	<b>BESS Budzyń Project Procurement</b>	<b>Compilation date:</b> <b>2025/06/26</b>
	<b>Pre-qualification Notice for Lot:</b> <b><i>BESS (Battery Energy Storage System)</i></b> <b><i>Design and Construction works Agreement</i></b>	<b>Page: 1 / 20</b>

## 1. Introduction

### 1.1. About EDP Renewables Poland

EDP Renewables (EDPR or the Company) is a global leader in the renewable energy sector and is the world's fourth-largest wind energy producer. It is present in 28 international markets across Europe, Latin America, North America, and Southeast Asia. Despite its global outlook, EDP Renewables through his company EDP Renewables Poland has a strong local presence in Poland (EDPR or the Company).

EDP Renewables' main shareholder, EDP, is a global energy company and a leader in value creation, innovation, and sustainability. EDP has been listed on the Dow Jones Index for 14 consecutive years, recently being named the most sustainable electricity company on the Index. Learn more about the [EDP Group](#).

### 1.2. Purpose of this document

The main objective of this Pre-qualification Notice is to define the minimum requirements in respect to qualification to binding offer stage.

A detailed description of the contract's subject matter will be included in the Request for Proposal, which will be provided to entities qualified for the next stage of the procedure, i.e. binding offer stage, as outlined in the Pre-qualification Phase described in this Notice.

## 2. Contracting Authority


### 2.1. Name and address of the asset's owner:

Official name: *Farma Fotowoltaiczna Budzyn sp. z o.o.*  
KRS 0000977379  
REGON 522353846  
NIP 5213973120  
Postal address: Aleje Jerozolimskie 98  
Postal code: 00-807  
Country: Poland  
City: Warsaw

### 2.2. Joint contract

The contract is awarded by the central purchasing unit. The Contracting Authority has entrusted auxiliary purchasing activities, including the preparation and conduct of the Procurement Procedure, to the Procurement Department of EDP Group (hereinafter referred to as "Contracting Authority"):

Contracting Authority name and address: *Farma Fotowoltaiczna Budzyn Sp. z o.o.*  
Aleje Jerozolimskie 98, Warsaw, Poland  
Contact person: Ruth Galdos Martínez  
Phone: 0034 674 74 30 41  
E-mail: [ruth.galdosmartinez@edp.com](mailto:ruth.galdosmartinez@edp.com)  
Main address: <https://www.edpr.com>

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### 2.3. Communication

The Contracting Authority informs that procurement documents are available on the Competitiveness Base at: <https://bazakonkurencyjnosci.funduszeuropejskie.gov.pl/> ("Competitiveness Base"). The Contracting Authority allows the possibility of submitting a Request to participate in the procedure via the Competitiveness Base. The use of the Competitiveness Base requires prior registration in the "Suppliers area".

Detailed information regarding the registration and instructions for submitting Requests/Bids can be found at: <https://bazakonkurencyjnosci.funduszeuropejskie.gov.pl/pomoc>

## 3. Subject

### 3.1. Quantity or scope of the contract

Name: *BESS Budzyna Project – BESS (Battery Energy Storage System) Design and Construction works Agreement*

Type of contract: *Construction Works*

Warranty period: *24 months*

*Short description:*

The EDPR wants to install a BESS AC coupled located in Budzyna, Poland, to participate in the different balancing mechanisms and new frequency response applications. Also, energy arbitrage and energy shifting will be performed.

Consequently, the BESS equipment proposed as part of this Pre-qualification Notice shall meet the most recent and in force requirements regarding the Regulations on Technical Safety and Service Quality: Energy Law and Energy Regulatory Office (URE-Urząd Regulacji Energetyki); Technical Standards for Ancillary Services: TSO (PSE-Polskie Sieci Elektroenergetyczne) and the Technical Normative Specification: Polish Energy Storage Association (PESA - Polskie Stowarzyszenie Magazynowania Energii) as well as their annexes and any other applicable technical requirements. All these regulations in their latest available version.

A detailed description of the subject matter of the contract shall be included in the Request for Proposal which shall be submitted to entities qualified for the next stage of the procedure.

Main CPV code: 45000000-7

Supplementary CPV code: 51112000-0, 71220000-6, 71247000-1, 71248000-8, 45100000-8, 45232200-4, 45311000-0, 45317000-2, 45340000-2 and 45223000-6.

### 3.2. Place of implementation

Voivodeship: wielkopolskie

County: chodzieski, Gmina: Budzyna


City: Ostrówka

Postal Code: 64-840

Plot of land identification number: 300102\_5.0010.201/2

Coordinates: 52°55'7.73"N, 16°55'48.09"E

Rest of plots: Plot of land under interconnection line identification number 300102\_5.0010.206, 300102\_5.0010.196/3, 300102\_5.0010.196/4, 300102\_5.0010.196/8, 300102\_5.0010.196/7

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### 3.3. Information regarding source of funds

The contract concerns a project/program” Electricity storages and related infrastructure to improve the stability of the Polish electricity grid” managed by *Polish National Fund for Environmental Protection and Water Management*.

## 4. Deadlines

**Planned date for signing the contract 31<sup>st</sup> October 2025\***

\* The planned date for signing the contract may be subject to change, taking into account the time needed for completion of the procedure of this tender enquiry and the final selection of the contractor in an appropriate manner. Nevertheless, the new date for signing the contract will not exceed the duration of the mentioned circumstances.

## 5. Terms and conditions for participation

### 5.1. Knowledge and experience

The Contracting Authority shall consider that the Contractor meets the conditions for participation in the Procedure in terms of possessing knowledge and experience, if the Contractor demonstrates the following:

during the last 5 (five) years before the deadline for submitting requests to participate in the procedure (and if the period of operation is shorter - in this period) it has duly performed at least 50 MW (fifty MW) contract consisting of photovoltaic or wind or HVL or Substation HV/MV or BESS projects, and at least one of this projects must have a capacity of at least 15 MW (fifteen MW), in accordance with the Energy Law and the Energy Regulatory Office (URE - Urząd Regulacji Energetyki in Poland) and the Technical Standards for Ancillary Services as stipulated by the TSO (PSE - Polskie Sieci Elektroenergetyczne) and the Technical Normative Specification by the Polish Energy Storage Association (PESA - Polskie Stowarzyszenie Magazynowania Energii), including their annexes and any other applicable technical requirements, is required in Poland. In order to prove that the Contractor meets the conditions referred to in item 1, the Contractors shall submit:


- a) The list containing a description of the completed contract specified in point 1. confirming the fulfilment of the requirements set out in this point, along with the name of the contract, the investor, the general contractor of the investment, its capacity/power (MWh/MW) and execution year and date of completion, prepared in accordance with the template contained in Annex no. 5 to this Notice;
- b) Evidence determining whether the works indicated in the list, indicated in point a) above, were performed properly and in accordance with the principles of good building practice and properly completed. Such evidence may be in particular references, user opinions, credentials of the client or user or other documents.

### 5.2. Economic and financial standing

*I. Contract award may be sought by contractors who:*

- A. have an average annual turnover during the last 2 (two) financial years from operating activities, and if the period of operation is shorter - during that period, in the amount not less than the equivalent of EUR 23,000,000.00 (twenty-three million Euro)
 

and
- B. Have at least one of the following credit ratings: (i) “Baa3” or higher by Moody’s (if such entity is rated by Moody’s), or (ii) “BBB-” or higher by S&P (if such entity is rated by S&P), or (iii) “BBB-” or higher by Fitch (if such

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*entity is rated by Fitch).*

or

Have a Net Tangible Assets value from the most recent audited financials, greater than the aggregate value of EUR 4.000.000 (four million Euro).

*The condition stated in section 5.2.I.A. of the Notice may be fulfilled jointly by Contractors competing for the contract jointly, under the condition that one of them shall demonstrate meeting the condition in at least 50%.*

*The Contracting Authority requires the Contractor to demonstrate independently the creditworthiness specified in section 5.2.I.B. of the Notice. The Contracting Authority in this respect does not allow the Contractor to rely on third party resources.*

*The Contracting Authority also does not allow the Contractors to add up the creditworthiness referred to in section 5.2.I.B. of the Notice, confirmed by different banks for one entity.*

*II. Documents required to confirm that the conditions relating to economic and financial capacity are met:*

*The Contractor shall present the following documents to confirm the fulfilment of the conditions for participation in the contract award procedure, described in section 5.2.I.A. and 5.2.I.B above:*

1. Financial statement or an appropriate part of the financial statement (i.e. at least the balance sheet and the profit and loss account) for the last 2 (two) financial years, and if the period of the Contractor's business activity is shorter - for that period, specifying the average annual turnover; if the financial statement is subject to audit by a certified auditor in accordance with the accounting regulations, an opinion on the audited statement or its part should also be attached; if the Contractors are not required to prepare financial statements, other documents specifying their average turnover should be submitted;
2. Valid credit rating report or certificate issued by Moody's, S&P, or Fitch, confirming the credit rating.


### 5.3. Certificates:

Only Contractors in possession of the following certifications will be considered for pre-qualification: ISO 9001:2015, ISO 14001:2015 and ISO 45001:2018 or a Q&H&S&E certification equivalent to these ISOs. The Contractors shall provide the corresponding certificates or equivalent documentation demonstrating compliance with this requirement.


### 5.4. Personnel:

To be eligible for the contract award, bidders must have personnel capable of executing the contract. Specifically, this includes at least one individual designated as the project director, a civil works manager, an electrical works manager and a H&S coordinator.


Function	Qualifications and Experience	Required number of people
Project Director	<b>Education:</b> Higher technical (such a Master Engineer or Architect)  <b>Experience:</b> In the last 5 years before the deadline for submission of offers, acquired at least 24 months of experience in	1

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	<p>the position of:</p> <ul style="list-style-type: none"> <li>• Project Manager and/or</li> <li>• Construction Manager</li> </ul> <p>In the construction of at least:</p> <ul style="list-style-type: none"> <li>• 1 Energy Storage facility of at least 40 MWh</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• 2 PV plants of at least 10 MWp each</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• 2 Wind Farms of at least 10 MW each</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• 2 Substations HV/MV</li> </ul>	
<p>Construction Manager</p>	<p><b>Construction qualifications:</b></p> <p>It is required to hold a construction license to manage construction works without limitations in the specialty concerning construction and building specialty or electrical and power networks, installations, and devices. Alternatively, they may possess equivalent qualifications issued under previously applicable regulations or qualifications granted to citizens of other countries, subject to Article 12a of the Building Law Act of 7 July 1994 (Journal of Laws 2020.1333 consolidated text, as amended).</p> <p><b>Experience:</b></p> <p>In the last 5 years before the deadline for submission of offers, acquired at least 24 months of experience in the position of:</p> <ul style="list-style-type: none"> <li>• Construction Manager</li> </ul> <p>In the construction of at least:</p> <ul style="list-style-type: none"> <li>• 1 Energy Storage facility of at least 40 MWh</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• 2 PV plants of at least 10 MWp each</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• 2 Wind Farms of at least 10 MW each</li> </ul>	<p>1</p>

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	<p>or</p> <ul style="list-style-type: none"> <li>• 2 Substations HV/MV</li> </ul>	
<p>Electrical works Manager</p>	<p><b>Construction qualifications:</b></p> <p>It is required to hold a construction license to manage construction works without limitations in the specialty concerning electrical and power networks, installations, and devices. Alternatively, they may possess equivalent qualifications issued under previously applicable regulations or qualifications granted to citizens of other countries, subject to Article 12a of the Building Law Act of 7 July 1994 (Journal of Laws 2020.1333 consolidated text, as amended).</p> <p><b>Experience:</b></p> <p>In the last 5 years before the deadline for submission of offers, acquired at least 24 months of experience in the position of:</p> <ul style="list-style-type: none"> <li>• Construction Manager</li> </ul> <p>In the construction of at least:</p> <ul style="list-style-type: none"> <li>• 1 Energy Storage facility of at least 40 MWh</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• 2 PV plants of at least 10 MWp each</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• 2 Wind Farms of at least 10 MW each</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• 2 Substations HV/MV</li> </ul>	<p>1</p>
<p>Civil works Manager</p>	<p><b>Construction qualifications:</b></p> <p>It is required to hold a construction license to manage construction works without limitations in the specialty concerning construction and building specialty. Alternatively, they may possess equivalent qualifications issued under previously applicable regulations or qualifications granted to citizens of other countries, subject to Article 12a of the Building Law Act of 7 July 1994 (Journal of Laws 2020.1333 consolidated text, as amended).</p>	

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	<p><b>Experience:</b></p> <p>In the last 5 years before the deadline for submission of offers, acquired at least 24 months of experience in the position of:</p> <ul style="list-style-type: none"> <li>• Construction Manager</li> </ul> <p>In the construction of at least:</p> <ul style="list-style-type: none"> <li>• 1 Energy Storage facility of at least 40 MWh</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• 2 PV plants of at least 10 MWp each</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• 2 Wind Farms of at least 10 MW each</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• 2 Substations HV/MV</li> </ul>	
<p>H&amp;S coordinator</p>	<p><b>Qualifications:</b></p> <p>Has qualifications to perform tasks specified in the Regulation of the Council of Ministers of 2 September 1997 on occupational health and safety services (Journal of Laws of 1997, No. 109, item 704, as amended).</p> <p><b>Education:</b></p> <p>higher education in a field or specialization in the field of occupational health and safety</p> <p>or</p> <p>higher education, other than in a field or specialization in the field of occupational health and safety, and occupation as a health and safety technician</p> <p>or</p> <p>postgraduate studies in the field of occupational health and safety</p> <p><b>Professional experience:</b></p> <p>In the last 7 years before the deadline for submitting offers, he has acquired at least 3 years of experience</p>	

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	in a position with the above qualifications, including 2 years of experience in the construction or energy industry.	
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In order to prove that the Contractor meets the conditions referred to in the table above, the Contractors shall submit:

- a) The list of key personnel referred in the table above along with the name and surname of the persons, the information on their qualifications/education and experience, and information on the basis for disposing, prepared in accordance with the template contained in Annex no. 7 to this Notice and;
- b) CVs of key personnel listed in Annex no. 7 and;
- c) Copies of the required Polish construction licenses to manage construction works in the specified specializations. Alternatively, equivalent qualifications issued under previously applicable regulations or qualifications granted to citizens of other countries, subject to Article 12a of the Building Law Act of 7 July 1994 (Journal of Laws 2020.1333 consolidated text, as amended).

It will be acceptable for the same individual to perform the roles of Construction Manager and either Civil Works Manager or Electrical Works Manager, provided that the person holds the required licenses.

#### 5.5. Additionally terms and conditions for participation

The assessment of meeting the conditions for participation in the procedure shall be made on the basis of information contained in the required documents and statements, according to the formula: complies / does not comply.

Only Contractors who meet the conditions for participation referred to in the Notice shall be admitted to further stages of the procedure. Assessment of the Contractors' fulfillment of the conditions for participation in the procedure shall be made on the basis of documents and statements provided along with the Request for participation.


Contractors who do not demonstrate meeting the conditions for participation or do not confirm that there are no grounds for their exclusion, shall be excluded from the procedure and shall not be invited to the next stage of the procedure.

In the case of Contractors jointly competing for the award of the contract, the requirements specified in section **5.1 to 5.5** shall be met, if they are met by at least one of the Contractors.

In the case of the Contractor relying on the resources of other entities in order to meet the conditions for participation in the procedure, a completed and signed Annex No. 8 must be submitted.

If the Contractor fails to submit statements or documents required from the Contractor in this Notice, or other documents necessary to conduct the procedure, the statements or documents are incomplete, contain errors or raise doubts indicated by the Contracting Authority, the Contracting Authority shall call upon the Contractor to submit, supplement or correct them or to provide explanations within the deadline indicated by it, unless, despite submitting, supplementing or correcting them or providing explanations, the Contractor is subject to exclusion or it would be necessary to revoke the conditions or invalidate the procedure. The Contracting Authority may request the Contractor to supplement the statements or documents in the above scope multiple times. Failure to supplement the documents indicated by the Contracting Authority within the prescribed period shall entitle the Contracting Authority to exclude the Contractor from the procedure without further notice.

The Contracting Authority always allows the possibility for the bidder to apply solutions equivalent to those indicated in the request for proposal. A bidder who decides to present equivalent solutions is obliged to prove that the solution


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or product they propose meets all the requirements specified in the request for proposal, in terms of the indicated parameters, which must be at a level no worse than those provided in the request for proposal. In cases where the request for proposal and its attachments contains any references to specific products, sources, trademarks, patents, origins, or particular processes characterizing the products or services provided by a specific contractor, it should be assumed that the Contracting Authority has provided such a description with the possibility of submitting equivalent offers. These offers must meet the required technical, operational, functional, and quality parameters at a level no worse than those provided in the request for proposal along with its attachments.

## 6. Exclusions

The Contracting Authority shall exclude from the procedure Contractors:

- 1) A contractor is excluded from the procurement procedure based on Articles 108 and 109 of the Act of 11 September 2019 on Public Procurement Law (Journal of Laws 2019, item 2019).
- 2) A contractor is excluded from the procurement procedure if circumstances arise as mentioned 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 2022/576 of 8 April 2022), as well as Article 7(1) of the Act of 13 April 2022 on special solutions to counteract supporting aggression against Ukraine and to protect national security (Journal of Laws 2022, item 835).
- 3) who failed to prove meeting the conditions for participation in the procedure specified in section 5 of the Notice;
- 4) in relation to which winding-up procedure has been opened, an arrangement approved by the court in the restructuring procedure provides for the satisfaction of creditors by liquidation of the Contractor's assets, or the court ordered liquidation of its property, or whose bankruptcy has been announced, with the exception of the Contractor who, after the declaration of bankruptcy, concluded an arrangement approved by a final court decision, if the arrangement does not provide for satisfaction of creditors by liquidation of the bankrupt's assets, unless the court ordered liquidation of its assets;
- 5) who has violated obligations concerning the payment of taxes, fees or social or health insurance contributions, which the Contracting Authority is able to prove by appropriate means of evidence, unless the Contractor has paid the due taxes, fees or social or health insurance contributions together with interest or fines, or has entered into a binding agreement on the repayment of these liabilities;
- 6) who, as a result of deliberate action or gross negligence, has misled the Contracting Authority in presenting information that it is not subject to exclusion, meets the conditions for participation in the procedure or the selection criteria, or who has concealed this information or is unable to provide the required documents;
- 7) who, as a result of recklessness or negligence, presented information misleading the Contracting Authority, which could have a significant impact on the decisions made by the Contracting Authority in the contract award procedure;
- 8) who illegally influenced or attempted to influence the Contracting Authority's actions or to obtain confidential information that may give him an advantage in the contract award procedure;
- 9) who, while belonging to the same capital group with another contractor or remaining in mutual relations with it, have submitted separate Requests to participate in the procedure, unless they prove that the relations existing between them do not lead to a distortion of competition in the contract award procedure.
- 10) is an entity related to the Contracting Authority personally or in terms of capital, i.e. there are mutual relations between the Contracting Authority or persons authorized to incur obligations on behalf of the Contracting Authority or persons performing activities on behalf of the Contracting Authority related to the preparation and conduct of the procedure for selecting a contractor and the Contractor, consisting in particular in the following:
  - a) participation as a partner in a civil partnership or a personal partnership,
  - b) holding at least 10% of shares or stock,

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- c) acting in the capacity of a member of the supervisory or management body, proxy or attorney,
  - d) marriage, in relationship of kinship or affinity in a straight line, kinship of second degree or affinity of second degree in the lateral line or in relation to adoption, care or guardianship,
  - e) being in such a legal or factual relationship with the contractor that it raises justified doubts as to their impartiality or independence in connection with the contract award procedure
- 11) who did not agree to the rules of conducting this procedure specified by the Contracting Authority, including the Contracting Authority's right to change the conditions of the procedure or revoke the conditions or cancel the procedure or select a tender submitted by any of the Contractors in compliance with the tender conditions, and who did not renounce any claims for reimbursement of any costs incurred by them in connection with their participation in the procedure.
  - 12) who did not sign an NDA.
  - 13) the offer was submitted after the specified deadline.
  - 14) the offer does not comply with the content of the request for proposal.
  - 15) the offer was submitted by a contractor subject to exclusion.
  - 16) the offer is invalid based on separate regulations.
  - 17) the offer was submitted under conditions of unfair competition as defined by the Act of 16 April 1993 on Combating Unfair Competition.
  - 18) the offer contains errors.
  - 19) the contractor submitted more than one offer.
  - 20) the contractor challenged the correction of the mistake within the specified deadline.
  - 21) whose offer has not been prepared or submitted in accordance with the technical and organisational requirements for the preparation or submission of offers as specified by the Contracting Authority.


To confirm the absence of grounds for exclusion and fulfilment of the conditions for participation in the procedure, the Contractor is obliged to submit, along with the Request for participation, drawn up according to the template constituting Annex no. 1 to the Notice:

A. A declaration made by the Contractor, in accordance with the template constituting Annex no. 2 to the Notice, confirming lack of grounds for exclusion of the Contractor.

B. A declaration made by the Contractor, in accordance with the template constituting Annex no. 3 to the Notice, confirming that the Contractor, belonging to the same capital group with another contractor, did not submit a separate Request for participation or informing that such Request was submitted but the links existing between them do not lead to a distortions of competition in the contract award procedure.

C. A declaration made by the Contractor, in accordance with the template constituting Annex no. 4 to the Notice, that he is not an entity related to the Contracting Authority either personally or by capital, i.e. there are no mutual connections between the Contracting Authority or persons authorized to incur obligations on behalf of the Contracting Authority or persons performing activities on behalf of the Contracting Authority related to the preparation and implementation of the contractor selection procedure and the Contractor within the scope indicated in **6.10**.

D. Current excerpt from the relevant register or from Central Registration and Information on Business, if separate regulations require entry in the register, issued not earlier than 6 months before the deadline for submission of Requests to participate in the contract award procedure. In case the Contractor is a natural person, instead of an excerpt from the register, he shall only submit his own statement in the scope of lack of grounds for exclusion of the Contractor in accordance with section **6.4.**, i.e. that he is not in a situation whereby winding-up procedure have has been opened in relation to him and/or an arrangement approved by the court, in the restructuring procedure, provides for the satisfaction of creditors by liquidation of the Contractor's assets, or the court ordered liquidation of its property, or whose bankruptcy has been announced, with the exception of the Contractor who after the declaration of bankruptcy concluded an arrangement approved by a final court decision, if the arrangement does not provide for satisfaction of

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creditors by liquidation of the bankrupt's assets, unless the court ordered liquidation of its assets.

## 6.1. Foreign entities

If the Contractor has its registered office or place of residence outside the territory of the Republic of Poland, instead of excerpt from the relevant register – the Contractor shall submit a document or documents issued in the country of its registered office or place of residence, confirming that no winding-up or bankruptcy procedure have been opened with respect to the Contractor. Such document should be issued not earlier than 6 months before the deadline for submission of Requests to participate in the contract award procedure.

If the above mentioned documents are not issued in the place of residence of a person or in the country where the Contractor has its registered office or place of residence, they shall be replaced by a document containing a declaration made before a notary, a judicial or administrative authority or professional or economic self-government body competent, respectively, for the place of residence of the person or country where the Contractor has his registered office.

## 7. Key requirements at the second stage of the procedure (after prequalification):

### 7.1. Deposits and guarantees required

Before the deadline for submission of bids, the Contracting Authority shall require the Contractor to present a bid bond in one of the forms specified below:

- a) cash;
- b) bank sureties;
- c) bank guarantees;
- d) insurance guarantees.

Note: the deposit is not required at the stage of submitting Requests to participate in the procedure, and the Contracting Authority shall specify detailed conditions for the required deposit, prerequisites for its retention and the rules for returning the deposit in the Request for Proposal.


The Contracting Authority shall require at the stage of signing the contract to provide a performance bond in one or several of the forms listed below:

- a) cash;
- b) bank sureties;
- c) bank guarantees;
- d) insurance guarantees.

Detailed conditions concerning the form, lodging and return of the performance bond shall be specified in the Request for Proposal at the second stage of the procedure.

### 7.2. Model contract

In the event that the offer is considered the most advantageous at the second stage, the selected bidder shall be obliged to conclude a contract in accordance with the template attached as Annex at the second stage of the

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procedure.

## 8. Legal form for a group of contractors to whom the contract is awarded

Contractors jointly competing for the award of the contract are required to appoint an appropriate proxy to represent them in the procedure or to represent them in the procedure and to conclude the contract on their behalf.

It is recommended that the power of attorney should clearly specify the procedure to which it relates, the scope of activities to which the attorney has been authorized, indicate the person or entity being the attorney, as well as all Contractors competing jointly for the award of the contract, and, if applicable, the basis for authorisation of the person signing the power of attorney to represent the Contractor (e.g. as a member of the management board, proxy, plenipotentiary).

The power of attorney must be submitted in:

- A. original copy or a copy certified to be true to the original by a notary – if the Contractor submits the Request to participate in the procedure in writing.
- B. original copy in the form of an electronic document or in the form of an electronic certificate of conformity of a copy, excerpt or a copy bearing a qualified electronic signature of a notary – if the Contractor submits a Request to participate in the procedure in an electronic form using Competitiveness Base.

In the cases where the power of attorney shall be signed by persons representing the Contractor, documents confirming their authorization to act on behalf of the Contractor shall be submitted together with the power of attorney in the form appropriate for the power of attorney.

The liability of the contractors shall be joint and several. At each stage of the procedure, with the written consent of the Contracting Authority, it is permissible to change the Contractors jointly competing for the award of the contract through the exit or entry of one or more Contractors and the taking over of the duties of the exiting Contractor by the entering one or more Contractors or by another Contractor jointly competing for the award of the contract. This change is admissible if, after it has been made, the Contractor who jointly applies for the award of the contract or the Contractor meets the conditions for participation in the procedure and is not subject to exclusion.

Before concluding the contract, the Contracting Authority shall demand a copy of the contract governing the cooperation of Contractors jointly competing for the award of the contract.

### 8.1. Parts and award criteria

This contract is divided into parts: **No**


Variant bids may be submitted: **No**

Estimated total value: **EUR 3.500.000 (three million five hundred thousand Euros)**

## 9. Procedure

### 9.1. Type of procedure:

The tender referred to in article 70[1] - 70[5] of the Polish civil code

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## 9.2. Deadline for submission of requests to participate

Date: (11.07.2025) Local time: (10:00 am)

## 9.3. Language(s) in which bids or requests to participate may be submitted

English.

## 9.4. Minimum period during which the bidder shall be bound by the bid

Period in days: 90 days.

## 9.5. Conditions for opening bids

Date: (11.07.2025) Local time: (12:00 am) Place: Parque Empresarial ADEQUA Avda. de Burgos, 89 EDIF 1 MOD A-B Madrid, Spain

### Warsaw office:


EDP Renewables Sp. z o.o.  
 Conference Center NIMBUS, 7th floor  
 Aleje Jerozolimskie 98  
 00-807 Warszawa

## 10. Supplementary information

The provisions of the Public Procurement Law of 29 January 2004, Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement, repealing Directive 2004/18/EC and Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC, shall not apply to the procedure. This notice is an invitation to contractors to submit Requests to participate in the procedure in order to negotiate the terms and conditions under which a future contractor for the contract under the procedure shall be selected.


### 10.1. Conduct of procedure

- 1) The Contracting Authority informs that the Contractor bears all costs related to preparation and submission of the Request, participation in negotiations and preparation and submission of the Bid.
- 2) The contract award procedure is the tender referred to in article 70[1] - 70[5] of the Polish civil code, in which the private Contracting Authority provides for successive stages:
  - a) Contractors submit Requests to participate in the procedure ("Request") in response to the Notice and/or in response to the invitation to submit requests to participate in the procedure; (publication of a contract notice);
  - b) The Contracting Authority evaluates the submitted Requests, in particular in terms of fulfilment of the

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conditions for participation and prerequisites for not being subject to exclusion.

- c) The Contracting Authority shall provide the Contractors qualified to participate in the procedure with an invitation to participate in the procedure, and the Contractors not invited to the next stage shall be informed about the reasons for their non-qualification to the next stage of the procedure or their exclusion from the procedure along with a justification;
  - d) The Contracting Authority shall provide the Contractors invited to participate in the procedure with the Request for Proposal and invite these Contractors to submit binding offers;
  - e) At the second stage of the procedure (after prequalification) - The Contracting Authority examines and evaluates the submitted bids (based on the established bid evaluation criteria). As a result of the evaluation, the Contracting Authority invites no more than two Contractors, whose bids have been considered the most advantageous, to negotiate the final terms of the contract.
- 3) The procedure is conducted both in English as chosen by the Contracting Authority. Tender documentation shall be published by the Contracting Authority in English language.
  - 4) All statements, requests, notices and information shall be submitted by the Contracting Authority and Contractors in this proceeding by electronic means of communication, i.e.:
    - a) Competitiveness Base.
  - 5) The person authorized to contact the Contractors is Ruth Galdos Martínez, e-mail: ruth.galdosmartinez@edp.com, phone no. + 34 674 74 30 41, address: Parque Empresarial ADEQUA Avda. de Burgos, 89 EDIF 1 MOD A-B Madrid, Spain.
  - 6) The Contracting Authority may require the Contractors to submit statements or documents confirming that the Contractor and its subcontractors meet the conditions for participation in the procedure at each stage of the tender procedure.
  - 7) Before selecting the most advantageous tender, the Contracting Authority may ask the Contractors to enable them to conduct a technical, financial and organizational audit in order to analyze and confirm whether the Contractor or its subcontractors have the necessary resources enabling them to properly perform the subject matter of the contract. A negative result of the audit or a refusal to allow the audit to be conducted may be the basis for excluding a given Contractor from the procedure. Detailed conditions in this respect shall be indicated in the Request for Proposal.
  - 8) The Contracting Authority reserves the right to change the conditions or cancel the procedure at any stage, of which the Contracting Authority shall immediately inform all Contractors who submitted Requests or tender bids. In such a case, the Contractors shall not be entitled to claim reimbursement of any costs related to their participation in the procedure.
  - 9) The Contracting Authority reserves the right to select a bid submitted by any of the Contractors in compliance with the tender conditions. Under no circumstances shall the Contractors be entitled to claim reimbursement of any costs related to their participation in the procedure.
  - 10) Before submitting the Request to participate in the Procedure, Contractors should carefully read the content of this Notice, and in case of any doubts, they should ask the Contracting Authority via Competitiveness Base for clarification of the content of the notice.
  - 11) The Contracting Authority, if it considers it justified, may organize a meeting with the Contractors in order to clarify doubts related to the content of this Notice, which it shall inform about by means of a notice placed on the Competitiveness Base in good time. The Contracting authority may provide explanations to the questions asked by placing the answers on Competitiveness Base.
  - 12) The Contracting Authority may restrict access to the ToR and its possible amendments/clarifications due to the need to protect a business secret.
  - 13) Any alterations to the text of the offer (crossings-out, corrections, annotations) must be signed or initialled by the person(s) authorised to represent the contractor in accordance with the representation as indicated in the relevant register or based on a power of attorney or another document confirming the authority to represent the contractor.

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Otherwise, they will not be considered.


- 14) The Contracting Authority is entitled to correct obvious clerical or arithmetical errors in the text of the offer and will promptly inform the respective contractor of such corrections.
- 15) If, as a result of the tender, no offers are received or only offers subject to rejection are received, or if no contractor meets the participation conditions set by the Contracting Authority, the conclusion of a contract for the execution of the order without a tender will be possible, provided that the original conditions of the order have not been changed.
- 16) The necessary NDA will be required by the Contracting Authority to be signed by the contractor. The template for the NDA is provided as Appendix No. 6.
- 17) No appeal is allowed against the decision of this procedure.
- 18) In matters not regulated by this announcement, the provisions of the Polish Civil Code shall apply.

## **10.2. Rules for submitting requests to participate in the procedure**

- 1) Each Contractor may submit only one Request.
- 2) The request to participate in the procedure should be made in English in accordance with Annex no. 1 to the Notice.
- 3) The Request should be accompanied by all documents and statements listed and required in this Notice.
- 4) The Request Form and other schedules shall be completed in accordance with the requirements specified in the contract Notice, without making any changes to the content of these documents. The Contracting Authority shall allow submission of documentation using forms prepared by the Contractors, provided that their content and provided information comply with the requirements specified in the Notice, or forms specified by the Contracting Authority.
- 5) If the document is presented in a foreign language other English, the Contractors are required to enclose a translation into English. In case of discrepancies between the content of the original document and the translation, the translation into English shall be decisive.
- 6) If the Request for participation in the procedure is submitted jointly by several Contractors, they are required to comply with the rules defined in section 5.1 of the Notice.
- 7) The Contracting Authority allows submitting the Request in an electronic form via Competitiveness Base.

## **10.3. Rules for submitting requests to participate in the procedure in electronic form**

- 1) Instructions for setting up an account and submitting a request to participate in the procedure in electronic form on the Competitiveness Base
- 2) The request to participate in the procedure should be drawn up in accordance with Annex no. 1 to the Notice, in electronic form under pain of nullity, in the .pdf data format and signed with a qualified electronic signature in accordance with the applicable law.
- 3) A qualified electronic signature must meet the requirements specified for a qualified electronic signature in the Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC.
- 4) The Request should be accompanied electronically by all documents and statements listed and required in this Notice in electronic form in the original or certified to be true to the original. Certification of conformity with the original, with the use of a qualified electronic signature, shall be made by the Contractor, Contractors jointly applying for the award of a contract respectively, with respect to documents or statements which concern each of them.
- 5) The Contracting Authority requires that the power of attorney be submitted in the original in the form of an electronic document or in an electronic copy of a document certified to be true to the original by a third party or a

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notary. In the case when the Contractor fails to submit the required powers of attorney or documents demonstrating the rules for representation of the Contractor or submits defective powers of attorney or documents demonstrating the rules for representation of the Contractor, the Contracting Authority may call upon the Contractor repeatedly to supplement them within the deadline specified by it. Failure to supplement the documents indicated by the Contracting Authority within the prescribed period shall entitle the Contracting Authority to exclude the Contractor from the procedure without further notice.


- 6) Documents shall be signed with a qualified electronic signature of an authorized representative of the Contractor or Contractors jointly applying for participation in the procedure. The documents must be signed by persons authorized to represent the Contractor or other entities in accordance with the form of representation specified in the register or other document appropriate for the given organizational form or by an authorized representative. If it results from a power of attorney or a document specifying legal status of the Contractor that several persons are authorized to represent the Contractor, the tender bid and other documents and statements submitted in the procedure must be signed by all required persons
- 7) Due to the technical requirements of the Database, when submitting the request to participate, the value of the offer should be entered under <https://bazakonkurencyjnosci.funduszeuropejskie.gov.pl> as 0.00 PLN in the field designated for the offer amount.

#### **10.4. Business secret**

- 1) The Contractor may stipulate, no later than within the deadline for submitting Requests to participate in the procedure, that the Contracting Authority shall not be able to disclose information constituting a business secret within the meaning of Article 11 item 2 of the Act of 16 April 1993 on combating unfair competition.
- 2) In the case of the reservation referred to above, the Contractor is obligated to separate documents and information containing the business secret to a separate document or file, if the Contractor submits the Request electronically - in such a way that the fragments covered by the business secret are separated from the remaining part of the Request and constitute a separate attachment / file to the Request to participate in the procedure. The Contracting Authority recommends to label the document or name the file containing the secret with the name "Business Secret".
- 3) In the case of Contractors submitting a tender electronically, it is also necessary to reserve a document as a business secret by checking the "business secret" option in the document type field at the stage of attaching the document to the Request to participate/Bid Form on the Competitiveness Base.
- 4) The Contracting Authority shall not disclose information constituting a business secret, provided that the Contractor proves that the reserved information constitutes a business secret.
- 5) Justification of the basis for the reservation of information must answer the following questions:
  - a) Is the proprietary information as a whole or in a particular combination and collection of its elements not generally known to persons normally involved in this type of information or not easily accessible to such persons?
  - b) What technical, technological, organizational or other information which the Contractor recognizes as a business secret is included in the proprietary information?
  - c) What economic value does the above information have?
  - d) What necessary actions - with due diligence - have been taken by the Contractor in order to keep the data covered by this information confidential?

#### **10.5. GDPR information clause**


- 1) The Contracting Authority acting pursuant to Article 13 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data

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and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119 of 2016, p. 1-88), hereinafter referred to as: "GDPR", informs you,\* that:

- 2) The Personal Data Controller is EDP RENOVÁVEIS, Group company.
- 3) The Contracting Authority maintains the e-mail address [dataprotection@edpr.com](mailto:dataprotection@edpr.com) for the Data Protection Inspector of the EDP Group, made available to persons whose personal data are processed by the Contracting Authority;
- 4) Personal data shall be processed for the following purposes:
  - a) conducting the procurement procedure;
  - b) selecting the Contractor and awarding the Contract by concluding an agreement;
  - c) keeping the records of the Procurement procedure in case of inspection by relevant authorities and entities;
  - d) transferring the documentation of the Procurement procedure to the archive, and then its destruction (permanent removal);

in the scope of: ordinary data – name, surname, position held, place of work, as well as in case of submitting a power of attorney, statements and other documents – personal data contained therein;
- 5) the legal basis for the processing of personal data by the Contracting Authority is Article 6(1)(c) and (f) of the GDPR, where the need to conduct a contract award procedure is indicated as a legitimate interest of the Contracting Authority;
- 6) personal data may be made available to other recipients on the basis of legal regulations, in particular to entities processing on the basis of concluded contracts;
- 7) personal data may be transferred to a country outside the European Economic Area (third country) or to an international organisation within the meaning of the GDPR, within the framework of entrusting the processing of personal data or making it available under the law, always under one of the conditions:
  - a) The European Commission has concluded that this third country or international organisation ensures an adequate level of protection of personal data in accordance with Article 45 of the GDPR;
  - b) the third country or international organisation shall provide adequate safeguards and enforceable data subjects' rights and effective legal remedies in accordance with Article 46 of the GDPR;
  - c) the case referred to in the second subparagraph of Article 49(1) of the GDPR, the data shall then be properly secured and the Contractor has the right to access copies of these safeguards at the e-mail address indicated above;
- 8) personal data shall be stored in accordance with the provisions of law during the period of conducting the procurement procedure, performance of the Agreement and for the period during which the Contracting Authority shall pursue the objectives resulting from the legally justified interests of the data administrator, which are related to the subject matter of the Agreement or obligations resulting from the provisions of generally applicable law;
- 9) you have the right to request access to your personal data concerning you and to rectify, delete or restrict the processing of your data and the right to object to the processing of your data and to transfer your data;
- 10) in case your request for access to your personal data and the restriction of processing would require disproportionate effort, the Contracting Authority may request additional information from you in order to clarify the request;
- 11) you have the right to lodge a complaint with the supervisory authority, i.e. the President of the Office for Personal Data Protection;
- 12) The Contracting Authority shall not carry out automated decision making, including profiling based on the personal data provided.
- 13) The Contractor undertakes to inform on behalf of the Contracting Authority all natural persons directed by the Contractor to perform the Contract and natural persons conducting business activity, who shall be indicated by the Contractor as a subcontractor, and whose personal data are included in the submitted bid/request or any annex or document submitted in the Procedure for the award of the contract, about:

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- a) fact of transferring personal data to the Contracting Authority;
  - b) processing of personal data by the Contracting Authority.
- 14) The Contractor undertakes, referring to Article 14 of GDPR, to perform the information obligation on behalf of the Contracting Authority towards its subcontractors by providing them with the content of the information clause referred to in item 1, at the same time indicating the Contractor as the source of personal data available to the Contracting Authority.

#### 10.6. Information regarding the recurring nature of the contract

This is a recurring order: No

#### 10.7. Applicable law

This Pre-qualification procedure and all contracts envisaged and/or referred to herein will be subject to Polish Law.

#### 10.8. Statement of evidence

EDPR may, at any time, request the submission of documents that give evidence of the statements issued by the Contractor.

The non-compliance with the request of presentation of evidence, or the submission of false statements or documents by a EDPR, may determine its exclusion of the tender or the annulment of the awarding decision, as applicable.

#### 10.9. Information provided by EDPR


EDPR nor EDPR affiliates or any companies belonging to the EDP Group or subsidiaries make any representation or warranty, expressed or implied, as to the accuracy or completeness of this Pre-qualification Notice, or any other information or materials, whether written or oral, that have been, or may (without implying any obligation to do so) at any future date be prepared or furnished by EDPR or its affiliates. EDPR and its affiliates expressly disclaim any and all liability that may be based on such information, errors therein, or omissions therefrom.

The provision of any information or documents by EDPR shall not constitute any warranty or representation concerning the same, the Pre-qualification Notice Respondent being totally responsible for the interpretation and use of said information and documents. Neither EDPR nor any Group Company undertake any obligation to provide any additional information or to update any information already provided or to correct any inaccuracies in any information provided to the Pre-qualification Notice Respondent participating in this Pre-qualification.

#### 10.10. Data protection and ethical and compliance practices

##### 10.10.1. Data protection

The personal data that might be shared between EDPR and the Pre-qualification Participant finally engaged will be processed by each of the parties, as independent data controllers, in compliance with the applicable data protection regulations and for the purposes of its correct management and administration. The data subjects will have the rights set forth in the applicable data protection regulations. For additional and detailed data protection information the data subjects may consult the Privacy Notice of EDPR at the following link: <https://www.edp.com/en/privacy-policy-0>.

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In the event that, as a result of the Pre-qualification Participants' participation in this Pre-qualification process, the Pre-qualification Participant had to submit the curricula of the personnel proposed for the execution of the services, the Pre-qualification Participant undertakes that, prior to the communication to the EDPR, it has carefully verified that it can lawfully share with EDPR (and the entities belonging to its group of companies) those personal data of its workforce under the local data protection laws and the EU General Data Protection Regulation 2016/679.

In particular, the Pre-qualification Participant must verify (and guarantee to EDPR) that the sharing of the data described herein is adequately covered in the employment contracts of the relevant data subjects as an intrinsic element of the performance of those contracts. Furthermore, the Pre-qualification Participant shall verify (and guarantee to the EDPR) that it has fulfilled any other requirements that could be applied for the correct sharing of this personal data with EDPR.

#### **10.10.2. Ethics and Compliance**

Subject to the Pre-qualification Participant's own policies, and its legal and regulatory obligations, the Pre-qualification Participant acknowledges that it has knowledge of and adheres to the principles of EDPR Group in the areas of ethics and compliance, as available on the website <https://www.edpr.com/en/edpr/our-company/ethics-compliance>.

#### **10.10.3. Sanctions**

For the purposes of this Pre-qualification Notice a “**Sanctioned Person**” means any person or entity who is designated on one or more Sanctions Lists, or is organized under the laws of, or located in, a Sanctioned Jurisdiction; a “**Sanctions List**” means any lists of persons or entities subject to sanctions or exports controls restrictions under Trade Control Laws (including any amendments to those lists or associated laws or regulations issued after the date of this Agreement), issued by, but without limitation: (i) European Union ([EU Sanctions Map](#)), (ii) United Nations (<https://main.un.org/securitycouncil/en/content/un-sc-consolidated-list>), (iii) United States ([Sanctions Programs and Country Information | U.S. Department of the Treasury](#)) and (iv) United Kingdom (<https://www.gov.uk/government/publications/the-uk-sanctions-list>); and a “**Sanctioned Jurisdiction**” means any country or territory that is subject of country or territory-wide sanctions under Trade Control Laws.

The Pre-qualification Participant declares that:


- i. Neither the Pre-qualification Participant nor any of its respective directors, officers, employees, managing partners, partners or shareholders, beneficial owners, or any other person when acting in the name of the Pre-qualification Participant are a Sanctioned Person;
- ii. The Pre-qualification Participant has not made funds available to or for the benefit of—whether directly or indirectly—a Sanctioned Person.
- iii. The Pre-qualification Participant confirms they will inform EDPR before the Engagement, or as soon as it is aware or should have been reasonably aware, of any event of any suspected or known inclusion in sanction lists of itself or its directors, officers, employees managing partners, partners or shareholders, beneficial owners, or any other person when acting in the name of the Pre-qualification Participant.

#### **10.10.4. Acknowledgement**

The Pre-qualification Notice respondent declares that while performing its duties under the Pre-qualification Notice, it shall comply, and shall ensure that its directors, officers and employees, shall comply, with any applicable law and particularly any of the following international rules: USA Foreign Corrupt Practices Act (FCPA), the Bribery Act 2010, United Nations Convention against Corruption, and OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

The Pre-qualification Notice respondent commits to inform EDPR immediately via e-mail should awareness of or suspicion that corruption is occurring or could occur in a breach of any relevant anti-corruption law.

Furthermore, the Pre-qualification Notice respondent declares that there is no conflict of interest related to the


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execution of the purpose of this Pre-qualification Notice. However, if there is any situation during the Pre-qualification Notice that might cause a potential conflict of interest, the Pre-qualification Notice respondent shall immediately inform EDPR.

Acknowledgement of receipt of the Pre-qualification Notice materials for the “Pre-qualification Notice”, acceptance of the terms and conditions of this Pre-qualification, the acceptance of the Company’s Ethic Code, the acceptance of the UN Global Compact’s 10 Principles and intent to submit a bid are due back to the Pre-qualification Notice managers no later than the 26th of February 2025. Please refer to this acknowledgement via email to the Pre-qualification Notice managers.

**11. List of documents required from the bidder:**

- Annex no. 1 – Request to participate.
- Annex no. 2 – Statement related to lack of grounds for exclusion.
- Annex no. 3 – Statement related to no grounds for conflict of interests with regard to other Contractors.
- Annex no. 4 – Statement related to no grounds for conflict of interests with respect to Contacting Authority.
- Annex no. 5 – List of projects meet the terms and conditions for participation with required attachments.
- Annex no. 6 - Signed NDA.
- Annex no. 7 - List of key personnel with minimum required qualifications and experience for participation and bid evaluation criteria with required attachments.
- Annex no. 8 - Information in connection with reliance on the resources of other entities (only if the contractor relies on the resources of other entities)
- Documents required to confirm that the conditions relating to economic and financial capacity are met.
- Documents required to confirm that the conditions relating to certificates are met.
- Current excerpt from the relevant register or from Central Registration and Information on Business, if separate regulations require entry in the register, issued not earlier than 6 months before the deadline for submission of Requests to participate in the contract award procedure or documents for foreign entities as stated in point 5.2.
- Power of attorney, if applicable.

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*Contractor's seal*

*Farma Fotowoltaiczna Budzyn sp. z o.o.*

*Aleje Jerozolimskie 98*

*00-807 Warsaw*

**Request form to participate in the procedure under the name:  
BESS Budzyń Project – Lot: “BESS (Battery Energy Storage System) Design and  
Construction works Agreement ”**


Reference number assigned to the case by the Contracting Authority: RFP\_PL\_2024\_06

I. Applicant:

Identification of the Contractor <sup>1</sup>		
Street address		Suite
Postal code	City	Country
Entered in CEIDG / KRS no. [.....] / other relevant register no. [.....] <sup>2</sup>		
VAT tax identification number / other tax register number		
Phone number		

<sup>1</sup> In the case of a natural person – name and surname, and in the case of a legal person or an organisational unit without legal personality, with legal capacity granted by law – company name.

<sup>2</sup> Please enter the name of another relevant register.

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E-mail address	Website address
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II. Eligible Person to contact the Contracting Authority (regarding this Request):

Identification of the Eligible Person		
Street address		Suite
Postal code	City	Country
Phone number		
e-mail address		Webiste address

III. This Request with its annexes consists of ..... files/pages.

IV. We hereby inform you that the information submitted with the Request, contained in files \_\_\_\_\_, constitutes a business secret within the meaning of the regulations regarding combating unfair competition and as such cannot be generally disclosed / information and documents contained in the following pages: \_\_\_\_\_ - constitute a business secret within the meaning of the regulations regarding combating unfair competition and cannot be disclosed<sup>3</sup>.

V. The consortium leader is \_\_\_\_\_ (if applicable).


VI. Contractor's statements and declarations:

1. We represent that:

- a. We have read the content of the Notice regarding this procurement and declare that we accept its conditions;
- b. We are not excluded from the Procedure and we meet terms and conditions for participation in the Procedure, as required by the Notice, including
  - a) Knowledge and experience - we possess the know-how and experience necessary to perform the contract;
  - b) Economic and financial standing - our economic and financial standing ensures the

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<sup>3</sup> Complete, if the Contractor stipulates that the information covered by business secret provisions within the meaning of the regulations regarding combating unfair competition cannot be disclosed.

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successful completion of the contract;

- c. We accept the NDA template and have no objections to it;**
  - d.** We are / We are not a micro, small or medium-sized enterprise;
  - e.** I ensure the level of occupational safety and health as well as protection of the environment in business operations as required by special regulations.
2. We declare that we will be jointly and severally liable for non-performance or improper performance of the contract<sup>4</sup>.
  3. We declare that all information provided in this Request is up to date and true and they are provided with the full knowledge of the consequences of deceiving the Contracting Authority when presenting the information.
  4. Under the threat of criminal liability, we declare that the information presented in the Request and the documents and statements attached to the Request describe the factual and legal status, true as of the date of submission of the Request (Art. 297 of the Penal Code).
  5. We have fulfilled all the obligations towards the persons whose data we are providing and towards the Contracting Authority resulting from the regulations on the protection of personal data and the provisions of the GDPR.
  6. The personal data provided by us may be used only for the purposes related to the conducted procedure no. RFP\_PL\_2024\_06.
  7. We hereby agree to the rules of conduct of this procedure specified by the Ordering Party, including the Ordering Party's right to change the conditions of the procedure or revoke the conditions or cancel the procedure or select an offer submitted by any of the Contractors in accordance with the terms of the tender, and we waive any claims for reimbursement of any costs incurred by us in connection with our participation in the procedure.


VII. List of annexes:

The following annexes are attached to this Request:

- Annex no. 2 – Statement related to lack of grounds for exclusion
- Annex no. 3 – Statement related to no grounds for conflict of interests with regard to other Contractors
- Annex no. 4 – Statement related to no grounds for conflict of interests with respect to Contracting Authority
- Annex no. 5 – List of projects meet the terms and conditions for participation with required attachments
- Annex no. 6 – Signed NDA
- Annex no. 7 – List of key personnel with minimum required qualifications and experience for participation and bid evaluation criteria with required attachments
- Annex no. 8 – Information in connection with reliance on the resources of other entities (only if the contractor relies on the resources of other entities)

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<sup>4</sup> Statement of Contractors jointly submitting the Request.


	<b>BESS Budzyń Project Procurement</b>	<b>Annex no 1</b> <b>Compilation date:</b> <b>2025/06/26</b>
	<b>Request form to participate in the procedure</b>	<b>Page: 4 / 4</b>

.....

*(city, date)*

.....

*(signatures and seals of authorised representatives  
or proxies of the contractor)*

	<b>BESS Budzyń Project Procurement</b>	Annex no 2 Compilation date: 2025/06/26
	<b>Statement related to lack of grounds for exclusion</b>	Page: 1 / 2

*Contractor's seal*

*Farma Fotowoltaiczna Budzyn sp. z o.o.*

*Aleje Jerozolimskie 98*

*00-807 Warsaw*

### STATEMENT

#### related to lack of grounds for exclusion


in the Proceedings for granting the Contract conducted in the form of a THE TENDER REFERRED TO IN ARTICLE 70[1] - 70[5] OF THE POLISH CIVIL CODE under the name:

#### **BESS Budzyń Project – Lot: "BESS (Battery Energy Storage System) Design and Construction works Agreement "**

Reference number assigned to the case by the Contracting Authority: RFP\_PL\_2024\_06

The Contractor states that he/she does not fall into any of the categories listed below:

1. winding-up has been opened in relation to him or/and the arrangement approved by the court in the restructuring proceedings provides for the satisfaction of creditors by liquidation of the Contractor's assets or the court has ordered the liquidation of his property or whose bankruptcy has been announced, except for the Contractor who, after the declaration of bankruptcy, concluded an arrangement approved by a final court decision if the arrangement does not provide for the satisfaction of the creditors through the liquidation of the bankrupt's assets, unless the court ordered the liquidation of his assets;
2. he/she has breached the obligations regarding the payment of taxes, fees or social or health insurance contributions, unless the Contractor has paid the due taxes, fees or social or health insurance contributions together with interest or fines, or has entered into a binding agreement to repay these debts;
3. who, as a result of deliberate action or gross negligence, mislead the Contracting Authority in presenting information that he is not subject to exclusion, meets the conditions for participation in the procedure or the selection criteria, or who withheld this information or is unable to present the required documents;
4. who, as a result of recklessness or carelessness, presented information that was misleading to the Contracting Authority, which could have a significant impact on the decisions made by the Contracting Authority in the contract award procedure;

	<b>BESS Budzyń Project Procurement</b>	<b>Annex no 2</b> <b>Compilation date:</b> <b>2025/06/26</b>
	<b>Statement related to lack of grounds for exclusion</b>	<b>Page: 2 / 2</b>


5. who wrongfully influenced or attempted to influence the activities of the Contracting Authority or to obtain confidential information that could have given him an advantage in a contract award procedure.

.....

*(city, date)*

.....

*(signatures and seals of authorised representatives  
or proxies of the contractor)*

	<b>BESS Budzyń Project Procurement</b>	<b>Annex no 3</b> <b>Compilation date:</b> <b>2025/06/26</b>
	<b>Statement related to no grounds for conflict of interests with regard to other Contractors</b>	<b>Page: 1 / 2</b>

*Contractor's seal*

*Farma Fotowoltaiczna Budzyn sp. z o.o.*

*Aleje Jerozolimskie 98*

*00-807 Warsaw*

**STATEMENT**

**related to no grounds for conflict of interests with regard to other Contractors**

in the Proceedings for granting the Contract conducted in the form of a THE TENDER REFERRED TO IN ARTICLE 70[1] - 70[5] OF THE POLISH CIVIL CODE under the name:

**BESS Budzyń Project – Lot: "BESS (Battery Energy Storage System) Design and Construction works Agreement "**

Reference number assigned to the case by the Contracting Authority: RFP\_PL\_2024\_06

The Contractor hereby declares that:


1. he/she is not in a situation where, while belonging to the same capital group with another contractor or remaining in mutual relations with him, has submitted a separate Application for admission in the procedure; or
2. is in a situation where, while belonging to the same capital group with another contractor or remaining in mutual relations with him, has submitted a separate Application for admission to participate in the procedure, however, the existing relations between them do not lead to distortion of competition in the contract award procedure, because:

.....  
.....

*The Contractor here indicates the justification for the lack of distortion of competition for this reason*

Contractors seeking prequalification shall not have a conflict of interest. Any Contractor found to have a conflict of interest shall be disqualified. A Contractor may be considered to have a conflict of interest for the purpose of this Procurement procedure, if the Contractor:

1. directly or indirectly controls, is controlled by or is under common control with another Contractor; or
2. receives or has received any direct or indirect subsidy from another Contractor; or
3. has the same legal representative as another Contractor; or
4. has a relationship with another Contractor, directly or through common third parties, that puts it in a position to influence the application of another Contractor or influence the decisions of the Contracting Authority regarding this prequalification process.


	<b>BESS Budzyń Project Procurement</b>	<b>Annex no 3</b> <b>Compilation date:</b> <b>2025/06/26</b>
	<b>Statement related to no grounds for conflict of interests with regard to other Contractors</b>	<b>Page: 2 / 2</b>

.....

*(city, date)*

.....

*(signatures and seals of authorised representatives  
or proxies of the contractor)*

	<b>BESS Budzyń Project Procurement</b>	<b>Annex no 4</b> <b>Compilation date:</b> <b>2025/06/26</b>
	<b>Statement related to no grounds for conflict of interests with respect to Contracting Authority</b>	<b>Page: 1 / 1</b>

*Contractor's seal*

*Farma Fotowoltaiczna Budzyn sp. z o.o.*

*Aleje Jerozolimskie 98*

*00-807 Warsaw*

**STATEMENT**

**related to no grounds for conflict of interests with respect to Contracting Authority**

in the Proceedings for granting the Contract conducted in the form of a THE TENDER REFERRED TO IN ARTICLE 70[1] - 70[5] OF THE POLISH CIVIL CODE under the name:

**BESS Budzyń Project – Lot: “BESS (Battery Energy Storage System) Design and Construction works Agreement ”**


Reference number assigned to the case by the Contracting Authority: RFP\_PL\_2024\_06

The Contractor hereby declares that he is not an entity related to the Contracting Authority in person or by capital, i.e. there are no mutual connections between the Contracting Authority or persons authorized to incur obligations on behalf of the Contracting Authority or persons performing on behalf of the Contracting Authority activities related to the preparation and conduct of the contractor selection procedure and the Contractor, consisting in particular in:

1. participating in the company as a partner in a civil partnership or personal partnership,
2. owning at least 10% of shares or stocks,
3. acting as a member of the supervisory or management body, proxy, attorney,
4. being married, in relationship of kinship or affinity in a straight line, kinship of second degree or affinity of second degree in the lateral line or in relation to adoption, care or guardianship,
5. being in such a legal or factual relationship with the contractor that raises reasonable doubt regarding their impartiality or independence in connection with the procurement procedure.

.....  
*(city, date)*

.....  
*(signatures and seals of authorised representatives  
or proxies of the contractor)*

	<b>BESS Budzyń Project Procurement</b>	<b>Annex no 5 Compilation date: 2025/06/26</b>
	<b>List of projects meet the terms and conditions for participation</b>	<b>Page: 1 / 3</b>

*Contractor's seal*

*Farma Fotowoltaiczna Budzyn sp. z o.o.*

*Aleje Jerozolimskie 98*

*00-807 Warsaw*

#### **STATEMENT**


##### **List of projects meet the terms and conditions for participation**

in the Proceedings for granting the Contract conducted in the form of a THE TENDER REFERRED TO IN ARTICLE 70[1] - 70[5] OF THE POLISH CIVIL CODE under the name:

##### **BESS Budzyń Project – Lot: “BESS (Battery Energy Storage System) Design and Construction works Agreement ”**

Reference number assigned to the case by the Contracting Authority: RFP\_PL\_2024\_06

By submitting an Application in the Proceedings for the award of a Contract conducted in THE TENDER REFERRED TO IN ARTICLE 70[1] - 70[5] OF THE POLISH CIVIL CODE procedure under the name: BESS Budzyń Project – Lot: “BESS (Battery Energy Storage System) Design and Construction works Agreement " that during the last five (5) years before the deadline for submission of Applications we have performed the following projects:

	<b>BESS Budzyń Project Procurement</b>	<b>Annex no 5</b> <b>Compilation date:</b> <b>2025/06/26</b>
	<b>List of projects meet the terms and conditions for participation</b>	<b>Page: 2 / 3</b>


A. Knowledge and experience

No.	The name of the contract	The investor (the name and the contact details)	The general contractor of the investment	Capacity/Power (MWh/MW)	Execution Year (DD.MM.YYYY)	Photovoltaic or wind or HVL and Substation HV/MV or BESS (Yes/No)	In accordance with the Energy Law and the Energy Regulatory Office (URE - Urząd Regulacji Energetyki in Poland) <b>and</b> the Technical Standards for Ancillary Services as stipulated by the TSO (PSE - Polskie Sieci Elektroenergetyczne) <b>and</b> the Technical Normative Specification by the Polish Energy Storage Association (PESA - Polskie Stowarzyszenie Magazynowania Energii) (Yes/No)
1							
2							
3							
...							

Annexes (evidence confirming that the contracts listed in the table have been successfully completed):

Annex No. 1 –

Annex No. 2 –

	<b>BESS Budzyń Project Procurement</b>	<b>Annex no 5</b> <b>Compilation date:</b> <b>2025/06/26</b>
	<b>List of projects meet the terms and conditions for participation</b>	<b>Page: 3 / 3</b>

Annex No. 3 –


...

.....

*(city, date)*

.....

*(signatures and seals of authorised representatives  
or proxies of the contractor)*

	<b>BESS Budzyń Project Procurement</b>	<b>Annex no 6</b> <b>Compilation date:</b> <b>2025/06/26</b>
	<b>NON-DISCLOSURE AGREEMENT (NDA)</b>	<b>Page: 1 / 6</b>

**CONFIDENTIALITY AGREEMENT**

This Confidentiality Agreement (this "Agreement") is made and entered into as of [●], by and between:

- (A) **FARMA FOTOWOLTAICZNA BUDZYŃ sp. z o.o.** (hereinafter, "Client"), with registered offices at Aleje Jerozolimskie 98, 00-807 Warsaw, Poland and Tax ID number 5213973120 and registered in the Commercial Register under the number of 0000977379, XII Commercial Companies Division for Warsaw City, Poland (hereinafter, "**Client**")
- (B) -----, a company incorporated under the laws of -----, with its head office at -----, and Tax Identification Number -----, represented by -----, hereinafter "**Contractor**"


collectively referred to as the Parties, and individually as a Party.

WHEREAS:


- (A) The Parties are about to disclose to each other certain Confidential Information (defined below) of its own, in relation with the BESS (Battery Energy Storage System) Design and Construction works to be potentially provided by the Contractor (hereinafter the "Potential Project"). For purposes of this Agreement, the Party that discloses the information shall be referred to as "Disclosing Party" and the Party that receives the information shall be referred to as the "Receiving Party".
- (B) The Parties may from time to time hereafter discuss issues related to the Potential Project, negotiate its terms and conditions and details regarding the documents required to finalize the Potential Project negotiations ("Disclosure Purpose").

**NOW THEREFORE**, in recognition and in consideration of the above and the mutual covenants contained herein, the Parties agree to be strictly bound by the terms and conditions set forth below.

1. **Secrecy of Confidential Information.**
  - (a) The Receiving Party shall hold the Disclosing Party's Confidential Information in confidence using the same degree of care it uses to protect its own confidential information and shall use the Confidential Information only in connection with the Disclosure Purpose. Unless otherwise permitted hereunder, the Receiving Party shall not disclose the Disclosing Party's Confidential Information, except that the Receiving Party may disclose the Confidential Information to those employees, officers, directors, agents, partners, consultants, accountants, potential equity investors and/or finance providers, potential contractors and sub-contractors, potential off takers, auditors and representatives of the Receiving Party, its affiliates or group companies (collectively, the "Representatives") who have a need to know such information and who have been advised of the confidential nature of said information and who are bound to keep said information confidential on terms that are substantially similar to the obligations of said Receiving Party under this Agreement. For this Agreement, affiliate means, in relation to any Party, an entity which, directly or indirectly, controls, is controlled by or is under common control with such party. In this context "control" means the direct or indirect ownership, power to appoint or remove the representatives, or power to vote more than 50% of the shares of any class of voting security of a company.

	<b>BESS Budzyń Project Procurement</b>	<b>Annex no 6</b> <b>Compilation date:</b> <b>2025/06/26</b>
	<b>NON-DISCLOSURE AGREEMENT (NDA)</b>	<b>Page: 2 / 6</b>

- (b) For purposes of this Agreement, “Confidential Information” shall mean all the information disclosed to the Receiving Party by the Disclosing Party or its affiliates and advisers in relation with the Project or the Disclosure Purpose.
- (c) As used herein, the term “Confidential Information” does not include information which (i) is or becomes publicly known through no wrongful act of the Receiving Party; (ii) is in the Receiving Party’s possession prior to its disclosure, discovery or production hereunder; (iii) is rightfully received from a third party, provided that such third party was not bound by a confidentiality agreement with respect to such information; (iv) is independently developed by the Receiving Party without use of Confidential Information; (v) is approved for release, use or disclosure by previous written authorization of the Disclosing Party.
- (d) If the Receiving Party is required by law or a legal or regulatory process to disclose any of the Confidential Information of the Disclosing Party, and it is not forbidden by the authority or the law, the Receiving Party will notify the Disclosing Party in writing. In this case, the Receiving Party will be allowed to disclose the Information requested, but the Receiving Party must try to obtain sufficient guarantees that the recipient of the Confidential Information shall respect the confidential nature of the same.
- (e) The Receiving Party agrees that it shall use Confidential Information for the sole purpose of considering, evaluating and negotiating of the Potential Project (Disclosure Purpose).
- (f) All Confidential Information imparted by the Disclosing Party is made available “as is” and the Disclosing Party makes no representations or warranties, either express or implied, and accepts no liability as to the accuracy, completeness, non-infringement of third-party rights, quality or fitness for any particular purpose of the Confidential Information.
2. The Receiving Party shall take all necessary and appropriate measures to ensure the protection and secrecy of the Confidential Information and to prevent any theft, manipulation, distraction, unauthorized access or use of the Confidential Information. The Receiving Party shall be responsible for ensuring that all persons or entities to whom the Confidential Information is disclosed under this Agreement shall keep such information confidential and shall not disclose or divulge the same to any unauthorized person or entity and shall be liable for acts or omissions of such persons resulting in unauthorized distribution, use and/or disclosure of such Confidential Information as if such acts or omissions had been the Receiving Party’s own acts or omissions. The Parties hereby confirm and acknowledge that the confidentiality liability is extended to the associated, dependent, related and shareholders’ companies in the structure of the respective Party, provided that such disclosure took place. Also, such disclosure is permissible, if performed within the corporate group of a Party.
3. The Disclosing Party shall keep the ownership of all its own Confidential Information, whether copyrightable or not, whether patentable or not, made or conceived, including any of their improvements or enhancements such as enumerated hereinabove as Confidential Information under this Agreement, resulting from the use, whatsoever, of Confidential Information. The Receiving Party shall not acquire any intellectual property rights under this Agreement. Nothing in this Agreement or in any disclosure made hereunder shall be construed as granting to the Receiving Party of any patent, copyright or design licence, or rights of use under similar industrial property rights which may now or hereafter exist in the Confidential Information.
4. The Receiving Party agrees that it and its Representatives shall return or destroy upon Disclosing Party’s written request any and all documents containing any Confidential Information and of all copies thereof which shall have been made by or on behalf of the Receiving Party or its Representatives and/or take reasonable steps to expunge Confidential Information from


	<b>BESS Budzyń Project Procurement</b>	<b>Annex no 6</b> <b>Compilation date:</b> <b>2025/06/26</b>
	<b>NON-DISCLOSURE AGREEMENT (NDA)</b>	<b>Page: 3 / 6</b>

computers or other device containing information provided that the Receiving Party and its Representatives shall not be required to return or destroy copies which they are required by law or regulation to retain, including the rules of a professional body or the rules of any relevant stock exchange, provided that the Confidential Information retained by the Receiving Party or its Representatives in accordance with this Clause 4 shall continue to be subject to the confidentiality obligations in accordance with this Agreement and shall be destroyed immediately after such retaining requirement ceases to apply. Confidential Information which is held in electronic form shall be deemed destroyed when deleted from local hard drives so long as no attempt is made to recover such information from back-up tapes, servers or other sources.

5. Nothing contained in this Agreement shall be construed to obligate either Party to enter into any kind of business or to execute any kind of agreement. The disclosure of Confidential Information pursuant to this Agreement, and any prior or future discussions, evaluations or other communications between the Parties, shall not confer any right nor impose or create any obligation on the Parties other than those expressly agreed to in this Agreement or in a future written agreement between the Parties.
6. Nothing in this Agreement shall be construed to create a partnership, joint venture, agency or any other relationship between the Parties. Neither Party shall be deemed either expressly or by implication to be the agent or partner of the other Party for any purpose whatsoever, including for the Disclosure Purpose.
7. Neither Party may assign or transfer its interest hereunder without the prior written consent of the other Party. Any purported assignment or transfer without such prior written consent shall be null and void. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective permitted successors and assigns.
8. This Agreement constitutes the entire understanding and agreement of the Parties with respect to the subject matter set forth herein, and supersedes all prior or contemporaneous agreements, arrangements and understandings, whether written or oral, of the Parties, with respect to the exchange of Confidential Information for the Disclosure Purpose.
9. If any provision of this Agreement is, or should become entirely or partially invalid, illegal or unenforceable, that provision or part-provision shall, to the extent required, be deemed to be deleted, and the validity and enforceability of the other provisions of this Agreement shall not be affected. If any invalid, unenforceable or illegal provision of this Agreement would be valid, enforceable and legal if some part of it were deleted, the provision shall apply with the minimum modification necessary to make it legal, valid and enforceable.
10. No failure or delay of a Party in enforcing or exercising any right hereunder shall be construed as a waiver thereof nor shall any single or partial exercise preclude any other or further enforcement or exercise thereof.
11. All the notices to be given pursuant to this Agreement shall be sent to:

(a) if to Client:

FARMA FOTOWOLTAICZNA BUDZYŃ sp. z o.o.  
Attn. Ruth Galdos Martínez  
Title: Procurement Department  
Correspondence Address: Parque Empresarial ADEQUA Avda. de Burgos, 89 EDIF 1 MOD  
A-B  
28050 – Madrid (Spain)

	<b>BESS Budzyń Project Procurement</b>	<b>Annex no 6</b> <b>Compilation date:</b> <b>2025/06/26</b>
	<b>NON-DISCLOSURE AGREEMENT (NDA)</b>	<b>Page: 4 / 6</b>

Wit cc to:

EDP Renováveis, S.A.  
 Attn. Head of Corporate Legal Department  
 Plaza de la Gesta, 2,  
 C.P. 33007, Oviedo, España

(b) if to -----:

**Name of the Company)**  
 Attn. \_\_\_\_\_  
 Title \_\_\_\_\_  
 Address \_\_\_\_\_  
 Zip Code – City (Country)

12. This Agreement may not be amended and none of the provisions of this Agreement may be waived except by an instrument in writing signed by the Parties.

13. The Receiving Party acknowledges that its breach of this Agreement may cause immediate harm to the Disclosing Party for which money damages would be inadequate. Therefore, the Disclosing Party shall be entitled to seek injunctive relief for any breach by the Receiving Party of this Agreement. Such remedy shall not be deemed to be the exclusive remedy for breach of this Agreement.


Neither Party shall be liable to the other in connection with this Agreement or the subject matter hereof for any indirect, incidental, special, or consequential damages, loss of revenue, cost of capital, or loss of profit or business opportunity, whether such liability arises out of contract, or as a result of the use of the Information provided hereunder, tort (including negligence and strict liability) or otherwise, except if such claim is based upon alleged bad faith breach of contract, willful misconduct, or gross negligent act or omission.

14. The rights and obligations of the Parties hereunder shall be in force during a period of three (3) years counted from the signature of this Agreement.

15. Each Party agrees not to make any public disclosure of this Agreement, of the Potential Transaction or any potential transaction relating thereto (including the potential terms thereof), of the fact that discussions between the Parties are taking or have taken place or of the status thereof, without the prior written consent of the other Party, unless a Party is required to do so by law or a legal or regulatory process, in which case will notify the other party if it is not forbidden by the authority or the law. The Disclosing Party undertakes to maintain confidentiality of any offer, terms sheet or agreement that the Receiving Party submits for the consideration of the Disclosing Party.

16. Governing Law and Jurisdiction. The Parties agree that this Agreement shall be construed, interpreted and applied in accordance with the Laws of Poland.

The Parties, waiving any other jurisdiction that may correspond to them, agree that whatsoever litigation, discrepancy, matter or claim deriving from the performance or interpretation of this Agreement will be subject to the jurisdiction and competence of the common competent courts of the registered seat of the Client.

	<b>BESS Budzyń Project Procurement</b>	<b>Annex no 6</b> <b>Compilation date:</b> <b>2025/06/26</b>
	<b>NON-DISCLOSURE AGREEMENT (NDA)</b>	<b>Page: 5 / 6</b>

The Disclosing Party retains the right to apply to any court of competent jurisdiction for the provisional and/or conservatory reliefs, including or injunctions, and any such request shall not be deemed incompatible with agreement regarding jurisdiction.

17. In accordance with the General Data Protection Regulation 679/2016/EU ("GDPR") and all other applicable regulations, [NAME OF THE COUNTERPARTY] is hereby informed that the processing of personal data relating to its legal representatives, shareholders, employees and/or collaborators (hereinafter, jointly, the "counterparty" or the "Data Subject") in the context of the contractual relationship, including the pre-contractual phase, arising from this confidentiality agreement shall be carried out by EDP RENOVÁVEIS, S.A. (the "Data Controller"), with Tax Identification Number A-74219304, registered office at Plaza de la Gesta, number 2 Oviedo (Spain), with head office at Centro Empresario Parque Norte Edificio Olmo, 7th floor, 28033 Madrid (Spain) and contact details for the Data Protection Officer [dataprotection@edpr.com](mailto:dataprotection@edpr.com).


The purpose of the processing of the counterparty's data will be the performance of the obligations established in the corresponding contract or pre-contract; compliance with the obligations arising from the applicable regulations to which the Data Controller is subject; the exercise of actions or defense in judicial, administrative and/or extrajudicial proceedings; the management of potential mergers, sale of assets or transfer of all or part of the business and, finally, the analysis of the adequacy of the counterparty in line with EDPR's due diligence procedures, in accordance with EDPR's legitimate interests in ensuring compliance with the requirements and internal integrity policies in its relations with third parties, for which purpose an assessment has been performed between EDPR's legitimate interests and the rights and freedoms of data subjects. To achieve this objective, the following checks will be carried out:

- a. controls relating to the counterparty's relationship with Politically Exposed Persons;
- b. checks on the counterparty's inclusion on national and international sanction lists or exclusion lists;
- c. verification of the counterparty's involvement in judicial and/or administrative proceedings that may lead to the commission of unlawful acts that may affect, directly or indirectly, EDPR's activity;
- d. media checks facts that may reveal reprehensible conduct by the counterparty.

The checks described above are necessary to prevent the risk of committing certain offences and to maintain an adequate level of integrity among the people who maintain relations of any kind with EDPR. However, to avoid damage and potential negative consequences arising from such processing, technical and organisational measures have been taken to guarantee the appropriate use of this information and to reinforce its confidentiality and security.

The counterparty may withdraw his/her consent at any time, where applicable, as well as exercise his/her rights of access, rectification, erasure, restriction, data portability and, specifically, object the processing of his/her personal data, by means of a communication addressed to the Data Controller or the Data Protection Officer at [dataprotection@edpr.com](mailto:dataprotection@edpr.com). In addition, the data subject may file a complaint with the competent supervisory authority if he/she considers that his/her rights have been violated. For more information, you can consult our Privacy Policy at <https://www.edpr.com/en/edpr-privacy-notice>.

18. The Parties expressly agree that any document signed in a dematerialized manner through an electronic signature platform used by the Parties:
- constitutes the original of the said document;
  - constitutes a written proof;
  - has the same probative value as a handwritten document signed on paper;


	<b>BESS Budzyń Project Procurement</b>	<b>Annex no 6</b> <b>Compilation date:</b> <b>2025/06/26</b>
	<b>NON-DISCLOSURE AGREEMENT (NDA)</b>	<b>Page: 6 / 6</b>

- may be filed in a court, as written evidence, in case of disputes, including disputes between the Parties.

19. This Agreement may be executed in counterparts and delivered to each of the parties by facsimile or e-mail. If electronically, the Agreement shall be signed with the electronic signature, deemed as written form, and whereas the date of the Party signing the last one shall be deemed as the date of this Agreement. Each such counterpart shall be, and shall be deemed to be, an original instrument, but all such counterparts taken together shall constitute one and the same Agreement.

IN WITNESS WHEREOF, the authorized representative of each Party has duly executed this Agreement in duplicate as of the date set forth above.

<b>FARMA FOTOWOLTAICZNA BUDZYŃ sp. z o.o.</b> Signature:  Name: Title: Date:	----- Signature:  Name: Title: Date:
---	---

	<b>BESS Budzyń Project Procurement</b>	Annex no 7 Compilation date: 2025/06/26
	<b>List of key personnel with minimum required qualifications and experience for participation and bid evaluation criteria</b>	Page: 1 / 4

*Contractor's seal*

*Farma Fotowoltaiczna Budzyn sp. z o.o.*

*Aleje Jerozolimskie 98*

*00-807 Warsaw*

### STATEMENT


**List of key personnel with minimum required qualifications and experience for participation and bid evaluation criteria** in the Proceedings for granting the Contract conducted in the form of a THE TENDER REFERRED TO IN ARTICLE 70[1] - 70[5] OF THE POLISH CIVIL CODE under the name:

**BESS Budzyń Project – Lot: “BESS (Battery Energy Storage System) Design and Construction works Agreement ”**


Reference number assigned to the case by the Contracting Authority: RFP\_PL\_2024\_06

By submitting an Application in the Proceedings for the award of a Contract conducted in THE TENDER REFERRED TO IN ARTICLE 70[1] - 70[5] OF THE POLISH CIVIL CODE procedure under the name: BESS Budzyń Project – Lot: “BESS (Battery Energy Storage System) Design and Construction works Agreement ” who have the following qualified personnel for the execution of the project:


No.	Name and surname	Function/scope of Activities performed	Information on qualifications/education	Information on experience	Information on the basis for disposing of a given person
1		Project Director	Completed field of study ..... degree .....	24 months of experience in the last 5 years before the deadline for	Own/third-party resource*

	<b>BESS Budzyń Project Procurement</b>	<b>Annex no 7</b> <b>Compilation date:</b> <b>2025/06/26</b>
	<b>List of key personnel with minimum required qualifications and experience for participation and bid evaluation criteria</b>	<b>Page: 2 / 4</b>

				<p>submission offers in the position of:</p> <p>Project Manager / Construction Manager*</p> <p>in the construction of at least:</p> <p>1 Energy Storage facility of at least 40 MWh / 2 PV plants of at least 10 MWp each / 2 Wind Farms of at least 10 MW each / 2 Substations HV/MV*</p>	
2		Construction Manager	Type of building license held ..... License Number .....	<p>24 months of experience in the last 5 years before the deadline for submission offers in the position of</p> <p>Construction Manager (YES/NO*)</p> <p>in the construction of at least:</p> <p>1 Energy Storage facility of at least 40 MWh / 2 PV plants of at least 10 MWp each / 2 Wind Farms of at least 10 MW each / 2 Substations HV/MV*</p>	Own/third-party resource*

	<b>BESS Budzyń Project Procurement</b>	<b>Annex no 7</b> <b>Compilation date:</b> <b>2025/06/26</b>
	<b>List of key personnel with minimum required qualifications and experience for participation and bid evaluation criteria</b>	<b>Page: 3 / 4</b>

3		Electrical works manager	Type of building license held ..... License Number .....	24 months of experience in the last 5 years before the deadline for submission offers in the position of  Construction Manager (YES/NO*)  in the construction of at least:  1 Energy Storage facility of at least 40 MWh / 2 PV plants of at least 10 MWp each / 2 Wind Farms of at least 10 MW each / 2 Substations HV/MV*	Own/third-party resource*
4		Civil works manager	Type of building license held ..... License Number .....	24 months of experience in the last 5 years before the deadline for submission offers in the position of  Construction Manager (YES/NO*)  in the construction of at least:  1 Energy Storage facility of at least 40 MWh / 2 PV plants of at least 10 MWp each / 2 Wind Farms of at	Own/third-party resource*

	<b>BESS Budzyń Project Procurement</b>	<b>Annex no 7</b> <b>Compilation date:</b> <b>2025/06/26</b>
	<b>List of key personnel with minimum required qualifications and experience for participation and bid evaluation criteria</b>	<b>Page: 4 / 4</b>

				least 10 MW each / 2 Substations HV/MV*	
5		H&S coordinator	Has qualifications to perform tasks specified in the Regulation of the Council of Ministers of 2 September 1997 on occupational health and safety services (Journal of Laws of 1997, No. 109, item 704, as amended). (YES/NO*)  Completed field of study ..... degree .....	..... years of professional experience as a H&S coordinator, including ..... years of experience in the construction / energy* industry, in the last 7 years before the deadline for submitting offers	Own/third-party resource*

\*Delete as appropriate

Annexes (CVs of key personnel listed and copies of the required Polish construction licenses to manage construction works in the specified specializations. Alternatively, equivalent qualifications issued under previously applicable regulations or qualifications granted to citizens of other countries, subject to Article 12a of the Building Law Act of 7 July 1994 (Journal of Laws 2020.1333 consolidated text, as amended):

Annex No. 1 –


Annex No. 2 –

.....

city, date

.....

(signatures and seals of authorised representatives or proxies of the contractor)

	<b>BESS Budzyń Project Procurement</b>	<b>Annex no 8</b> <b>Compilation date:</b> <b>2025/06/26</b>
	<b>Information in connection with reliance on the resources of other entities</b>	<b>Page: 1 / 3</b>

Part I (to be completed only if the contractor relies on the resources of other entities)

*Contractor's seal*

*Farma Fotowoltaiczna Budzyn sp. z o.o.*

*Aleje Jerozolimskie 98*

*00-807 Warsaw*

### STATEMENT

#### Information in connection with reliance on the resources of other entities

in the Proceedings for granting the Contract conducted in the form of a THE TENDER REFERRED TO IN ARTICLE 70[1] - 70[5] OF THE POLISH CIVIL CODE under the name:

#### **BESS Budzyń Project – Lot: “BESS (Battery Energy Storage System) Design and Construction works Agreement ”**

Reference number assigned to the case by the Contracting Authority: RFP\_PL\_2024\_06

I declare that all information provided in the above statements is up-to-date and truthful and has been presented with full awareness of the consequences of misleading the Contracting Authority when presenting information. I declare that in order to demonstrate the fulfilment of the conditions for participation in the procedure, specified by the Contracting Authority in section 5 "Terms and conditions for participation" of the Pre-qualification Notice for Lot: BESS Supply Agreement and LTSA, I rely on the resources of the following entity(s):

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(full name/company, contact details, depending on the entity, NIP/PESEL)

in the scope:

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(specify the appropriate scope of resources made available for the indicated contracting entity)

.....

*(city, date)*

.....

*(signatures and seals of authorised representatives  
or proxies of the contractor)*

	<b>BESS Budzyń Project Procurement</b>	<b>Annex no 8</b> <b>Compilation date:</b> <b>2025/06/26</b>
	<b>Information in connection with reliance on the resources of other entities</b>	<b>Page: 2 / 3</b>

Part II (to be completed only if the contractor relies on the resources of other entities)

*Seal of the entity providing the resources*

*Farma Fotowoltaiczna Budzyn sp. z o.o.*

*Aleje Jerozolimskie 98*

*00-807 Warsaw*

### STATEMENT

#### of the entity providing the resources

in the Proceedings for granting the Contract conducted in the form of a THE TENDER REFERRED TO IN ARTICLE 70[1] - 70[5] OF THE POLISH CIVIL CODE under the name:

#### **BESS Budzyń Project – Lot: “BESS (Battery Energy Storage System) Design and Construction works Agreement ”**


Reference number assigned to the case by the Contracting Authority: RFP\_PL\_2024\_06

I declare that all information provided in the above statements is up-to-date and truthful and has been presented with full awareness of the consequences of misleading the Contracting Authority when presenting information. For the purposes of the Pre-qualification Notice for Lot: BESS Supply Agreement and LTSA I declare the following:

#### DECLARATION OF NO GROUNDS FOR EXCLUSION

I declare that the entity I represent is not subject to exclusion, i.e.:

1. based on Articles 108 and 109 of the Act of 11 September 2019 on Public Procurement Law (Journal of Laws 2019, item 2019);
2. the circumstances referred 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 2022/576 of 8 April 2022), as well as Article 7(1) of the Act of 13 April 2022 on special solutions to counteract supporting aggression against Ukraine and to protect national security (Journal of Laws 2022, item 835) do not apply to him;
3. the entity is not related to the Contracting Authority in person or by capital, i.e. there are no mutual connections between the Contracting Authority or persons authorized to incur obligations on behalf of the Contracting Authority or persons performing on behalf of the Contracting Authority activities related to the preparation and conduct of the contractor selection procedure and the Contractor, consisting in particular in:
  - participating in the company as a partner in a civil partnership or personal partnership,
  - owning at least 10% of shares or stocks,
  - acting as a member of the supervisory or management body, proxy, attorney,

	<b>BESS Budzyń Project Procurement</b>	<b>Annex no 8</b> <b>Compilation date:</b> <b>2025/06/26</b>
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- being married, in relationship of kinship or affinity in a straight line, kinship of second degree or affinity of second degree in the lateral line or in relation to adoption, care or guardianship,
- being in such a legal or factual relationship with the contractor that raises reasonable doubt regarding their impartiality or independence in connection with the procurement procedure.

**DECLARATION ON MEETING THE CONDITIONS FOR PARTICIPATION IN THE PROCEDURE**

I declare that I meet the conditions for participation in the procedure specified by the Contracting Authority in the Pre-qualification Notice in the following scope:

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(specify the appropriate scope of resources made available for the indicated contracting entity)

**OBLIGATION TO MAKE THE NECESSARY RESOURCES AVAILABLE TO THE CONTRACTOR FOR THE PURPOSE OF PERFORMING THE CONTRACT**

I declare that I undertake to make available for the Contractor:

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(name and address of the Contractor)

- the necessary resources for the purpose of the contract in the following scope:

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(specify the appropriate scope of resources made available for the indicated contracting entity)

- the method of making the resources of the entity providing resources available to the Contractor and its use of the resources in the performance of the contract

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.....  
*(city, date)*

.....  
*(signatures and seals of authorised representatives or proxies of the entity providing the resources)*