**affidavit pursuant to Section 86(2) of the PPA**

**Title of public contract:** "PPP project of railway connection Prague - Václav Havel Airport Prague"

**Public contract registration number in the Tenders Electronic Daily:** Z2024-054274

**Identification of the Contracting Authority:**

Name: Správa železnic, state organisation

Registered office: Dlážděná 1003/7, 110 00 Prague 1

ID No.: 70994234

(as "**Acting contracting authority**")

and

Name: Czech Republic - Ministry of Transport

Registered office: nábřeží Ludvíka Svobody 1222/12, 110 15 Prague 1

ID No.: 66003008

(as "**Participating Contracting Authority**")

**Identification of the contractor / other person / subcontractor:**

Name: [●]

Registered office: [●]

ID No.: [●]

Tax No.: [●]

Legal form: [●]

Authorised to act for the contractor / other person / subcontractor: [*Title, name, function, information on authority to act for or on behalf of the contractor*]

Contact person: [●]

E-mail: [●]

Telephone: [●]

Pursuant to Section 86(2) of Act No. 134/2016 Coll., on public procurement, as amended (hereinafter referred to as the "**PPA**"), I hereby affirms that I meet all the qualification requirements set out in the procurement conditions of the above-mentioned public contract and for which the contracting authority has not excluded the possibility of proving them in this written affidavit in the procurement conditions.

**The contractor hereby affirms that:**

***CONTRACTOR VARIANT***

(a) within the meaning of Section 74(1)(a) of the PPA, has not been convicted of a criminal offence listed in Annex 3 to the PPA or a similar offence under the law of the country of the contractor's seat within the last five (5) years prior to the commencement of the procurement procedure;

(b) within the meaning of Section 74(1)(b) of the PPA, has no tax arrears due in the Czech Republic or in the country of its registered office;

(c) within the meaning of Section 74(1)(c) of the PPA does not have an outstanding balance of insurance premiums or penalties for public health insurance payable in the Czech Republic or in the country of its registered office;

(d) within the meaning of Section 74(1)(d) of the PPA, has no arrears of insurance premiums or penalties for social security and state employment policy contributions payable in the Czech Republic or in the country of its registered office;

(e) within the meaning of Section 74(1)(e) of the PPA, it is not in liquidation[[1]](#footnote-1), has not been the subject of a bankruptcy order[[2]](#footnote-2), has not been placed under compulsory administration pursuant to another legal regulation[[3]](#footnote-3) or is not in a similar situation under the law of the country of its registered office;

(f) it has, in relation to the Czech Republic, an extract from the Commercial Register or other similar register if another legal regulation requires entry in such register;

(g) its minimum annual turnover was at least CZK 5,000,000,000 for each of the three (3) accounting periods preceding the opening of the tender procedure.

**The other person hereby affirms that**

***OTHER PERSON OPTION PURSUANT TO SECTION 83 OF THE PPA***

(a) within the meaning of Section 74(1)(a) of the PPA, has not been convicted of a criminal offence listed in Annex 3 to the PPA or a similar offence under the law of the country of its domicile within the last five (5) years prior to the commencement of the procurement procedure;

(b) within the meaning of Section 74(1)(b) of the PPA, it does not have a tax arrears record in the Czech Republic or in the country of its registered office;

(c) within the meaning of Section 74(1)(c) of the PPA, has no arrears of insurance premiums or penalties for public health insurance payable in the Czech Republic or in the country of its registered office;

(d) within the meaning of Section 74(1)(d) of the PPA, has no arrears of insurance premiums or penalties for social security and state employment policy contributions payable in the Czech Republic or in the country of its registered office;

(e) within the meaning of Section 74(1)(e) of the PPA, it is not in liquidation[[4]](#footnote-4), has not been the subject of a bankruptcy order[[5]](#footnote-5), has not been placed under receivership pursuant to another legal regulation[[6]](#footnote-6) or is not in a similar situation under the law of the country of its registered office;

(f) it has, in relation to the Czech Republic, an extract from the Commercial Register or other similar register, if another legal regulation requires entry in such a register;

(g) possesses the qualifications which it proves on behalf of the tenderer, namely [TO BE ADDED BY OTHER PERSON];

(h) has entered into a contract with the participant in the procurement procedure, the content of which is an undertaking by another person to provide the performance intended for the performance of the public contract or to provide goods or rights which the participant will be entitled to dispose of in the performance of the public contract, at least to the extent that the other person has demonstrated the qualification for the contractor.

***SUBCONTRACTOR OPTION ACCORDING TO SECTION 85 OF THE PPA***

(a) within the meaning of Section 74(1)(a) of the PPA, has not been convicted of a criminal offence listed in Annex 3 to the PPA or a similar criminal offence under the law of the country of the contractor's registered office within the last five (5) years prior to the commencement of the procurement procedure;

(b) within the meaning of Section 74(1)(b) of the PPA, has no tax arrears due in the Czech Republic or in the country of its registered office;

(c) within the meaning of Section 74(1)(c) of the PPA does not have an outstanding balance of insurance premiums or penalties for public health insurance payable in the Czech Republic or in the country of its registered office;

(d) within the meaning of Section 74(1)(d) of the PPA, has no arrears of insurance premiums or penalties for social security and state employment policy contributions payable in the Czech Republic or in the country of its registered office;

(e) within the meaning of Section 74(1)(e) of the PPA, it is not in liquidation[[7]](#footnote-7), has not been the subject of a bankruptcy order[[8]](#footnote-8), has not been placed under compulsory administration pursuant to another legal regulation[[9]](#footnote-9) or is not in a similar situation under the law of the country of its seat;

(f) it has, in relation to the Czech Republic, an extract from the Commercial Register or other similar register if another legal regulation requires entry in such register.

1. Section 187 of Act No. 89/2012 Coll., Civil Code, as amended. [↑](#footnote-ref-1)
2. Section 136 of Act No. 182/2006 Coll., on bankruptcy and methods of its resolution (Insolvency Act), as amended. [↑](#footnote-ref-2)
3. E.g. Act No. 21/1992 Coll., on Banks, as amended, Act No. 87/1995 Coll., on Savings and Credit Cooperatives and Certain Related Measures and on Supplementing Act No. 586/1992 Coll., on Income Taxes, as amended, as amended, Act No. 363/1999 Coll., on Insurance and on Amendments to Certain Related Acts (Insurance Act), as amended. [↑](#footnote-ref-3)
4. Section 187 of Act No. 89/2012 Coll., the Civil Code, as amended. [↑](#footnote-ref-4)
5. Section 136 of Act No. 182/2006 Coll., on Bankruptcy and Methods of its Resolution (Insolvency Act), as amended. [↑](#footnote-ref-5)
6. E.g. Act No. 21/1992 Coll., on Banks, as amended, Act No. 87/1995 Coll., on Savings and Credit Cooperatives and Certain Related Measures and on Supplementing Act No. 586/1992 Coll., on Income Taxes, as amended, as amended, Act No. 363/1999 Coll., on Insurance and on Amendments to Certain Related Acts (Insurance Act), as amended. [↑](#footnote-ref-6)
7. Section 187 of Act No. 89/2012 Coll., the Civil Code, as amended. [↑](#footnote-ref-7)
8. Section 136 of Act No. 182/2006 Coll., on Bankruptcy and Methods of its Resolution (Insolvency Act), as amended. [↑](#footnote-ref-8)
9. E.g. Act No. 21/1992 Coll., on Banks, as amended, Act No. 87/1995 Coll., on Savings and Credit Cooperatives and Certain Related Measures and on Supplementing Act No. 586/1992 Coll., on Income Taxes, as amended, as amended, Act No. 363/1999 Coll., on Insurance and on Amendments to Certain Related Acts (Insurance Act), as amended. [↑](#footnote-ref-9)