

## **PARTICIPATION DOCUMENTS**

**To the Invitation to Participate published under number**

**TED 2010/S 21-030067**

**“Development of a competitive investment promotion strategy for the Záhony  
region/Hungary”**

## GENERAL INFORMATION

Name, address of Contracting Authority:

ITD Hungary Zrt.

1061 Budapest, Andrásy út 12.

### 1. General terms of the procedure

By submitting their request to participate, candidate tenderers who submit request to participate (applicants) fully accept all the terms and conditions of the Invitation to Participate and the documents (hereinafter referred to collectively as Participation Documents) made for this public procurement procedure in accordance with the provisions set forth in Act CXXIX of 2003 on Public Procurement (hereinafter referred to as Kbt.) as the sole and only basis of the request to participate, waiving enforcement of their own servicing terms and conditions.

Applicants shall be obliged to carefully examine and comply with all of the instructions, formal requirements, stipulations and requirements set out in the Participation Documents. It shall be the applicant's risk and shall lead to declaring the request to participate invalid:

- if they fail to submit the required information and documents by the deadline set; or
- if they submit a request to participate that fails to comply in terms of form or content with all of the requirements set out in the Participation Documents, and fail to complete them as part of completion.

If there should be any difference between the content of the Invitation to Participate and the Participation Documents the content of the invitation to participate published in the Official Journal of the European Union (TED) shall govern!

### 2. Complementary information

In order to compile proper request to participate, applicants may ask for complementary (explanatory) information in writing in relation to what is set forth in the Participation Documents from the Contracting Authority within the time-limit determined in the Public Procurement Act, that is, until the 8<sup>th</sup> day preceding the date when requests to participate are opened.

Any and all such requests for information shall be forwarded by email to the following address:

Official name: ITD Hungary Zrt.		
Postal address: Andrassy út 12.		
City/Community: Budapest	Postal code: 1061	Country: Hungary
Contact point(s): Attention: Balázsne Szorenyi Livia		Telephone: 472-8120
<b>E-mail: livia.balazs@itd.hu</b>		Fax: 473-8245

It is the applicant's sole responsibility to make sure that their request for information should be received at the address specified. No response shall be given to requests received later than the deadline communicated.

The complementary information will be sent within the time-limit determined in the Public Procurement Act, that is, until the 4<sup>th</sup> day preceding the date when request to participate are opened, by e-mail to each applicant who has sent a registration form to the Contracting Authority. Furthermore, the complementary information will be made public on the web site [www.itdh.com](http://www.itdh.com). Applicants will receive the complementary information under identical conditions in writing, e-mail or by fax to the e-mail address or fax number specified when purchasing the documents.

The complementary information shall not result in any modification of the content of the Invitation to Participate and the Participation Documents.

### **3. Costs of request to participate**

All costs incurred in relation to making and submitting the request to participate shall be borne by the applicants.

### **4. Division into lots and variants**

It shall not be possible to submit request to participate in variants and in the second phase of the procedure to submit a tender in variants. Likewise, it shall not be possible to request participation in a single lot of the procurement, and in the second phase of the procedure to submit a tender for a lot.

## 5. Examination of the validity of requests to participate

The Contracting Authority will examine if the applicant's request to participate is valid or not. The request to participate shall be invalid in accordance with Section 114 Subsection (1) of the Kbt. if:

- a)* it was submitted after expiry of the time-limit for receipt of requests to participate determined in the Invitation to Participate;
- b)* applicants submit a tender (Article 100 paragraph (2));
- c)* applicants or their subcontractor do not comply with the incompatibility requirements (10. §);
- d)* applicants or their subcontractor have been excluded from the procedure;
- e)* applicants or their subcontractor contributing more than ten percent of the procurement value intended to be employed do not comply with the capacity criteria necessary for completing the contract;
- f)* otherwise fail to comply with the terms and conditions determined in the Invitation to Participate and Participation Documents and rules of law.

(2) The Contracting Authority shall exclude the applicant from the procedure who (or whose subcontractor)

- a)* have submitted their request to participate in spite of grounds for exclusion (60–61. §);
- b)* grounds for exclusion on their side occurred (60–62. §) during the procedure.

## 6. Award procedure

In the second, tendering phase as the final outcome of the award procedure the most economically advantageous tender will be selected as the winning tender.

<b>Award criteria</b>	<b>Weight numbers</b>
1. Methodology	35
2. Complex undertaking of the information, results required from the study as determined in the tender documents	25
3. Type, source of data to be evaluated, compared	20
4. Undertaken deadline of making the study	15
5. Tender price	5

## **7. Announcement of results**

The Contracting Authority will announce the final results of the award procedure of requests to participate on the date specified in the Invitation to Participate. If an applicant does not take part in the announcement of results, the summary will be sent by fax and electronically to each applicant.

The Contracting Authority may postpone the date of the announcement of results – for good reason – on one occasion, by maximum thirty days. Prior to expiry of the original deadline, the Contracting Authority shall simultaneously, directly, in writing inform all applicants on such postponement and the reasons thereof.

The Contracting Authority may hold the announcement of results – for good reason – on a date earlier than the date determined in the Invitation to Participate. At least two working days before the date of such earlier announcement of results the Contracting Authority shall simultaneously, directly, in writing inform all applicants on such new date and the reasons thereof.

## **8. Issuance of the Invitation to Tender**

On the day of announcing the results of the participation phase, following the announcement of results, the Contracting Authority will send Invitation to Tender to applicants who have submitted a valid request to participate in the participation phase.

## **9. Other requirements**

### Formal requirements:

- The request to participate shall be submitted in 2 copies, of which 1 copy shall be an original and 1 copy shall be a reproduced copy. If there are any deviations, the original copy governs.
- The request to participate may be submitted either in Hungarian or English.
- The originality and undivided state of the request to participate shall be ensured. This shall be provided by one of the methods set out below:
  - Each page of the request to participate (blank pages too!) shall be supplied with uninterrupted pagination, and the autograph signature of the representative or authorised representative (authorisation shall be attached) of the applicant shall be affixed thereto.
  - Each page of the request to participate shall be punched, a thread shall be led through that, the end of the thread shall be sealed by a non re-stickable label on the rear side of the last page, and the label shall be signed by authorised signature on behalf of the company or by a representative certified by authorisation in such fashion that the signature should reach over to the sheet of paper.
- The attached Application Form shall be stapled after the cover sheet, as the first page of the request to participate.

- On the cover sheet of each copy the text "ORIGINAL" or "COPY" shall be indicated as appropriate.
- The request to participate shall be submitted in the quantity equal to the number of items required, in document bundles clearly separated from another (in dossiers).
- The request to participate shall be submitted in packaged form. The request to participate in the number of items required shall be packaged together. The package shall ensure the following:
  - each copy of the request to participate shall stay together,
  - it shall be clearly visible that after the package was sealed nothing has been taken out of it and/or put into it,
- it shall be possible to indicate the data listed below on the external surface of the package.
- The following data and texts shall be indicated on the package containing the request to participate: "Záhony study" and "Shall not be opened before deadline!"
- The Contracting Authority will consider requests to participate submitted within the deadline only if they are received before the time-limit for receipt of requests to participate expires. Risks arising from loss of the request to participate and the postal packets related thereto or from late delivery shall be borne by the applicant. On the package of requests to participate sent by post the text "Shall not be opened at the registry; shall be immediately forwarded to the addressee" shall be indicated.

Formal stipulations:

Applicants shall make and submit their request to participate in accordance with the formal requirements determined in the Invitation to Participate and the Participation Documents.

Own statements shall be submitted in original copy or authentic reproduced copy with authorised signature; CV's in original copy or authentic reproduced copy with the expert's autograph signature affixed thereto. Other certificates may be attached in simple reproduced copy but the Contracting Authority will accept original copies or authentic reproduced copies too.

Governing time:

All time-limits specified in hours in the Invitation to Participate and the Participation Documents shall be interpreted in accordance with local time (CET).

List of documents to be attached:

The request to participate shall contain the following documents (list of certificates, statements to be submitted):

- Application Form (M1)
- Table of contents

**CONDITIONS OF PARTICIPATING IN THE PROCEDURE**

- Statement of Intent to Bid (M2)

**CERTIFICATES, STATEMENTS RELATED TO GROUNDS FOR EXCLUSION**

- Statement on grounds for exclusion (M3)

CERTIFICATE OF ECONOMIC AND FINANCIAL CAPACITY AND RELATED DOCUMENTS

- Statement on the 2009 turnover with authorised signature (M4)

CERTIFICATE OF TECHNICAL CAPACITY AND RELATED DOCUMENTS

- Statement on the references of the previous 36 months (M5)
- Certificate of references (Only if necessary)
- Statement on experts (M6)
- CV's of experts

OTHER DOCUMENTS

- Extract from the trade register of companies
- Application for registering changes (only if company details related changes are in progress)
- Specimen signature/sample signature/authorisation (The latter only if necessary)
- Statement of applicants for joint participation (Only if necessary, M7)
- Statement of foreign based applicants, subcontractors contributing more than 10%, supplier of resources (Only for foreign based organisations, M8)
  
- Commitment statement of the supplier of resources pursuant to Section 4. 3/D. of the Kbt. (Only if necessary, M9)
- If the provisions set forth in Section 685/B. of the Civil Code (Ptk.) do not exist, the agreement between the applicant and the supplier of resources (Only if necessary)
- Statement on complementary information (M10)
- Registration form (M11)
- Company presentation
- Any other documents required to be submitted in the Invitation to Participate and the Participation Documents, with the content detailed therein.

**In accordance with Section 54. §. (1) of the Kbt. the Contracting Authority will specify the following documents from among the above documents which will be treated as false if the conditions set out in Section 4. §. 9/A. of the Kbt. exist:**

- Application Form,
- Statement of Intent to Bid,
- Statement of grounds for exclusion.

## **Informative description of tasks for the second, tendering phase of the procedure**

ITD Hungary - The Hungarian Investment and Trade Development Agency seeks proposals for development of a competitive investment promotion strategy, in order to enhance freight flow and attract manufacturing and logistic investments in the Záhony region/Hungary.

The Hungarian government's New Hungary Development Plan identifies key development targets for the years until 2013 and includes a complex economic development concept for Záhony and its surrounding area. A total of nearly EUR 128 million will be invested in this project from EU and domestic budget sources. The main elements for the program include the following:

- Development of an industrial site to accommodate manufacturing and distribution facilities
- Infrastructure development to boost the economy and logistic potential by developing and expanding the road and rail – both wide and standard gauge - infrastructure.
- Support for small and medium size enterprises in the region.
- Development of medium and higher education and retraining helping economic and logistics activity
- Economic and transport policy diplomacy and international marketing programs.

The Záhony logistic region is one of the logistic hubs of Hungary, located at a strategic point on the European transport corridor nr. V. Infrastructure development and extension will be implemented in the frame of the government's development program. Through the increasing trade flow from Far-East the region has great potential on intermodal transportation, based on the link of the CIS's wide-gauge and the European standard railway systems and a strong logistic service background.

The strategy would serve as a basis for the international marketing action plan.

New investments in manufacturing and distribution as well as increasing freight flow are criteria for the economic development of the region through their role in generating the logistic activity, using of the existing reloading capacity, development of the local enterprises, increasing the employment, generating tax-incomes, etc.

On international field the marketing program of the region can not be separated from the positioning of the country's logistic advantages and the investment environment.

In order to identify the advantages, to determine and promote the competitiveness of the Záhony region/Hungary as a favorable location for manufacturing and distribution centers serving the countries of the geographical Europe ITD Hungary would like to launch a project of developing a comprehensive investment promotion strategy.

The aim of the project is in order to boost investments to distinguish the region in a favorable manner and also to recognize fields with the need of improvement as well as to find powerful selling arguments for a successful pro-active campaign, by

- defining the current and future trends, needs and developments in the field of global freight and logistics, especially focused on the freight flow potential between Far-East and Europe on the land way and the TEN-T corridors passing Hungary.

- carrying out an objective assessment of Záhony region/Hungary's competitive advantages, strengths and weaknesses regarding the freight flow potential, location, infrastructure, services, prices, service providers, investment environment.
- evaluating the different factors (price, capacity, transit time, service, delivered products, etc.) of rail transportation between Far-East and Europe in comparison to sea-transportation
- benchmarking Záhony region/Hungary against competing locations, define the unique characteristics, distinctiveness
- identifying the most promising target countries and target sectors (with subsectors) with high potential for generating manufacturing and DC investment projects, as well as generating freight flow to Záhony region
- defining key selling arguments tailored to the requirements of the targeted regions, and sectors; including cost and transit time analyses of supply chain structure- location scenarios
- advising on the improvements for higher attractiveness
- advising on communication tools to reach target groups

*The budget for the above project is of the order of net HUF 8 Million (appr 29.600 EUR ).*

The proposal requested in the second phase of the procedure shall contain the methodology and main steps of the study; the countries to be involved in the benchmarking; type, source of data serving the basis of analyses; the way of collecting relevant data; the price; the undertaken time-limit for making the study; experience in manufacturing and/or DC/logistics location search for multinational companies or IPAs; references; presentation of the members of the international team with professional background and any other issues that can be of importance.

## **Detailed description of the documents to be submitted**

### 1. Application Form (M1 sample document)

The Application Form shall contain

- Details of applicant(s) (name, headquarters, contact person's name, e-mail address and fax number; for joint applicants, name and headquarters of each applicant),
- Applicants' authorised signature (for joint applicants, at least the representing company shall provide authorised signature),
- The date.

### 2. Table of contents

Please, insert a table of contents with page numbers in the tender.

### 3. Statement of Intent to Bid (M2 sample document)

It shall be submitted with authorised signature, completed, with content in accordance with the M2 sample of the present Documents in original copy or authentic reproduced copy. In the case of joint application, each joint applicant shall provide authorised signature.

### 4. Statement on grounds for exclusion (M3 sample document)

The statement on grounds for exclusion shall be submitted with content in accordance with the sample of the present Documents, with authorised signature, completed, in original copy or authentic reproduced copy.

### 5. Statement on 2009 turnover (M4 sample document)

Statement on net turnover from the works pursuant to the subject of 2009 public procurement with authorised signature shall be submitted in original copy or authentic reproduced copy.

### 6. Presentation of the references of the previous 36 months (M5 sample document)

The most significant works of the 36 months preceding the date of dispatch of the Invitation to Tender with regard to the subject of the procurement shall be presented in a statement in original copy or authentic reproduced copy, with authorised signature.

### 7. Certificate of references

In accordance with Section 68 Subsection (1) Paragraphs a.) and b.) of the Kbt., it is necessary to support the work (works) presented in statement by a certificate of references (in a simple copy, however, the Contracting Authority will accept original or authentic reproduced copy too) when the other party concluding the contract is an organisation pursuant to Section 22 Subsection (1) Paragraphs a)–e), that is, belongs to the following:

a) the Ministry, the Prime Minister's Office, and the central purchasing entities authorised to conduct centralised procurement procedures;

b) the State, the central budgetary agencies other than those mentioned in Paragraph a), and their departments vested with limited powers for making purchases financed from the operating budget provided under specific other legislation, subject to authorisation by the head of the body supervising this particular chapter, in respect of the purchases deemed necessary for fulfilling their principal duties the managers of extra-budgetary funds and budgetary agencies of the social security system;

c) national self-government bodies of minorities and national budgetary agencies of minority self-government bodies;

d) local governments, local minority self-government bodies, associations of local self-governments, single central purchasing entities authorised by local governments to conduct centralised local procurement procedures, publicly funded local government bodies, publicly funded agencies of local minority self-government bodies, associations of local governments for regional development, county development councils, territorial development councils and regional development councils;

e) repealed.

If the tenderer (subcontractor contributing more than 10% or supplier of resources) is entitled through legal succession to use the legal predecessor's references, then the deed certifying lawful use (e.g., deed of demerger and list of reference works) shall be also attached.

The certificate(s) of references shall be attached in a simple copy but the Contracting Authority will accept original and authentic reproduced copy too.

The certificate of references contains at least the following: name and address of the other party concluding the Contract; definition of the subject of the service of which it can be clearly established that it corresponds to the requirements set out as capacity criteria; total net amount of valuable consideration – if applicable – and/or the net amount of own completion by the applicant, (in the case of several participants, the form of enterprise, fields and rates of participation); time of completion (day, month, year) and the statement on the quality of completion made by the other party who concludes the Contract.

The certificate of references shall be set out to the address of the applicant/subcontractor contributing more than 10%/supplier of resources (or their legal predecessors).

#### 8. Statement on available experts (M6 sample document)

The tenderer shall make a statement (in original or authentic reproduced copy with authorised signature) that:

- it has minimum 1 x expert having experience in study completion with at least 3 years' practice in logistics activity and/or providing advisory service,
- it has minimum 1 x expert having experience in study completion with at least 5 years' practice in advisor's activity regarding site selection.

#### 9. Curriculum vitae of experts

Regarding the experts presented on the statement pursuant to the M6 sample document, their CV's with their autograph signature shall be attached in original or authentic reproduced copy, of which it can be clearly established that they have the experience set as condition of capacity.

10. Extract from the trade register of companies and application for registering changes

In accordance with the provisions set out in paragraph V.7 of the Invitation to Participate, the tenderer and the subcontractor contributing more than ten percent of the procurement value intended to be employed shall attach their extract from the trade register not older than 30 days preceding the time-limit for receipt of requests to participate (for sole traders/entrepreneurs, the entrepreneur card) in a simple reproduced copy but the Contracting Authority will accept original copies or authentic reproduced copies too. If registration of changes related to the company data is in progress, it will be necessary to attach the application for registering changes in a simple reproduced copy.

11. Specimen signature/sample signature/authorisation

It is obligatory to submit the specimen signature in a simple copy (but the Contracting Authority will accept original copies or authentic reproduced copies too) of the person, persons authorised to sign on behalf of the company who sign the tender; in the case foreign tenderers, certificate on authorisation to sign on behalf of the company in accordance with the requirements of the country of residence.

If any statement included in the tender is signed or specific pages of the tender are initialled by a person who is not included as authorised to represent in the extract from the trade register, then in order to certify its right to sign a valid authorisation containing also the signature of the authorised person shall be attached in authentic copy but the Contracting Authority will accept original copies too.

12. Statement of joint applicants (M7 sample document)

In the case of application for joint participation, a statement with the content in accordance with the present M7 sample document, with authorised signature of all applicants shall be attached in original or authentic reproduced copy.

13. Statement of foreign applicant, subcontractor contributing more than 10%, supplier of resources (M8 sample document)

Foreign based applicants, subcontractors contributing more than 10% and suppliers of resources as set out in Section 4 Subsection 3/D. of the Kbt. shall attach to their application a statement as to in their country of residence what certificates comply with the certificates regarding obligations to pay taxes, customs duties or social security contributions set forth in Section 60 Subsection (1) Paragraph e) of the Kbt.

14. Commitment statement of supplier of resources (M9 sample document)

Section 4 Subsection 3/D. of the Kbt. *supplier of resources*: a body or person, other than a subcontractor, who supplies to the tenderer the resources necessary for the execution of the contract.

The supplier of resources pursuant to Section 4 Subsection 3/D. of the Kbt., if it is employed, shall submit a statement on commitment in original or authentic reproduced copy which contains the technical capacity criteria with respect to which it will supply resources.

In accordance with Section 4 Subsection 3/E. of the Kbt., the Contracting Authority calls the attention of Tenderers to the point that the technical capacity criteria required in the present public procurement procedure will be certified with a supplier of resources only in the event that majority control exists between the tenderer and the supplier of resources in accordance with Section 685/B of the Civil Code. If majority control pursuant to Section 685/B of the Civil Code exists, the commitment statement of the supplier of resources shall be attached in original or authentic reproduced copy with authorized signature.

15. Statement on complementary information (*M10 sample document*)

The tenderer shall make a statement (in original or authentic reproduced copy) that it has received the complementary information issued during the procedure and it has fully taken it into account when making its tender.

16. Registration form (*M11 sample document*)

It is by re-sending the registration form that it shall be indicated to the Contracting Authority that a candidate intends to take part in an announced public procurement procedure as a potential applicant. The completed registration form shall be sent to the fax number +36-1/473-8245 before the end of the time-limit for receipt of requests to participate; failing which no valid application shall be made!

18. Company presentation

Please, attach to the application a brief company presentation on the applicant who requests to participate (in the case of applicants for joint participation, on all applicants) which describes the company's activity (free format).

## M1 – APPLICATION FORM

1. Details of applicant:

Name of applicant/consortium:

Headquarters:

Name of contact person at applicant:

Telephone:

Fax:

E-mail address

2. Subject of application:

**“Development of a competitive investment promotion strategy for the Záhony region”**

Date.....

.....

authorised signature

## M2 – STATEMENT OF INTENT TO BID

**With regard to the accelerated restricted public procurement tender issued by ITD Hungary Zrt. and entitled “Development of a competitive investment promotion strategy for the Záhony region”,**

the undersigned company ..... (applicant),  
.....(headquarters) , represented by: .....

### **m a k e s t h e f o l l o w i n g s t a t e m e n t :**

- We have read and accepted without reservation or restriction terms and conditions of the Invitation to Participate and Participation Documents of the above-mentioned public procurement procedure.
- We acknowledge that in the event of an application by consortium, the identity of individual applicants may not change during the procurement procedure or in the course of fulfilment of any contract agreed on the basis thereof. We are also aware that joint applicants shall have joint and several liability for both the procurement procedure and any contract agreed on the basis thereof.
- We accept that insofar as a contract is agreed in the second phase of the process on the basis of our successful bid, we are obligated to fulfil this contract.

We declare that in accordance with Section 105 Subsection (3) of the Public Procurement Act, we shall not employ subcontractors contributing less than 10% of the total value of the contract if they are subject to any grounds for exclusion as set out in Section 60 Subsection (1) and Section 61 Subsection (1), Paragraph (d) of the Public Procurement Act.

- In accordance with Section 105 Subsection (1) Paragraph a) of the Kbt. we declare that we wish to agree contracts with third parties for the following sub-projects of the public procurement tender without naming these parties/persons:

There is no such sub-project/For these sub-projects:<sup>1</sup>

Name of sub-project:

Name of sub-project:

- In accordance with Section 105 Subsection (1) Paragraph b) of the Kbt. we declare that the we intend to employ the following subcontractors contributing more than 10% of the procurement value in the fulfilment of the contract:

- We do not intend to employ any subcontractors. <sup>2</sup>

- We intend to employ the following subcontractors:

- 1. Name and headquarters of subcontractor:

- Description of the part of the procurement project to which the subcontractor will contribute:

- 2. Name and headquarters of subcontractor:

- Description of the part of the procurement project to which the subcontractor will contribute:

- In accordance with Section 105 Subsection (1) Paragraph c) of the Kbt. we declare that we intend to use the following suppliers of resources:

- 1. Name and headquarters of supplier of resources:

- 2. Name and headquarters of supplier of resources:

- We do not intend to use supplier of resources. <sup>3</sup>

We further declare that majority influence, as defined in Section 685/B of the Civil Code (Ptk.), between our company and the above-described supplier of resources:

- exists

- does not exist<sup>4</sup>

As the undersigned, I declare that I am familiar with and abide by the content of this request to participate, comprising ..... numbered, stapled pages, and confirm that all information contained within it is accurate.

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<sup>1</sup> To be completed by the applicant; underline as appropriate

<sup>2</sup> Underline as appropriate

<sup>3</sup> Underline as appropriate

<sup>4</sup> Underline as appropriate

Date:.....

.....

authorised signature

Note: In the event of a consortium bid, identical copies of this statement must be signed by all individual applicants.

### M 3 - STATEMENT

With respect to Section 60 Subsection (1) Paragraphs a)-h), Section 61 Subsection (1) Paragraphs a)-d) of Act CXXIX of 2003 on Public Procurement (Kbt.)

The undersigned company ..... (applicant), represented by  
.....

**with regard to the accelerated restricted public procurement procedure issued by ITD Hungary Zrt. on "Development of a competitive investment promotion strategy for the Záhony region"**

**m a k e s t h e f o l l o w i n g s t a t e m e n t :**

The grounds for exclusion set forth in the Public Procurement Act (Kbt.) do not exist against us, in accordance with which an entity shall not be an applicant who:

Section 60 Subsection (1) of the Kbt.:

- a) is being wound up, or is under bankruptcy or liquidation proceeding, or if the tenderer (subcontractor) is adjudicated in a similar proceeding under national laws, or who is any analogous situation arising from a similar procedure under national laws and regulations;
- b) has suspended its activities or whose operations had been suspended;
- c) has been convicted of a criminal offence concerning his economic or professional conduct by a judgment which has the force of *res judicata*, until exonerated from the detrimental consequences of having a criminal record; or whose activities are restrained for any period by final court verdict pursuant to Paragraph b) or g) of Subsection (2) of Section 5 of Act CIV of 2001 on Criminal Sanctions in Connection with the Criminal Liability of Legal Persons, or if the tenderer's operations are restrained by final court order for similar reasons;
- d) has been excluded for any period from participating in public procurement procedures;
- e) has not fulfilled obligations relating to the payment of taxes, customs duties or social security contributions for over a year in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority, unless deferred payment has been authorised;
- f) has been found guilty of serious misrepresentation in supplying false information in a public procurement procedure that has been concluded within three years, and was excluded from the procedure in consequence, until the end of the period specified in the final and binding decision;
- g) has been found guilty by a final administrative or court ruling adopted within the preceding two years and sanctioned by employment penalty or default penalty under the Act on the Rules of Taxation for any infringement specified in Paragraph a) of Subsection (5) of Section 15 of Act XXXVIII of 1992 on Public Finances (hereinafter referred to as "PFA");

h) has committed any criminal act in affiliation with organised crime by definition of the Criminal Code, or if engaged in bribery or bribery in international relations, in any violation of the financial interest of the European communities, or if involved in money laundering operations, or any crime of similar nature under the laws of his home country, if found guilty of such crime by final court verdict which has the force of *res judicata*, until exonerated from the detrimental consequences of having a criminal record;

Section 61 Subsection (1) of the Kbt.:

- a) has been convicted of a misdemeanour offence concerning his economic or professional conduct by a judgment made within five years to date, which has the force of *res judicata*;
- b) has been found guilty and sanctioned within the preceding five years of a legal offence committed in a public award procedure by final and executable decision of the economic competition authority under Section 11 of the UMPA or under Article 81 of the Treaty establishing the European Community, or by final executable court ruling passed in conclusion of the judicial review of the said decision of the economic competition authority; or if the tenderer has been condemned for a similar misdemeanour offence by another competition authority or court within the preceding five years;
- c) has been sanctioned by a final administrative or court ruling for any breach of obligation in connection with a public procurement contract within the preceding five years;
- d) is not registered in the country where established;

Date:.....

.....  
Authorised signature

**M4 - STATEMENT**

With respect to Section 66 Subsection (1) Paragraph c) of Act CXXIX of 2003 on Public Procurement

I, the undersigned ..... (name) as the representative of .....(company name) authorised to sign on behalf of the company – in accordance with the provisions set forth in Section 66 Subsection (1) Paragraph c) of the Kbt. herewith make a statement on the

.....  
**applicant's/subcontractor's contributing more than 10 % /supplier's of resources \***

turnover of (the study made and/or advisory activity performed for multinational companies and investment agencies in selection of permanent establishment for production and/or service providing and/or logistics activity) pursuant to the subject of 2009 public procurement:

	<b>Turnover pursuant to subject of public procurement (net HUF)</b>
Year 2009	

I make the present statement as part of the request to participate in **the accelerated restricted public procurement procedure issued by ITD Hungary Zrt. on "Development of a competitive investment promotion strategy for the Záhony region**

Date: .....

.....  
authorised signature

Note:

*\*Underline as appropriate.*

*\*\*In the event of foreign applicant, please, convert turnover to HUF on the grounds of the mean rate of exchange of the Hungarian National Bank (MNB) prevailing on the date of the dispatch of the Invitation to Participate – 28 January 2010 – applicable to the effective means of payment of the country of registered office!*

**M5 - STATEMENT**

**With respect to Section 67 Subsection (3) Paragraph a) of Act CXXIX of 2003  
on Public Procurement (Kbt.)**

**”Development of a competitive investment promotion strategy for the Záhony region”**

The undersigned ..... (represented by .....) as applicant, after carefully reading and understanding all form and content requirements, instructions, stipulations and description of tasks set out in the Participation Documents – in accordance with the provisions set forth in Section 67 Subsection (3) Paragraph a) of the Kbt. declare that

I intend to present the following references in the 36 months preceding the date of dispatch of the Invitation to Participate with respect to paragraph III.2.3.) M1 of the Invitation to Participate: (study made and/or advisory activity performed for multinational companies and investment agencies in selection of permanent establishment for production and/or service providing and/or logistics activity (discharged (completed) for at least 3 x different principals):

<b>Description of the subject of the service provided</b>	<b>Name and address of the other party concluding the contract</b>	<b>Net amount of valuable consideration in HUF or other data referring to quantity</b>	<b>Date of completion (day, month, year, date of commencement and completion)</b>	<b>Has the quality of completion been in conformity with the contract?</b>

--	--	--	--	--

Date: .....

.....  
authorised signature

Note:

\* Underline as appropriate.

*The table may be extended by optional number of lines!*

*If the tenderer (subcontractor contributing more than 10% or supplier of resources) is entitled through legal succession to use the legal predecessor's references, then the deed certifying lawful use (e.g., deed of demerger and list of reference works) shall be also attached.*

*If the case as set out in Section 68 Subsection (1) Paragraph a.) of the Kbt. exists, it is mandatory to attach to the above statement the certificates of references, at least with data content determined in the Invitation to Participate or the above table. (Please, possibly indicate references certified by certificate of references on this statement.)*

*In the case as set out in Section 68 Subsection (1) Paragraph b.) of the Kbt., both the statement made with the above content and the certificate of references with proper content will be accepted. (Please, possibly indicate references certified by certificate of references on this statement.)*

*In the case of foreign applicant, if the net HUF amount of valuable consideration is specified, please, convert same to HUF on the grounds of the mean rate of exchange of the Hungarian National Bank (MNB) prevailing on the date of the dispatch of the Invitation to Participate – 28 January 2010 – applicable to the effective means of payment of the country of registered office!*

**M6 –PRESENTATION OF EXPERTS RESPONSIBLE FOR COMPLETION**

In the open public procurement procedure issued by ITD Hungary Zrt. on **”Development of a competitive investment promotion strategy for the Záhony region”** we intend to involve the following experts:

<b>Requirement</b>	<b>Name</b>
At least 1 x expert who has minimum 3 years' experience in logistics activity and/or providing advisory service.	
At least 1 x expert who has minimum 5 years experience in advisor's activity regarding selection of permanent establishment.	

Date:.....

.....  
Authorised signature

Note: The CV's of the experts named on this statement signed by autograph signature shall be attached to the request to participate!

**M7 – FOR APPLICATION FOR JOINT PARTICIPATION**

**Open public procurement procedure issued by ITD Hungary Zrt. on "Development of a competitive investment promotion strategy for the Záhony region"**

..... (company name) and ..... (company name) jointly submit request to participate in the public procurement procedure on the above subject announced by ITD Hungary Zrt.

Herewith we declare that we have read and understood all terms and conditions set out in the Invitation to Participate and the Participation Documents, and by our present statement we accept them.

In accordance with the above, if we are selected as the winning tenderer in the tendering phase, we shall complete the contract by assuming joint and several liability.

By joint will herewith we declare that ..... (company name) ..... (registered office) as leader of the consortium shall have full powers to represent applicants and tenderers for joint participation, and to proceed on their behalf.

Date: .....

.....  
authorised signature

.....  
authorised signature

Note:  
*Each member of the application in consortium shall sign the statement.*

**M8 – STATEMENT OF FOREIGN APPLICANT, SUBCONTRACTOR  
CONTRIBUTING MORE THAN 10%,  
SUPPLIER OF RESOURCES**

with respect to Section 60 Subsection (1) Paragraph e) of the Kbt.

Open public procurement procedure issued by ITD Hungary Zrt. on **”Development of a competitive investment promotion strategy for the Záhony region”**

I, the undersigned ..... (name) as the representative of ..... (company name) authorised to sign on behalf of the company in accordance with the provisions set forth in Section 63 Subsection (1) of the Kbt. herewith declare that in the legal system of the country of residence of our company the following certificates and/or statements comply with the provisions set forth in Section 60 Subsection (1) Paragraph e) of the Kbt.:

Section 60 Subsection (1) Paragraph e) of the Kbt. (certifying obligation to pay tax, customs duty or social security contribution)	
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Date: .....

.....  
authorised signature

*Note: The statement shall be completed separately by each of the foreign applicant, members of foreign application consortium, foreign subcontractor contributing more than 10% and foreign supplier of resources.*

**M9 - STATEMENT**  
**regarding commitment of the supplier of resources involved**

I, the undersigned .....(name) as the representative/authorised representative of

.....  
(Exact company name of the supplier of resources)

.....  
(Exact registered office of the supplier of resources, and indication of the country if the country of residence is not Hungary)

authorised to sign on behalf of the company make a statement that as a supplier of resources pursuant to Section 4 Subsection 3/D and Section 65 Subsection (4) Paragraph a.) of the Kbt., in the open public procurement procedure issued by ITD Hungary Zrt. on **”Development of a competitive investment promotion strategy for the Záhony region”** I make my resources available to .....(company name)

the Applicant during the term of the completion of the contract, with respect to the capacity criteria set out below:

1. (specify capacity criterion)
2. ((specify capacity criterion)

I declare that majority control determined in Section 685/B of the Civil Code (Ptk.) exists/does not exist between me and the applicant.\*

Date:.....

.....  
authorised signature

\*Note: Underline as appropriate.

**M10 – STATEMENT  
on complementary information**

Open public procurement procedure issued by ITD Hungary Zrt. on **”Development of a competitive investment promotion strategy for the Záhony region”**

The undersigned ..... (represented by ..... ) declares that in the above-mentioned public procurement procedure it has taken over all complementary information in number ..... issued during the participation phase and it has taken them into account when making its present request to participate.

Date:.....

.....  
authorised signature

## M11 - REGISTRATION FORM

Open public procurement procedure issued by ITD Hungary Zrt. on **”Development of a competitive investment promotion strategy for the Záhony region”**

Details of the company that intends to take part in the public procurement procedure as

applicant:

Name:

Registered office:

Tel:

Fax:

Contact person’s name:\_\_\_\_\_

Telephone number:

E-mail:

Date:.....

.....

authorised signature

**To be sent completed to the fax number +36-1/473-8245 before the end of the time-limit for receipt of requests to participate!**

*It is by re-sending the registration form that it shall be indicated to the Contracting Authority that a candidate intends to act as a potential applicant in the announced public procurement procedure.*

*The Contracting Authority will ensure that it will use the data provided above solely and only in relation to the given public procurement procedure, and will not disclose them to a third party.*