**Appendix 5b**

**Affidavit on Suitability**

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| We, |  |

declare that equivalent documents issued by competent authorities to the following proofs (please mark if applicable) are not issued in the Tenderer’s country of origin at all or are not issued in time despite a timely application:

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|  | Proof of holding a trade licence and/or proof of holding the relevant professional license in the country of origin |
|  | Proof supplied by Social Security Carrier (Nachweis der Sozialversicherungsanstalt) |
|  | Credit Report (Bonitätsauskunft) |
|  | Police clearance certificates for the applicant (Registerauskunft für Verbände) |
|  | Police clearance certificates for all persons authorized to manage the company‘s business (Strafregisterbescheinigung) |

Furthermore, we expressly declare that no ground for exclusion according to sec. 78 of the Federal Public Procurement Act 2018 does apply for the applicant, in particular:

* we hold all **business licences / permits / registrations** that the applicable legal provisions require for the provision of the tendered services (in particular all business licences required under laws of Austria, in the country in which we have our seat and in any third country in which we intend to provide services under the present contract).
* our **professional reliability** is not in doubt, which implies:
  + no conviction by final judgment (res judicata) exists against the applicant or – if the applicant is a legal person: against any of the natural persons that form part of the management of the legal person – where such convictions relate to any of the following provisions of Austrian criminal law or EU law (or the respective provisions of criminal law of the Republic of Serbia and/or the criminal law of the country where the applicant has its seat):
    - participation in a criminal organization (paragraph 278 or 278a of the Austrian Criminal Code – StGB, BGBl. Nr. 60/1974, or as defined in Article 2(1) of Council Joint Action 98/733/JHA),
    - criminal provisions against terrorism (paragraphs 278b to 278d of the Austrian Criminal Code – StGB, BGBl Nr. 60/1974)
    - bribery (paragraphs 304 to 309 of the Austrian Criminal Code - StGB; paragraph 10 of the Unfair Competition Act 1984 - UWG, BGBl. Nr. 448) or illegal acceptance of gifts (paragraph 153a StGB),
    - fraud (§§ 146 to 148 StGB or within the meaning of Article 1 of the Convention relating to the protection of the financial interests of the European Communities),
    - breach of trust (§ 153 StGB),
    - illicit acceptance of gifts (§ 153a StGB)
    - abuse of grants (§ 153b StGB) oder
    - money laundering (§ 165 StGB or as defined in Article 1 of Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering);
    - slavery, trafficking in human beings or cross-border trafficking in human beings for the purposes of prostitution (§§ 104, 104a and 217 StGB)

In addition,

* + we are not bankrupt, not in the process of being wound up, where our affairs are being administered by a court, where we have suspended business activities or are in any analogous situation arising from a similar procedure under national laws and regulations;
  + we are not in liquidation, not ceasing to do business and have not ceased to do business
  + no legally binding judgment exists against any physical person that forms part of our management or of our supervisory board for a crime that puts our professional reliability into question
  + we have not committed any act of grave professional misconduct in the context of our professional activities, in particular a grave contravention of provisions of labor law, social law or environmental law

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| (Place, date) |  | (Legally valid signature, company stamp) |