



## Appendix 4 – Form of the Tenderer’s Declaration

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to the Procedure for the submission and selection of investment proposals for the establishment of ~~corporate venture~~ capital funds under the BRIDGE VC Programme financed through the PFR NCBR CVC FIZ and Private Investors’ funds

<b>1. Type of Tenderer</b>
<input type="checkbox"/> Fund Manager <input type="checkbox"/> Existing capital fund
<b>2. TENDERER’ DETAILS</b>
<p>Tenderer (full name/corporate name or first name and surname)<sup>1</sup></p> <p>Tenderer’s address:</p> <p>Number of entry in the National Court Register (KRS)<sup>2</sup> for the Tenderer (complete if applicable):</p> <p>The Tenderer’s personal identification number PESEL<sup>3</sup> (complete if applicable):</p> <p>Person responsible for contacts with the Call Organiser:</p> <p>Electronic mail (email) address and telephone number of the person responsible for contacts with the Call Organiser:</p> <p>Contact details for correspondence related to this Call:</p> <p>1) electronic mail (email) address: or 2) fax number:</p> <p>Correspondence address (if different than the Tenderer’s address stated above):</p>

### TENDERER’S STATEMENT<sup>4</sup>

#### 1. Status and authorisation of the Tenderer

1.1. The Tenderer has been duly incorporated and operates in compliance with the governing law of the place of incorporation and/or registration of the Tenderer<sup>5</sup>.

1.2. The Tenderer has full capacity and authorisation to submit the Tender in connection with the Call Procedure and to accomplish the objectives of the Call.

1.3. Required consents:

<sup>1</sup>Where the Tenderer is a group of natural persons, please enter the first names and surnames as well as addresses and PESEL (personal ID) numbers of all the natural persons.

<sup>2</sup> or its equivalent for a Tenderer with a registered office outside Poland.

<sup>3</sup> or its equivalent for a Tenderer who is not a Polish national.

<sup>4</sup> Where the Tenderer is a group of natural persons, the statement should be signed separately by each natural person.

<sup>5</sup> Where the Tenderer is a natural person, this item should be deleted.



The submission of the Tender does not require the Tenderer to obtain any consent, approval, notification or registration by any public administration body, local government or any other body and/or third party (including also under any contract or agreement).

The following consents/permits are required for the Tenderer to submit the Tender<sup>6</sup>:  
.....  
.....  
.....

1.4. The Tenderer is not in liquidation or bankruptcy, and/or no public collective insolvency proceedings been initiated and there are no grounds for opening such proceedings against the Tenderer for the purpose of rescue, adjustment of debt, reorganisation or liquidation within the meaning of Article 1.1 (1) (without the last sentence) of Regulation (EU) 2015/848 on insolvency proceedings <sup>7</sup>(OJ L 14, 5.6.2015, p. 19).

1.5. No criminal proceedings are pending against any members of the Tenderer's managing and supervisory bodies in connection with the commitment of any business-related offence, nor have the Tenderer or any members of its governing bodies been convicted for any such offences.<sup>8</sup>

1.6. The Tenderer, including natural persons forming the Tenderer is not/will not be subject <sup>9</sup>to exclusion from access to funding referred to in Article 207 of the Act of 27 August 2009 on public finance (Journal of Laws of 2016, item 1829, as amended).

1.7. The Tenderer, including natural persons forming the Tenderer, has no overdue social security contributions, health insurance premiums, taxes or other levies under public law.

**2. Information provided in the Tender**

- 2.1. The Tenderer has read the Call Procedure and accepts it without any reservation.
- 2.2. The information, including statements and representations, contained in the Tender, are true and accurate, and present a full, fair and true view of the legal and financial situation of the Fund Manager and/or the capital fund.
- 2.3. The Tenderer meets/will meet<sup>10</sup> the requirements set out in Regulation No. 651/2014, in particular its Article 7 (1) and (2).

**3. Object of business and investment policy of the [EVCCapital Fund](#)**

- 3.1. The primary object of business of the [EVCCapital Fund](#) shall be to invest in the development of Investment Targets in investment financing rounds A or B (by way of exception, seed investments and round C Follow-on Investments shall be allowed).
- 3.2. The [EVCCapital Fund](#) shall comply with the provisions of the Act of 16 November 2000 on the prevention of money laundering and the financing of terrorism (Journal of Laws of 2017, item 1049, as amended).

<sup>6</sup> Please name the entity/person whose consent/permit is required and additionally present a document confirming such consent/permit.

<sup>7</sup> Where the Tenderer is a natural person, this item should be deleted.

<sup>8</sup> Where the Tenderer is a natural person, this item should be deleted.

<sup>9</sup> The option "will not be subject" applies to a situation where the [EVCCapital Fund](#) has not yet been established. Delete as appropriate.

<sup>10</sup> The option "will meet" applies to a situation where the [EVCCapital Fund](#) has not yet been established. Delete as appropriate.

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3.3. The [EVCCapital](#) Fund shall not maintain business relationships with entities incorporated in territories whose jurisdictions do not cooperate with the European Union in the application of tax standards agreed upon at the international level.

3.4. The [EVCCapital](#) Fund shall comply with the applicable provisions of the law, including the provisions concerning Structural Funds of the European Union.

**4. The Tenderer's statements related to state aid**

4.1. The Tenderer has/has not received (*delete as appropriate*) state aid within the meaning of Article 107 (1) TFEU.

No	Aid provider	Legal basis of the aid received	Form of aid	Date of aid provision (day-month-year)	Gross value of aid		Eligible expenditure covered by state aid <sup>11</sup>
					in PLN	in EUR	
<b>Total value of state aid</b>							

4.2. The Tenderer is not subject to the obligation to return state aid pursuant to a decision of the European Commission declaring such aid to be illegal and inconsistent with the internal market.

4.3. The information contained in this Statement concerning state aid, including de minimis aid, is in compliance with the provisions of the Act of 30 April 2004 on procedural issues concerning state aid (Journal of Laws of 2016, No 59, item 1808, as amended) and with the provisions of the relevant aid scheme.

**5. Conflict of interest**

5.1. The Tenderer represents and warrants that there is no conflict of interest regarding its management and supervisory bodies for any of the reasons set out in §11 of the Call Procedure.

5.2. The Tenderer agrees to immediately notify the Call Organiser of any circumstances constituting a conflict of interest rendering untrue the statement in Section 5.1 above.

**6. Consent to due diligence in the event the Tender is selected through the Call**

6.1. The Tenderer consents to the conduct, prior to signing the Investment Agreement, by the Call Organiser or its professional advisers, of a due diligence of the Tenderer, including in order to determine whether the Tenderer is an entity authorised to submit the Tender under the terms and conditions set out in the Call Procedure. At the request of the Call Organiser or its professional advisers, the Tenderer agrees to deliver any and all documents confirming the Tenderer's authority to submit the Tender as well as other information and documents for the purpose stated above.

**7. Other statements**

<sup>11</sup> Please indicate which eligible expenditure the aid has been granted for. In the case state aid does not distinguish eligible expenditure (e.g. de minimis aid), please indicate the project implemented with state aid funds.

7.1. The Tenderer represents that Private Investors have declared to provide contributions to the [CVCCapital](#) Fund in the amount stated in the Tender.

7.2. The Tenderer agrees to cause at least two Members of Key Personnel to commit at least 80% of their professional time to the activities of the [CVCCapital](#) Fund, and the time commitment of other Team members will be adequate to the size of the [CVCCapital](#) Fund and its Investment Strategy, and the Tenderer shall ensure the efficient performance of the investment schedule.

~~7.3. The Tenderer who is a natural person or the persons forming the Tenderer consent to the processing of the personal data contained in any documents submitted in connection with the Tenderer's Tender (including the data contained in this statement) by the Call Organiser or other authorised entities for purposes related to the analysis of the Tender, in compliance with the Act of 29 August 1997 on protection of personal data (Journal of Laws No 2016, item 922).~~

~~7.4.~~ 7.3. The Tenderer consents to the disclosure by the Call Organiser, at any time, of information about the Tenderer, received by the Call Organiser in connection with the Tender, to entities belonging to the corporate group of which the Call Organiser is a member, and to [Bank Gospodarstwa Krajowego, TFI BGK, BGK PFR TFI](#), PARP, NCBR and the competent ministry in charge of management of the SG OP (managing entity).

~~7.5.~~ 7.4. The Tenderer agrees to submit to any audit carried out by audit and control bodies of the Republic of Poland, the European Commission and the European Court of Auditors.

~~7.6.~~ 7.5. The Tenderer declares that should any information contained in this statement change during the period from the submission of the Tender to the signing of the Investment Agreement, the Tenderer shall immediately notify the Call Organiser thereof.

~~7.7.~~ 7.6. I hereby undertake to keep confidential any and all documentation, data and information obtained from PFR NCBR CVC or the Call Organiser, in particular data constituting business secrets within the meaning of Article 280 of the Act of 27 May 2004 on investment funds and the management of alternative investment funds (Journal of Laws of 2016, item 1896) (hereinafter referred to as the "Act"), which the [Tenderer/Private Investor/Corporate Investor] may come into my possession in the course of the Call procedure.

~~7.8.~~ 7.7. This statement forms an integral part of the Tender.

## **8. Information on the processing of personal data**

Personal data contained in any documents submitted in relation to the Tender (with the data contained in the present statement included) is processed by PFR Ventures and/or PFR NCBR CVC and other authorized entities for purposes related to the analysis of the Tender, in accordance with legal regulations and complies with the conditions set forth under Art. 6(1)(c) of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (hereinafter referred to as "GDPR") – personal data is necessary for the implementation of the 2014-2020 Smart Growth Operational Program, inter alia pursuant to:

- 1) Regulation (EU) 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006;

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2) [the Act of 11 July 2014 on the implementation of cohesion policy-related programs funded under the 2014–2020 financial perspective](#)

[The provision of data is necessary for participation in the tendering procedure.](#)

[I hereby acknowledge that:](#)

- a) [The personal data included in the wording of the Tender, processed as part of the data set titled “2014-2020 Smart Growth Operational Program” are controlled by the minister relevant for regional development, with their seat at the Ministry of Investment and Development, at ul. Wspólna 2/4, 00-926 Warsaw, acting in the capacity of the Smart Growth Operational Program’s Managing Institution. PFR Ventures and PFR TFI act to the order of the National Centre for Research and Development – an Intermediary Institution, with whom the Data Administrator has entered into an agreement for implementation Sub-measure 1.3.2 Public-private support for R&D work with capital fund participation – BRIDGE VC.](#)
- b) [the personal data are processed in accordance with personal data protection regulations, for the purpose of acquiring and selecting tenders for financial intermediaries of PFR NCBR CVC FIZ AN.](#)
- c) [the scope of the data processed includes data presented in the Tender, i.e: first and last name, address, telephone number, e-mail, website address, information on business activity/company name, description of professional experience.](#)
- d) [the expected recipient of the personal data is PFR Ventures Sp. z o.o.; PFR NCBR CVC FIZ AN and entities authorized to control the activity of PFR Ventures Sp. z o.o., in relation to the management of the closed-end non-public investment fund portfolio \(in particular the Polish Financial Supervision Authority and PFR TFI SA\); in relation to funding agreements under the 2014-2020 Smart Growth Operational Program \(in particular the Ministry of Investment and Development and National Centre for Research and Development\), as well as other authorized entities, for purposes related to analyzing the Tender.](#)
- e) [I have the right to access, amend and supplement my data, and to object their processing, and have the right to lodge a complaint to the President of the Data Protection Office, if the processing thereof is performed in violation of GDPR;](#)
- f) [the personal data may be disclosed to other entities authorized pursuant to applicable legal regulations;](#)
- g) [the personal data included in the Tender will be processed over the term of the program, for archiving and control-related purposes; they may be stored over a period of time set forth in the regulations concerned with the provision of EU-funded financial support;](#)
- h) [the personal data will not be processed in an automated manner \(including profiling\)](#)
- i) [I may contact the Data Protection Officer appointed by the Controller, by sending an e-mail to: iod@miir.gov.pl, or the data processor, at: kontakt@pfrventures.pl](#)

**SIGNATURES:**

_____ First name and surname of the Tenderer / person authorised to represent the Tenderer
_____ Signature of the Tenderer/ Signature of the person authorised to represent the Tenderer

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Date, place

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