTHORITIES - **ECONOMIC OPERATOR**	***Annex 14/2***

The economic operator must complete **Annex 14/2**, which must be signed by the economic operator and the issuer of the reference. The annex must be completed and submitted at the request of the contracting authority by ***uploading*** it ***separately to the "DOCUMENTS" section, "Other attachments" part*** *of the e-JN system!* **In order to speed up the review of applications, it is desirable that the economic operator submit this evidence together with the application.**

CONFIRMATION OF OTHER REFERENCES BY INDIVIDUAL CONTRACTING AUTHORITIES - **ECONOMIC OPERATOR**	***Annex 14/3***

The economic operator must complete **Annex 14/3**, which must be signed by the economic operator and the issuer of the reference. The annex must be completed and submitted at the request of the contracting authority by ***uploading*** it ***separately to the "DOCUMENTS" section, under "Other attachments"*** *in the e-JN system!* **In order to speed up the review of applications, it is desirable that the economic operator submit this evidence together with the application.**

FINANCIAL GUARANTEE SECURING THE SERIOUSNESS OF THE APPLICATION AND TENDER	***Annex 15***

~~The economic operator must attach a copy of the bank guarantee for the seriousness of the application and tender to the application in accordance with the requirements and conditions of the tender documentation. The bank guarantee must be in accordance with the relevant draft of financial guarantee securing the seriousness of the tender in this tender documentation.~~

~~The economic operator **must** upload a copy of the financial guarantee securing the seriousness of the application and tender via the e-JN system in **the "DOCUMENTS" section, under "Other attachments".**~~

Note: withdrawal of the request in accordance with the answer to the question (on 15 January 2026)

LIABILITY INSURANCE	***Annex 16***

As proof of compliance with the condition, the economic operator must submit a statement undertaking to submit to the contracting authority, prior to the commencement of the performance of the obligations, the insurance policies of all economic operators who will participate in the performance of the contractual obligations. The statement must be uploaded to the **"DOCUMENTS" section, under "Other annexes".**

CONTRACTING AUTHORITY'S CERTIFICATE OF VISIT OF THE FACILITY	***Annex 17***

The economic operator shall bring the certificate to the site inspection, where it shall be signed by both the economic operator and the contracting authority. The completed and signed form must be uploaded to the **"DOCUMENTS" section, under "Other attachments".**

APPLICATION	***Annex 1***

PUBLIC PROCUREMENT: **ENLJ-VOD-SP-419/25 – "Project for the production of heat and electricity from renewable sources – BIOMASS"**

Contracting authority: JAVNO PODJETJE ENERGETIKA LJUBLJANA d.o.o., Verovškova ulica 62, 1000 Ljubljana

APPLICATION NO. _____

1. ECONOMIC OPERATOR / LEAD PARTNER IN THE CASE OF A JOINT APPLICATION

Name (company name) of the economic entity/lead partner in the case of a joint application	
Registered office/address of the economic operator/lead partner in the case of a joint application	
Registration number:	
VAT identification number and tax number:	
Contact person (first name and surname):	
Telephone:	
E-mail:	

2. JOINT APPLICATION (complete if this is a joint application)

In addition to the lead partner (from point 1 of this Annex), the following partners are participating in the public procurement:

NAME (COMPANY) AND BUSINESS ADDRESS OF THE ECONOMIC OPERATOR PARTICIPATING IN THE APPLICATION

3. LIST OF SUBCONTRACTORS (fill in if you are participating (in the case of a joint application, any of the partners) with subcontractors)

NAME (COMPANY) AND BUSINESS ADDRESS OF THE ECONOMIC OPERATOR PARTICIPATING IN THE APPLICATION

4. LIST OF ENTITIES WHOSE CAPACITIES ARE USED BY THE ECONOMIC OPERATOR (fill in if the economic operator will use the capacities of other entities) (who are not partners in the case of a joint application or subcontractors)

NAME (COMPANY) AND BUSINESS ADDRESS OF THE ECONOMIC OPERATOR

5. INFORMATION ON THE ENTITIES (REFERRED TO IN POINTS 1 TO 4 of this Annex) THAT WILL PERFORM THE FOLLOWING FUNCTIONS:

Function/role:	Name and business address of the economic operator
Energy block design engineer	
Supplier of high-pressure biomass boiler	
Supplier of counterpressure steam turbine	

6. WE, THE UNDERSIGNED, DECLARE:

- that we are fully familiar with the content of the tender documentation and all its corrections, additions and amendments, and that we agree with all the terms and conditions of the tender documentation (descriptions, provisions, requirements, conditions, financial security requirements, etc.) of the public procurement in question and that we fully comply with them;
- that we will submit additional evidence or explanations at the request of the contracting authority to verify compliance with the conditions and requirements of the tender documentation;
- that we are fully aware that the contracting authority may terminate the public procurement procedure at any time, reject all applications and/or tenders or, after the decision on the award of the public procurement becomes final, not conclude a

public procurement, and that in none of the above cases will we claim reimbursement of the costs of preparing the application/tender, the costs of financial guarantees, any direct or indirect damage or lost profits;

- and we give our consent to the contracting authority for the possible processing of personal data, which the contracting authority may become aware of in the context of the application documentation and which it may (in accordance with the legislation governing the protection of personal data) for the purposes of awarding the public procurement in question or for reviewing and evaluating applications and for the period of storage as stipulated by the law governing public procurement, we also ensure that we have an appropriate legal basis for the processing of personal data of all persons who will participate in the public procurement procedure and the subsequent implementation of the public procurement;
- that we have not provided any false or misleading information in the documents submitted and that all information provided in the application corresponds to the actual situation;
- that we are familiar with and accept the conditions related to acting in accordance with the principle of "do no significant harm" (point 0 , sub-point0 of the tender documentation);
- that we are familiar with and accept the conditions related to the implementation of measures to strengthen the climate resilience of the subject of the public procurement (point 0 , sub-pointF of the tender documentation);
- that we are familiar with and accept the conditions related to operating in accordance with horizontal principles (point 0, sub-point0 of the tender documentation);
- that the contracting authority may verify the information provided in the application documentation without prior notice.

7. VALIDITY OF THE APPLICATION

The application is binding and valid until 31 December 2026 or until the date of validity and enforceability of the contract, whichever occurs first.

(place, date)	stamp	(Name and surname and signature of the person authorised to sign on behalf of the economic operator)

Instruction:

*The economic operator **shall upload** the form within the e-JN system **to the "DOCUMENTS" section, under "Other attachments"!***

LEGAL ACT ON JOINT PARTICIPATION – in the case of a joint application	***Form 1 to Annex 1***

Form 1 to Annex 1 shall be accompanied by a legal act on joint performance of the contract, signed and stamped by all economic operators participating in the performance of the contract.

MUTUAL COOPERATION AGREEMENT – in the case of an application with a subcontractor	***Form 2 to Annex 1***

Form 2 to Annex 1 shall be accompanied by a mutual cooperation agreement signed and stamped by the economic operator and the subcontractor.

INFORMATION ON THE INDIVIDUAL ECONOMIC OPERATOR IN THE APPLICATION	***Annex 2***

Public procurement: ENLJ-VOD-SP-419/25 – "Project for the production of heat and electricity from renewable sources – BIOMASS"

In the application, we appear as **(mark as appropriate)**:

- ☐ an independent economic operator
- ☐ lead partner (in the case of a joint application)
- ☐ partner (in the case of a joint application)
- ☐ subcontractor
- ☐ an entity whose capacity is used by an economic operator

INFORMATION ABOUT THE ECONOMIC OPERATOR	
Name/company name of the economic operator	
Business address	
Registration number of the economic operator	
VAT identification number and tax number of the economic operator	
Transaction account of the economic entity and bank, IBAN, SWIFT (The entity shall enter ALL its open transaction accounts (in Slovenia and abroad).	
OTHER INFORMATION	
INFORMATION ON THE PART OF THE PUBLIC PROCUREMENT CONTRACT TAKEN OVER – Type/description of the part of the public procurement contract taken over by the entity in relation to the public procurement contract in question:	

ALL persons who are members of the administrative, management or supervisory body of the economic operator or who have powers of representation, decision-making or control therein	First name and surname	Function
The economic operator is an SME* (YES/NO): **SME: micro, small and medium-sized enterprises as defined in Commission Recommendation 2003/361/EC*		

We declare that:

- insofar as we are acting as the lead partner or partner in a joint application, we confirm that we are jointly and severally liable for the performance of the work and that the lead partner is authorised to accept obligations and instructions for and on behalf of each and all partners;
- we have examined the documentation relating to the award of the public procurement;
- we agree to all the provisions, requirements and conditions of the documentation relating to the public procurement, without any restrictions, and that we comply with them;
- we have complied with all obligations arising from applicable legislation and other applicable binding regulations, including the provisions of the Health and Safety Act, in preparing the application and will do so in the performance of the contract, if selected; we will comply with all obligations arising from applicable legislation and other applicable binding regulations, including the provisions of the Occupational Safety and Health Act and other regulations relating to working conditions and employment applicable in the Republic of Slovenia;
- we have not provided any false or misleading information in the submitted documents and that all information provided in the application corresponds to the actual situation;
- the contracting authority may verify the information provided in the application documentation without prior notice;
- we give our consent to the contracting authority for the possible processing of personal data, which the contracting authority may become aware of in the application documentation and which it may (in accordance with the legislation governing the protection of personal data) for the purposes of awarding the public

procurement in question or for reviewing and evaluating applications and for the period of storage as stipulated by the law governing public procurement, we also ensure that we have an appropriate legal basis for the processing of personal data of all persons who will participate in the public procurement procedure and the subsequent implementation of the public procurement;

- we will compensate the contracting authority for any damage caused if, during the award and/or implementation of the public procurement, it is found that the information provided in the application documentation is false or misleading;
- the costs of preparing and submitting the application shall be borne by the economic operator;
- we understand that the contracting authority is not obliged to accept any application it receives;
- we will not have any claim for damages against the contracting authority if we are not selected to perform the public procurement, which also applies in the event of the contracting authority's withdrawal from the performance of the public procurement prior to the conclusion of the contract;
- we are familiar with and accept the conditions related to acting in accordance with the principle of "do no significant harm" (point 0, sub-point0 of the tender documentation);
- that we are familiar with and accept the conditions related to the implementation of measures to strengthen the climate resilience of the subject of the public procurement (point0 , sub-pointF . tender documentation),
- that we are familiar with and accept the conditions related to operating in accordance with horizontal principles (point0 , sub-point0 of the tender documentation).

(place, date)	stamp	(Name and surname and signature of the person authorised to sign on behalf of the economic operator)

Instruction: *The form in Annex 1 must be completed by all economic operators in the application.*
The economic operator ***shall upload*** *the Annex within the e-JN system* ***in the "DOCUMENTS" section, under "Other annexes"!***

SUBCONTRACTOR'S REQUEST AND CONSENT FOR DIRECT PAYMENTS	***Annex 3***

Subcontractor:_____
(name and business address), acting as a subcontractor for the economic operator

_____

for the performance of public procurement no. **ENLJ-VOD-SP-419/25 – "Project for the production of heat and electricity from renewable sources – BIOMASS"**

By signing this statement **(mark as appropriate)**:

☐ I request

☐ I do not request

direct payment for work performed on the basis of the public procurement in question.

If the subcontractor requests direct payment **– to be completed only if the subcontractor requests direct payment (mark as appropriate)**:

☐ I agree

☐ I do not agree

that the client, JAVNO PODJETJE ENERGETIKA LJUBLJANA d.o.o., Verovškova ulica 62, 1000 Ljubljana, pay our claims against the contractor (economic entity for which we act as a subcontractor) in connection with the performance of the public procurement in question directly to our transaction account no. ....., opened at ..... (name of bank) on the basis of issued statements or invoices, which will be previously confirmed by the contractor (economic entity for which we are acting as a subcontractor) and will be attached to the invoice or statement issued to the contracting authority by the contractor (economic entity for which we are acting as a subcontractor).

_____		_____
(place, date)	stamp	(Name and surname and signature of the person authorised to sign on behalf of **the subcontractor**)

Note
The form shall be completed and signed when the economic operator intends to perform a public procurement with a subcontractor who requires direct payment in accordance with Article 94 of ZJN-3, and shall consequently serve as an annex to the public procurement.
If the economic operator does not intend to perform the public procurement with a subcontractor that requires direct payment, the form does not need to be completed.
Instruction:
*The economic operator **shall upload** the form **separately** in the e-JN system **in the "DOCUMENTS" section, under "Other annexes"!***

AUTHORISATION OF THE ECONOMIC OPERATOR	***Annex 4***

Economic operator: _____ (name and business address)

for the implementation of public procurement no. **ENLJ-VOD-SP-419/25 – "Project for the production of heat and electricity from renewable sources – BIOMASS"** and in accordance with Article 94 of ZJN-3

WE AUTHORISE

the contracting authority JAVNO PODJETJE ENERGETIKA LJUBLJANA d.o.o., Verovškova ulica 62, 1000 Ljubljana, to pay our obligations to the following subcontractors directly on the basis of a confirmed invoice or statement:

No.	NAME AND BUSINESS ADDRESS OF THE SUBCONTRACTOR
1	
2	
3	
4	
:	

_____ (place, date)

stamp

_____ (Name and surname and signature of the person authorised to sign on behalf of the economic operator)

Note

The form shall be completed and signed when the economic operator intends to perform the public procurement with a subcontractor who requires direct payment in accordance with Article 94 of ZJN-3, and shall consequently serve as an annex to the public procurement.

If the economic operator does not intend to perform the public procurement with a subcontractor that requires direct payment, the form does not need to be completed.

Instruction:

The main contractor must attach the invoice or statement of the subcontractor, which it has previously approved, to its invoice or statement.

*The economic operator **shall upload** the form within the e-JN system **in the "DOCUMENTS" section, under "Other attachments"!***

ESPD FORM	***Annex 5***

The economic operator (or main partner in the case of a joint application) must complete its ESPD form and upload it in .pdf format or in electronic form (unsigned .xml format, which will be signed at the same time as the application is submitted) to the e-JN information system **in the "DOCUMENTS" section, under "ESPD-tenderer**".

Even if the economic operator uploads a signed ESPD in .pdf format, it will be signed again at the same time as the tender is signed.

For all economic operators listed in the application *(in the case of a joint application)*, and/or subcontractors *(if the economic operator is performing the public procurement with subcontractors)* and/or entities whose capacity is used by the economic operator *(if the economic operator will use the capacity of other entities to perform the public procurement)*, the economic operator must upload manually/physically signed ESPD forms (for each of the other participants) in .pdf format or in .xml format (electronically signed) to the e-JN information system **in the "PARTICIPANTS" section, "ESPD – other participants" part**.

DECLARATION ON THE PARTICIPATION OF NATURAL AND LEGAL PERSONS IN THE OWNERSHIP STRUCTURE of THE ECONOMIC OPERATOR/SUBCONTRACTOR	***Annex 6***

D E C L A R A T I O N
ON THE PARTICIPATION OF NATURAL AND LEGAL PERSONS IN THE OWNERSHIP OF THE ECONOMIC OPERATOR / SUBCONTRACTOR

Information about the legal person (economic entity):

Company name:	
Business address:	
Company registration number:	
VAT ID number:	

In relation to public procurement **ENLJ-VOD-SP-419/25 "Project for the production of heat and electricity from renewable sources – BIOMASS",** we are providing the following information on the basis of the sixth paragraph of Article 14 of the ZIntPK-UPB2, we are providing information on the participation of natural and legal persons in the ownership of the economic entity, including the participation of silent partners, and economic entities which, according to the provisions of the law governing commercial companies, are considered to be affiliated companies of the economic entity.

WE DECLARE that the following legal persons are involved in the ownership of the above-mentioned economic entity, including the participation of silent partners:

No.	**Company:**	**Business address**	**Ownership share in %**
1			
2			
3			
4			
5			
....			

WE DECLARE that the following natural persons, including silent partners, are involved in the ownership of the above-mentioned economic entity:

No	**First and last name**	**Permanent address**	**Ownership share in %**
1			
2			
3			

4			
5			
…			

WE DECLARE that, in accordance with the provisions of the law governing commercial companies, the following economic entities are affiliated with the above-mentioned economic entity:

No	Company	Business address	Registration number
1			
2			
3			
4			
5.			
….			

WE DECLARE that, in accordance with the provisions of Article 3(6) of Directive 2015/849/EU, the beneficial owners of the above-mentioned entity are the following natural persons:

No.	First and last name	Date of birth	VAT identification number / tax number
1			
2			
3			
4			

By signing this statement, I guarantee that no other natural or legal persons, silent partners or economic entities are involved in the entire ownership structure, which are considered to be affiliated companies in accordance with the provisions of the law governing companies.

By signing this statement, I guarantee the accuracy and truthfulness of the information and am aware that the contract is void in the event of a false statement or untrue information in the statement. I undertake to notify the client of any changes to the information provided.

All statements are made under criminal and material liability.

(place, date) stamp (Name and surname and signature of the person authorised to sign on behalf of the economic operator/subcontractor)

Instruction:
*The economic operator **shall upload** the form **separately** in the e-JN system **in the "DOCUMENTS" section, under "Other attachments"!***

***Note:** In accordance with the System Explanations on the obligation to disclose the ownership of an economic operator concluding a transaction with public sector bodies or organisations No. 06272-2/2012-3 of 20 July 2022 of the Commission for the Prevention of Corruption, in cases where the economic entity or any of the companies in its ownership structure is a joint-stock company, it is sufficient to comply with the legal obligation in this part that the declaration includes only those shareholders of the economic operator who directly or indirectly hold more than 5% of the shares or have a more than 5% share in the founding rights, management or capital of the joint-stock company.*

** The amendment to the Companies Act (ZGD-1G, Official Gazette of the Republic of Slovenia, No. 57/2012 of 27 July 2012) abolishes silent partnerships, which, according to the Act itself, cease to exist on the date of entry into force of the Act, i.e. on 28 July 2012. For companies with their registered office in the Republic of Slovenia, the part of the provision of the sixth paragraph of Article 14 of the ZIntPK, which stipulates that a statement on the ownership structure must also include information on silent partners, no longer applies. The provision still applies unchanged to foreign companies if the institution of silent partnerships exists under foreign law.*

DECLARATION RELATED TO THE FIRST PARAGRAPH RELATED TO THE FIRST PARAGRAPH OF ARTICLE 5K OF REGULATION (EU) No 833/2014	***Annex 7***

Public procurement: **ENLJ-VOD-SP-419/25 – "Project for the production of heat and electricity from renewable sources – BIOMASS"**

Name (company name) and business address of the economic operator:

_____

I, the undersigned, _____ (name and surname), as the responsible person of the above-mentioned entity, hereby declare, under criminal and material liability, that the entity I represent has no Russian participation exceeding the restrictions set out in Article 5k of Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, as amended ~~by Council Regulation (EU) No 2022/578 of 8 April 2022~~ and corrected. In particular, I declare that:

(a) the entity I represent is not a Russian national, a natural person residing in Russia, or a legal person, entity or body established in Russia;

(b) the entity I represent is not a legal person, entity or body whose proprietary rights are directly or indirectly owned for more than 50 % by a natural or legal person, entity or body referred to in point (a) above;

(c) neither I nor the entity I represent is a natural or legal person, entity or body acting on behalf or at the direction of a natural or legal person, entity or body referred to in point (a) or (b) above;

(d) there is no participation of more than 10% of the contract value of subcontractors, suppliers or entities whose capacities are used by the entity I represent, which are entities referred to in points (a) to (c) above.

_____		_____
(place, date)	stamp	(Name and signature of the person authorised to sign on behalf of the economic operator/subcontractor)

Instruction:

*The economic operator **shall upload** the form within the e-JN system **in the "DOCUMENTS" section, under "Other attachments"!***

DECLARATION OF RECIPROCITY BY ECONOMIC OPERATORS FROM THIRD COUNTRIES	***Annex 8***

Public procurement: **ENLJ-VOD-SP-419/25 – "Project for the production of heat and electricity from renewable sources – BIOMASS"**

Name (company), registered office and business address of the economic operator:

_____

The undersigned, _____ (name and surname), as the responsible person of the above-mentioned entity, in the public procurement procedure, under criminal and material liability, declare that the country in which we have our registered office has concluded an international agreement on the opening of the European Union public procurement market or another bilateral or multilateral international agreement concluded with the Republic of Slovenia, which enables us to participate in the public procurement procedure in question in the role and content we are assuming, and that economic operators based in the Republic of Slovenia have reciprocal access to the public procurement market in the country in which we are based.

_____		_____
(place, date)	stamp	(Name and surname and signature of the person authorised to sign on behalf of the economic operator/subcontractor)

Instruction:
At the request of the contracting authority*, the selected economic operator shall submit the following evidence to the contracting authority before the contract is concluded:*

- *additional evidence, such as a copy of an international agreement showing that the country in which the economic operator is established has concluded an international agreement with the EU or the Republic of Slovenia and that economic operators established in the territory of the Republic of Slovenia have reciprocal access to the public procurement market in the third country in which the economic operator is established.*

The economic operator ***shall upload*** *the form within the e-JN system* ***in the "DOCUMENTS" section, under "Other attachments"!***

SUITABILITY TO PERFORM THE PROFESSIONAL ACTIVITY	***Annex 9***

Public procurement: **ENLJ-VOD-SP-419/25 "Project for the production of heat and electricity from renewable sources – BIOMASS"**

Economic operator: _____ (company name, business address) hereby declare, under criminal and material liability, that we meet the conditions set out in point 3.3.1. Suitability to pursue the professional activity of the tender documentation.

This condition must be met by every economic operator (independent economic operator, member of a group of economic operators, subcontractor) that submits a tender or participates in the performance of the contract. Each economic operator shall demonstrate that it meets the condition for the part of the contract it is undertaking in the tender.

At the request of the contracting authority, ~~the economic operator shall~~we shall submit ~~the following evidence~~ to the contracting authority within the time limit specified by the contracting authority:

- additional evidence (e.g. certificate of entry in one of the professional or trade registers kept in the Member State in which the economic operator is established, reflecting the situation at the time of the deadline for submission of applications.

In order to speed up the review of applications, it is desirable that the economic operator submit this evidence together with the application.

_____	stamp	_____
(place, date)		(Name and signature of the person authorised to sign on behalf of the economic operator/subcontractor)

ECONOMIC AND FINANCIAL SITUATION	***Annex 10***

Public procurement: **ENLJ-VOD-SP-419/25 "Project for the production of heat and electricity from renewable sources – BIOMASS"**

Economic operator: _____(company name, business address) under criminal and material liability, we declare that in the last three financial years (i.e. 2022, 2023 and 2024) we have not reported any losses, that we have an appropriate credit rating (in accordance with the requirements of the tender documentation), and that the information on annual turnover provided below is true.

Total annual turnover:

Year	2022	2023	2024	**Total**
Annual turnover in EUR				

At the request of the contracting authority, the economic operator shall submit the following evidence to the contracting authority within the time limit specified by the contracting authority:

- additional evidence (e.g. audited financial statements of the company's total turnover for the required period, taking into account the date of establishment of the company or the start of business of the economic operator, or other relevant evidence proving that the condition is met),
- S.BON-1 or S.BON-1/P or eS.BON, which must not be older than 30 (thirty) days from the deadline for submission of applications or obtained no later than 60 (sixty) days from the deadline for submission of applications (this provision means that the document containing the credit rating information of the economic operator must be issued and prepared within the specified period). An economic operator based in a foreign country shall submit a credit rating prepared for it in its country by any credit rating agency and a comparison of its credit rating with the credit rating scale of one of the following credit rating agencies: Standard and Poor's or Fitch Ratings or Moody's Investors Service. When verifying the adequacy or equivalence of the credit rating, the contracting authority shall take into account the comparison of credit ratings published on the AJPES website at the following link: https://www.ajpes.si/bonitetne_storitve/s.bon_ajpes/bonitetna_lestvica.

In order to speed up the review of applications, it is desirable that the economic operator submit this proof together with the application.

(place, date)	stamp	(Name and surname and signature of the person authorised to sign on behalf of **the economic operator**)

Public procurement: **ENLJ-VOD-SP-419/25 "Project for the production of heat and electricity from renewable sources – BIOMASS"**

Economic operator _____ (name, business address),

hereby declare that we have established a quality and environmental management system.

At the request of the contracting authority, the economic operator shall submit the following evidence to the contracting authority within the time limit specified by the contracting authority:

- additional evidence (e.g. photocopies of quality and environmental management system certificates).

In order to speed up the review of applications, it is desirable that the economic operator submit this evidence together with the application.

_____		_____
(place, date)	stamp	(Name and surname and signature of the person authorised to sign on behalf of the economic operator/subcontractor)

ORGANISATIONAL STRUCTURE OF THE PROJECT IMPLEMENTATION TEAM	***Annex 12***

Public procurement: **ENLJ-VOD-SP-419/25 "Project for the production of heat and electricity from renewable sources – BIOMASS"**

The economic operator must submit an organisational structure diagram of the project implementation team. **The** attached **organisational structure must include:**

1. A description of the project management methodology,
2. Description of the organisation of the economic operator's project implementation team for cooperation with the contracting authority,
3. Project management software (name, description and operation).

Documents must be uploaded to the **"DOCUMENTS" section, "Other attachments" part**.

(place, date)	stamp	(Name and surname and signature of the person authorised to sign on behalf of the economic operator)

PROFESSIONAL CAPACITY – STAFF LIST	***Annex 13/1***

Public procurement: **ENLJ-VOD-SP-419/25 "Project for the production of heat and electricity from renewable sources – BIOMASS"**

LIST OF REGISTERED STAFF (staff with whom the economic operator demonstrates its professional competence):

	Name and surname of staff member	**Job/function for which the staff member is registered**	**Professional title**	**Total work experience [years]**	**Employer of the staff member (please indicate the economic entity from the application)**	**Title of the project that is the subject of the reference**	**Reference client~~Client~~**
1		Project Manager (PM)					
2		Site Manager (SM)					
3		Site Biomass Boiler Engineer (SBBE)					
4.		Site Steam Turbine Engineer (SSTE)					
5.		Site Mechanical Engineer (SME)					
6		Site Electrical Engineer (SEE)					
7		Site Instrumentation and Control Engineer (SI&CE)					

	Name and surname of staff member	Job/function for which the staff member is registered	Professional title	Total work experience [years]	Employer of the staff member (please indicate the economic entity from the application)	Title of the project that is the subject of the reference	Reference client~~Client~~
8.		Site Commissioning Engineer (SCE)					

Documents must be uploaded to the **"DOCUMENTS" section, under "Other attachments**".

(place, date) stamp (Name and surname and signature of the person authorised to sign on behalf of the economic operator)

CURRICULUM VITAE OF THE NOMINATED STAFF IN THE PROJECT TEAM, INCLUDING A DESCRIPTION OF WORK EXPERIENCE	***Annex 13/2***

Public procurement: ENLJ-VOD-SP-419/25 "Project for the production of heat and electricity from renewable sources – BIOMASS"

Job/function for which the staff member is registered:		
Information about the responsible person	*First and last name:*	*Date of birth:*
	Professional experience: *[list of professional experience relevant to the task envisaged in this application]*	
	Education:	
	Membership in professional organisations:	
Current Employer	*Employer name:*	
	Employer's address:	
	Job title:	*Number of years with current employer:*
	Telephone	*HR department contact details:*
	Email	

From month/year to month/year	Company/Organisation	Position/role in the company	Job description

List of professional education and training

From	*To*	*Provider/course*

List of professional experience over the last 10 years in chronological order:

Enter specific technical and organisational management experience relevant to the performance of the tasks envisaged in this application.

From	*To*	*Company / Project / Location / Client / Task / Relevant technical and organisational management experience*

I, the undersigned, confirm that the attached CV accurately describes me, my qualifications and my experience. I understand that any misrepresentation of facts may be grounds for exclusion of the economic operator from the public procurement procedure.

(place, date)

(Name and surname and signature of the person)

***Note**: The form may be photocopied if necessary.*
Instruction:
*The economic operator **shall upload** the form **separately** in the e-JN system **in the "DOCUMENTS" section, under "Other attachments"!***
In order to speed up the review of applications, it is desirable that the economic operator submit this evidence together with the application.

CONFIRMATION OF REFERENCES BY INDIVIDUAL CONTRACTING AUTHORITIES - **EXPERT**	***Annex 13/3***

Public procurement: **ENLJ-VOD-SP-419/25 – "Project for the production of heat and electricity from renewable sources – BIOMASS"**

TO BE COMPLETED BY THE ECONOMIC OPERATOR!

We declare under criminal and material liability that the information on the reference works listed below is true. Upon request, we will submit additional evidence of the successful completion of the listed reference works to the contracting authority within the required time limit.

Information about the contractor of the reference work/project (economic operator or partner/subcontracto		
Contractor of the reference work (name and registered office/address):		
Name and surname of the expert:		
Information about the payer of the work (issuer of the reference or final client)		
Issuer of the reference (name and registered office/address):		
Contact person of the reference issuer:		
Telephone number/e-mail address of the reference issuer:		
Information about the reference work/business		
Project name:		
Month and year or period of project/reference work implementation (**from-to**):	From _____ (month and year) to _____ (month and year)	
The reference refers to the reference condition (**mark/circle and fill in**)	In the last 15 years prior to the deadline for submission of applications, the person named in this form has in a professionally correct, high-quality manner and in accordance with the contractual provisions, as: a) **the Project Manager (PM)** has _____ years of continuous experience in managing the construction **of a wood biomass or combined cycle (CHP)** thermal power plant with a minimum input thermal capacity of 20 MW, which was successfully completed with the handover of the facility to the investor. b) **the Site Manager (SM)** has _____ years of continuous experience working on a project to build **a wood biomass or combined cycle (CHP**) **power** plant with a minimum input thermal capacity of 20 MW, which was successfully completed with the handover of the facility to the investor. c) **the Site Biomass Boiler Engineer (SBBE)** was the responsible implementation engineer for the construction of an operational high-pressure wood biomass boiler with a minimum input thermal capacity of 20 MW, which was successfully completed with the handover of the facility to the investor;	

	d) **the Site Steam Turbine Engineer (SSTE)** was the responsible implementation engineer for the installation/assembly of an operational steam turbine with a minimum electrical power of 5 MW, which was successfully completed with the handover of the facility to the investor. e) **the Site Mechanical Engineer (SME)** was the responsible mechanical implementation engineer for the construction of an operational combined cycle power plant (CHP) with a minimum input thermal power of 20 MW, which was successfully completed with the handover of the facility to the investor. f) **the Site Electrical Engineer (SEE)** was the responsible electrical implementation engineer for the construction of an operational power plant with a minimum of 15 MW of electrical power output, which was successfully completed with the handover of the facility to the investor. g) **the Site Instrumentation and Control Engineer (SI&CE)** was the responsible implementation engineer for automation and control in the construction of an operational combined cycle power plant (CHP) with a minimum input thermal power of 20 MW, which was successfully completed with the handover of the facility to the investor; h) **the Site Commissioning Engineer (SCE)** was the responsible commissioning and testing engineer for the construction of an operational combined cycle power plant (CHP) with a minimum thermal input of 20 MW, which was successfully completed with the handover of the facility to the investor.
Brief description of the project/subject of the contract and the scope or content of the services that are the subject of the reference services/works.	

(place, date) stamp (Name and surname and signature of the person authorised to sign on behalf of **the economic operator**)

TO BE COMPLETED BY THE INVESTOR (Issuer of the reference)!!!!!

The undersigned _____ (name of the issuer of the reference, business address) confirm that, on the basis of our order, the above-mentioned expert has performed the specified reference work in a high-quality manner, on time and in accordance with the contractual provisions. This certificate is issued at the request of the contractor and is valid exclusively for the purposes of his application for the public procurement in question.

We declare that we are a ***public/private*** contracting authority. (Please circle as appropriate)

(place, date)	stamp	(Issuer of the reference, name and surname and signature of the person authorised to sign on behalf of the issuer of the reference)

Note: *The economic operator shall reproduce the form in the required number of copies. In cases where more than one reference is required, the economic operator shall submit as many forms as there are references required.*

Instruction: *The economic operator* ***shall upload*** *the form within the e-JN system* ***in the "DOCUMENTS" section, under "Other attachments"!!!***
In order to speed up the review of applications, it is desirable that the economic operator submit this evidence together with the application.

LIST OF REFERENCES – **ECONOMIC OPERATOR**	***Annex 14/1***

ENLJ-VOD-SP-419/25 "Project for the production of heat and electricity from renewable sources – BIOMASS"

LIST OF REFERENCES:

Reference requirement	Reference date	Reference holder (please indicate the economic operator from the application	Name of reference project	Reference client (actual user of the reference service)
REFERENCE 1 Reference of the independent economic operator/lead economic operator or partner				
REFERENCE 2 Energy block design engineer				
REFERENCE 3 Supplier of backpressure steam turbine				
REFERENCE 4 Supplier of high-pressure biomass steam boiler				

Reference requirement	Reference date	Reference holder (please indicate the economic operator from the application	Name of reference project	Reference client (actual user of the reference service)

NOTE

- *In the case of multiple references, the economic operator shall complete the form accordingly or make copies of it.*

(place, date)	stamp	(name and surname and signature of the responsible person of the economic operator)

***Note**: The form may be photocopied if necessary. The economic operator shall only list the works that prove their references.*

Instruction:
*The economic operator **shall upload** the form **separately** in the e-JN system **in the "DOCUMENTS" section, under "Other attachments"!***

CONFIRMATION OF REFERENCES BY INDIVIDUAL CONTRACTING AUTHORITIES – **ECONOMIC OPERATOR**	***Annex 14/2***

Public procurement: ENLJ-VOD-SP-419/25 "Project for the production of heat and electricity from renewable sources – BIOMASS"

TO BE COMPLETED BY THE ECONOMIC OPERATOR!

We declare under criminal and material liability that the information on the reference works listed below is true. Upon request, we will submit additional evidence of the successful completion of the listed reference works to the contracting authority within the required time limit.

Information about the contractor of the reference work/project (*independent economic entity* or member of a group of economic *entities)*		
Contractor of the reference work (name and registered office/address):		
The economic operator shall indicate in what capacity it participated in the reference transaction (**circle**):	independent contractor / member of a consortium of contractors	
Information about the payer of the work (issuer of the reference or final client)		
Issuer of the reference (name and registered office/address):		
Contact person of the reference issuer:		
Telephone number/e-mail address of the reference issuer:		
Information about the reference work/business		
Project name:		
Month and year or period of project/reference services/work implementation (**from-to**):	From _____ (month and year) to _____ (month and year)	
The reference relates to the reference condition	In the last 15 years prior to the deadline for submission of applications, we have (in a professionally correct, high-quality manner and in accordance with the contractual provisions) participated as an independent contractor or as a member of a consortium of contractors in the successful implementation of an energy block which: • was successfully taken over by the investor (signing of the Minutes of Acceptance and Handover of Completed Works (handover report), Taking-over Certificate (TOC) or similar), • has at least 2,000 operating hours after successful takeover, • has an input thermal power of at least 30 MWt, • generates at least 10 MWe of net electrical power (50 Hz), uses biomass as its primary fuel, • is a combined heat and power (CHP) unit that uses a high-pressure steam boiler with a fresh steam pressure greater than 60 bar.	

Brief description of the project/subject of the contract and scope or content of services that are the subject of the reference services/works.	Energy facility: _____ Date of takeover: _____ , Number of operating hours _____ hours, Input thermal power: _____ MWt, Net electrical power: _____ MWe, _____ Hz, Primary fuel: _____ , Fresh steam pressure: _____ bar.

_____		_____
(place, date)	stamp	(Name and surname and signature of the person authorised to sign on behalf of **the economic operator**)

TO BE COMPLETED BY THE INVESTOR (Issuer of the reference)!

The undersigned _____ (name of the issuer of the reference, business address) hereby confirms that, based on our order, the above-mentioned contractor has performed the specified reference work in a high-quality manner, on time and in accordance with the contractual provisions. This certificate is issued at the request of the contractor and is valid exclusively for the purposes of its application for the public procurement in question.

We declare that we are a ***public/private*** client. (Circle as appropriate)

_____		_____
(place, date)	stamp	(Issuer of the reference, name and surname and signature of the person authorised to sign on behalf of the issuer of the reference)

Note: *The economic operator shall reproduce the form in the required number of copies.*
Instruction: *The economic operator* ***shall upload*** *the form within the e-JN system* ***in the "DOCUMENTS" section, under "Other attachments"!!!***
In order to speed up the review of applications, it is desirable that the economic operator submit this evidence together with the application.

CONFIRMATION OF OTHER REFERENCES BY INDIVIDUAL CONTRACTING AUTHORITIES – **ECONOMIC OPERATOR**	***Annex 14/3***

Public procurement: ENLJ-VOD-SP-419/25 "Project for the production of heat and electricity from renewable sources – BIOMASS"

TO BE COMPLETED BY THE ECONOMIC OPERATOR!

We declare under criminal and material liability that the information on the reference works listed below is true. Upon request, we will submit additional evidence of the successful completion of the listed reference works to the client within the required time limit.

Information about the contractor of the reference work/project (*independent economic entity,* member of a group of economic *entities or subcontractor)*		
Contractor of the reference work (name and registered office/address):		
Information about the payer of the work (issuer of the reference or final client)		
Issuer of the reference (name and registered office/address):		
Contact person of the reference issuer:		
Telephone number/e-mail address of th reference issuer:		
Information about the reference work/business		
Project name:		
Month and year or period of project/reference services/work implementation (**from-to**):	From _____ (month and year) to _____ (month and year)	
The reference refers to the reference condition (mark as appropriate)	1. Reference of the energy block design engineer: In the last 15 years prior to the deadline for submission of the application, we have (in a professionally correct, high-quality manner and in accordance with the contractual provisions) participated as the main (responsible) designer of the energy block design, which: • was successfully taken over by the investor by signing the Minutes of Acceptance and Handover of Completed Works (handover report), Taking-over-Certificate (TOC) or similar, • has an input thermal power of at least 30 MWt, • generates at least 10 MWe of net electrical power, of the CHP (Combined Heat and Power) type. 2. Reference of the counterpressure steam turbine supplier: In the last 15 years prior to the deadline for submitting the application, we (in a professionally correct, high-quality manner and in accordance with the contractual provisions) participated as a supplier of steam turbines in a successfully completed project for the construction of an energy block, which: • was successfully taken over by the investor with the signing of the Minutes of Acceptance and Handover of Completed Works (handover minutes), Taking-over Certificate (TOC) or similar, • has a steam turbine with a capacity of at least 10 MWe.	

	3. Reference of the supplier of a high-pressure biomass steam boiler: In the last 15 years prior to the deadline for submission of applications, we have (in a professionally correct, high-quality manner and in accordance with the contractual provisions) participated as a supplier of a high-pressure biomass steam boiler in a successfully completed project for the construction of an energy block which: • was successfully taken over by the investor with the signing of the Minutes of Acceptance and Handover of Completed Works (handover report), Taking-over-Certificate (TOC) or similar, • includes a high-pressure biomass steam boiler with fresh steam pressure greater than 60 bar and an input thermal capacity of at least 30 MWt.
Brief description of the project/subject of the contract and scope or content of services that are the subject of reference services/works.	Energy facility: _____ , Date of takeover: _____ , Input thermal power: _____ MWt, Net electrical power: _____ MWe, CHP type: YES / NO, Turbine size: _____MWe, High-pressure biomass steam boiler (fresh steam pressure greater than 60 bar): YES / NO

_____ (place, date)

stamp

_____ (Name and surname and signature of the person authorised to sign on behalf of **the economic operator**)

TO BE COMPLETED BY THE INVESTOR (Reference issuer)!

The undersigned _____ (name of the issuer of the reference, business address) hereby confirms that, based on our order, the above-mentioned contractor has performed the specified reference work in a high-quality manner, on time and in accordance with the contractual provisions. This certificate is issued at the request of the contractor and is valid exclusively for the purposes of its application for the public procurement in question.

We declare that we are a ***public/private*** contracting authority. (Circle as appropriate)

_____ (place, date)

stamp

_____ (Issuer of the reference, name and surname and signature of the person authorised to sign on behalf of the issuer of the reference)

Note: *The economic operator shall reproduce the form in the required number of copies.*
Instruction: *The economic operator* ***shall upload*** *the form within the e-JN system* ***in the "DOCUMENTS" section, under "Other attachments"!!!***
In order to speed up the review of applications, it is desirable that the economic operator submit this evidence together with the application.

FINANCIAL GUARANTEE SECURING THE SERIOUSNESS OF THE APPLICATION AND TENDER	***Annex 15***

Note: withdrawal of the request in accordance with the answer to the question (on 15 January 2026)

Header with details of the guarantor (bank) or SWIFT code

For: **JAVNO PODJETJE ENERGETIKA LJUBLJANA d.o.o.,** Verovškova ulica 62, 1000 Ljubljana *(enter the beneficiary, i.e. the public procurement contractor)*
Date: *(enter date of issue)*

TYPE OF INSURANCE: *(enter the type of insurance: bank guarantee)*

NUMBER: *(enter the insurance number)*

GUARANTOR: *(enter the name and address of the bank in the place of issue)*

CLIENT: *(enter the name and address of the insurance client, i.e. the tenderer in the public procurement procedure)*

BENEFICIARY: JAVNO PODJETJE ENERGETIKA LJUBLJANA d.o.o., Verovškova ulica 62, 1000 Ljubljana

BASIC TRANSACTION: the obligation of the insurance policyholder from its tender submitted in public procurement procedure no. **ENLJ-VOD-SP-419/25** *(enter the publication number or internal reference number of the public procurement procedure)*, the subject of which is **"Project for the production of heat and electricity from renewable sources – BIOMASS"** *(enter the subject of the public procurement).*

AMOUNT IN EUR: 1,000,000.00 *(enter the maximum amount in numbers and words)*

DOCUMENTS THAT MUST BE ATTACHED TO THE PAYMENT REQUEST IN ADDITION TO THE STATEMENT AND ARE EXPRESSLY REQUIRED IN THE TEXT BELOW: none

LANGUAGE OF THE REQUIRED DOCUMENTS: Slovenian

FORM OF SUBMISSION: in paper form by registered mail or any form of express mail or in person or in electronic form via the SWIFT system to the address *(the SWIFT address of the guarantor shall be indicated)*

PLACE OF SUBMISSION: *(the guarantor shall enter the address of the branch where the paper documents are to be submitted, or the electronic address for submission in electronic form, such as the guarantor's SWIFT address)*

Regardless of the address of the branch entered by the guarantor, the submission of paper documents may be made at any branch of the guarantor in the territory of the Republic of Slovenia.

VALIDITY PERIOD: DD. MM. LLLL *(enter the date specified in the tender documentation for the award of the public procurement in question - i.e. (**at least) until 31 December 2026)***

PARTY RESPONSIBLE FOR PAYING THE COSTS: *(enter the name of the insurance policyholder, i.e. the tenderer in the public procurement procedure)*

As guarantor, we hereby irrevocably and unconditionally undertake to pay the beneficiary, upon first request, any amount up to the amount of the insurance, when the beneficiary submits a corresponding request for payment in the above-mentioned form of submission, signed by the authorised signatory(ies), together with other documents, if listed above, and in any case together with a statement by the beneficiary, which is either included in the text of the payment request itself or in a separate signed document attached to or referred to in the payment request, and which states in what sense the policyholder has failed to fulfil its obligations under the underlying transaction.

The insurance may be claimed for the following reasons, which must be stated in the beneficiary's declaration or request for payment:

1. the insurance policyholder withdrew the application/offer after the deadline for receiving applications/offers or made an impermissible change to the application/offer during its period of validity; or
2. the selected insurance policyholder has not signed the contract at the request of the beneficiary; or
3. the selected insurance policyholder has not submitted a performance bond in accordance with the terms of the contract.

Any claim for payment under this insurance must be received on or before the effective date of the insurance at the above-mentioned place of submission.

Any disputes relating to this insurance shall be settled by the competent court in Ljubljana in accordance with Slovenian law.

This insurance is subject to the Uniform Rules for Demand Guarantees (EPGP) revision of 2010, issued by ICC under No. 758.

Guarantor
(stamp and signature)

Warning
***The bank guarantee must contain the** following **clause**: "This insurance is subject to the Uniform Rules for Demand Guarantees (EPGP) revision of 2010, issued by ICC under No. 758."*

Instruction:
*The economic operator **shall upload** the security for the seriousness of the application and tender within the e-JN information system **in the "Other documents" section!!!***

LIABILITY INSURANCE	***Annex 16***

Economic operator _____ for the selection of a contractor for public procurement **ENLJ-VOD-SP-419/25 - "Project for the production of heat and electricity from renewable sources – BIOMASS" hereby declare with full responsibility** that, prior to the commencement of the performance of our obligations under the contract, we will submit to the contracting authority the insurance policies of all economic operators who will participate in the performance of the contractual obligations in accordance with the requirements set out in point 3.3.6. (Economic operator's liability insurance).

_____		_____
(place, date)	stamp	(Name and surname and signature of the economic operator)

Instruction: *The economic operator* ***shall upload*** *the form within the e-JN system* ***to the "DOCUMENTS" section, under "Other attachments"!***

CONTRACTING AUTHORITY'S CERTIFICATE OF VISIT OF THE FACILITY	***Annex 17***

Economic operator: _____

For the selection of a contractor for public procurement **ENLJ-VOD-SP-419/25 – "Project for the production of heat and electricity from renewable sources – BIOMASS"**, we enclose the client's confirmation of visit of the facility.

Based on the requirement in the tender documentation no. **ENLJ-VOD-SP-419/25 – "Project for the production of heat and electricity from renewable sources – BIOMASS"**, we confirm that the representative of the economic operator:

Mr/Ms _____ (first name, surname),

Mr/Ms _____ (first name, surname),

Mr./Ms. _____ (first name, surname),

who presented the appropriate authorisation at the meeting/inspection, attended the meeting and site visit at the client's premises at Toplarniška ulica 19, Ljubljana, on _____ at _____.

_____		_____
(Name and surname and signature of the representative of the economic operator)	Contracting authority's stamp	(Name and surname and signature of the contracting authority's representative)

Instruction:

*The economic operator **shall upload** the form within the e-JN system **to the "DOCUMENTS" section, under "Other attachments"!***