

Deposit Guarantee Fund

APPROVED

**Minutes of the meeting of the tender
committee**

from 16 June 2023 No 160/23

Chairman of the Tender Committee

Olena NUZHENKO _____

Documentation of the additional qualification selection in the direction

**"Legal advisers" (including "Work with assets") in the type of services
"representation of interests and protection of the rights of insolvent banks and
liquidated banks in courts of foreign jurisdiction and international arbitrations"**

Kyiv – 2023

1. Customer:

1.1. Name: **Deposit Guarantee Fund.**

1.2. EDRPOU code: **21708016.**

1.3. Location: **04053, Kyiv, Sichovykh Striltsiv st., 17.**

1.4. Employees of the customer authorized to communicate with the participants:

- on organizational issues, Dmytro MYRONIUK – Deputy head of the Procurement and Contracting Coordination Department, tel. (044) 3333 566, E-mail: Myroniuk@fg.gov.ua;
- on other issues, Dmytro KOSTYUKOV – Deputy head of the Damage Recovery Division, tel. (044) 3333 558, E-mail: Kostyukov@fg.gov.ua.

2. Direction of qualification selection:

2.1. Name of the direction: **"Legal advisers" (including "Work with assets") in the type of services "representation of interests and protection of the rights of insolvent banks and liquidated banks in courts of foreign jurisdiction and international arbitrations".**

2.2. Description of the direction, including the necessary technical, quality and other indicators:

The purpose of the qualification selection in the direction of "Legal advisers" (including "Work with assets") is the selection of persons (individuals, individual entrepreneurs and legal entities (residents or non-residents)) to provide legal services to insolvent banks or liquidated banks, by type: representation of interests and protection of the rights of insolvent banks and liquidated banks in courts of foreign jurisdiction and international arbitrations.

The subject of providing legal services related to the representation of interests and protection of the rights of insolvent banks and liquidated banks in courts of foreign jurisdiction and international arbitrations is the search, detection and return (reclamation), both in court and out of court, property, including cash, in particular, but not exclusively, those that were withdrawn from banks through lending operations related to the bank, provision of guarantees, surety and/or pledge of funds through placement of funds on correspondent accounts in foreign banks, alienation at a reduced price, withdrawal from collateral, assignment of the right to claim loans, in connection with misuse of credit funds, as well as services for the enforcement abroad of court decisions and/or international arbitrations, including recovery of damages from the Russian Federation.

3. Submission of qualification proposals:

3.1. Place of presentation: **04053, Kyiv, Sichovykh Striltsiv st., 17.**

3.2. Method of submission:

- **for residents: to the Office of the Fund in person or by postal means;**
- **for non-residents: to the Office of the Fund in person or by postal means or to the e-mail address of the Customer fgvfo@fg.gov.ua in the form of separate electronic files or archives, with a cover letter, which should contain information on the list of documents to be submitted. The date of submission of documents is fixed by the time of receipt of the last document or archive of the proposal to the e-mail address of the Customer. Documents/archives received by the Customer after the**

period specified in clause 3.3 of this document are considered to be "not submitted" and are not considered.

Requirements for submission provided by e-mail:

- participants submit their proposals in the form of electronic files containing a scanned copy of the relevant document provided for in this documentation and prepared accordingly in pdf format (if necessary, an electronic archive / several archives can be formed from these documents);
- documents should be clear and legible to read;
- in the case of creating an archive, you must use the 7Zip archiver, while the size of each archive should not exceed 20 Mb.

3.3. Deadline for submission: 12-00, 14 July 2023 (Kyiv time). Qualification proposals received by the Fund after the deadline for their submission are not disclosed and returned by postal means to the participants who submitted them.

4. Disclosure of qualification proposals:

4.1. Place: **04053, Kyiv, Sichovykh Striltsiv street, 17.**

4.2. Date and time: 14 July 2023, **2-00** p.m. (Kyiv time).

All participants or their authorized representatives are allowed to participate in the procedure for disclosing qualification proposals (presence may be limited depending on the situation in Kyiv). Absence of a participant or his/her authorized representative during the procedure of disclosure of qualification proposals is not grounds for refusing to disclose or consider or to reject his qualification proposal.

During the disclosure of qualification proposals, the presence or absence of all necessary documents provided for by the documentation of the qualification selection is announced. This information is entered into the protocol of disclosure of qualification proposals. The absence of any information, documents, the provision of which is provided for by the documentation of the qualification selection may be the basis for further rejection of such a qualification proposal. At the same time, establishing the availability of a full package of documents at the stage of disclosure of qualification proposals is not means that the participant meets all the criteria and requirements established by the documentation, as well as is not the basis for including the participant in the list of persons selected by the Fund.

During and after the procedure of disclosure of qualification proposals, the Fund does not accept any documents for qualification proposals!

5. The content of the qualification proposal:

5.1. The qualification proposal of the participant shall be submitted in a sealed envelope, which must contain documents (stitched and numbered) in accordance with the requirements specified in Annexes 1, 2 and 3 in writing, signed by the authorized person of the participant and electronic media (CD-drive, USB-drive or other media), on which contains scanned copies of such documents*.

All documents are submitted in Ukrainian. In case of submission of documents in English or in other foreign language, the participant must provide a certified translation of such documents into Ukrainian.

The envelope must indicate:

- full name and location of the Customer;
- "qualification proposal for participation in the additional qualification selection";
- direction: "Legal advisers" (including "Work with assets");
- type of services - representation of interests and protection of the rights of insolvent banks and liquidated banks in courts of foreign jurisdiction and international arbitrations;
- full name / full name of the participant of the qualification selection, his location / place of residence;
- EDRPOU code (for residents), contact phone numbers;
- marking: "Do not open until __.__.__ __ until __.00" (indicates the date and time of disclosure of proposals specified in the announcement of the qualification selection, and in case of changes to the date and time of disclosure - the final date and time).

5.2. The qualification proposal of the participant must contain*:

- document "General information about the participant" in the form provided in table of Annex 1;
- documents confirming compliance with the qualification criteria specified in Annex 2;
- documents confirming compliance with the requirements specified in Annex 3;
- originals of signed permits for the processing of personal data of individuals provided for participation in the qualification selection procedure. These permits are granted in writing for each individual separately;
- a digital media (CD-disk, USB-drive or other media) (if the offer is submitted by e-mail, no electronic media is submitted).

* Participants of the planned qualification selection in this direction, whose proposals were rejected due to non-compliance with the qualification criteria specified in the qualification documentation, can submit only documents that confirm compliance with the qualification criteria, which the participant meets, as part of the qualification proposal for additional qualification (to confirm compliance with the qualification criteria) did not confirm at the planned qualification. At the same time, the participant must submit all the documents stipulated in Appendix 3 to this documentation.

6. Considering of qualification proposals:

6.1. Qualification proposals are checked for compliance with all requirements and criteria defined by the documentation of the qualification selection (with changes, if they are made), taking into account clause 5 of this documentation.

The customer has the right to appeal to the participants for explanations of the content of the documents submitted by them in order to simplify the consideration.

General information about the participant

| № | Question | Answer* |
|---|--|---------|
| Section 1. General information about the participant: | | |
| 1.1. | Full name | |
| 1.2. | Date of registration | |
| 1.3. | Bank details | |
| 1.4. | EDRUOFOPGF code – for legal entities/registration number of the taxpayer's registration card or series and number of the passport (for individuals who, due to their religious beliefs, refused to accept the registration number of the taxpayer's account card, notified the relevant regulatory authority and have a mark in passport on the right to make payments by series and passport number) – for individual entrepreneurs | |
| 1.5. | Account number (IBAN) | |
| 1.6. | TIN (Taxpayer Identification Number) | |
| Section 2. Information about the participant's managers: | | |
| 2.1. | Full name, position, passport data, registration number of the taxpayer's registration card (if any) of the head | |
| 2.2. | Full name, passport data, registration number of the taxpayer's registration card (if any) of the chief accountant | |
| 2.3. | Full name, position, passport data, full name, position, passport data, registration number of the taxpayer's registration card (if any) of the person who has the right to sign | |
| Section 3. Information about the owners of the participant: | | |
| 3.1. | Name, legal form and EDUOFOPGF code – for legal entities / full name, registration number of the taxpayer's registration card (if any) – for individuals. | |
| Section 4. Contact information about the participant: | | |
| 4.1. | Location | |
| 4.2. | Telephone | |
| 4.3. | Fax | |
| 4.4. | Email | |
| 4.5. | Web site | - |

Position, surname, initials of the authorized person of the Participant (signature)

* Non-resident participants fill out the information in accordance with the legislation of the country of registration.

Qualification requirements for participants*

| Qualification criteria | Requirements for the criterion | Document confirming compliance |
|---|--|--|
| 1. Availability of employees of appropriate qualifications who have the necessary knowledge and experience. | <p>1.1. The participant must have in his composition:</p> <ul style="list-style-type: none"> - at least 5 employees who have a complete higher legal education, of which at least 3 persons are lawyers, and have experience in the participant for at least 1 year as of the date of submission of the qualification proposal; at least one employee who has a master's diploma in law from a foreign higher education institution (LLM). | <ol style="list-style-type: none"> 1. Certificate signed by the head regarding the composition of the participant in the form given in Table No. 1. 2. Copies of employment record books (contracts, agreements, orders), which confirm the experience of employees as part of the participant. 3. Copies of diplomas of complete higher legal education at the educational qualification level of specialist / master in relation to employees which are not attorneys. 4. For employees of resident participants: the original or a copy of an extract from the Unified Register of Lawyers of Ukraine issued not earlier than the start date of accepting qualification proposals and /or the Lawyer's Profile (the date of printout from the site must be no earlier than the start date of the qualification proposals) and copies of the current certificate of the right to practice law Activity. For employees of non-resident participants: the original or a copy of the document (according to the country of registration of the participant), which provides the right to practice law. A copy of the master's degree in law of a foreign higher educational institution (apostilled (legalized) and with a notarized translation into Ukrainian). |
| 2. Availability of financial viability. | 2.1. The participant must have a gross income for the last reporting year of at least UAH 10 million (or hryvnia equivalent in foreign currency | <ol style="list-style-type: none"> 1. A copy of the Participant's balance sheet (Form No. 1) for the last reporting year. 2. A copy of the statement of financial results (Form No. 2) |

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| | <p>at the rate of the National Bank of Ukraine at the reporting date - for non-resident participants). The participant's liability to third parties for professional activity must be insured in the amount of at least UAH 7 million (or hryvnia equivalent in foreign currency at the rate of the National Bank of Ukraine on the date of conclusion of the insurance contract - for non-resident participants).</p> | <p>for the last reporting year. For resident participants: the documents specified in paragraphs 1 and 2 are submitted together with the mark of the statistical body of Ukraine on receipt/registration or Receipt No. 2.</p> <p>3. A copy of the current liability insurance contract (polis) and copies of payment documents on payment of insurance payments under this agreement.</p> |
| <p>3. Experience in the implementation of similar contracts.</p> | <p>3.1. The participant (employee of the participant) must have experience:</p> <ul style="list-style-type: none"> - at least 3 years of providing legal services for the representation of interests of legal entities and/or individuals in foreign and international judicial (arbitration) bodies (institutions, instances); - won or ongoing cases in property disputes in foreign and international judicial (arbitration) bodies (institutions, instances) during the last 3 years; - representing clients in at least 1 case on the recognition and enforcement of a foreign court (arbitration) award in Ukraine (for resident participants) or in a country that differs from the country of registration of the participant (for non-resident participants). | <p>1. Copies of at least three contracts or extracts from at least three contracts on the provision of services for representing clients' interests in foreign and international judicial (arbitration) bodies (institutions, instances) and copies of documents in accordance with the terms of contracts confirming execution of such agreements. The participant must provide copies of these documents confirming the experience of providing services for representing clients' interests in foreign and international judicial (arbitration) bodies (institutions, instances) for the last three years.</p> <p>Copies with translation into Ukrainian of decisions or extracts from decisions of foreign and international judicial (arbitration) bodies (institutions, instances). A copy of the decision or an extract from the decision is accompanied by a certificate in any form indicating which employee of the participant represented interests, whether the case is ongoing or won (if won, what is the essence of the win).</p> <p>3.1. A copy of the decision of the court of Ukraine on the recognition and enforcement in Ukraine of decisions of foreign judicial (arbitration) bodies</p> |

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| | | <p>(institutions, instances) – for resident participants or</p> <p>3.2. A copy of the decision of a foreign judicial (arbitration) body (institution, organization) on recognition and enforcement in a country that differs from the country of registration of the participant, decision of foreign judicial (arbitration) body (institution, instance) – for non-resident participants.</p> <p>4. In cases where the participant (participant's employee) services for representing clients' interests in foreign and international judicial (arbitration) bodies (institutions, instances) were carried out with the involvement of legal entities and/or individuals (cooperation, cooperation, etc.), the participant provides:</p> <p>4.1. a certificate in any form regarding cooperation with such persons in the provision of services for representing the client's interests in foreign and international judicial (arbitration) bodies (institutions, instances). From the certificate should be seen:</p> <ul style="list-style-type: none">- in which case the client's interests were represented in cooperation with a legal entity and/or an individual;- with which legal entity and/or individual the cooperation was carried out;- which services within the framework of such cooperation were provided by the participant, and which by a legal entity and / or individual; <p>4.2. copies of contracts or extracts from cooperation agreements with legal entities and /or individuals in the provision of services for representing clients' interests in foreign and international judicial (arbitration) bodies (institutions, instances) and copies of documents in</p> |
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| | | <p>accordance with the terms of agreements confirming the implementation of such agreements);</p> <p>Copies with translation into Ukrainian of decisions or extracts from decisions of foreign and international judicial (arbitration) bodies (institutions, instances). From the provided copies of the decisions, it should be seen that it is the legal entity (or employee of such a person) and / or the individual with whom the participant has concluded the relevant agreement on cooperation, represented the interests of the client. If such information is not seen from these decisions, the participant submits to these decisions a certificate in any form, which indicates that it was the legal entity (or employee of such a person) and/or the individual with whom the participant concluded the relevant cooperation agreement that represented the interests of the client.</p> |
| 4. Availability of equipment and material and technical base. | 4.1. The participant must have his own premises or premises on the right of use. | 1. A certificate in any form regarding the existing premises where the participant is located, indicating that the premises are actually / in use, the address of location. |
| 5. The presence of an impeccable business reputation. | 5.1. A set of confirmed information about a person, which makes it possible to conclude that his activity meets the requirements of the law, as well as for individuals – on proper professional, managerial abilities and the absence of a person's criminal record for mercenary crimes and for crimes in the field of economic activities not withdrawn or not repaid in the manner prescribed by law. | 1. Letters of recommendation from at least 3 legal entities to which the participant provided legal services for representation of interests in foreign and international judicial (arbitration) bodies (institutions, instances) during the last three years. |

Verification of compliance with business reputation is carried out by the relevant structural unit of the Fund. At the same time, this unit independently collects information on the compliance of the activities of a legal entity, an individual entrepreneur or an individual, including the heads of a legal entity (participants in the selection), with the requirements of the law, business practice and professional ethics, as well as information

on decency, professional and managerial abilities of an individual, using open registers and databases of Ukraine.

*If the document confirming compliance with the criterion contains confidential information and/or trade secrets, the participant provides a certificate in any form with a reasonable explanation of the reasons for the impossibility of submitting such a document.

Certificate on the composition of the Participant's employees

| No | Full name of employee | Full-time or contract employee (specify a supporting document) | Work experience for participant, months | Work experience in the specialty, years | Education, degree and the specialty | Specialization (position) of the employee |
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Position, surname, initials of the authorized person of the Participant (signature)

The participant can voluntarily provide additional materials on his compliance with the qualification criteria.

All documents (except for the originals of certificates, extracts and other documents issued to the participant by state bodies, institutions, organizations, banks and other persons other than the participant), which the participant submits to confirm compliance with the qualification criteria, must be signed by the authorized person of the participant.

To confirm compliance with the following requirements, the participant as part of his qualification proposal shall provide the following documents:

| Name of the requirement | Document confirming compliance* |
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| 1. participant is not a related person with other participants in the specified procedure and with a member (s) of the tender committee. | Certificate in any form signed by the authorized person of the participant stating that the participant of the qualification selection is not a related person with other participants in this procedure and with members of the tender committee. |
| 2. in accordance with the procedure established by law, the participant has not opened the procedure for restoring solvency, the participant has not been declared bankrupt and the liquidation procedure has not been opened against him. | Information certificate from the Unified Register of Enterprises for which bankruptcy proceedings have been initiated or a certificate in any form signed by the authorized person of the participant stating that the procedure for restoring solvency has not been opened against the participant in the manner prescribed by law, the participant was not declared bankrupt and no liquidation procedure was opened against him. |
| 3. participant is not registered in offshore zones. The list of offshore zones is established by the Cabinet of Ministers of Ukraine. | Certificate in any form signed by the authorized person of the participant that the participant is not registered in offshore zones. |
| 4. participant on any date was not the owner of a significant participation in an insolvent bank or bank to be liquidated, or a member of the management body of the legal entity - the participant did not hold a position for more than six months in the governing bodies and control of a bank that is declared insolvent or liquidated, or has not held the position of head of the internal audit unit of such bank. | Certificate in any form signed by the authorized person of the participant stating that the participant on any date was not the owner of a significant participation in an insolvent bank or liquidated bank, and a certificate in writing of a member of the management body of the legal entity – of the participant that he has not held a position for more than six months in the management and control bodies of the bank, which is declared insolvent or liquidated and did not hold the position of head of the internal audit unit of such bank. |
| 5. in the identity of the legal entity, the participant is not included in the Unified State Register of persons who have committed corruption or corruption-related offenses. | Information certificate from the Unified State Register of persons who have committed corruption or corruption-related offenses against the participant's legal entity. The certificate must be issued no earlier than June 2023. |
| 6. the person - participant, head of the legal entity - participant was not brought to responsibility for committing a corruption offense. | Information certificate from the Unified State Register of persons who have committed corruption or corruption-related offenses against a natural person - participant / head of the participant's legal entity. The certificate must be issued no earlier than June 2023. |

| Name of the requirement | Document confirming compliance* |
|---|--|
| 7. during the last three years, participant has not been held accountable for violations provided for in paragraph 4 of part two of Article 6, paragraph 1 of Article 50 of the Law of Ukraine "On Protection of Economic Competition", in the form of committing anticompetitive concerted actions. | Certificate in any form signed by the authorized person of the participant stating that the participant has not been held accountable for violations provided for in paragraph 4 of part two of Article 6, paragraph 1 of Article 50 of the Law of Ukraine "On Protection of Economic Competition" over the past three years. |
| 8. the participant / head of the legal entity - the participant was not convicted of a crime committed for selfish reasons, or a criminal record with which is withdrawn or repaid in accordance with the procedure established by law. | A certificate of the prescribed form (including one obtained online) issued by the territorial body of the Ministry of Internal Affairs of Ukraine stating that the natural person - the participant / head of the legal entity - the participant was not brought to criminal responsibility, the absence (presence) of a criminal record or restrictions provided for by the criminal procedural legislation of Ukraine. If the official of the participant is a non-resident of Ukraine, the participant can submit a certificate in any form confirming that the official of the participant has not been brought to criminal liability, the absence (presence) of a criminal record or restrictions provided for by the criminal procedural legislation of Ukraine. |
| 9. the Unified Register of Legal Entities, Individual Entrepreneurs and Public Organizations contains information provided for in part 2 of Article 9 of the Law of Ukraine "On State Registration of Legal Entities and Individual Entrepreneurs and Public Organizations", about the ultimate beneficial owner (controller) of a legal entity - a resident of Ukraine, which is a participant in the qualification selection. | Extract from the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations or a printout from the https://usr.minjust.gov.ua/ua/freesearch website If there is no data on the ultimate beneficial owner of the participant in the specified Register, the participant, together with the Extract or printout, submits a certificate-explanation, which indicates on what grounds the specified information is not entered into the Unified State Register. The specified certificate has to be signed by the authorized person of the participant. |
| 10. participant has no arrears of taxes, fees, payments. | Certificate of the established form (including received in electronic form), issued by the territorial body of the State Fiscal Service of Ukraine on the absence of arrears of payments from the participant, the control over the collection of which is entrusted to the regulatory authorities in force as of the date of submission of the qualification Offers. |
| 11. participant carries out economic activities in accordance with the provisions of its constituent documents (for legal entities of public law - in accordance with the documents determined by <u>Article 87</u> of the Civil Code of Ukraine). | A copy of the constituent documents, certified by the signature of the authorized person of the participant. |

| Name of the requirement | Document confirming compliance* |
|--|---|
| 12. the restrictions established by the Law of Ukraine "On Sanctions" have not been applied to the participant. | Certificate in any form signed by the head of the participant on the absence of application to the participant, its founders and the ultimate beneficial owner of special economic and other restrictive measures in accordance with the Law of Ukraine "On Sanctions". |
| 13. the participant, manager, ultimate beneficiary owners of the participant, as well as other legal entities in which the latter are founders, cannot have unpaid debts to banks that are withdrawn from the market / liquidated in an amount exceeding the minimum subsistence minimum for able-bodied persons, approved by the Verkhovna Rada of Ukraine for the corresponding year. | A certificate in any form signed by the head of the participant that the participant, the head of the participant, the ultimate beneficial owner of the participant, as well as other legal entities, in which the latter are founders, do not have outstanding debts to banks that are withdrawn from the market/liquidated in the amount, which exceeds the minimum living wage for able-bodied persons, approved by the Verkhovna Rada of Ukraine for the relevant year. |
| 14. the participant may not be: - a citizen of the Russian Federation / Republic of Belarus; - a legal entity established and registered in accordance with the legislation of the Russian Federation / Republic of Belarus; - a legal entity established and registered in accordance with the legislation of Ukraine, the ultimate beneficial owner, member or participant (shareholder) having a share in the authorized capital of 10 percent or more, which is the Russian Federation/Republic of Belarus, a citizen of the Russian Federation or a legal entity established and registered in accordance with the legislation of the Russian Federation/Republic of Belarus | Copies of the following documents on the legality of the grounds for residence on the territory of Ukraine of the ultimate beneficial owner(s) - citizen / citizens of the Russian Federation / Republic of Belarus: a) passport of a citizen of the former USSR of the sample of 1974 with a mark of permanent or temporary residence permit on the territory of Ukraine or a national passport registered on the territory of Ukraine; b) permanent or temporary residence permits on the territory of Ukraine; c) a military ID issued to a citizen who has signed a contract for military service in the Armed Forces of Ukraine; d) a refugee certificate or a document confirming asylum in Ukraine (Article 1 of the Law of Ukraine "On Citizenship of Ukraine"). According to the explanation of the Ministry of Justice of Ukraine dated 08.03.2022 No 24560/8.1.3/10-22. |

The participant can voluntarily provide additional materials on his compliance with the specified requirements.

All documents (except for the originals of certificates, extracts and other documents issued to the participant by state bodies, institutions, organizations, banks and other persons other than the participant) that the participant submits to confirm compliance with these requirements must have the signature of the authorized person of the participant on all pages.

*Non-resident participants submit documents in accordance with the legislation of the country of registration.