

Appendix 3b to the Competition Regulations

Statement of the Competition Participant about the absence of premises for exclusion from participation in the Competition pursuant to the provisions of article 108 item 1 and article 109 item 1 pt. 4-5, pt. 6 with respect to members of the Competition Jury and items 7-10 of the Public Procurement Act of 11 September 2019 (Journal of Laws of 2019, item 2019, as amended)

In joining the competition for development of architectural concept for the European Film Center CAMERIMAGE building in Toruń, I hereby declare that:

1. I am not subject to any conditions which would warrant my exclusion from participation in the Competition pursuant to the provisions of Article 108 item 1 and Article 109 item 1 pt. 4-5 and pt. 7-10 of the Public Procurement Act of 11 September 2019 (Journal of Laws of 2019, item 2019, as amended) - hereinafter "PPA", i.e.

The Principal shall exclude all and any designers from the procedure who have been claimed to be subject to any conditions warranting their exclusion, as referred to in article 108 item 1 of the PPA, i.e.:

1) a natural person convicted for any of the following felonies in a legal and binding conviction:

- a) participation in an organized crime group with the aim of committing a crime or a fiscal crime, as referred to in article 258 of the Penal Code,
- b) human trafficking, as referred to in article 189a of the Penal Code,
- c) as referred to in article 228-230a, article 250a of the Penal Code or in article 46 or article 48 of the Sports Act of 25 June 2010,
- d) financing a crime of terrorist nature, as referred to in art. 165a of the Penal Code, or a crime of foiling or hindering the identification of criminal origins of money or concealing the origins of money, as referred to in article 299 of the Penal Code,
- e) an act of terrorism, as referred to in article 115 § 20 of the Penal Code, or intent to commit a crime consisting in an act of terrorism,
- f) committing a minor foreigner to execute work, as referred to in article 9 item 2 of the Act of 15 June 2012 on the effects of committing foreigners residing in the territory of the Republic of Poland to execute work (Journal of Laws, item 769),
- g) a crime against economic trading, as referred to in article 296-307 of the Penal Code, fraud, as referred to in article 286 of the Penal Code, a crime against the legitimacy of documents, as referred to in article 270-277d of the Penal Code, or a fiscal crime,
- f) a crime referred to in article 9 items 1 and 3 or article 10 of the Act of 15 June 2012 on the effects of committing foreigners residing in the territory of the Republic of Poland to execute work

- or a relevant prohibited act set forth in effective laws;

- 2) if a member of their management or supervisory board in office, a partner in their unlimited partnership or a general partner in their limited liability partnership or partnership limited by shares or a representative was convicted with a legal and binding sentence for a crime referred to in item 1;

- 3) a natural person who was convicted with a legal and binding sentence or who received a final administrative decision stating arrears in tax payments, duties or social security or health care contributions, unless the designer has made all payments of back taxes, duties or social security or health care contributions, including interest or fines, or entered into a binding agreement concerning their repayment before the deadline for submitting applications for admission to participate in the procedure or before the deadline for submitting offers;
- 4) a natural person who was officially banned from participating in public procurement procedures by a legal and binding sentence;
- 5) if the principal may claim, based on reliable premises, that the designer has entered into an agreement with other designers aiming to disrupt the competition, particularly if, belonging to the same capital group within the meaning of the Act of 16 February 2007 on the protection of competition and consumers, several designers submitted separate offers, partial offers or applications for admission to participation in the procedure, unless these designers are able to prove that their offers or applications were prepared independently from one another;
- 6) if in instances referred to in article 85 sec. 1 of the PPA, competition was disrupted on the account that a designer or entity belonged to the same capital group as another designer or entity, pursuant to the provisions of the Act of 16 February 2007 on the protection of competition and consumers, unless the disruption of competition caused by such affiliation may be eliminated in other ways than through exclusion of the relevant designer from the public procurement procedure.

The Principal shall exclude all and any designers from the procedure who have been claimed to be subject to any conditions warranting their exclusion, as referred to in article 109 item 1 pt. 4-5 and pt. 7-10 of the PPA, i.e.:

- 1) who is subject to a liquidation proceeding, where their assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under laws and regulations effective in the place where the procedure was initiated;
- 2) who intentionally infringed on their professional obligations, which undermines their integrity and honesty, particularly when the designer failed to complete or incorrectly completed an order as a result of intentional action or gross negligence, which the Principal is able to prove by presenting sufficient evidence;
- 3) who, for reasons attributable to them, has significantly underperformed or not completed or prolonged the inadequate performance of an essential obligation under a prior contract granted through a public procurement procedure or concession agreement, which led to the premature termination of this contract, compensation, substitute execution or exercise of statutory warranty rights with respect to defects;
- 4) who, as a result of intentional action or gross negligence, misled the principal in presenting any information about the absence of premises for exclusion and the fulfillment of conditions for participation in the procedure or selection criteria, which could have had significant impact on decisions made by the principal in the contract award procedure, or who held back such information or is not able to present the required evidence;

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FOR THE EUROPEAN FILM CENTER CAMERIMAGE BUILDING IN TORUŃ*

- 5) who unlawfully affected or attempted at affecting the activities of the principal, or attempted at obtaining or obtained confidential information giving them an advantage in the contract award procedure;
- 6) who, as a result of carelessness or negligence, presented misleading information, which could have had significant impact on decisions made by the principal in the contract award procedure.
2. I am not subject to exclusion from the Competition pursuant to article 109 item 1 pt. 6 with regards to members of the Competition Jury, i.e. there are no circumstances referred to in article 56 item 2 pts. 2, 3 and 4 of the Public Procurement Act (conflict of interest) with regards to members of the Competition Jury, i.e.
- a. any of the members of the Competition Jury is married to, is directly or indirectly related or related by marriage, is a foster relative through adoption, legal care or guardianship or remains in cohabitation with any Competition Participants listed in this application for admission to participation, their legal successors or members of the management or supervisory boards of the Competition Participants;
 - b. within 3 years before the opening of the contract award procedure, any of the members of the Competition Jury was employed or contracted by any of the Competition Participants listed in this application for admission, otherwise received remuneration from these Participants or served as a member of the management or supervisory boards of these Participants;
 - c. none of the Competition Jury members has remained in a legal or factual relationship with any Competition Participants listed in this application for admission to give rise to a justified suspicion as to their impartiality or independence in connection with the Competition due to having a direct or indirect financial, economic or personal interest in a specific settlement of the Competition.
3. Furthermore, I declare that if premises for exclusion, as referred to in article 108 item 1 pts. 1, 2 and 5 or article 109 item 1 pts. 2-5 and 7-10, I hereby undertake to submit a separate statement, identifying the said premise for exclusion, and to prove to the Principal that the following premises have been jointly met, by submitting relevant documents:
- 1) I have rectified or undertook to rectify the damage incurred by the crime, misdemeanor or misconduct, including through financial compensation;
 - 2) I have exhaustively explained all facts and circumstances pertaining to the crime, misdemeanor or misconduct, as well as the damages incurred by me, actively cooperating with the relevant authorities, including law enforcement or the principal;
 - 3) I took specific technical, organizational, and HR means to prevent any future crimes, misdemeanors or misconduct, in particular:
 - a) I have broken all ties with the people or entities responsible for the misconduct
 - b) I reorganized my personnel
 - c) I implemented a reporting and control system
 - d) I established internal audit structures to monitor the observance of laws, internal regulations or standards
 - e) I implemented internal regulations concerning liability and fines for violating laws, internal regulations or standards.