

## SK: Public Procurement

Since December, there is a new obligation for tenderers to prove their personal status in public procurement.

The amendment to the Act Against Bureaucracy also modified the currently valid Public Procurement Act. The amendments are as follows

- it is no longer necessary to provide proof that there are no arrears of old-age pension savings contributions
- in addition to confirmation of the non-existence of tax arrears to the tax office, tenderers now have a **new obligation to submit confirmation of the non-existence of tax arrears to the locally competent customs office.**



Another novelty introduced by the amendment is the provision of confirmations and official documents proving the personal status of a tenderer established in the Slovak Republic pursuant to Section 32 of the Public Procurement Act from public administration information systems directly by the contracting authority (provided it is a contracting authority with access to this information – a public authority such as a municipality).

If a tenderer established in Slovakia is registered in the List of Economic Operators (*Zoznam hospodárskych subjektov*) maintained by the Public Procurement Office, the Office will update the tenderer's data automatically.

Foreign entities registered in the List of Economic Operators should update their registration as soon as possible in light of the new obligation (confirmation issued by the customs office).

From 1 December 2019, the Office is gradually adding the newly requested confirmation issued by the customs office to the Slovak entities registered in the List of Economic Entities, but due to the administrative complexity of this update procedure, we also recommend that Slovak entities seek to register the change in the List of Economic Operators and submit the relevant confirmation.

If an economic operator wishes to participate in a public tender announced on or after 1 December 2019 and does not have an up-to-date entry in the List of Economic Operators, we recommend submitting a newly requested confirmation issued by the customs office as a separate document. Otherwise, the economic operator cannot participate in the tender.

It should be borne in mind that the new condition of proving the tenderer's personal status in public procurement is required **in public tenders announced on or after 1 December 2019**. For public tenders announced up until 30 November 2019, it is not necessary to submit a confirmation issued by the customs office.

### For more information contact



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