

TENDERER DECLARATION of

.....
(full company name)

We hereby declare that

- We offer the performance put out to tender at the prices that we have indicated in our offer;
- We are authorized to render the performance and have already rendered performances similar in type and scope;
- We have examined the tendering documents, consent to the provisions contained therein and acknowledge them as binding for a future contractual relationship;
- We have understood that this tender is not a public procurement procedure under the Austrian law, and we have no possibility to challenge it (in part or in full) before the Austrian Federal Administrative Court or any other court in Austria.
- If we were awarded the feasibility study, we expressly give consent to the arrangement that Vienna is the exclusive legal venue and that only Austrian law will apply to all (legal) disputes in connection with the feasibility study and to the exclusion of the UN Convention on contracts for the international sale of goods and conflict-of-laws rules in international law;
- We are willing and able to render the performances put out to tender at the tendering conditions and will abide by our tender until the period of validity of the tender expires;
- We shall abide by the labor and employment provisions valid in our country of origin when carrying out the contract;
- We give our consent in accordance with the General Data Protection Regulation (GDPR) and the Austrian Data Protection Act 2000 to the processing of personal data provided in connection with this tender procedure, the conclusion and handling of the FA and to the transmission of these data to third parties with the exception of competitors;
- We agree to maintain secrecy with regard to all knowledge gained during the RNE tender procedure and during the performance of the feasibility study, unless RNE releases us from this obligation in writing in a specific case.
- We accept that the avoidance and adjustment on the grounds of error is excluded for the tender and the feasibility study as well as for all later additions to the tender and the feasibility Study unless the error came about maliciously.
- We agree
 - (1) To take all required action to prevent corruption and in particular to take all necessary organizational and personal precautions so that we and all individuals working for us:
 - a) Strictly obey all provisions of criminal law on combatting corruption, in particular also the provisions in §§ 168b, 153, 153a, 304 to 307b, 308 and 146 to 148a Austrian Criminal Code and §§ 10 to 12 Austrian Unfair Competition Act;

- b) Do not offer, promise or grant individuals working for RNE any payments or other advantages, do not demand any payments or other advantages from such individuals, or have them promise the same or accept the same from them and do not seek to influence such individuals in any other way;
 - c) Do not cause third parties to act in the manners described in a) and b) or otherwise contribute to said actions;
- (2) To refrain from violating provisions under cartel law or other provisions serving to protect unrestricted competition in particular by taking part in agreements on prices or price components, by issuing prohibited price recommendations or by participating in recommendations or agreements on the submission or non-submission of tenders, on the offsetting of deficiency compensation payments and on profit sharing and submission to other competitors;
 - (3) To impose the duties described in (1) and (2) on all our subcontractors and to withdraw with immediate effect from an agreement with a subcontractor or cancel same with immediate effect if it turns out that or if there is reasonable suspicion that the subcontractor has committed an action of the kind described above.
- We consent to this declaration becoming an integral part of the feasibility study even without it being explicitly listed in the feasibility study.
 - We have added the following mandatory documents to this declaration:
 - (1) A company/commercial register excerpt or an equivalent attestation by a judicial or administrative authority from the candidate's country of origin;
 - (2) A certificate of non-objection from the competent tax authority or an equivalent document from the relevant authority from the candidate's country of origin;
 - (3) A certificate of non-objection from the competent social insurance authority or an equivalent document from the relevant authority from the candidate's country of origin;
 - (4) An excerpt from the penal register regarding the individual(s) serving as company representatives (e.g., CEO) or an equivalent attestation by a judicial or administrative authority from the candidates' country of origin;¹

Please note that all listed above mandatory documents shall contain a date of issuing not later than 3 months before the submission of this declaration. Please also note that translation into English shall be provided if the above documents are not originally issued in English (*Certified translation not required*).

Yours faithfully,

Full name of the company:

Signature of the legal representative:

Place:

Date:

¹ Does not apply for universities