**Annexes, Standard forms and Declarations**

(Annex 1)

**Table of Contents[[1]](#footnote-1)**

**(List of certificates and declarations in accordance with the PPA)**

| **UPLOAD - SUBMIT TOGETHER WITH FIRST ROUND OFFER!** | | Page no. |
| --- | --- | --- |
| Fiche (Annex 2) | |  |
| Table of contents (given the total number of pages, and authorized signature) (Annex 1) | |  |
| Statement of Tenderer in respect of Article 66 (2) of PPA (Annex 3) | |  |
| Statement in respect of Article 66 (6) a)-b) of PPA (Annex 4) | |  |
|  | |  |
| Declaration in accordance with Article 66 (4) of PPA (Annex 5) | |  |
| **UPLOAD - SUBMIT ONLY AFTER LAST ROUND!** | |  |
| **Certificates of the Tenderer(s) in respect of exclusion criteria** | | |
| Declaration by Tenderer not being covered by exclusion criteria (Annex 6) | | ONLY AFTER LAST ROUND |
| Declaration of Tenderer whether the company is listed or not listed on an official stock exchange (Annex 7) | |
| **Declaration on the basis of Article 62 (1) kc) original or authorized by a notary**  (Annex 8) – optional if the Tenderer is not listed on an official stock exchange | |
| **Further justifications of Tenderer(s) or Joint Tenderer(s) established (having its registered office) outside Hungary on not being covered by the exclusion criteria set forth in Article 62 of PPA** | | |
| Optional: Tenderers (Joint Tenderer(s)) shall attach their certificate of registration dated not earlier than 60 days reckoned from the deadline for submitting the tender. | | ONLY AFTER LAST ROUND |
| Simple photocopy of the specimen signature (or sample of signature) of the natural person signing the tender. | |
| Optional: In case the tender is signed by the authorized representative of the Tenderer(s), subcontractor(s) or organization providing resources, then the authorisation of such person has to be attached. Original or authenticated by a notary. | |
|  | | |
| **UPLOAD - SUBMIT TOGETHER WITH FIRST ROUND OFFER!** | | Page no. |
|  | |  |
| **Further documents** | | |
|  |  | |
| Declaration on supplementary information signed duly. Original or authenticated by a notary. (Annex 9) |  | |
| Declaration of confidentiality signed duly. Original or authenticated by a notary. (Annex 10) |  | |
| Detailed price table (Annex 11) |  | |
| Detailed product description, photos of products, times schedule, installation plan |  | |
| Draft contract – filled out with the necessary data – including eventual proposals for modification and comments (shown with markup) |  | |
| Further documents |  | |
| **ESPD – Together with the first round offer** |  | |

Number of pages included in the tender.

Date:

|  |
| --- |
| ………………..……………………………… |
| authorized signature |

(Annex 2)

**Fiche[[2]](#footnote-2)**

**„Modernization of Control and Monitor Systems of Customer’s Primary and Secondary Radars Manufactured by Raytheon Ltd.”**

|  |  |
| --- | --- |
| Name of Tenderer: |  |
| Registered Office of Tenderer: |  |
| Company registration number of Tenderer: |  |
| Tax number of Tenderer: |  |
| Name of contact person: |  |
| Mailing address of contact person: |  |
| Telephone number of contact person: |  |
| Telefax number of contact person: |  |
| E-mail address of contact person: |  |
| Name and title of the persons empowered to enter into negotiations: |  |
| **PRICE OFFER**  **SUM TOTAL (EUR in NET wo VAT):** | **EUR**\* |

*\* AMOUNT FROM THE PRICE TABLE SUM TOTAL*

Date:

|  |
| --- |
| ………………..……………………………… |
| authorized signature |

(Annex 3)

**Declaration[[3]](#footnote-3)**

**„Modernization of Control and Monitor Systems of Customer’s Primary and Secondary Radars Manufactured by Raytheon Ltd.”**

We, the undersigned …………………….. company (hereinafter referred to as: Tenderer), represented by: ……………………………

**hereby make the following declaration:**

1. Having carefully reviewed all requirements concerning form and content as well as all instructions, stipulations and technical descriptions set out in the Documentation, we hereby declare in accordance with Article 66 (2) of the Act CXLIII of 2015 on Public Procurement (hereinafter referred to as: PPA) that we have read, understood and hereby accept all conditions set out in the Contract Notice and the Documentation.
2. By submitting this tender, we declare that we fully meet the requirements set out in the Contract Notice and the Documentation.
3. We agree and acknowledge that if our tender contains any stipulation that conflicts with the Documentation or any condition thereof, our tender will be deemed void.
4. We agree and acknowledge that our tender will be declared void if it is covered by the conflict of interest criteria set forth in the PPA. We accept that our tender will be declared invalid if we propose experts who participated in the preparatory or other phase of this public procurement procedure or we employed such persons or entities as advisors for preparing our tender or if the conditions detailed in Article 25 of the PPA apply in respect of our company, our subcontractors or the professionals employed.
5. We accept that the method of evaluation of the procedure is “the lowest price tender”.
6. We agree and acknowledge that we may not use the information set out in the Documentation for purposes other than submitting an application.
7. We declare pursuant to Article 36 (1) of the PPA that in this public procurement procedure we do not submit a joint tender with another Tenderer or participate as Tenderer of another tender or subcontractor of another Tenderer or supply capacities for another Tenderer.
8. We declare and agree to be held liable that the contents of all documents included in this tender are true.

Date:

|  |
| --- |
| ……………………………… |
| authorized signature |

(Annex 4)

**Declaration with regard to the provisions of Article 66 (6) a)-b) of the PPA**

**„Modernization of Control and Monitor Systems of Customer’s Primary and Secondary Radars Manufactured by Raytheon Ltd.”**

We, the undersigned …………………….. (company name) as Tenderer, represented by: ……………………………

**declare,**

1. that on the basis of Article 66 (6) a) we intend to employ/ not intend to employ a subcontractor in connection with the following part (parts) of the public procurement for the performance.

| **Part (parts) of the public procurement of which**  **the Tenderer(s) intends to employ a subcontractor,** |
| --- |
|  |
|  |
|  |

that on the basis of Article 66 (6) b) we intend to employ the following subcontractor(s)

| **The name(s) and address(es) of the subcontractor(s) employed for the performance (which are already known by the tenderer).** |
| --- |
|  |
|  |
|  |

date:

|  |
| --- |
| ………………..……………………………… |
| authorized signature |

Delete as appropriate.

Complete the table only if Tenderer wishes to engage a subcontractor for performing the contract.

(Annex 5)

**Declaration with regard to the provisions of Article 66 (4) the PPA**

**„Modernization of Control and Monitor Systems of Customer’s Primary and Secondary Radars Manufactured by Raytheon Ltd.”**

We, the undersigned …………………….. (company name) as Tenderer, represented by: ……………………………

**declare**

that our company is a *micro/small/middle sized* company in accordance with Act XXXIV of 2004 on the development and supporting of the small- and middle sized companies, or *is not subject to* the Act[[4]](#footnote-4).

*middle sized*

small

micro

other, not subject to this law

**UPLOAD - SUBMIT ONLY AFTER LAST ROUND!** (Annex 6)

**Tenderer’s statement about absence of grounds for exclusion**[[5]](#footnote-5)

**„Modernization of Control and Monitor Systems of Customer’s Primary and Secondary Radars Manufactured by Raytheon Ltd.”**

We, the undersigned ………………..……………………………… (company name) as Tenderer, represented by: ………………..………………………………

**declare**

that our company is not fall under the grounds for exclusion of Article 62 (1) of the PPA and the absence of the grounds for exclusion of Article 62(1) point b)-p) (2) of the PPA are to be verified, according to the laws of its country of establishment, in the following way.

|  |  |
| --- | --- |
| **GROUND FOR EXCLUSION** | **METHOD OF VERIFICATION** |
| **Article 62** (1) The following economic operators are excluded from participating in the procedure as a tenderer or a subcontractor, and may not contribute to the verification of eligibility either: |  |
| b) where the economic operator has not fulfilled obligations relating to the payment of taxes, customs duties or social security contributions which are overdue for over a year, except if the economic operator has fulfilled its obligations by paying such debts before the time of submission of the tender or request to participate, including, where applicable, any interest accrued or fines, or if deferred payment has been authorized |  |
| (c) where the economic operator is the subject of winding-up proceedings, or a court ruling ordering the opening of bankruptcy proceedings has been published or if undergoing liquidation proceedings by final decision, or if the economic operator is undergoing any similar proceeding under national law, or who is in any analogous situation under national law; |  |
| d) where the economic operator has suspended its activities or whose operations had been suspended |  |
| e) where the economic operator has been found guilty of a crime by final court verdict in connection with his economic or professional conduct within the past three years; |  |
| f) where the economic operators activities are restrained for any period by final court verdict pursuant to Paragraph *b)* of Subsection (2) of Section 5 of Act CIV of 2001 on Criminal Sanctions in Connection with the Criminal Liability of Legal Persons, or under Paragraph *c)* or *g)* applicable to the given procurement procedure, during the period of exclusion, or if the tenderers operations are restrained by final court order for similar reasons and by similar means; |  |
| g) where the economic operator has been excluded pursuant to Paragraph *f)* of Subsection (2) of Section 165 from participating in public procurement procedures, until the end of the period specified by the Közbeszerzési Döntőbizottság (*Public Procurement Arbitration Board*) or - in the case of review of the decision of the Közbeszerzési Döntőbizottság - in the final court decision |  |
| (h) who pursuant to Act IV of 1978 on the Criminal Code (which had been in effect until 30 June 2013) have committed a crime of participation in a criminal organisation - including committing a crime within a criminal organisation - of bribery, bribery in international relations, negligent handling or misappropriation of funds, budgetary fraud, infringement of the financial interests of the European Communities, as well as money laundering, or who have committed a crime of participation in a criminal organisation - including committing a crime within a criminal organisation - of bribery, bribery in international relations, negligent handling or misappropriation of funds, budgetary fraud, or money laundering as defined under Chapter XXVII of Act C of 2012 on the Criminal Code, or who have committed a similar crime pursuant to their personal right, provided that committing of the given crime was declared in the final judgement of the court, until the expiry of the time limit for the consequences of such judgement; |  |
| h) where the economic operator has been guilty of serious misrepresentation in supplying false information in a previous public procurement or concession award procedure, and was excluded from the procedure in consequence, and no remedy has taken place having regard to such exclusion within three years after the conclusion of the procurement procedure in question |  |
| i) where the economic operator is guilty in supplying false information in the given public procurement procedure (hereinafter referred to as false information") or misrepresentation in violation of the provisions on disclosures, or unable to meet the obligation of verification having regard to eligibility criteria, grounds for exclusion or the criteria provided for in Subsection (5) of Section 82 in spite of the statement submitted as preliminary evidence (hereinafter referred to collectively as \_false statement"), if  ia) such false information or statement may have a material influence on the contracting authoritys decisions concerning exclusion, selection or award, the tenders conformity with the technical specifications, or the evaluation of tenders, and  ib) the economic operator has undertaken to provide false information or statement, or should have been clearly aware within reason that the information he has supplied is false or untrue, or the statement provided is not in conformity with the certificates available; |  |
| j) if the contracting authority is able to prove that the economic operator has undertaken to unduly influence the decision-making process of the contracting authority, or to obtain confidential information that may confer upon it undue advantages in the procurement procedure, or was excluded from a previous public procurement or concession award procedure in consequence, and no remedy has taken place having regard to such exclusion within three years after the conclusion of the procurement procedure in question; |  |
| k) where the economic operator is subject to either of the following:  *ka)* he is established for tax purposes in a country other than a Member State of the European Union, the European Economic Area or the Organization for Economic Cooperation and Development, a State that is a party to the World Trade Organization Agreement on Government Procurement or any of the overseas countries and territories mentioned in Article 198 of the TFEU, or a state with which Hungary has an agreement on double taxation, or with which the European Union has a bilateral agreement in the field of public procurement, |  |
| *kb)* being a company not listed on a regulated stock exchange, whose true owner provided for in Subparagraphs *ra)-rb)* or *rc)-rd)* of Paragraph *r)* of Section 3 of Act CXXXVI of 2007 on the Prevention and Combating of Money Laundering and Terrorist Financing cannot be identified, or |  |
| *kc)* being an economic operator in which a legal person or any entity with legal capacity under national law controls directly or indirectly more than 25 per cent of the shares or voting rights, to whom the provisions under Subparagraph kb) apply |  |
| l) where the economic operator has been found guilty of an infringement by a final administrative ruling adopted by the employment authority under Section 7/A of Act LXXV of 1996 on Employment Inspections within the preceding two years or, if reviewed, by final court decision subject to payment order of a sum payable to the central budget, or to a penalty for the protection of public policy imposed by the immigration authority under the Act on the Admission and Residence of Third-Country Nationals for the employment of a third-country national in Hungary, where such employment is subject to authorization |  |
| m) where a distortion of competition from the prior involvement of the economic operator in the preparation of the procurement procedure, or from the conflict of interest under Section 25, cannot be remedied by measures other than exclusion |  |
| n) where the economic operator has been guilty and sanctioned within the previous three years of a legal offense committed in a public award procedure by final and executable decision of the competition authority under Section 11 of the UMPA or under Article 101 of the TFEU, or by final and executable court ruling passed in conclusion of the judicial review of the said decision of the competition authority; or if the tenderer has been condemned, and fined, for a similar offense by another competition authority or court within the previous three years |  |
| o) if the contracting authority is able to prove that the economic operator has committed the infringement under Section 11 of the UMPA or under Article 101 of the TFEU, except if the economic operator admits to the Gazdasági Versenyhivatal (Hungarian Competition Authority) commission of the infringement under Section 11 of the UMPA or under Article 101 of the TFEU before submitting the tender, or the final tender in competitive procedures with negotiation and in competitive dialogues, and the Gazdasági Versenyhivatal verified the conditions provided for in Subsection (2) of Section 78/A of the UMPA for exemption from the fine in its ruling adopted according to Subsection (2) of Section 78/C of the UMPA |  |
| p) where the economic operator used the advance provided for in Subsections (7)-(9) of Section 135 by ways other than contracted in accordance with an executable court ruling or administrative decision (or court ruling in the case of the judicial review thereof) adopted within the previous three years |  |
| (2) Furthermore, an economic operator may be excluded from participation in a contract as a tenderer, candidate tenderer, subcontractor, or from the attestation of competence: |  |
| a) if any executive officer or supervisory board member, or director of the economic operator, or the sole member in the case of a business association, or a member of management or supervisory body, or any person vested with decision-making powers under national law in a position similar to those aforementioned, where such person was found guilty of either of the criminal offenses defined in Paragraph a) of Subsection (1) by final court verdict in the past five years, and has not been exonerated from the detrimental consequences of having a criminal record, or |  |
| b) if the final court verdict for either of the criminal offenses defined in Paragraph *a)* of Subsection (1) was delivered in the past five years - or within the time period required for being exonerated from the detrimental consequences of having a criminal record, if this is shorter - against a person holding the position of executive officer or supervisory board member, or director of the economic operator, or the sole member in the case of a business association, or a member of management or supervisory body, or any person vested with decision-making powers under national law in a position similar to those aforementioned at the time the criminal offence was committed. |  |

\*\*\*

**Article 62 Paragraph (1) kc):**

1. We, the undersigned ………………..……………………………… (company name) as Tenderer, represented by: ………………..………………………………

**make the below declaration:**

We hereby declare that there is such a legal person or any entity with legal capacity under national law/ there is no such legal person or any entity with legal capacity under national law[[6]](#footnote-6) that has an ownership share or voting rights in our company exceeding 25%, in a direct or indirect way.

1. [[7]](#footnote-7)this/these legal person(s) or entity(ies) is/are as follows:

| **Name and registered seat of the legal person or any entity with legal capacity under national law that has an ownership share or voting rights in our company exceeding 25%, in a direct or indirect way.** |
| --- |
|  |
|  |
|  |

We also declare that the above legal person(s) or entity(ies) are not subject to the grounds for exclusion as per Article 62(1) k) kc) of the PPA.

**\*\*\***

We also declare, pursuant to Article 67(4) of the PPA, that for the performance of the contract we do not wish to employ any subcontractors that are subject to the grounds for exclusion as per Article 62 of the PPA, moreover, the entities used by as to verify eligibility are not subject to the grounds for exclusion as per Article 62 of the PPA either.

Dated:

|  |
| --- |
| ………………..……………………………… |
| authorized signature |

**UPLOAD - SUBMIT ONLY AFTER LAST ROUND!**

(Annex 7)

**Declaration on the basis of Article 62 (1) kb)[[8]](#footnote-8)**

**„Modernization of Control and Monitor Systems of Customer’s Primary and Secondary Radars Manufactured by Raytheon Ltd.”**

1. We, the undersigned ………………..……………………………… (company name) as Tenderer, represented by: ………………..……………………………… hereby **declare** that our company is not listed on a regulated stock exchange.
2. We, the undersigned ………………..……………………………… (company name) as Tenderer, represented by: ………………..……………………………… hereby **declare** that our company is listed on a regulated stock exchange.

Date:

|  |
| --- |
| ……………………………… |
| authorized signature |

*Tenderer(s)/Joint Tenderer(s) shall declare according to the point 1, or 2. as the real data of their company!*

*If Tenderer(s)/Joint Tenderer(s) shall declare according to the point 1, the Annex 9 has to be fulfilled as well****.***

**UPLOAD - SUBMIT ONLY AFTER LAST ROUND!**

(Annex 8)

**Declaration on the basis of Article 62 Article (1) sub points**

**k) point kc) [[9]](#footnote-9)**

**„Modernization of Control and Monitor Systems of Customer’s Primary and Secondary Radars Manufactured by Raytheon Ltd.”**

1. We, the undersigned ………………..……………………………… (company name) as Tenderer, represented by: ………………..……………………………… hereby **declare** that our company is not listed on a regulated stock exchange, and that our company’s beneficial owner pursuant to Article 3(r) of the Act CXXXVI of 2007 on the Prevention and Combating of Money Laundering and Terrorist Financing may be identified.

| **Name(s) of the beneficial owner(s)** | **Address of the**  **beneficial owner(s)** |
| --- | --- |
|  |  |
|  |  |
|  |  |
|  |  |

Date:

|  |
| --- |
| ……………………………… |
| authorized signature |

2.) We, the undersigned ………………..……………………………… (company name) as Tenderer, represented by: ………………..……………………………… hereby **declare** that our company is not listed on a regulated stock exchange, and that our company’s beneficial owner pursuant to Article 3(r) of the Act CXXXVI of 2007 on the Prevention and Combating of Money Laundering and Terrorist Financing may not be identified.

Date:

|  |
| --- |
| ……………………………… |
| authorized signature |

*Tenderer(s) and Joint Tenderer(s) shall make declarations according to the real data of the company.*

|  |
| --- |
|  |

(Annex 9)

**Declaration on supplementary information[[10]](#footnote-10)**

**„Modernization of Control and Monitor Systems of Customer’s Primary and Secondary Radars Manufactured by Raytheon Ltd.”**

We, the undersigned ………………………………………. (company name) as Tenderer, represented by: ………………..……………………………… declare that all supplementary information issued in the course of the above public procurement procedure has been received and taken into consideration by us for the purposes of preparing this tender.

Date:

|  |
| --- |
| ……………………………… |
| authorized signature |

(Annex 10)

**Declaration of confidentiality**

We, the undersigned ………………..……………………………… (company name) as Tenderer, represented by: ………………..……………………………… hereby declare, and undertake the commitment - regarding the „Modernization of Control and Monitor Systems of Customer’s Primary and Secondary Radars Manufactured by Raytheon Ltd.” negotiated Public Procurement Procedure issued by HungaroControl Hungarian Air Navigation Services Pte. Ltd. Co. contracting authority -, that I will - during the procedure, and afterwards – ensure the confidentiality of all data, information and documentation divulged to the company represented by me; and I will ensure that during the tendering process the tenderer or the other contributors involved in the tendering process by the tenderer are not going to - directly or indirectly - use those data, information, and documentation for any purpose not connected to the tender, they will not make them public, nor divulge them to any unauthorised person, nor they are not going to use them illegitimately.

Date: ……………………………… (place, day, month, year)

………………………………..

authorized signature

(Annex 11)

**Detailed price table**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| „Modernization of Control and Monitor Systems of Customer’s Primary and Secondary Radars Manufactured by Raytheon Ltd.” | | | | | | | |
| Item | | Part # | | Description | QTY  (pc) | **EUR in NET /pc** | **EUR in NET /SUM (QTY x pc.)** |
| 1 | |  | |  |  |  |  |
| 2 | |  | |  |  |  |  |
| 3 | |  | |  |  |  |  |
| 4 | |  | |  |  |  |  |
| 5 | |  | |  |  |  |  |
| 6 | |  | |  |  |  |  |
| 7 | |  | |  |  |  |  |
| 8 | |  | |  |  |  |  |
| 9 | |  | |  |  |  |  |
| 10 | |  | |  |  |  |  |
| 11 | |  | |  |  |  |  |
| 12 | |  | |  |  |  |  |
| **SUM TOTAL (EUR in NET wo VAT):** | | **EUR** | | | | |

1. The Table of Contents must be updated according to the contents of the submitted tender. [↑](#footnote-ref-1)
2. In case of Joint Tenderers, the data of the Joint Tenderer(s) have also to be given and officaly signed. [↑](#footnote-ref-2)
3. In case of joint tender all Tenderer(s)s shall sign it. [↑](#footnote-ref-3)
4. the suitable term should be underlined [↑](#footnote-ref-4)
5. To be completed by the tenderer or joint tenderers, separately. [↑](#footnote-ref-5)
6. Delete as appropriate. [↑](#footnote-ref-6)
7. **Optional – Section II has to be completed only if there such a legal entity or organisation without legal personality that has shares or voting rights in the candidate exceeding 25%, either directly or indirectly, in all other cases please delete.** [↑](#footnote-ref-7)
8. Tenderer(s) and Joint Tenderer(s) shall declare separately. [↑](#footnote-ref-8)
9. Tenderer(s) and Joint Tenderer(s) shall declare separately. [↑](#footnote-ref-9)
10. Optional – if there has been supplementary information [↑](#footnote-ref-10)