**PARTICIPANT’S AFFIDAVIT**

PARTICIPANT’S AFFIDAVIT

regarding fulfilment of conditions for participation in the design competition entitled “**Prague East Terminal**”

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| Corporate name / Name and surname[[1]](#footnote-1): | TO BE ADDED BY THE PARTICIPANT | |
| Registered office: | TO BE ADDED BY THE PARTICIPANT | |
| Id. no.: | TO BE ADDED BY THE PARTICIPANT | |

(the “Participant”)

For the purposes of participation in the design competition entitled “Prague East Terminal” (the “Design Competition”), whereof Správa železnic, státní organizace is the contracting authority (the “Contracting Authority”), the Participant hereby declares that:

1. **he/she/it fulfils the condition for participation set out in paragraph 4.1.1(a) of the Competition Terms and Conditions of the Design Competition (the “Competition Terms and Conditions”), i.e. that:**

Neither the Participant, nor any of the authors or co-authors of the competition entry submitted by the Participant in the Design Competition, and if the Participant is a legal entity, none of its directors:

1. was directly involved in the preparation of the Competition Terms and Conditions, of the competition brief, or any part thereof, and/or in the announcement of the Design Competition;
2. is a regular member or substitute member of the jury of the Design Competition, the Secretary of the Design Competition, an Examiner of Competition Entries, or an invited expert of the Design Competition;
3. is the spouse / registered partner, relative, direct in-law, permanent project partner, immediate superior or direct colleague of any of the persons referred to in points 1 and 2 above, insofar as those persons are mentioned in the Competition Terms and Conditions;
4. is a member of the Contracting Authority’s self-governing organs, or an employee of agencies or offices of the Contracting Authority or legal entities established by the Contracting Authority that participated in the negotiation and approval of the Competition Terms and Conditions and/or the Competition Brief or will participate in the negotiation and approval process of the results of the Design Competition, negotiation of the agreement for the performance of the public contract resulting from the Design Competition, and approval of the execution of such agreement;
5. **he/she/it fulfils the condition for participation set out in paragraph 4.1.1(b) of the Competition Terms and Conditions, i.e. that:**
6. has not, during the last 5 years prior to the commencement of the Design Competition, been convicted by a final judgment, in the country of the his/her/its domicile, of any crime committed for the benefit of an organised crime group or the crime of participation in an organised crime group; the crime of trafficking in human beings; crimes against property: fraud, credit fraud, subsidy fraud, receiving and handling, negligent receiving and handling, money laundering, negligent money laundering; economic crimes: abuse of information and status in business relations (insider trading), arranging an advantage in public procurement, public competition or public auction, machinations in public procurement and public competition, machinations in public auction, harming the financial interests of the European Union; generally dangerous criminal offences; criminal offences against the Czech Republic, a foreign state or an international organisation; criminal offences against order in public matters: criminal offences against the exercise of powers by public authority and public official, criminal offences of public officials, corruption, and other interference with activity of public authorities, or of a similar crime under the laws of the contractor’s country of domicile; erased convictions are disregarded,

and if the Participant is a legal entity, the Participant simultaneously declares that the condition under point B) 1. above is fulfilled both by that legal entity and by its governing body and/or by each member of the governing body and, if the Participant’s governing body or any member of the Participant’s governing body is a legal entity, that the condition under point B) 1. above is fulfilled by that legal entity, its governing body and/or each member of the governing body of the legal entity, and the person representing that legal entity in the Participant’s governing body,

and if the Participant is a branch of a foreign legal entity, the Participant simultaneously declares that the condition under point B) 1. above is fulfilled both by that legal entity and the head of the branch,

and if the Participant is a branch of a Czech legal entity, the Participant simultaneously declares that the condition under point B) 1. above is fulfilled by that legal entity, its governing body and/or each member of the governing body of the legal entity, and the head of the branch;

1. does not have any arrears of tax, including excise taxes, in the Czech Republic or in the country of his/her/its domicile according to official tax records;
2. is not in arrears with public health insurance premiums or health insurance penalties in the Czech Republic or in the country of his/her/its domicile;
3. is not in arrears with social insurance premiums, social insurance penalties or with state employment policy contributions in the Czech Republic or in the country of his/her/its domicile;
4. is not in liquidation, a decision on insolvency has not been issued in respect of the Participant, receivership has not been imposed on the Participant under another legal regulation, and is not in a similar situation under the law of the country of the Participant’s domicile;
5. **[[2]](#footnote-2)he/she/it is registered in the commercial register at the place of his/her/its registered office[[3]](#footnote-3) / he/she/it is not registered[[4]](#footnote-4) in the commercial register at the place of his/her/its registered office;**
6. **[[5]](#footnote-5)he/she/it has a trade authorisation or licence for the trade “Design work in construction” under Annex 2 to Act no. 455/1991 Sb. on trade licensing (the Trade Licensing Act), as amended / he/she/it does not have[[6]](#footnote-6) a trade authorisation or licence for the trade “Design work in construction” under Annex 2 to Act no. 455/1991 Sb. on trade licensing (the Trade Licensing Act), as amended;**
7. **has an implementation team comprising at least the following persons:**
8. Architect,
9. Designer of land structures,
10. Designer of transport structures,

and these persons were directly involved in the preparation of the competition entry submitted by the Participant in the Design Competition and, subsequent to the execution of an agreement for the performance of the public contract resulting from the Design Competition, these persons will participate in the performance of the public contract on behalf of the Participant, and simultaneously:

1. the **architect** is a certified person pursuant to Section 4(2)(a) of Act no. 360/1992 Sb. on the professional practice of certified architects and on the professional practice of certified engineers and technicians active in construction, as amended (the “Construction Engineering Act”), or a certified person pursuant to Section § 4(3) of the Construction Engineering Act (holding a certification with general applicability), or a certified architect under the law of the country of which the architect is a national or in which it is based, i.e. required is Czech Chamber of Architects certification with general applicability (under numeric code A.0) or certification for architecture (under numeric code A.1), or a foreign equivalent (with the exception of cases in which such a certificate is not issued under the law of the country in which the architect is based)[[7]](#footnote-7);
2. In the last 10 years[[8]](#footnote-8) prior to the commencement of the Competition the architect prepared or participated in the preparation of at least 2 architectural designs[[9]](#footnote-9) of a new building of civil amenities while in at least one case the estimated investment costs for the construction of the new building were equal to or exceeded CZK 100 million excl. VAT[[10]](#footnote-10):

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| Name and surname of the architect: | | | TO BE ADDED BY THE PARTICIPANT | | | |
| Architect’s relation to the Participant[[11]](#footnote-11): | | | TO BE ADDED BY THE PARTICIPANT | | | |
| **ReferenTIAL PROJECTS OF THE ARCHITECT:** | | | | | | |
|  | Designation of the new land structure for which the architectural design was prepared | Architect’s role in the preparation of the architectural design (e.g. author / co-author) | | Month and year the architectural design was prepared | Estimated investment costs of the new structure in CZK net of VAT | Contact details of the customer (e-mail, phone) |
| 1. | TO BE ADDED BY THE PARTICIPANT | TO BE ADDED BY THE PARTICIPANT | | TO BE ADDED BY THE PARTICIPANT | TO BE ADDED BY THE PARTICIPANT | TO BE ADDED BY THE PARTICIPANT |
| 2. | TO BE ADDED BY THE PARTICIPANT | TO BE ADDED BY THE PARTICIPANT | | TO BE ADDED BY THE PARTICIPANT | TO BE ADDED BY THE PARTICIPANT | TO BE ADDED BY THE PARTICIPANT |

1. In the last 10 years prior to the commencement of the Design Competition the **designer of land structures** participated, in the two instances specified below, in the preparation of project design documentation[[12]](#footnote-12) of at least the as-built level (with final and conclusive building permit issued[[13]](#footnote-13)) for an architectural design of a new land structure with the estimated investment costs of the new land structure (in each individual case) of at least CZK 100 million excl. VAT[[14]](#footnote-14):

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| Name and surname of the designer of land structures: | | | TO BE ADDED BY THE PARTICIPANT | | | |
| Designer’s relation to the Participant[[15]](#footnote-15): | | | TO BE ADDED BY THE PARTICIPANT | | | |
| **ReferenTIAL PROJECTS OF THE designer of land structures:** | | | | | | |
|  | Designation of the new land structure for which the project design documentation was prepared, including specification of the level of the project design documentation | Designer’s role in the preparation of the project design documentation | | Month and year the project design documentation was prepared | Estimated investment costs of the new structure in CZK net of VAT | Contact details of the customer (e-mail, phone) |
| 1. | TO BE ADDED BY THE PARTICIPANT | TO BE ADDED BY THE PARTICIPANT | | TO BE ADDED BY THE PARTICIPANT | TO BE ADDED BY THE PARTICIPANT | TO BE ADDED BY THE PARTICIPANT |
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1. In the last 10 years prior to the commencement of the Design Competition the **designer of transport structures** participated, in the two instances specified below, in the preparation of a transport solution[[16]](#footnote-16) for a design of a new transport structure with the estimated investment costs of the new structure (in each individual case) of at least CZK 100 million excl. VAT[[17]](#footnote-17):

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| Name and surname of the designer of transport structures: | | | TO BE ADDED BY THE PARTICIPANT | | | |
| Designer’s relation to the Participant[[18]](#footnote-18): | | | TO BE ADDED BY THE PARTICIPANT | | | |
| **ReferenTIAL PROJECTS OF THE designer of transport structures:** | | | | | | |
|  | Designation of the new land structure for which the transport solution was prepared | Designer’s role in the preparation of the transport solution | | Month and year the transport solution was prepared | Estimated investment costs of the new structure in CZK net of VAT | Contact details of the customer (e-mail, phone) |
| 1. | TO BE ADDED BY THE PARTICIPANT | TO BE ADDED BY THE PARTICIPANT | | TO BE ADDED BY THE PARTICIPANT | TO BE ADDED BY THE PARTICIPANT | TO BE ADDED BY THE PARTICIPANT |
| 2. | TO BE ADDED BY THE PARTICIPANT | TO BE ADDED BY THE PARTICIPANT | | TO BE ADDED BY THE PARTICIPANT | TO BE ADDED BY THE PARTICIPANT | TO BE ADDED BY THE PARTICIPANT |

The Participant makes this affidavit as a free act and deed, being aware of any and all consequences of providing any false information.

In TO BE ADDED BY THE PARTICIPANT, date: TO BE ADDED BY THE PARTICIPANT

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| Signature of the person authorised to act on behalf of the Participant[[19]](#footnote-19): |  |
| Title, name, surname | TO BE ADDED BY THE PARTICIPANT |
| Position | TO BE ADDED BY THE PARTICIPANT |

1. If the Participant is a partnership of natural persons or legal entities, the chosen designation of that partnership will be stated here plus the corporate name of the particular legal entity / the name and surname of the particular natural person who is a member of the association and who is submitting this affidavit. [↑](#footnote-ref-1)
2. Here the Participant will choose only one option and will strike out (or erase) any non-applicable options from the affidavit. [↑](#footnote-ref-2)
3. If the place of the Participant’s registered office is in the Czech Republic, the commercial register is understood to mean the Commercial Register of the Czech Republic. If the place of the Participant’s registered office is in a country other than the Czech Republic, then the national commercial register of the country in which the Participant has his/her/its registered office. [↑](#footnote-ref-3)
4. If the Participant is a natural person, or a partnership of natural persons, then the Participant is not registered in the commercial register of the country of the Participant’s registered office and will choose this option in the affidavit. This will also be done by a legal entity with its registered office in a country where registration of legal entities in a commercial register is not required. [↑](#footnote-ref-4)
5. Here the Participant will choose only one option and will strike out (or erase) any non-applicable options from the affidavit. [↑](#footnote-ref-5)
6. The Participant need not have a trade authorisation or licence for the trade “Design work in construction” under Annex 2 to Act no. 455/1991 Sb. on trade licensing (the Trade Licensing Act), as amended, if:

   the Participant engages in activity under Act no. 360/1992 Sb. on the professional practice of certified architects and on the professional practice of certified engineers and technicians active in construction, as amended, as a free-lance architect or as a free-lance engineer;

   the Participant is a natural person, a partnership of natural persons or legal entities, or a legal entity domiciled in a country where no such authorisation or licence is issued. [↑](#footnote-ref-6)
7. I.e. authorisation of the Czech Chamber of Architects with numerical code A.0 or A.1, or a foreign equivalent, is required. [↑](#footnote-ref-7)
8. The time requirement is considered complied with if the referential project was completed to the extent required by the Contracting Authority within that period. [↑](#footnote-ref-8)
9. For the avoidance of doubts, the Contracting Authority states that the architectural study (a competition entry submitted by the participant in another design competition is not considered an architectural study) is considered completed if accepted by the client who accepted it without any further objections. For the avoidance of doubts, the Contracting Authority further states that the architectural study did not necessarily has to be followed by implementation of the construction of the building in relation to which such architectural study was prepared. [↑](#footnote-ref-9)
10. For the purposes of converting investment costs from a foreign currency to CZK the participants should apply the foreign exchange rate fixed by the Czech National Bank as of the date of commencement of the Design Competition (i.e. as of the date of dispatch of a notice on the commencement of the Design Competition for publication pursuant to Section 212 of Act no. 134/2016 Sb. on public procurement, as amended); foreign exchange rates are available at: <https://www.cnb.cz/en/financial-markets/foreign-exchange-market/central-bank-exchange-rate-fixing/central-bank-exchange-rate-fixing/>. [↑](#footnote-ref-10)
11. The Participant will specify the relation of the architect to the Participant – e.g. employee / subcontractor, etc. [↑](#footnote-ref-11)
12. For the avoidance of doubts, the Contracting Authority states that the project design documentation is considered completed if accepted by the client who accepted it without any further objections. For the avoidance of doubts, the Contracting Authority further states that the project design documentation did not necessarily has to be followed by implementation of the construction of the building in relation to which such project design documentation was prepared. [↑](#footnote-ref-12)
13. The subject matter of the referential services of the project designer did not necessarily have to entail engineering services for the purposes of obtaining a building permit; however, such services must have entailed drawing up project documentation of at least of the as-built level based on which a final and conclusive building permit was issued. [↑](#footnote-ref-13)
14. For the purposes of converting investment costs from a foreign currency to CZK the participants should apply the foreign exchange rate fixed by the Czech National Bank as of the date of commencement of the Design Competition (i.e. as of the date of dispatch of a notice on the commencement of the Design Competition for publication pursuant to Section 212 of Act no. 134/2016 Sb. on public procurement, as amended); foreign exchange rates are available at: <https://www.cnb.cz/en/financial-markets/foreign-exchange-market/central-bank-exchange-rate-fixing/central-bank-exchange-rate-fixing/>. [↑](#footnote-ref-14)
15. The Participant will specify the relation of the designer to the Participant – e.g. employee / subcontractor, etc. [↑](#footnote-ref-15)
16. For the avoidance of doubts, the Contracting Authority states that the transport solution is considered completed if accepted by the client who accepted it without any further objections. For the avoidance of doubts, the Contracting Authority further states that the transport solution did not necessarily has to be followed by implementation of the construction of the building in relation to which such transport solution was prepared. [↑](#footnote-ref-16)
17. For the purposes of converting investment costs from a foreign currency to CZK the participants should apply the foreign exchange rate fixed by the Czech National Bank as of the date of commencement of the Design Competition (i.e. as of the date of dispatch of a notice on the commencement of the Design Competition for publication pursuant to Section 212 of Act no. 134/2016 Sb. on public procurement, as amended); foreign exchange rates are available at: <https://www.cnb.cz/en/financial-markets/foreign-exchange-market/central-bank-exchange-rate-fixing/central-bank-exchange-rate-fixing/>. [↑](#footnote-ref-17)
18. The Participant will specify the relation of the designer to the Participant – e.g. employee / subcontractor, etc. [↑](#footnote-ref-18)
19. For the purposes of submission of the affidavit, the Contracting Authority will accept a plain signature of the Participant or of a person authorised to represent the Participant. [↑](#footnote-ref-19)