



## Statement (s.108(1)(5) of the Act)

**This statement should be submitted only if requested by the Contracting Entity.**

### Information identifying the Economic Operator(s):

.....  
(full name / legal name, address and, depending on the legal form of the economic operator: NIP [tax ID number] / PESEL  
[national identification number] / KRS [company number] / CEiDG [sole trader registration])

represented by: .....

(representative's full name, position/basis of representation)

**A statement made by the Economic Operator tendering for the contract individually or each of the Economic Operators tendering for the contract jointly with regard to the circumstances described in s.108(1)(5) of the Act**, submitted under s.126(1) of the Polish Public Procurement Law (Act of Parliament)<sup>1</sup> (Dz.U. [Journal of Laws] of 2024, item 1320)

for the purposes of the contract award procedure:

**Supply of a higher power dynamometer with a power rating exceeding 1 MW**

conducted by Instytut Badań i Rozwoju Motoryzacji BOSMAL Sp. z o.o.

I hereby state as follows (\*Delete if not applicable):

**I am not subject to exclusion from the contract award procedure\*** on the grounds described in s.108(1)(5)<sup>1</sup> of the Act, including (without limitation) the grounds described in s.2(1)(2)<sup>2</sup> of the regulation enacted under s.128(6) of the Act.

<sup>1</sup> **s.108.**

1. An Economic Operator shall be excluded from a contract award procedure

5) if the Contracting Entity has reasonable evidence that the Economic Operator has entered into an agreement with other Economic Operators with the aim of distorting competition, particularly if the parties to that agreement, while members of the same group of companies within the meaning of the Polish Competition and Consumer Protection Act of, have submitted individual tenders, partial tenders and/or applications for permission to tender for the contract, unless they prove that they have prepared such tenders or applications independently of one another;

<sup>2</sup> **s.108(2).**

1. In order to confirm that there are no grounds for excluding an Economic Operator from a contract award procedure ("procedure"), the Contracting Entity may require the submission of the following evidence concerning the Economic Operator [Polish: podmiotowe środki dowodowe]:

...

2) the Economic Operator's statement, in connection with s.108(1)(5) of the Act, to the effect that the Economic Operator is not a member of the same group of companies (within the meaning of the Polish Competition and Consumer Protection Act of 16 February 2007 (Dz. U. [Journal of Laws] of 2020, items 1076 and 1086)) with any other Economic Operator that has submitted its own tender, a partial tender or an application for permission to tender for the contract, OR the Economic Operator's statement to the effect that the Economic Operator is a member of such a group, together with documents or information confirming that it has submitted its own tender, a partial tender or an application for permission to tender for the contract independently of any other Economic Operator that is a member of the same group;



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Śląskie

Appendix 5A to the Specification

Contract Award Procedure Reference: BOS/114/NZ/24

**I am subject to exclusion from the contract award procedure\*** on the grounds described in s.108(1)(5)<sup>1</sup> of the Act, including (without limitation) the grounds described in s.2(1)(2)<sup>2</sup> of the regulation enacted under s.128(6) of the Act, with the Economic Operator(s) named below, which submitted individual tenders in this procedure by the closing date for tenders:

.....  
.....

\*On the basis that I am subject to exclusion with the Economic Operator(s) named above, which submitted individual tenders in this procedure by the closing date for tenders, I enclose, under s.110 of the Act, the following documents and information as evidence of no grounds for exclusion from the procedure:

.....  
.....

I understand that under s.108(1)(5) of the Act, an Economic Operator **shall be excluded from a contract award procedure** if the Contracting Entity has reasonable evidence that the Economic Operator has entered into an agreement with other Economic Operators with the aim of distorting competition, particularly if the parties to that agreement, while members of the same group of companies within the meaning of the Polish Competition and Consumer Protection Act of 16 February 2007, have submitted individual tenders, unless they prove that they have prepared such tenders independently of one another.

***Where two or more Economic Operators are tendering for the contract jointly, each of the Economic Operators must submit a 'statement of no grounds for exclusion'.***

### Statement of Truth

I state that all the information I have given in the above statements is true and accurate. I further state that I know and understand the consequences of providing misleading information to the Contracting Entity in any of the above statements.

.....

(place)

..... 2025

(date)

.....

*Qualified electronic signature of the Economic Operator's authorised representative*