**Participation conditions**

**1. Personal status**

**Personal status within the meaning of Article 32 of Act No. 343/2015 Coll. on public procurement,   
as amended**

**Suitability to perform professional activities, including requirements relating to registration   
in trade or commercial registers**

List and brief description of conditions:

The tenderer must meet the following participation conditions relating to personal status:

1. pursuant to Article 32(1)(a) of the Act, that neither they (the tenderer) nor their statutory body, nor a member of the statutory body, nor a member of the supervisory body, nor a holder of procuration, have been legally convicted of a criminal offence of corruption, a criminal offence of damaging the financial interests of the European Communities, a criminal offence of legalising income from criminal activity, the criminal offence of establishing, organising, or supporting a criminal group, the criminal offence of establishing, organising, or supporting a terrorist group, the criminal offence of terrorism and certain forms of participation in terrorism, the criminal offence of human trafficking, criminal offences related to business activities or criminal offences involving manipulation of public procurement and public auctions.

The tenderer shall prove the above participation condition in accordance with Article 32(2)(a) of the Act by providing an extract from the criminal record not older than three months. An economic operator who is a natural person shall submit an extract from the criminal record not older than three months, or an equivalent document issued by the competent court or administrative authority in the country of their registered office for the person to whom a trade licence or a licence other than a trade licence is issued in accordance with specific regulations. An economic operator - legal entity shall submit extracts from the criminal record not older than three months, or equivalent documents issued by the competent court or administrative authority in the country of their registered office, for the economic operator (only if such a document is issued in the country of the tenderer’s registered office) as well as for the person who is the statutory body or for persons who are members of the statutory body, as well as for all persons who are members of the supervisory body and holders of procuration of the economic operator.

The participation conditions under Article 32(1)(a) of the Act must also be met by a person other than the person referred to in paragraph 1(a) of the Act if that person has the right to act on their behalf, rights related to decision-making or control in the economic operator wishing to participate in the public procurement. Such person is defined in Article 32(8) of the Act.

The tenderer shall prove compliance with the participation condition referred to in the first sentence by submitting a solemn declaration in accordance with the template set out in Annex No. 6 or a declaration made before a court, administrative authority, notary public, other professional institution or commercial institution pursuant to the regulations in force in the country of the tenderer’s or candidate’s registered office, place of business or habitual residence, if the law of the country of the tenderer or candidate with their registered office, place of business or habitual residence outside the territory of the Slovak Republic does not regulate the institution of a solemn declaration.

In the solemn declaration or declaration, the tenderer shall provide a list of persons as referred to above.

The tenderer shall complete the solemn declaration in accordance with the template set out in Annex No. 6a to the tender documentation.

1. pursuant to Article 32(1)(b) of the Act, that the tenderer has no outstanding social security contributions and that the health insurance company has no overdue claims against them under special regulations in the Slovak Republic and in the country of their registered office, place of business or habitual residence. The tenderer shall prove the above participation condition in accordance with Article 32(2)(b) of the Act by providing a confirmation from the health insurance company and the Social Insurance Agency not older than three months (in the case of a confirmation containing an outstanding amount, the tenderer shall also submit proof of payment of the outstanding amount or of permission to pay the outstanding amount in instalments).
2. pursuant to Article 32(1)(c) of the Act, that they have no recorded tax arrears with the tax authority and customs office in accordance with special regulations in the Slovak Republic and in the country of their registered office, place of business or habitual residence. The tenderer shall prove the above participation condition in accordance with Article 32(2)(c) of the Act by providing a confirmation from the locally competent tax authority and the locally competent customs office not older than three months (in the case of a confirmation containing an outstanding amount, the tenderer shall also submit proof of payment of the outstanding amount or of permission to pay the outstanding amount in instalments).
3. pursuant to Article 32(1)(d) of the Act, that no bankruptcy proceedings have been initiated against their assets, they are not undergoing restructuring, they are not in liquidation, and no bankruptcy proceedings have been suspended due to insufficient assets or cancelled due to insufficient assets. The tenderer shall prove the above participation condition in accordance with Article 32(2)(d) of the Act by providing a confirmation from the competent court not older than three months.
4. pursuant to Article 32(1)(e) of the Act, that they are authorised to supply goods, perform construction work or provide services. The tenderer shall prove the above participation condition in accordance with Article 32(2)(e) of the Act by providing a document proving their authorisation to supply goods, perform construction work or provide services corresponding to the subject-matter of the contract.
5. pursuant to Article 32(1)(f) of the Act, that they are not subject to a ban on participation in public procurement confirmed by a final decision in the Slovak Republic and in the country of their registered office, place of business or habitual residence. The tenderer shall prove the above participation condition in accordance with Article 32(2)(f) of the Act by providing a solemn declaration.

Documents that are not submitted:

A tenderer with their registered office/place of business in the Slovak Republic, whose data is stored in the information systems of general government of the Slovak Republic, shall not be obliged, pursuant to Article 32(3) of the Act, to submit the following documents to the contracting authority due to the use of data from the information systems of general government:

- an extract from the criminal record of the candidate/tenderer, their statutory body, member of the statutory body, member of the supervisory body, holder of procuration in accordance with Article 32(1)(a) and (2)(a) of the Act,

- confirmations from the health insurance company and the Social Insurance Agency pursuant to Article 32(1)(b) and (2)(b) of the Act,

- confirmations from the locally competent tax authority and the locally competent customs office pursuant to Article 32(1)(c) and (2)(c) of the Act,

- confirmation from the competent court (bankruptcy, restructuring, liquidation) pursuant to Article 32(1)(d) and (2)(d) of the Act.

- an extract from the Commercial Register of the Slovak Republic or an extract from the Trade Register of the Slovak Republic, if the condition of participation relating to personal status pursuant to Article 32(1)(e) of the Act is proven by these types of documents.

**Notice:**

* A candidate/tenderer with their registered office/place of business in the Slovak Republic, whose data are kept in the information systems of general government of the Slovak Republic, shall provide the contracting authority with the following data for the purpose of obtaining an extract from the criminal record of their statutory body, member of the statutory body, member of the supervisory body, holder of procuration who is a citizen of the Slovak Republic: **first name, surname, maiden name, personal identification number, identity card number or passport number.**

Proof of the participation conditions is also effective vis-à-vis the contracting authority in accordance with Article 152(4) of the Act. A tenderer registered in the list of economic operators in accordance with the Act is not obliged to submit documents pursuant to Article 32(2) of the Act in the public procurement process – through registration in the list of economic operators (a solemn declaration according to Annex No. 6a is always submitted).

The contracting authority shall recognise an equivalent entry, such as an entry in the list of economic operators in accordance with the Act, or a confirmation of entry issued by the competent authority of another Member State, by which the tenderer proves fulfilment of the conditions for participation in public procurement. The contracting authority shall also accept other equivalent documents submitted by the tenderer.

If an economic operator does not meet the conditions for participation relating to personal status pursuant to Article 32(1)(a), Article 32(7) of the Act or is subject to a ground for exclusion pursuant to Article 40(6)(c) to (g) and paragraphs 7 and 8 of the Act, it is entitled to demonstrate to the contracting authority that it has taken sufficient measures to remedy the situation; in such a case, it is obliged to clarify the facts and circumstances concerned, by actively cooperating with the contracting authority. By means of the measures to remedy the situation, the economic operator must demonstrate that it has paid or undertaken to pay compensation for any damage, has rectified the error, has sufficiently clarified the disputed facts and circumstances, by actively cooperating with the competent authorities, and has taken specific technical, organisational and personnel measures to prevent future errors, misdemeanours, other administrative offences or criminal offences. If the facts constituting the failure to meet the participation conditions or the ground for exclusion under the first sentence occurred before the deadline for submitting tenders, the tenderer shall state the measures to implement the remedy under the first sentence in the tender.

1. **Economic and financial standing pursuant to Article 33 of the Act**

Not required.

1. **Technical and professional competence pursuant to Article 34 of the Act**

3.1 Conditions for participation of tenderers relating to technical or professional competence pursuant to **Article 34(1)(a) of the Act**:

**The contracting authority requires the submission of a list of supplies of goods for the previous three years (36 months)** prior to the announcement of the public procurement (hereinafter referred to as the “relevant period”), stating the prices, delivery dates and customers; proof shall be provided in the form of a reference if the customer was a contracting authority or contracting entity under the Act. The announcement of the public procurement means the publication of the notice of the public procurement in the Official Journal of the European Union.

In the list of completed deliveries, it is recommended that the tenderer indicate:

* 1. identification of the customer (name/business name, registered office/place of business)
  2. subject-matter of the delivery/contract (brief description of the subject-matter)
  3. value of the delivery in EUR exclusive of VAT
  4. date of actual delivery
  5. contact person for the customer (name, surname, position, current telephone number and e-mail address for the purpose of verifying the information provided)
  6. current aircraft flight hours at the time of hand-over

Minimum required level

**The tenderer must demonstrate delivery of at least 3 newly manufactured helicopters during the relevant period (a newly manufactured helicopter is considered to be an airworthy helicopter with less than 80 flight hours).**

1. **Additional information**

If the tenderer uses the technical and professional capacities of another person to prove their technical or professional competence, regardless of their legal relationship at the time of submission of the tender, the tenderer shall be obliged to prove to the contracting authority that, in performing the contract, they will actually use the capacities of the person whose competence they use to prove their technical or professional competence. The tenderer shall prove this fact by means of a written contract concluded with that person, containing a commitment by the person whose technical and professional capacities are to be used to prove the tenderer’s technical or professional competence that that person will make their capacities available throughout the duration of the contractual relationship. The person whose capacities are to be used to demonstrate technical or professional competence must prove that they meet the conditions for participation relating to personal status and that there are no grounds for exclusion under Article 40(6)(a) to (g) and (7) of the Act; the authorisation to supply goods shall be demonstrated in relation to that part of the subject-matter of the contract for which the capacities were made available to the tenderer.

In the case of a tenderer being a group of suppliers participating in public procurement, proof of fulfilment of the conditions for participation relating to personal status is required for each member of the group separately. Fulfilment of the condition for participation pursuant to Article 32(1)(e) of the Act shall be demonstrated by a member of the group only in relation to that part of the subject-matter of the contract which they are to perform. In the case of other conditions for participation, proof of fulfilment is required for all members of the group jointly.

Documents and papers by which the tenderer proves their technical or professional competence shall be submitted in the Slovak language and may also be submitted in the Czech language. If a document is drawn up in a language other than Slovak or Czech, it shall be submitted together with its official translation into Slovak. If a difference is found in the content of a document submitted in accordance with the second sentence, the official translation into Slovak shall prevail.

When converting another currency into euros, the exchange rate of the European Central Bank valid on the date of dispatch of the public procurement notice for the public tender in question for publication in the Official Journal of the EU shall be used.

The tenderer may provisionally replace the documents proving fulfilment of the conditions for participation with a European Single Procurement Document (ESPD) pursuant to Article 39 of the Act, meeting the requirements pursuant to Article 39(2) of the Act, whereby if the tenderer proves technical or professional competence through another person/ persons, they shall submit the ESPD on their own behalf and on behalf of each of the persons whose resources and/or capacities they use. If the tenderer is a group of suppliers participating in the public procurement procedure, the tenderer shall complete and submit the ESPD with the required information for each member of the group of suppliers.

Further information on the ESPD, including guidelines on how to complete it correctly, is available in the document published on the website of the Public Procurement Office <https://www.uvo.gov.sk/jednotny-europsky-dokument-pre-verejne-obstaravanie>: ESPD - ESPD service manual

**The contracting authority allows filling in section α Global Data for all conditions of participation in Part IV Economic Operator.**

The European Single Procurement Document shall be completed at the above-mentioned headquarters of the Public Procurement Office.