

**HUNGAROCONTROL MAGYAR LÉGIFORGALMI SZOLGÁLAT ZÁRTKÖRŰEN MŰKÖDŐ
RÉSZVÉNYTÁRSASÁG
(H-1185 BUDAPEST, IGLÓ U. 33-35.)**

PUBLIC PROCUREMENT DOCUMENT

Containing information necessary for Candidates to prepare the request to participate; the list of certificates, declarations to be submitted, recommended certificate and declaration templates for the participation stage of the two-stage negotiated public procurement procedure reaching the EU threshold under Part Two of the PPA (Act CXLIII of 2015 on Public Procurement) in the subject of

“CAMERA SYSTEM AND ADS-B INSTALLATION”

DEAR CANDIDATE,

IN CASE YOU DOWNLOADED THE PRESENT PUBLIC PROCUREMENT DOCUMENT BY WAY OF ELECTRONIC MEANS WE KINDLY ASK YOU TO SEND THE COMPLETED AND SIGNED REGISTRATION FORM ATTESTING THE DOWNLOAD PURSUANT TO ANNEX No. 9 WITHOUT DELAY TO THE PERSON ACTING ON BEHALF OF THE CONTRACTING AUTHORITY TO THE FOLLOWING E-MAIL ADDRESS: hc@szilioffice.hu¹, OR TO THE TELEFAX NUMBER (+36 1) 4578041 ADDRESSED TO THE ATTENTION OF DR. DÁNIEL KOPPÁNDI.

The condition for the participation in the procedure is that at least one candidate or the subcontractor indicated in the tender has access to and downloads the public procurement document by way of electronic means from the designated homepage (through the path specified in the notice); and proves the download by returning the comprehensively completed registration form – Annex No. 9 - duly signed by the person having adequate representation rights.

02/01/2018

¹ Having regard to the provisions of subsection (4) of Article 41 of the PPA.

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CHAPTER I – GUIDELINES FOR CANDIDATES

Communication on the information necessary for Candidates for the preparation of the request to participate document

1.) Introduction, general conditions of the procedure

Acting on behalf of Contracting Authority the entity issuing the present Public Procurement Document with the aim to facilitate successful application for all Candidates by providing the widest scope of competitive neutrality.

The present procurement document is based on the Contract notice approved by the Contracting Authority and published in the Official Journal of the European Union.

The provisions of the present public procurement document shall be mandatory and applied to all those matters not regulated in the Contract Notice with regard to the preparation and submission of the request to participate.

By submitting their requests to participate, Candidates fully accept all conditions of the Contract Notice and documentation (hereinafter collectively referred to as the “Procurement Document”) prepared for the present public procurement procedure in compliance with the PPA as the exclusive ground for their application.

The condition for the participation in the procedure is that at least one candidate or the subcontractor indicated in the request to participate has access to and downloads the public procurement document by way of electronic means from the designated homepage (through the path specified in the notice); and proves the download by returning the comprehensively completed registration form – Annex No. 9. - duly signed by the person having adequate representation rights to either of the following addresses:

- via fax to the +36 14578041 fax number,
- or
- by electronic means – having regard to the provisions of subsection (4) of Article 41 of the PPA – to the hc@szilioffice.hu e-mail address.

The present public procurement documentation is non-transferable.

For groupings of candidates, it is sufficient if one of the candidates of the group – or its subcontractor indicated in the request to participation – has access to and downloads by way of electronic means the documentation and confirms thereof in the prescribed manner to the person acting on behalf of the Contracting Authority.

2.) The Contracting Authority

HungaroControl Magyar Légitforgalmi Szolgálat Zártkörűen Működő Részvénytársaság
(H-1185 Budapest, Igló u. 33-35,)

3.) Organization acting on behalf of the Contracting Authority

Szterényi Ügyvédi Iroda / Szterényi Law Firm
H-1011 Budapest, Fő utca 14-18. Building “A”, floor VII.
Fax: +36 14578041
E-mail: hc@szilioffice.hu

4.) The Candidate

Is an economic operator who/which has submitted a request to participate in the first, participation stage of a multi-stage public procurement procedure or who/which has submitted a request to participate in a concession award procedure.

5.) The Subcontractor

Is an economic operator directly involved in the performance of the contract awarded following the public procurement procedure on behalf of the Tenderer, with the exception of:

- a) any economic operator, who operates on the basis of an exclusive right,
- b) any manufacturer, distributor, supplier of parts or materials involved under contract in the performance of the contract,
- c) in connection with public works contracts, any supplier of building materials.

The Contracting Authority draws the attention that the total performance of all subcontractors may not exceed the share performed by the successful tenderer (tenderers) of the contract. Furthermore, the subcontractor involved in the execution of the contract may not involve additional contributors in excess of 50 per cent of its own performance. [Subsections (1) and (5) of Article 138 of the PPA]

The awarded tenderer shall notify the Contracting Authority at the latest by the time of conclusion of the contract concerning all subcontractors proposed to be involved in the performance of the contract, and - if a particular subcontractor had not been included in any previous procurement procedure - shall provide a declaration at the time of notification declaring that the subcontractor in question is not subject to any grounds for exclusion.

6.) The Economic Operator

Any natural or legal person, sole proprietorship and any other entity with legal capacity under national law, or a group of such persons or entities, which offers the execution of construction works, the supply of products or the provision of services on the market.

7.) Application of Joint Candidates

Two or more economic operators may form a group to submit a joint request to participate and later a joint tender. In such case the grouping of joint candidates shall designate a representative from among themselves vested with powers to act on behalf of the grouping of joint candidates in public procurement procedures.

All declarations made in the name of the grouping of joint candidates shall contain a clear indication of the designation of the grouping of joint candidates.

Where the contracting entity is required under this Act to notify the candidates and in cases where additional information, remedying deficiencies, specific information or explanation is requested the Contracting Authority shall send its notices, information and calls addressed to a grouping of Joint Candidates to the representative specified in subsection (2) of Article 35 of the PPA.

The Grouping of Joint Candidates (and later the Grouping of Tenderers) shall be jointly and severally liable for the fulfilment of the contract to the Contracting Authority.

No change in the person of the economic operators having submitted a joint request to participate shall be authorized after the time limit for the submission of the request to participate.

No change in the person of the economic operators having submitted a request to participate jointly shall be authorized after the time limit for the submission of tenders.

In event the Candidate submits a request to participate and later an offer not just by itself but jointly then the corresponding expression of interest or cooperation agreement shall be attached to the request to participate document and shall contain at least the following:

- the joint and several liability of the grouping of Joint Candidates to comply with their contractual obligations in event they become successful tenderer;
- indication of the name of the representative entitled to act on behalf of the grouping of Joint Candidates according to subsection (2) of Article 35 of the PPA together with the name, position, telephone and fax number of the representative(s) entitled to sign on behalf of the company – who signs the request to participate document.

The Contracting Authority does not allow the formation of a project company as per subsection (8) of Article 35 of the PPA. The Contracting Authority also excludes the possibility to form a project company with respect to the non-joint candidates (Later tenderers) as well.

8.) Public procurement document

Shall mean any and all document produced or referred to by the Contracting Authority to describe or determine the subject-matter of the procurement or the subject of the concession, or the public procurement or concession award procedure, including especially the contract notice, the technical specifications, the descriptive document, additional information, proposed contractual conditions, formats for the presentation of documents by economic operators, the detailed list of prices and the itemized schedule of works.

9.) Task of the Candidate

The Candidate (Later Tenderer) is obliged to realize the service (delivery) constituting the subject of the public procurement in compliance with the Public Procurement Document and its annexes and with the provisions of the contractual terms forming part of the latter, pursuant to the relevant legal regulations and other standards and quality requirements.

The task of the Candidate (Later Tenderer) involve all tasks specified in the technical specification, even in case it is not contained in the contract and also extends to those incidental tasks, which are included in the contract but not listed in the technical specification.

The Contracting Authority draws the attention of the Candidates that their request to participate shall be prepared with the joint observation of the Public Procurement Document, the provisions of the PPA and other legal regulations.

10.) Additional information

In the interest of responsive requesting to participate, any economic operator who is eligible to become a Candidate in the subject public procurement procedure pursuant to Article 56 of the PPA may request additional information in written form, in connection with the Public Procurement Document from the organization acting on behalf of the Contracting Authority.

The additional information is provided by the Contracting Authority within a reasonable timeframe from the receipt of the request, but within four days prior to the expiry of the deadline for participation at the latest.

The request for additional information shall be sent:

- via fax to the fax number +36 14578041 **and** by way of electronic means (by e-mail) in editable format (e.g. Microsoft Office Word format) to hc@sziliooffice.hu or
- by way of electronic means – with regard to the provisions of subsection (4) of Article 41 of the PPA – to the e-mail address hc@sziliooffice.hu, indicating the following text in the subject field: **”Kiegészítő tájékoztatás kérés” ”Request for additional information”**.

The Contracting Authority publishes the questions received in the scope of additional information and the answers given thereof on the specified homepage (<http://kozadat.hungarocontrol.hu/kozbeszerzes>) under the denomination of the procedure.

Contracting Authority draws the attention to that the communication containing the answer(s) to the question(s) raised in writing according to the foregoing forms integral part of the Public Procurement Document; it is mandatory for all Candidates to incorporate the content of the communication into the request to participate document. The Candidate is obliged to indicate in a separate declaration in the application that it took the additional information into consideration during the preparation of the request to participate document (According to Annex 3).

Beyond the official additional information, the Contracting Authority shall not be bound to any explanation or reference, either oral or written, which had been made in an unauthorized manner by its employees or representatives during the procedure.

The Contracting Authority does not carry out on-the-spot inspection in the offer stage of the procedure.

11.) Division of the Contract into Lots, Variants; information for the offer stage of the procedure

The contract cannot be divided into lots. The Contracting Authority excludes variants (alternative offers).

12.) Integrity and accuracy

It is the Candidate's responsibility to check the completeness of the download or takeover of the documents. The Contracting Authority does not accept any excuse based on the failure of the Candidate to download or to take over any parts of the documents.

13.) Evidence of the absence of the grounds for exclusion

Enumeration and brief description of the conditions (grounds for exclusion):

- No economic operator may become Candidate (grouping of Joint Candidates), nor subcontractor in the procedure and cannot participate in the attestation of competence if it is subject to any of the grounds for exclusion as per subsections (1) – (2) of Article 62 of the PPA.
- Furthermore, Contracting Authority excludes the Candidate (grouping of Joint Candidates), subcontractor, economic operator participating in the attestation of competence from the procedure, in respect of whom a reason for exclusion has arisen in the course of the procedure. (paragraph b) of subsection (1) of Article 74 of the PPA)

Means of verification:

- Candidate - and if applicable, the economic operator participating in the attestation of competence - shall submit beforehand a formal declaration executed within the framework of the European Single Procurement Document according to subsection (1) of Article 4 of Government Decree No. 321/2015 (X. 30.) confirming the absence of grounds for exclusion pursuant to Article 62 of the PPA.

- With respect to the subcontractor participating in the attestation of competence or other entities the Candidate shall submit the European Single Procurement Document confirming the absence of grounds for exclusion pursuant to Article 62 of the PPA.
- The European Single Procurement Document shall contain a declaration of the economic operator (Candidate, the organization(s) providing their capacities – where applicable) that it is not subject to the grounds of exclusion; and provides the information requested in the course of the procedure. The declaration shall identify the authority responsible for issuing the supporting documents provided for in Subsection (4) of Article 69 and shall also contain the information required for accessing the database referred to in Subsection (1) of Article 69 and, where applicable, the necessary declaration of consent.
- The Contracting Authority accepts the declaration incorporated into the European Single Procurement Document during the assessment phase for the preliminary inspection of the grounds for exclusion.
- According to subsection (4) of Article 67 of the PPA, the Candidate (grouping of Joint Candidates) shall provide a declaration declaring not to involve in performing the contract any subcontractor who may be excluded on the grounds specified in subsection (1) – (2) of Article 62 of the PPA.
- The economic operators requested to submit the declarations confirming the absence of the grounds for exclusion [subsection (4) of Article 69 of the PPA] shall confirm it pursuant to the provisions of Articles 8; 10; 12 – 14; and 16 of Government Decree No. 321/2015 (X.30.).
- If there is an ongoing procedure to amend a registration related to the certificate of incorporation, a copy of the application to amend the registration and of the confirmation of the submission thereof issued by the court of registration (or the authority exercising the company registration amendment powers in the Candidate's country) shall be enclosed to the request to participate document (Article 13 of Government Decree No 321/2015. (X.30.)). The request to participate document shall contain the declaration of the Candidate whether there is an ongoing procedure to amend the registration or not.
- The Contracting Authority calls the attention to Article 64 of the PPA.

Pursuant to the above:

No economic operator can be Candidate (grouping of Joint Candidates), subcontractor and no such economic operator may participate in the attestation of competence against whom the grounds for exclusion set out in subsections (1) – (2) of Article 62 of the PPA are exist.

In the course of the procedure carried out by the Second Part of the PPA, the Contracting Authority is obliged to accept the following written declarations incorporated into the European Single Procurement Document²; and furthermore the following attestations and declarations, and inspect the absence of the grounds for exclusion according to the following [Article 8; 10; 12 – 14; and 16 of Government Decree No. 321/2015 (X. 30.)].

- **According to paragraph a) of subsection (1) of Article 62 of the PPA:**
- where the economic operator has committed either of the following criminal offences, if found guilty of such crime by final court verdict in the past five years, until exonerated from the detrimental consequences of having a criminal record:
 - aa)** participation in a criminal organization under Act IV of 1978 on the Criminal Code (hereinafter referred to as “Act IV/1978”), and Act C of 2012 on the Criminal Code (hereinafter referred to as “Criminal Code”), including if committed a criminal act in the framework of a criminal organization,
 - ab)** active corruption, abuse of a function, indirect corruption, bribery in international transactions, indirect bribery in international transactions, misappropriation of funds or defalcation under Act IV/1978, or crimes of corruption provided for in Chapter XXVII of the Criminal Code and misappropriation of funds or defalcation under the Criminal Code,
 - ac)** budget fraud, any violation of the financial interest of the European Communities under Act IV/1978, or budget fraud under the Criminal Code,
 - ad)** acts of terrorism under Act IV/1978 and the Criminal Code, including instigation, aiding and abetting or attempt committed in connection therewith,
 - ae)** money laundering under Act IV/1978 and the Criminal Code, and terrorist financing under the Criminal Code,
 - af)** trafficking in human beings under Act IV 1978 and the Criminal Code, and forced labor under the Criminal Code,

² If – pursuant to subsection 11 of Article 69 of the PPA - the Contracting Authority has direct access to the databases verifying the absence of the grounds for exclusion and the eligibility criteria, the economic operators shall also specify the route to such databases in the relevant fields of the form.
The economic operators shall also specify the competent authority in charge of issuing the attestations pursuant to Chapter 3 in the form.

- ag)** agreement in restraint of competition in public procurement and concession procedures under Act IV/1978 and the Criminal Code,
- ah)** a crime similar in nature to those under Paragraphs a)-g) according to the economic operator's national law;

1. Attestation of the absence of the ground for exclusion in the request to participate document:

Economic operator established in Hungary:

Subparagraphs aa)-af): The preliminary confirmation of the absence of the ground for exclusion shall be done in a declaration incorporated into the European Single Procurement Document; the declaration regarding the concerned ground for exclusion shall be indicated in **section “A” of Part III** of the standard form.

Subparagraph ag): The preliminary confirmation of the absence of the ground for exclusion shall be done in a declaration incorporated into the European Single Procurement Document; the declaration regarding the concerned ground for exclusion shall be indicated in **section “D” of Part III** of the standard form.

Economic operator established outside Hungary:

Subparagraphs aa)-af): The preliminary confirmation of the absence of the ground for exclusion shall be done in a declaration incorporated into the European Single Procurement Document; the declaration regarding the concerned ground for exclusion shall be indicated in **section “A” of Part III** of the standard form.

ag) subparagraph: The preliminary confirmation of the absence of the ground for exclusion shall be done in a declaration incorporated into the European Single Procurement Document; the declaration regarding the concerned ground for exclusion shall be indicated in **section “D” of Part III** of the standard form.

ah) subparagraph: Declaration shall be made also regarding the similar criminal acts to the provisions of subparagraph ah) of the European Single Procurement Document.

The declarations shall also be applied to the persons listed in subsection (2) of Article 62 of the PPA.

2. Attestation of the grounds for exclusion in line with subsection (4) of Article 69 of the PPA, upon the notice of the Contracting Authority:

Economic operator established in Hungary:

Only natural person economic operator is obliged to make declaration with regard to confirm subparagraph a) of subsection (1) of Article 62 of the PPA; declaration certified by public notary or chamber of commerce, trade association.

Economic operator established outside Hungary:

The authentic instrument issued by the competent judicial body or administrative authority of the member state of the economic operator, or the domicile of the person attesting the compliance with the referred requirements.

In event the competent court or authority does not issue such excerpt or certification, or they do not cover all of the cases referred to in these subparagraphs, the Contracting Authority accepts the Tenderer's or Candidate's sworn declaration, or if such declaration is unknown in the country concerned, a declaration on oath made by the Tenderer or Candidate in front of the competent court, authority, chamber or trade association or a declaration certified by a public notary.

- **According to paragraph b) of subsection (1) of Article 62 of the PPA:** the economic operator failed to fulfil its obligations relating to the payment of taxes, customs duties or social security contributions which are overdue for over a year, except if the economic operator has fulfilled its obligations by paying such debts before the time of submission of the tender or request to participate, including, where applicable, any interest accrued or fines, or if deferred payment has been authorized.

1. Attestation of the absence of the ground for exclusion in the request to participate document:

The preliminary confirmation of the absence of the ground for exclusion shall be done in a declaration incorporated into the European Single Procurement Document; the declaration regarding the concerned ground for exclusion shall be indicated in **section “B” of Part III** of the standard form, however, only those undue taxes, customs duties or social security contributions' shall be indicated which are overdue for more than a year, together with the maturity date.

2. Attestation of the grounds for exclusion in line with subsection (4) of Article 69 of the PPA, upon the notice of the Contracting Authority:³

Economic operator established in Hungary:

The Contracting Authority verifies it from the register of taxpayers free of tax debt obligations under [Act XCII of 2003](#) on the Rules of Taxation (hereinafter referred to as "RTA"), if the economic operator is not listed, the certification of the competent tax- and customs authority or the combined tax certificate under the RTA shall be attached.

Economic operator established outside Hungary:

The certification of the competent authorities according to the place of domicile; furthermore, the Contracting Authority also inspects it from the register of taxpayers free of tax debt obligations under RTA the lack of ground for exclusion with regard to the outstanding public dues in Hungary; if the Tenderer or Candidate is not listed, the certification of the competent tax- and customs authority or the combined tax certificate under the RTA shall be attached; in event the economic operator does not pursue any activities in Hungary that would fall under tax payment obligation, the corresponding certification of the National Tax and Customs Administration.

In event the competent court or authority does not issue such excerpt or certification, or they do not cover all of the cases referred to in these subparagraphs, the Contracting Authority accepts the Tenderer's or Candidate's sworn declaration, or if such declaration is unknown in the country concerned, a declaration on oath made by the Tenderer or Candidate in front of the competent court, authority, chamber or trade association or a declaration certified by a public notary.

³ The certificate of the authorities keeping record on public dues according to paragraph b) of subsection (1) of section 62 of the PPA [paragraph b) of subsection 8] shall declare whether the economic operator has public dues kept by the authority on the date of the issuance of the certificate; if yes, what was the maturity date of the payment obligation of the economic operator, whether any deferred payment has been authorized and for what period.

(2) The certification of the authority according to subsection (1) – if the certification attests that the economic operator does not have due public debt that became overdue for over a year – must be accepted by the Contracting Authority even if it has not been issued for the purposes of the concerned public procurement procedure or it has been issued for the purposes of a different public procurement procedure, or if the issuing authority indicated a validity period shorter than a year on the certificate, and it is expired.

(3) If a legal regulation stipulates new public levy falling under the scope of paragraph b) of subsection (1) of section 62 of the PPA, the corresponding certificate shall only be enclosed to those procedures in which the deadline for participation falls to a date being one year later than the entry into force of the regulation stipulating the public levy.

- **According to paragraph c) of subsection (1) of Article 62 of the PPA:** where the economic operator is the subject of winding-up proceedings, or a court ruling ordering the opening of bankruptcy proceedings has been published or if undergoing liquidation proceedings by final decision, or if the economic operator is undergoing any similar proceeding under national law, or who is in any analogous situation under national law;

1. Attestation of the absence of the ground for exclusion in the request to participate document:

The preliminary confirmation of the absence of the ground for exclusion shall be done in a declaration incorporated into the European Single Procurement Document; the declaration regarding the concerned ground for exclusion shall be indicated in **section “C” of Part III** of the standard form.

2. Attestation of the grounds for exclusion in line with subsection (4) of Article 69 of the PPA, upon the notice of the Contracting Authority:

Economic operator established in Hungary:

The Contracting Authority shall verify it on the basis of the free of charge online company registry data requested from the Company Information and Electronic Company Registration Service (hereinafter: Company Information Service).

Economic operator established outside Hungary:

The certification of the competent authorities according to the place of domicile.

In event the competent court or authority does not issue such excerpt or certification, or they do not cover all of the cases referred to in these subparagraphs, the Contracting Authority accepts the Tenderer's or Candidate's sworn declaration, or if such declaration is unknown in the country concerned, a declaration on oath made by the Tenderer or Candidate in front of the competent court, authority, chamber or trade association or a declaration certified by a public notary.

- **Pursuant to paragraph d) of subsection (1) of Article 62 of the PPA:** suspended its operations or whose operations were ordered to be suspended;

1. Attestation of the absence of the ground for exclusion in the request to participate document:

The preliminary confirmation of the absence of the ground for exclusion shall be done in a declaration incorporated into the European Single Procurement Document; the declaration regarding the concerned ground for exclusion shall be indicated in **section “C” of Part III** of the standard form.

2. Attestation of the grounds for exclusion in line with subsection (4) of Article 69 of the PPA, upon the notice of the Contracting Authority:

Economic operator established in Hungary:

The Contracting Authority shall verify it on the basis of the free of charge online company registry data requested from the Company Information and Electronic Company Registration Service (hereinafter: Company Information Service); furthermore, with respect to paragraph d) of subsection (1) of Article 62 of the PPA, if the economic operator does not qualify as a company pursuant to Act V of 2006 on Public Company Information, Company Registration and Winding-up Proceedings, or if other authority than the Court of Registration also has the capacity to suspend the company's operations, it is necessary to submit a declaration certified by a public notary, chamber of commerce or trade association.

Economic operator established outside Hungary:

The certification of the competent authorities according to the place of domicile.

In event the competent court or authority does not issue such excerpt or certification, or they do not cover all of the cases referred to in these subparagraphs, the Contracting Authority accepts the Tenderer's or Candidate's sworn declaration, or if such declaration is unknown in the country concerned, a declaration on oath made by the Tenderer or Candidate in front of the competent court, authority, chamber or trade association or a declaration certified by a public notary.

- **According to paragraph e) of subsection (1) of Article 62 of the PPA:** where the economic operator has been found guilty of a crime by final court verdict in connection with his economic or professional conduct within the past three years;

1. Attestation of the absence of the ground for exclusion in the request to participate document:

The preliminary confirmation of the absence of the ground for exclusion shall be done in a declaration incorporated into the European Single Procurement Document; the declaration regarding the concerned ground for exclusion shall be indicated in **section “D” of Part III** of the standard form.

2. Attestation of the grounds for exclusion in line with subsection (4) of Article 69 of the PPA, upon the notice of the Contracting Authority:

Economic operator established in Hungary:

With respect to paragraph e) of subsection (1) of Article 62 of the PPA, only natural person economic operator has to declare it with a declaration certified by a public notary, chamber of commerce or trade association.

Economic operator established outside Hungary:

Official document attesting the fulfilment of the referred requirements issued by the competent judicial or public administration authority according to the place of domicile.

In event the competent court or authority does not issue such excerpt or certification, or they do not cover all of the cases referred to in these subparagraphs, the Contracting Authority accepts the Tenderer's or Candidate's sworn declaration, or if such declaration is unknown in the country concerned, a declaration on oath made by the Tenderer or Candidate in front of the competent court, authority, chamber or trade association or a declaration certified by a public notary.

- **According to paragraph f) of subsection (1) of Article 62 of the PPA:** where the economic operator's activities are restrained for any period by final court verdict pursuant to Paragraph b) of Subsection (2) of Article 5 of Act CIV of 2001 on Criminal Sanctions in Connection with the Criminal Liability of Legal Persons, or under Paragraph c) or g) applicable to the given procurement procedure, during the period of exclusion, or if the tenderer's operations are restrained by final court order for similar reasons and by similar means;

1. Attestation of the absence of the ground for exclusion in the request to participate document:

The preliminary confirmation of the absence of the ground for exclusion shall be done in a declaration incorporated into the European Single Procurement Document; the declaration regarding the concerned ground for exclusion shall be indicated in **section "D" of Part III** of the standard form.

2. Attestation of the grounds for exclusion in line with subsection (4) of Article 69 of the PPA, upon the notice of the Contracting Authority:

Economic operator established in Hungary:

The Contracting Authority shall verify the lack of ground for exclusion on the basis of the free of charge online company registry data requested from the Company Information Service; furthermore, if the non-natural person economic operator does not qualify as a company it is necessary to submit a declaration certified by a public notary, chamber of commerce or trade association.

Economic operator established outside Hungary:

Official document attesting the fulfilment of the referred requirements issued by the competent judicial or public administration authority according to the place of domicile.

In event the competent court or authority does not issue such excerpt or certification, or they do not cover all of the cases referred to in these subparagraphs, the Contracting Authority accepts the Tenderer's or Candidate's sworn declaration, or if such declaration is unknown in the country concerned, a declaration on oath made by the Tenderer or Candidate in front of the competent court, authority, chamber or trade association or a declaration certified by a public notary.

- **According to paragraph g) of subsection (1) of Article 62 of the PPA:** where the economic operator has been excluded pursuant to Paragraph f) of Subsection (2) of Article 165 from participating in public procurement procedures, until the end of the period specified by the Közbizottság (Public Procurement Arbitration Board) or - in the case of review of the decision of the Közbizottság - in the final court decision;

1. Attestation of the absence of the ground for exclusion in the request to participate document:

The preliminary confirmation of the absence of the ground for exclusion shall be done in a declaration incorporated into the European Single Procurement Document; the declaration regarding the concerned ground for exclusion shall be indicated in **section “D” of Part III** of the standard form.

2. Attestation of the grounds for exclusion in line with subsection (4) of Article 69 of the PPA, upon the notice of the Contracting Authority:

Economic operator established in Hungary:

The absence of the ground for exclusion is verified by the Contracting Authority based on the database accessible from the homepage of the Authority, as well as from the free of charge online company registry data requested from the Company Information Service.

Economic operator established outside Hungary:

Official document attesting the fulfilment of the referred requirements issued by the competent judicial or public administration authority according to the place of domicile, furthermore the Contracting Authority shall verify the lack of ground for exclusion regarding the exclusion employed by the Közbeszerzési Döntőbizottság (Public Procurement Arbitration Board) from the database accessible on the homepage of the Authority.

In event the competent court or authority does not issue such excerpt or certification, or they do not cover all of the cases referred to in these subparagraphs, the Contracting Authority accepts the Tenderer's or Candidate's sworn declaration, or if such declaration is unknown in the country concerned, a declaration on oath made by the Tenderer or Candidate in front of the competent court, authority, chamber or trade association or a declaration certified by a public notary.

- **According to paragraph h) of subsection (1) of Article 62 of the PPA:** where the economic operator has been guilty of serious misrepresentation in supplying false information in a previous public procurement or concession award procedure, and was excluded from the procedure in consequence, and no remedy has taken place having regard to such exclusion within three years after the conclusion of the procurement procedure in question;

1. Attestation of the absence of the ground for exclusion in the request to participate document:

The preliminary confirmation of the absence of the ground for exclusion shall be done in a declaration incorporated into the European Single Procurement Document; the

declaration regarding the concerned ground for exclusion shall be indicated in **section “C” of Part III** of the standard form.

2. Attestation of the grounds for exclusion in line with subsection (4) of Article 69 of the PPA, upon the notice of the Contracting Authority:

Economic operator established in Hungary:

Individual certification is not needed; the Contracting Authority accepts the declaration incorporated into the European Single Procurement Document submitted in the procedure as the confirmation of the absence of the ground for exclusion.

Economic operator established outside Hungary:

The Contracting Authority accepts the declaration incorporated into the European Single Procurement Document submitted in the procedure as the confirmation of the absence of the ground for exclusion.

- **According to paragraph i) of subsection (1) of Article 62 of the PPA:** where the economic operator is guilty in supplying false information in the given public procurement procedure (hereinafter referred to as false "information") or misrepresentation in violation of the provisions on disclosures, or unable to meet the obligation of verification having regard to eligibility criteria, grounds for exclusion or the criteria provided for in Subsection (5) of Article 82 in spite of the declaration submitted as preliminary evidence (hereinafter referred to collectively as "false declaration"), if
- - ia) such false information or declaration may have a material influence on the contracting authority's decisions concerning exclusion, selection or award, the tender's conformity with the technical specifications, or the evaluation of tenders, and
 - ib) the economic operator has undertaken to provide false information or declaration, or should have been clearly aware within reason that the information he has supplied is false or untrue, or the declaration provided is not in conformity with the certificates available;

1. Attestation of the absence of the ground for exclusion in the request to participate document:

The preliminary confirmation of the absence of the ground for exclusion shall be done in a declaration incorporated into the European Single Procurement Document; the

declaration regarding the concerned ground for exclusion shall be indicated in **section “C” of Part III** of the standard form.

2. Attestation of the grounds for exclusion in line with subsection (4) of Article 69 of the PPA, upon the notice of the Contracting Authority:

Economic operator established in Hungary:

It is not necessary to submit a certificate, the existence of the ground for exclusion is verified by the Contracting Authority in the course of the procedure.

Economic operator established outside Hungary:

It is not necessary to submit a certificate; the existence of the ground for exclusion is verified by the Contracting Authority in the course of the procedure.

- **According to paragraph j) of subsection (1) of Article 62 of the PPA:** if the Contracting Authority is able to prove that the economic operator has undertaken to unduly influence the decision-making process of the Contracting Authority, or to obtain confidential information that may confer upon it undue advantages in the procurement procedure, or was excluded from a previous public procurement or concession award procedure in consequence, and no remedy has taken place having regard to such exclusion within three years after the conclusion of the procurement procedure in question;

1. Attestation of the absence of the ground for exclusion in the request to participate document:

The preliminary confirmation of the absence of the ground for exclusion shall be done in a declaration incorporated into the European Single Procurement Document; the declaration regarding the concerned ground for exclusion shall be indicated in **section “C” of Part III** of the standard form.

2. Attestation of the grounds for exclusion in line with subsection (4) of Article 69 of the PPA, upon the notice of the Contracting Authority:

Economic operator established in Hungary:

The Contracting Authority shall verify the existence of the ground for exclusion in the subject procedure in the course of the procedure; furthermore, with regard to earlier

public procurement procedures, the Contracting Authority accepts the declaration incorporated into the European Single Procurement Document in the procedure.

Economic operator established outside Hungary:

The Contracting Authority shall verify the existence of the ground for exclusion in the subject procedure in the course of the procedure; furthermore, with regard to earlier public procurement procedures, the Contracting Authority accepts the declaration incorporated into the European Single Procurement Document in the procedure.

- **According to paragraph k) of subsection (1) of Article 62 of the PPA:** where the economic operator is subject to either of the following:
 - *ka)* he is established for tax purposes in a country other than a Member State of the European Union, the European Economic Area or the Organization for Economic Cooperation and Development, a State that is a party to the World Trade Organization Agreement on Government Procurement or any of the overseas countries and territories mentioned in Article 198 of the TFEU, or a state with which Hungary has an agreement on double taxation, or with which the European Union has a bilateral agreement in the field of public procurement,
 - *kb)* being a company not listed on a regulated stock exchange, whose true owner provided for in Subparagraphs *a)-b)* or *d)* of Point 38) of Article 3 of Act LIII of 2017 on the Prevention and Combating of Money Laundering and Terrorist Financing cannot be identified, or
 - ka. *kc)* being an economic operator in which a legal person or any entity with legal capacity under national law controls directly or indirectly more than 25 per cent of the shares or voting rights, to whom the provisions under Subparagraph *kb)* apply;

1. Attestation of the absence of the ground for exclusion in the request to participate document:

The preliminary confirmation of the absence of the ground for exclusion shall be done in a declaration incorporated into the European Single Procurement Document; the declaration regarding the concerned ground for exclusion shall be indicated in **section “D” of Part III** of the standard form.

2. Attestation of the grounds for exclusion in line with subsection (4) of Article 69 of the PPA, upon the notice of the Contracting Authority:

Economic operator established in Hungary:

subparagraph ka): It is not necessary to submit any certificate or declaration, the Contracting Authority shall verify the fact whether it is an economic operator registered in Hungary, or not on the basis of the free of charge online company registry data requested from the Company Information Service.

Subparagraph kb): Tenderer's or Candidate's declaration that whether it is qualified as a company not listed on a regulated stock exchange, in such case all of the names and permanent residences of its true owners as provided for in Subparagraphs a)-b) or d) of Paragraph 38) of Article 3 of Act LIII of 2017 on the Prevention and Combating of Money Laundering and Terrorist Financing shall be submitted in a declaration; in event the economic operator does not have true owner as provided for in Subparagraphs a)-b) or d) of Paragraph 38) of Article 3 of the Money Laundering Act, the corresponding declaration shall be attached.

Subparagraph kc): Tenderer's or Candidate's declaration on the existence of any legal person or any entity with legal capacity under national law that controls directly or indirectly more than 25 per cent of the shares or voting rights in the Tenderer or Candidate company; if there is such entity, the Tenderer or Candidate shall indicate its designation (company name, registered seat) in a declaration, and furthermore, it represents that the ground for exclusion specified in subparagraph kc) of paragraph k) of subsection (1) of Article 62 of the PPA does not exist vis-à-vis such entity.

Economic operator established outside Hungary:

Subparagraph ka): The certificate of tax residency issued by the concerned country.

In event the competent court or authority does not issue such excerpt or certification, or they do not cover all of the cases referred to in these subparagraphs, the Contracting Authority accepts the Tenderer's or Candidate's sworn declaration, or if such declaration is unknown in the country concerned, a declaration on oath made by the Tenderer or Candidate in front of the competent court, authority, chamber or trade association or a declaration certified by a public notary.

kb) subparagraph: Tenderer's or Candidate's declaration that it is being a company listed or not on a regulated stock exchange, if the Tenderer or Candidate is not listed on a regulated stock exchange, all of the names and permanent residences of its true

owners as provided for in Subparagraphs a)-b) or d) of Paragraph 38) of Article 3 of Act LIII of 2017 on the Prevention and Combating of Money Laundering and Terrorist Financing shall be submitted in a declaration; in event the economic operator does not have true owner as provided for in Subparagraphs a)-b) or d) of Paragraph 38) of Article 3 of the Money Laundering Act, the corresponding declaration shall be attached.

Subparagraph kc): Tenderer's or Candidate's declaration on the existence of any legal person or any entity with legal capacity under national law that controls directly or indirectly more than 25 per cent of the shares or voting rights in the Tenderer or Candidate company; if there is such entity, the Tenderer or Candidate shall indicate its designation (company name, registered seat) in a declaration, and furthermore, it represents that the ground for exclusion specified in subparagraph kc) of paragraph k) of subsection (1) of Article 62 of the PPA does not exist vis-à-vis such entity.

- **According to paragraph i) of subsection (1) of Article 62 of the PPA:**
- where the economic operator has been found guilty of an infringement by a final administrative ruling adopted by the employment authority under Article 7/A of Act LXXV of 1996 on Employment Inspections within the preceding two years or, if reviewed, by final court decision subject to payment order of a sum payable to the central budget, or to a penalty for the protection of public policy imposed by the immigration authority under the Act on the Admission and Residence of Third-Country Nationals for the employment of a third-country national in Hungary, where such employment is subject to authorization;

1. Attestation of the absence of the ground for exclusion in the request to participate document:

The preliminary confirmation of the absence of the ground for exclusion shall be done in a declaration incorporated into the European Single Procurement Document; the declaration regarding the concerned ground for exclusion shall be indicated in **section “D” of Part III** of the standard form.

2. Attestation of the grounds for exclusion in line with subsection (4) of Article 69 of the PPA, upon the notice of the Contracting Authority:

Economic operator established in Hungary:

The absence of the exclusion criteria is verified by the Contracting Authority in the register of the employment authority kept pursuant to Article 8/c of Act LXXV of 1996, and from the data published by the Office of Immigration and Nationality.

Economic operator established outside Hungary:

The absence of the exclusion criteria is verified by the Contracting Authority in the register of the employment authority kept pursuant to Article 8/c of Act LXXV of 1996, and from the data published by the Office of Immigration and Nationality.

- **According to paragraph m) of subsection (1) of Article 62 of the PPA:** where a distortion of competition from the prior involvement of the economic operator in the preparation of the procurement procedure, or from the conflict of interest under Article 25, cannot be remedied by measures other than exclusion;

1. Attestation of the absence of the ground for exclusion in the request to participate document:

The preliminary confirmation of the absence of the ground for exclusion shall be done in a declaration incorporated into the European Single Procurement Document; the declaration regarding the concerned ground for exclusion shall be indicated in **section “C” of Part III** of the standard form.

2. Attestation of the grounds for exclusion in line with subsection (4) of Article 69 of the PPA, upon the notice of the Contracting Authority:

Economic operator established in Hungary:

The existence of the exclusion criteria is verified by the Contracting Authority in the course of the procedure.

Economic operator established outside Hungary:

The existence of the exclusion criteria is verified by the Contracting Authority in the course of the procedure.

- **According to paragraph n) of subsection (1) of Article 62 of the PPA:** where the economic operator has been guilty and sanctioned within the previous three years of a legal offense committed in a public award procedure by final and executable decision of the

competition authority under Article 11 of the UMPA or under Article 101 of the TFEU, or by final and executable court ruling passed in conclusion of the judicial review of the said decision of the competition authority; or if the tenderer has been condemned, and fined, for a similar offense by another competition authority or court within the previous three years;

1. Attestation of the absence of the ground for exclusion in the request to participate document:

The preliminary confirmation of the absence of the ground for exclusion shall be done in a declaration incorporated into the European Single Procurement Document; the declaration regarding the concerned ground for exclusion shall be indicated in **section “C” of Part III** of the standard form, provided that if the economic operator received a penalty cancellation, or if the economic operator admitted to the Gazdasági Versenyhivatal (*Hungarian Competition Authority*) the infringement prior to the submission of the offer is indicated in the standard form.

2. Attestation of the grounds for exclusion in line with subsection (4) of Article 69 of the PPA, upon the notice of the Contracting Authority:

Economic operator established in Hungary:

The Contracting Authority verifies the absence of eventual infringement with respect to the decisions and to the court rulings with regard to such decision from the databases containing such decisions on the website of the Gazdasági Versenyhivatal (*Hungarian Competition Authority – hereinafter: GVH*); The Contracting Authority does not require additional certificate; with respect to the justification of the lack of any eventual infringements not listed in the databases on the website of the GVH, the Contracting Authority accepts the declaration incorporated into the Single European Procurement Document in the course of the procedure.

Economic operator established outside Hungary:

The Contracting Authority accepts the submission of a declaration incorporated into the European Single Procurement Document in the course of the procedure; furthermore, with regard to earlier infringements committed in Hungary, the Contracting Authority shall verify the lack of ground for exclusion as per paragraph n) from the databases containing the decisions of the GVH on its website.

- **According to paragraph o) of subsection (1) of Article 62 of the PPA:** if the contracting authority is able to prove that the economic operator has committed the infringement under Article 11 of the UMPA or under Article 101 of the TFEU, except if the economic operator admits to the Gazdasági Versenyhivatal (*Hungarian Competition Authority*) commission of the infringement under Article 11 of the UMPA or under Article 101 of the TFEU before submitting the tender, or the final tender in competitive procedures with negotiation and in competitive dialogues, and the Gazdasági Versenyhivatal verified the conditions provided for in Subsection (2) of Article 78/A of the UMPA for exemption from the fine in its ruling adopted according to Subsection (2) of Article 78/C of the UMPA;

1. Attestation of the absence of the ground for exclusion in the request to participate document:

The preliminary confirmation of the absence of the ground for exclusion shall be done in a declaration incorporated into the European Single Procurement Document; the declaration regarding the concerned ground for exclusion shall be indicated in **section “C” of Part III** of the standard form, provided that if the economic operator received a penalty cancellation, or if the economic operator admitted to the Gazdasági Versenyhivatal (*Hungarian Competition Authority*) the infringement prior to the submission of the offer is indicated in the standard form.

2. Attestation of the grounds for exclusion in line with subsection (4) of Article 69 of the PPA, upon the notice of the Contracting Authority:

Economic operator established in Hungary:

The Contracting Authority accepts the declaration incorporated into the European Single Procurement Document as the attestation of the ground for exclusion and submitted in the course of the procedure.

Economic operator established outside Hungary:

The Contracting Authority accepts the declaration incorporated into the European Single Procurement Document as the attestation of the ground for exclusion and submitted in the course of the procedure.

- **According to paragraph p) of subsection (1) of Article 62 of the PPA:** where the economic operator used the advance provided for in Subsections (7) - (9) of Article 135 by

ways other than contracted in accordance with an executable court ruling or administrative decision (or court ruling in the case of the judicial review thereof) adopted within the previous three years.

1. Attestation of the absence of the ground for exclusion in the request to participate document:

The preliminary confirmation of the absence of the ground for exclusion shall be done in a declaration incorporated into the European Single Procurement Document; the declaration regarding the concerned ground for exclusion shall be indicated in **section “D” of Part III** of the standard form.

2. Attestation of the grounds for exclusion in line with subsection (4) of Article 69 of the PPA, upon the notice of the Contracting Authority:

Economic operator established in Hungary:

The Contracting Authority accepts the declaration incorporated into the European Single Procurement Document as the attestation of the ground for exclusion and submitted in the course of the procedure.

Economic operator established outside Hungary:

The Contracting Authority accepts the declaration incorporated into the European Single Procurement Document as the attestation of the ground for exclusion and submitted in the course of the procedure.

- **According to paragraph q) of subsection (1) of Article 62 of the PPA:** who seriously infringed the provisions of this Act concerning the fulfilment of the contract concluded as a result of the procurement procedure or concession award procedure and such infringement was established by the final and binding decision of the Public Procurement Arbitration Board or, in case of a review thereof, by the final and binding court decision issued not earlier than 90 days.

1. Attestation of the absence of the ground for exclusion in the tender document:

The preliminary confirmation of the absence of the ground for exclusion shall be done in a declaration incorporated into the European Single Procurement Document; the

declaration regarding the concerned ground for exclusion shall be indicated in **section “D” of Part III** of the standard form.

2. Attestation of the grounds for exclusion in line with subsection (4) of Article 69 of the PPA, upon the notice of the Contracting Authority:

Economic operator established in Hungary:

The Contracting Authority accepts the declaration incorporated into the European Single Procurement Document as the attestation of the ground for exclusion and submitted in the course of the procedure.

Economic operator established outside Hungary:

The Contracting Authority accepts the declaration incorporated into the European Single Procurement Document as the attestation of the ground for exclusion and submitted in the course of the procedure.

- According to paragraph a) of subsection (2) of Article 62 of the PPA:

if any executive officer or supervisory board member, or director of the economic operator, or the sole member in the case of a business association, or a member of management or supervisory body, or any person vested with decision-making powers under national law in a position similar to those aforementioned, where such person was found guilty of either of the criminal offenses defined in Paragraph a) of Subsection (1) by final court verdict in the past five years, and has not been exonerated from the detrimental consequences of having a criminal record,

1. Attestation of the absence of the ground for exclusion in the request to participate document:

The preliminary confirmation of the absence of the ground for exclusion shall be done in a declaration incorporated into the European Single Procurement Document; the declaration regarding the concerned ground for exclusion shall be indicated in **section “A” and “D” of Part III** of the standard form, with regard to the fact that the declaration made according to subparagraphs aa)-af) of paragraph a) of subsection (1) of Article 62 of the PPA and subparagraph ag) of paragraph a) of subsection (1) of Article 62 of the PPA and subparagraph ah) of paragraph a) of subsection (1) of Article 62 of the PPA shall also apply to the entities specified in subsection (2) of Article 62 of the PPA.

2. Attestation of the grounds for exclusion in line with subsection (4) of Article 69 of the PPA, upon the notice of the Contracting Authority:

Economic operator established in Hungary:

In case of the entities enlisted in subsection (2) of Article 62 of the PPA, declaration certified by public notary or chamber of commerce, trade association.

Economic operator established outside Hungary:

Official document attesting the fulfilment of the referred requirements issued by the competent judicial or public administration authority according to the place of domicile or member state of the economic operator.

In event the competent court or authority does not issue such excerpt or certification, or they do not cover all of the cases referred to in these subparagraphs, the Contracting Authority accepts the Tenderer's or Candidate's sworn declaration, or if such declaration is unknown in the country concerned, a declaration on oath made by the Tenderer or Candidate in front of the competent court, authority, chamber or trade association or a declaration certified by a public notary.

- **According to paragraph b) of subsection (2) of Article 62 of the PPA:** if the final court verdict for either of the criminal offenses defined in Paragraph a) of Subsection (1) was delivered in the past five years - or within the time period required for being exonerated from the detrimental consequences of having a criminal record, if this is shorter - against a person holding the position of executive officer or supervisory board member, or director of the economic operator, or the sole member in the case of a business association, or a member of management or supervisory body, or any person vested with decision-making powers under national law in a position similar to those aforementioned at the time the criminal offence was committed.

1. Attestation of the absence of the ground for exclusion in the request to participate document:

The preliminary confirmation of the absence of the ground for exclusion shall be done in a declaration incorporated into the European Single Procurement Document; the declaration regarding the concerned ground for exclusion shall be indicated in **section “A” and “D” of Part III** of the standard form, with regard to the fact that the declaration

made according to subparagraphs aa)-af) of paragraph a) of subsection (1) of Article 62 of the PPA and subparagraph ag of paragraph a) of subsection (1) of Article 62 of the PPA and subparagraph ah) of paragraph a) of subsection (1) of Article 62 of the PPA shall also apply to the entities specified in subsection (2) of Article 62 of the PPA.

2. Attestation of the grounds for exclusion in line with subsection (4) of Article 69 of the PPA, upon the notice of the Contracting Authority:

Economic operator established in Hungary:

In case of the entities enlisted in subsection (2) of Article 62 of the PPA, declaration certified by public notary or chamber of commerce, trade association.

Economic operator established outside Hungary:

Official document attesting the fulfilment of the referred requirements issued by the competent judicial or public administration authority according to the place of domicile or member state of the economic operator.

In event the competent court or authority does not issue such excerpt or certification, or they do not cover all of the cases referred to in these subparagraphs, the Contracting Authority accepts the Tenderer's or Candidate's sworn declaration, or if such declaration is unknown in the country concerned, a declaration on oath made by the Tenderer or Candidate in front of the competent court, authority, chamber or trade association or a declaration certified by a public notary.

If the economic operator falls under the exclusion criteria under paragraphs a), c),-e), g)-p) of subsection (1) of Article 62 of the PPA or subsection (2) of Article 62 of the PPA but took measures to demonstrate its reliability under Article 64 of the PPA according to the final ruling of the Közbeszerzési Hatóság (*Procurement Authority*) adopted under Subsection (4) of Article 188 - or according to a court ruling adopted under Subsection (5) of Article 188 in the case of judicial review – then it is mandatory to indicate both the existence of the ground for exclusion and the brief description of the measures taken in the standard form. The final ruling of the Közbeszerzési Hatóság (*Procurement Authority*) adopted under Subsection (4) of Article 188 - or according to a court ruling adopted under Subsection (5) of Article 188 in the case of judicial review shall be attached to the standard form.

14.) Attestation of competence

Candidate (grouping of Joint Candidates), shall attest their competence pursuant to the provisions of paragraphs III.1.1) – III.1.3) of the Contract Notice with regard to the following regulation:

Attestation of competence, Single European Procurement Document:

The justification of the compliance with the eligibility criteria shall be done in the declaration incorporated into the European Single Procurement Document.

The economic operator shall make representation in the European Single Procurement Document that the prescribed eligibility criteria are met, and also obliged to provide the information requested in the procedure containing the data regarding the fulfilment of the eligibility criteria. The declaration shall contain the indication of the authority having the capacity to issue the certificate to be submitted as well as the data necessary to apply the database under subsection (11) of Article 69 and – if needed – the consent declaration thereof.

Contracting Authority prescribes that all concerned economic operators shall attest their compliance with the eligibility criteria with the detailed completion of paragraph α part IV of the standard form provided as part of the Procurement Documents under subsection (5) of Article 2 of Government Decree No. 321/2015 (X. 30.).

The submission of the certificates set out for the eligibility criteria is only needed if it is requested by the Contracting Authority pursuant to subsection (4) of Article 69 of the PPA.

Contracting Authority sets forth that in event more request to participate documents are submitted than the admission limit of the economic operators to be called to bid (5), the Contracting Authority shall request the certificates under subsection (4) of Article 69 of the PPA (that is: grounds for exclusion, eligibility criteria, and with respect to the objective criteria according to subsection (5) of Article 82 the certificates prescribed in the prior information notice) and shall assess the results of the participation phase upon the consideration of the foregoing.

Relying on the capacities of other entities:

Compliance with the economic, financial eligibility criteria

According to Article 65 of the PPA, the Contracting Authority does not specify economic and financial eligibility criteria.

For the sake of compliance with the technical and professional eligibility criteria and other eligibility criteria regarding the enrolment in professional and company registers

subsection (7); (9) (10) of Article 65 of the PPA can be applied in order to comply with the basic eligibility criteria, that is Candidates may use the capacity of another organisation (or person) regardless of the legal nature of their relationship.

In this case, this organisation shall be identified and by indicating the relevant paragraph of the Contract Notice, as well as the suitability requirement(s) for the certificate of which Candidate will rely on the resources of this organisation.

The document evidencing the contractual commitment of the entity making available its capacities, or agreed upon by way of a preliminary contract, as shown in the request to participate, verifying that it will have at its disposal the resources necessary for the execution of the contract, throughout the entire life of the contract shall be attached to the request to participate document. [Subsection (7) of Article 65 of the PPA]

With regard to criteria prescribed under specific other legislation relating to the educational and professional qualifications of experts, or to verifying compliance with the requirement relating to references in proof of the relevant professional experience, economic operators may only rely on the capacities of other entities where the latter will perform the works or services, or the supplies for which these capacities are required.

An economic operator may rely on the capacities of other entities for verifying compliance with the requirement set out in Paragraph c) of Subsection (1) of Article 65 of the PPA, if the entity in question will perform the function for which enrolment in the register, membership or authorization is required. The commitment referred to in Subsection (7) of Article 65 of the PPA shall offer proof thereof.

If a Candidate wishes to comply with the prescribed eligibility criteria by relying on the capacities of other organizations or entities, then the Candidate shall also submit individual

standard forms completed and signed by the concerned organizations or entities containing the relevant information with regard to all involved organization.

In such cases the organizations or entities providing their capacities will only make representations with respect to those eligibility criteria, which the Candidate wish to employ to prove its eligibility.

In event the Candidate meets the prescribed eligibility criteria (also) by relying on the capacities of other organizations, the declarations of the organizations providing their capacities shall also be submitted with the request to participate document incorporated into the European Single Procurement Document, and when the Contracting Authority prescribes the submission of the certificates under subsection (4) of Article 69 of the PPA, such organization shall attest the compliance with the prescribed eligibility criteria in the same manner that is prescribed for the attestation methods and only with respect to the concerned eligibility criteria.

In case of the submission of a joint request to participate document, each of the members of the grouping of Joint Candidates shall submit separate standard forms.

If the Contracting Authority has direct access to the electronic databases attesting the eligibility criteria as per subsection (11) of Article 69 of the PPA, the economic operator shall specify the access routes to such databases in the appropriate parts of the standard form (Name, internet address, file number of the inspected data, etc. shall be provided.).

The economic operators must indicate in the standard form the name of the competent authority having the powers to issue the certificates according to Chapter IV.

15.) Formal requirements of the submission of the request to participate document

- **About the submission of the request to participate document:**
 - The original copy of the request to participate document shall be bound with string so that it could be paged. The knot shall be fixed to the first or the last page with a sticker, the sticker shall be stamped or signed by a person authorized to do it on behalf of the Candidate in the way that at least a part of the signature shall be on the sticker while the other part shall be on the page of the request to participate document.
 - The page numbers of the request to participate document shall begin with number one

and increase page by page. It is sufficient to number the pages containing texts, numbers or pictures. Blank pages need not be numbered, but they may be. The front page and the back page (if any) need not be, but may be. Contracting Authority shall accept numbering slightly different from these (e.g. /A, /B page indication at certain pages) if the location of particular documents in the table of contents can be clearly identified and it is possible to explicitly refer to the location of these documents.

- The request to participate document shall include a table of contents at the beginning, where the documents included in the application for participation can be found by page numbers (Annex 1).
- The application for participation shall be prepared in accordance with the information provided in the Contract Notice and in the Procurement Document and shall be submitted in 1 original hard copy and in 1 electronic copy fully identical with the hard copy [CD/DVD, USB stick] readable without a password but non-amendable PDF format) that contains the hard copy version of the request for participation document.
- Each document (declaration) in the request to participate document shall be signed at the end by the authorized at the given company or (a) person(s) with a written mandate granted by (a) person(s) entitled to do it.
- Prior to submitting the request to participate document each page of the request to participate document shall be signed where amendments have been made and at the amendments, too, by the one(s) signing the documents.
- If the hard copy of the request to participate document consist of several separate parts, the number of volumes have to be marked evidently.
- The request to participate document shall be submitted wrapped, the wrapping shall ensure the following:
 - each copies of the request to participate document shall remain together (hard copy application + digital data carrier)
 - it is clearly visible that after closing the package nothing was taken out or put in,
 - on the outer surface of the package the following details listed could be indicated
 - The following details and labels shall be indicated on the package containing the request to participate document:

Request to participate – “CAMERA SYSTEM AND ADS-B PURCHASE”

Furthermore:

“It cannot be opened before the expiry of the deadline for participation!”

- In event there is a discrepancy between the hard copy and the copy submitted on digital data carrier, the original hard copy shall be subject of assessment and regarded as being the applicable copy by the Contracting Authority.
- The request to participate document should not contain any material that was not requested by the Contracting Authority (e.g. brochures, flyers, etc.). Should the Candidate wish to submit similar material, then – if it is indeed considered to be necessary by the Candidate – submit it separately to the application, if possible.

16.) Taking over and opening the request to participate documents

Contracting Authority opens the request to participate documents according to subsection (1) of Article 68 of the PPA at the time of the expiry of the deadline for participation at the time and place specified in paragraph VI.3.1) of the Contract Notice. According to subsection (3) of Article 68 of the PPA, the organizations indicated in the Contract Notice can be present at the opening of the request to participate documents. The applicant tenderers do not receive individual invitations to the opening.

The takeover of the request to participate document submitted personally is confirmed by the representative of the Contracting Authority in writing on the spot. The application is considered to have arrived within the deadline for participation if the sealed and intact package containing the request to participate document is in the possession of the representative of the Contracting Authority until the expiry of the deadline set for the participation at the latest at the place indicated below and documented by a receipt.

The package(s) containing the request to participate documents can be submitted directly and personally **on working days between 9.00 am. and 16.00 pm. from Monday to Friday** until the expiration of the deadline. Upon the preliminary arrangement with the administrator, the request to participate document can be submitted in different times during the business hours at the following address:

Szterényi Law Office
H-1011 Budapest, Fő utca 14-18. Building “A” Floor VII

On the **opening day** at the same venue beginning from 9 am. the applications can also be submitted personally until the expiry of the deadline for participation.

Posted applications are considered by the Contracting Authority to be submitted in due time, if the receipt thereof occurred until the expiry of the deadline for participation at the place indicated herein and also in the Contract Notice. All risks arising from the submission of the request to participate document by post are borne by the Candidate. The Contracting Authority has no liability for the integrity of the wrapping of the applications sent via post.

Any other label different from the above shall not be placed there – except for posting – when addressing can still be put on the package, that is:

[Szterényi Law Office H-1011 Budapest, Fő utca 14-18. Building “A” Floor VII]

The request for participation document delivered after the expiration of the deadline will be considered invalid as per subsection (1) of Article 73 of the PPA. The wrapping of the application delivered after the expiration of the deadline will be opened by Contracting Authority so that the Candidate could be identified, about which a protocol is taken (Subsection (6) of Article 68 of the PPA).

The Contracting Authority draws the Candidates attention to the provisions of subsections (1) – (5) of Article 48 of the PPA, according to which:

- As regards the time limits prescribed by this Act, a deadline or time limit expressed in days, months or years (hereinafter referred to collectively as “time limit”) shall not include the initial day. Initial day means the day when the cause substantiating the commencement of the time limit occurs.
- Where a time limit is expressed in months or years, it shall expire on the day that corresponds to the day following the initial day, or if such day does not exist in the month when the time limit expires, on the last day of the month.
- If the last day of the time limit falls on a day that is not a working day, the time limit shall expire on the next working day.
- A time limit indicated in the tender notice (invitation to tender) shall commence on the day that follows the publication of the tender notice (invitation to tender), or the day on which the invitation was sent directly.
- Subsections (1) - (3) hereof shall also apply to the calculation of binding periods and the period referred to in Subsection (6) of Article 131.

17.) Assessment of the validity of the Candidate; disqualification of the Candidate

In the course of the assessment the Contracting Authority examines the validity of the application of the Candidate in line with subsections (1), (3) of Article 73 and Article 74.

18.) Assessment and verification of the request to participate documents

In the course of the examination of the request to participate documents the Contracting Authority examines whether the request to participate documents are in compliance with the requirements laid down in the Procurement Documents and legal regulations.

The Contracting Authority shall determine which request to participate documents are considered unacceptable, and if there is any economic operator who is to be excluded from the procedure.

In the process of assessment, the contracting authority shall accept the formal declaration executed within the framework of the European Single Procurement Document submitted as preliminary evidence for the eligibility criteria, grounds for exclusion and shall check the requests to participate documents as to conformity in all other respects, and carry out the assessment actions specified in Articles 71-72 of the PPA. *(Subsection (2) of Article 69 of the PPA)*

Simultaneously with the declaration comprised in the European Single Procurement Document the Contracting Authority shall also inspect the databases referred to in the declaration, which are accessible according to Subsection (11).

Where in the assessment of request to participate documents the Contracting Authority has serious doubt regarding the authenticity of the declaration made by any economic operator, the Contracting Authority may request the Candidate in question to submit the supporting documents referred to in Subsection (4) of Article 69 of the PPA within five working days.

19.) Assessment of the offer, information for the offer stage of the procedure

Upon the presentation of the entity acting on behalf of the Contracting Authority, the valid offers shall be assessed by the Contracting Authority by taking into consideration the proposal

of the Assessment Committee established by the Contracting Authority upon the assessment criteria: best value for money.

Criterion	Weight ratio
Price	65
1) Fee of standard items	55
2) Price of optional items	10
Quality criterion	35
1) Cameras generate panorama images – The processed image quality in case of 220° angle beyond the prescribed minimum (resolution, angle, frame rate)	3
2) Cameras generate panorama images – The processed image quality in case of 160° angle beyond the prescribed minimum (resolution, angle, frame rate)	2
3) Cameras generate panorama images – The resolution in case of 220° images beyond the prescribed minimum (resolution)	15
4) Cameras generate panorama images – The resolution in case of 160° images beyond the prescribed minimum (resolution)	5
5) Undertaking additional warranty period (In addition to the basic warranty period. Basic warranty period is 36 months) (month)	5
6) Term of the licence (extra offer in addition to the mandatory 12 months)	5

The lowest and highest ranking can be given during the assessment of the items of the criterion is: 1-10, where point 1 is the worst and point 10 is the best value.

1. Price offer (net EUR), weight ratio: 65

Contracting Authority emphasizes that where the documentation refers to manufacturer and/or type it was only made to clearly identify the nature of the object. Tenderer may display any other device in its offer that complies with the required functionality and equivalent to the referred one.

The Contracting Authority requests the Tenderers to take the following conditions into consideration during the establishment of the price:

- The offer price shall be formulated in a way that it shall contain all costs of the Tenderer related to the rendering of the service.
- The prices specified by the awarded tenderer are considered to be fixed prices. The awarded tenderer may not claim for any additional fees or costs from the Contracting Authority beyond the specified costs.
- Net prices are settled with the applicable VAT rate.
- The offer price shall contain all costs necessary to realize the subject of the offer by being responsible for the results and to comply with the conditions set out in the offer conditions.
- In order to be able to assess every offer by equal criterion in every aspect the Contracting Authority does not accept the offer (that is to declare it invalid), in which the Tenderer makes comments or additional information which has an impact on the performance, or makes the concerned offer item unclear, and furthermore if it influences the price in any manner.
- The scoring is carried out according to the following:
- Reverse scaling: the one offering the lowest value shall receive 10 points – as the most favourable offer for the Contracting Authority – the other offers will be calculated compared to the most favourable offer with scaling according to the following formula:
- $P = (\text{Offer}_{\text{best}} / \text{Offer}_{\text{assessed}}) \times (\text{Rank}_{\text{max}} - \text{Rank}_{\text{min}}) + \text{Rank}_{\text{min}}$

Within the price assessment criterion, the Contracting Authority separately assesses the following, as criterion:

Price of standard items – weight ratio: 55

The price of the items enlisted in the technical description.

Price of optional items – weight ratio: 10

The Contracting Authority understands the item enlisted under paragraph 4.3.24 of the technical description as optional item, according to which:

As optional item, the system shall contain a second camera position near to the 05R threshold, which position is:

Latitude: N47°29'01"
Longitude: E021°36'11"
Altitude: 20,00 m AGL

2. Cameras generate panorama images – The processed image quality in case of 220° angle beyond the prescribed minimum (resolution, angle, frame rate) minimum weight ratio: 3

The Contracting Authority aims at the assessment of the processed video quality in case of the **2nd criterion** with a 220° angle. During the course of assessment – where the highest scores are the most favourable ones – gives maximum score to the most favourable content element, while the scores of the content elements of the other offers shall be calculated with reverse scaling compared to the most favourable content element.

According to subsection (1) of Article 77 of the PPA the minimum and maximum values are the following:

Vertical angle of the 220° panorama image is: min 40°, max 60°

$$\frac{P - P_{\min}}{P_{\max} - P_{\min}} = \frac{A_{\text{assessed}}}{A_{\text{best}}}$$

that _ is

$$P = \frac{A_{\text{assessed}}}{A_{\text{best}}} (P_{\max} - P_{\min}) + P_{\min}$$

where:

P: score of the evaluated content item for the given criteria

Pmax: highest score (10)

Pmin: lowest score (1)

Abest: content item of the most favourable offer (lowest value)

Aassessed: the content item of the evaluated offer

The Contracting Party shall consider that offer to be invalid in which the tenderer undertakes less than the minimum rate of resolution.

The tenderers shall submit their offers in °.

The offer, in which the tenderer offered higher rate of resolution than the maximum resolution shall be regarded by the Contracting Party as if the tenderer would provide the maximum rate. In such case the offer will receive the maximum score.

3. Cameras generate panorama images – The processed image quality in case of 160° angle beyond the prescribed minimum (resolution, angle, frame rate) minimum weight ratio: 2

The Contracting Authority aims at the assessment of the processed video quality in case of the **3rd criterion** with a 160° angle. During the course of assessment – where the highest scores are the most favourable ones – gives maximum score to the most favourable content element, while the scores of the content elements of the other offers shall be calculated with reverse scaling compared to the most favourable content element.

According to subsection (1) of Article 77 of the PPA the minimum and maximum values are the following:

Vertical angle of the 160° panorama image is: min 25°, max 60°

$$\frac{P - P_{\min}}{P_{\max} - P_{\min}} = \frac{A_{\text{assessed}}}{A_{\text{best}}}$$

that _ is

$$P = \frac{A_{\text{assessed}}}{A_{\text{best}}} (P_{\max} - P_{\min}) + P_{\min}$$

where:

P: score of the evaluated content item for the given criteria

Pmax: highest score (10)

Pmin: lowest score (1)

Abest: content item of the most favourable offer (lowest value)

Aassessed: the content item of the evaluated offer

The Contracting Party shall consider that offer to be invalid in which the tenderer undertakes less than the minimum rate of resolution.

The tenderers shall submit their offers in °.

The offer, in which the tenderer offered higher rate of resolution than the maximum resolution shall be regarded by the Contracting Party as if the tenderer would provide the maximum rate. In such case the offer will receive the maximum score.

4. Cameras generate panorama images – The resolution in case of 220° images beyond the prescribed minimum (resolution), weight ratio: 15

The Contracting Authority aims at the assessment of the resolution in case of 220° images beyond the prescribed minimum of the offered cameras which generate panorama images in case of the **4th criterion**. During the course of assessment – where the highest scores are the most favourable ones – gives maximum score to the most favourable content element, while the scores of the content elements of the other offers shall be calculated with reverse scaling compared to the most favourable content element.

According to subsection (1) of Article 77 of the PPA the minimum and maximum values are the following:

Min 1920*1080 resolution, max 3840*2160 resolution

$$\frac{P - P_{\min}}{P_{\max} - P_{\min}} = \frac{A_{\text{assessed}}}{A_{\text{best}}}$$

that_is

$$P = \frac{A_{\text{assessed}}}{A_{\text{best}}} (P_{\max} - P_{\min}) + P_{\min}$$

where:

P: score of the evaluated content item for the given criteria

P_{max}: highest score (10)

P_{min}: lowest score (1)

A_{best}: content item of the most favourable offer (highest value)

A_{assessed}: the content item of the evaluated offer

The Contracting Party shall consider that offer to be invalid in which the tenderer undertakes less than the minimum rate of resolution.

The offer, in which the tenderer offered higher rate of resolution than the maximum resolution shall be regarded by the Contracting Party as if the tenderer would provide the maximum rate. In such case the offer will receive the maximum score.

5. Cameras generate panorama images – The resolution in case of 160° images beyond the prescribed minimum (resolution), weight ratio: 5

The Contracting Authority aims at the assessment of the resolution in case of 160° images beyond the prescribed minimum of the offered cameras which generate panorama images in case of the **5th criterion**. During the course of assessment – where the highest scores are the most favourable ones – gives maximum score to the most favourable content element, while the scores of the content elements of the other offers shall be calculated with reverse scaling compared to the most favourable content element.

According to subsection (1) of Article 77 of the PPA the minimum and maximum values are the following:

Min 1920*1080 resolution, max 3840*2160 resolution

$$\frac{P - P_{\min}}{P_{\max} - P_{\min}} = \frac{A_{\text{assessed}}}{A_{\text{best}}}$$

that is

$$P = \frac{A_{\text{assessed}}}{A_{\text{best}}} (P_{\max} - P_{\min}) + P_{\min}$$

where:

P: score of the evaluated content item for the given criteria

P_{max}: highest score (10)

P_{min}: lowest score (1)

A_{best}: content item of the most favourable offer (highest value)

A_{assessed}: the content item of the evaluated offer

The Contracting Party shall consider that offer to be invalid in which the tenderer undertakes less than the minimum rate of resolution.

The offer, in which the tenderer offered higher rate of resolution than the maximum resolution shall be regarded by the Contracting Party as if the tenderer would provide the maximum rate. In such case the offer will receive the maximum score.

6. Warranty period (extra offer in addition to the mandatory 36 month warranty), weight ratio: 5

In case of the **6^h criterion**, during the course of assessment – where the highest scores are the most favourable ones – the Contracting Authority gives maximum score to the most favourable content element, while the scores of the content elements of the other offers shall be calculated with reverse scaling compared to the most favourable content element.

$$\frac{P - P_{\min}}{P_{\max} - P_{\min}} = \frac{A_{\text{assessed}}}{A_{\text{best}}}$$

that is

$$P = \frac{A_{\text{assessed}}}{A_{\text{best}}} (P_{\max} - P_{\min}) + P_{\min}$$

where:

P: score of the evaluated content item for the given criteria

P_{max}: highest score (10)

P_{min}: lowest score (1)

A_{best}: content item of the most favourable offer (highest value)

A_{assessed}: the content item of the evaluated offer

The Contracting Authority limits the undertakings of the Tenderers *according to the assessment criteria* as follows:

- Minimum warranty period: 36 months
- Maximum warranty period: 60 months

Only positive integers can be indicated as warranty period. The Tenderer shall indicate the extra offered warranty period on the tender form in addition to the 36 months mandatory warranty.

Example:

Warranty period (The extra offer in addition to the mandatory 36 months warranty)	36 month basic + 12 month extra
--	--

The offer which contains less than the minimum warranty period will be regarded invalid by the Contracting Authority.

We kindly ask you to indicate the offered period in full months.

The offer, in which the Tenderer offers more than the maximum warranty period shall be regarded by the Contracting Party as if the Tenderer provided the maximum period. In such case the offer will receive the maximum score.

7. Licence period (extra offer beyond the mandatory 1 year term), weight ratio: 5

In case of the 7th criterion the Contracting Authority gives maximum score to the most favourable content element – where the highest values are the most favourable ones, while it calculates the scores of the other offers with reverse scaling compared to the most favourable content element.

$$\frac{P - P_{\min}}{P_{\max} - P_{\min}} = \frac{A_{\text{assessed}}}{A_{\text{best}}}$$

that is

$$P = \frac{A_{\text{assessed}}}{A_{\text{best}}} (P_{\max} - P_{\min}) + P_{\min}$$

where:

P: score of the evaluated content item for the given criteria

Pmax: highest score (10)

Pmin: lowest score (1)

Abest: content item of the most favourable offer (highest value)

Aassessed: the content item of the evaluated offer

The Contracting Authority limits the undertakings of the Tenderers *according to the assessment criteria* as follows:

- Minimum licence period: 1 year
- Maximum licence period: 10 years

The offer which contains less than the minimum licence period will be regarded invalid by the Contracting Authority.

The offers shall be indicated in whole years.

The offer, in which the Tenderer offers more than the maximum licence period shall be regarded by the Contracting Party as if the Tenderer provided the maximum period. In such case the offer will receive the maximum score.

20.) Additional information for Candidates regarding paragraph VI.3. of the call for competition and further requirements

1. The condition for participating in the procedure is that at least one Candidate or the subcontractor indicated in the request to participate has access to and downloads the documentation by way of electronic means and to certify the download by returning

the comprehensively completed Registration data sheet duly signed by the person having adequate representation rights until the deadline for the submission of the tender. The Registration data sheet shall be sent via fax to the +36 14578041 fax number, or by electronic means – having regard to the provisions of subsection (4) of Article 41 of the PPA – to the hc@szilioffice.hu e-mail address. The documentation is non-transferable. For groupings of joint candidates, it is sufficient if one of the candidates of the group – or its subcontractor indicated in the participation – has access to and downloads by way of electronic means the documentation and confirms thereof in the prescribed manner to the person acting on behalf of the Contracting Authority.

2. The provisions of Article 56 of the PPA and the Public Procurement Document shall be applicable to the provision of additional information.
3. The provisions of the Procurement Document shall be applicable to the formal requirements of the submission the Request to participate document. The application for participation shall be prepared in accordance with the information provided in the Contract Notice and in the Procurement Document and shall be submitted in 1 original hard copy and in 1 electronic copy fully identical with the hard copy [CD/DVD, USB stick] readable without a password but non-amendable PDF format) that contains the hard copy version of the request for participation document. We call the Candidates' kind attention that in event there is a discrepancy between the hard copy and the copy submitted on digital data carrier, the original hard copy shall be subject of assessment and regarded as being the applicable copy by the Contracting Authority.
4. The following shall be attached to the Request to participate document:
 - Expressed declaration of Candidate regarding the conditions of the Contract Notice, signed by a person with appropriate representation powers. [Subsection (2) of Art. 66 of the PPA]
 - The declaration of Candidate – incorporated into the European Single Procurement Document - whether it qualifies as a micro, small or medium-sized enterprise according to the Act on Small and Medium-sized Enterprises and the Support Provided

to Such Enterprises. [According to Subsection (4) of Article 66 of the PPA.], signed by a person with appropriate representation powers.

- Tender form (fiche), containing the information referred to in Subsection (5) of Article 68: name, address (registered seat, place of residence) of Candidate, signed by a person with appropriate representation powers.
- The declaration of Candidate, in which the following is indicated:
 - a. for which part (parts) of the performance of the public procurement intends the Candidate to employ a subcontractor,
 - b. the subcontractors (already known at the time of the submission of the request to participate document) intended to be employed by the Candidate(s) in the previously mentioned parts. [Subsection (6) of Article 66 of the PPA], signed by a person with appropriate representation powers. Negative declaration shall be attached as well in case no such subcontractors will be employed.

The awarded tenderer shall notify the contracting authority at the latest by the time of conclusion of the contract concerning all subcontractors proposed to be involved in the performance of the contract, and - if a particular subcontractor had not been included in any previous procurement procedure - shall provide a declaration at the time of notification declaring that the subcontractor in question is not subject to any grounds for exclusion.

- Candidate (in case of grouping of Joint Candidates, every member of the grouping of Candidate) [subsection (1) of Article 67 of the PPA], if needed the organization(s) providing their capacities [subsection (3) of Article 67 of the PPA] shall complete the European Single Procurement Document, signed by a person with appropriate representation powers.

In case of the submission of a joint request to participate document, each of the members of the grouping of Joint Candidates shall submit separate standard forms.

If a Candidate wishes to comply with the prescribed eligibility criteria by relying on the capacities of other organizations or entities, then the Candidate shall also submit

individual standard forms completed and signed by the concerned organizations or entities containing the relevant information with regard to all involved organization. In such cases the organizations or entities providing their capacities will only make representations with respect to those eligibility criteria, which the Candidate wish to employ to prove its eligibility.

- With regard to the economic operators signed (any part of) the application, shall attach the specimen of signature or sample of signature according to Article 9 of Act V of 2006 of the persons entitled to sign on behalf of the economic operator. In case of non-Hungarian economic operators, if the law or the country of the economic operator does not recognize the specimen, or it is an economic operator who operates in a non-company form, the original or simple copy of the specimen of signature certified by public notary shall be attached to the request to participate document.
- If the application or the necessary declarations are signed by other person than the one entitled to sign on behalf of the economic operator upon with proxy given by the representative of the economic operator with authority to sign on behalf of the economic operator, then the proxy incorporated at least into a fully conclusive private deed given by the representative of the economic operator with authority to sign on behalf of the economic operator shall be attached as well.

Two or more economic operators may form a group to submit a request to participate jointly and later an offer. In such case the grouping of tenderers or Candidates shall designate a representative from among themselves vested with powers to act on behalf of the grouping of tenderers or Candidates in public procurement procedures. All declarations made in the name of the grouping of Joint Candidates shall contain a clear indication of the designation of the grouping of Joint Candidates.

Where the contracting entity is required under this Act to notify the Candidate and in cases where additional information, remedying deficiencies, specific information or explanation is requested the Contracting Authority shall send its notices, information and calls addressed to a grouping of Joint Candidates to the representative specified in subsection (2) of Article 35 of the PPA.

The Grouping of Tenderer Candidates (Later the Grouping of Tenderers) shall be jointly and severally liable for the performance of the contract to the Contracting Authority.

No change in the person of the economic operators having submitted a request to participate jointly shall be authorized after the time limit for the submission of tenders. In event the Candidate submits a request to participate and later an offer not just by itself but jointly then the corresponding expression of interest or cooperation agreement shall be attached to the request to participate document.

5. Subsection (2) of Article 47 of the PPA can be applied to the document to be submitted that is where legal regulation contains provisions for the submission of a document in the course of a procurement procedure, or when it is requested by the Contracting Authority to submit the original or the non-certified copy [Where a declaration or document is required for enforcing a claim directly (such as a declaration of guarantee or a guarantee document)] and furthermore the declaration to be submitted in the offer stage according to subsection (2) of Article 66 of the PPA.
6. Contracting Authority carries out the assessment of the request to participate documents with having regard to Article 69 of the PPA.
7. The language of the procedure is Hungarian and English; the offer may not be submitted in any other language. In order to comply with this condition, in case of submitting a document in a foreign language, its responsible Hungarian or English translation shall be submitted along with the document in foreign language. Contracting Authority means by responsible translation regarding which the person authorized to represent the tenderer makes a declaration that it fully complies with the original text. Contracting Authority will not take into account documents prepared neither in English nor in Hungarian or those without a responsible Hungarian or English translation while awarding the applications for participation. The accuracy of the contents of the translation is Candidate's responsibility.
8. All costs and risks incurring in the course of the preparation of the application for participation and its submission shall be borne by the Candidate regardless to the results of the procedure.

9. The hours specified in the Contract Notice shall be understood in CEE time.
10. The Contracting Authority draws the attention to subsections (1) – (4) of Article 44 of the PPA with regard to the business secret eventually indicated in the request to participate document.
11. It is not possible to submit the request to participate document, or later, the bid for parts only with respect to the below reasons:

Pursuant to subsection (4) of Article 61 of the PPA the nature of the subject matter of the procurement and further circumstances related to the contract do not justify the division into lots, with regard to that the fulfilment of the technically connected system cannot be performed by different suppliers, and furthermore the procurement cannot be divided into parts in a way that would result in the efficient utilization of public funds, with regard to that in case the procedure would be announced in parts, then the discount available for the fragmented quantities of the items would be lower compared to the discount available for the whole quantity of items, and thus if divided into parts, the total offer price of the whole quantity is expected to be higher than the offer price that can be reached by concentrating the whole quantity into one unit.

12. According to subsection (4) of Article 30 of Government Decree No. 321/2015 (X. 30.), the Contracting Authority draws the Tenderers' attention that the Contracting Authority established the Tenderers' technical and professional eligibility criteria and certifications thereof stricter than in the official register of qualified tenderers [M1];
13. In line with the provisions of Article 71 of the PPA, in the course of the procedure the Contracting Authority shall permit the possibility for remedying deficiencies, the Contracting Authority does not apply the derogation under subsection (6) of Article 71.
14. According to subsection (4) of Article 131 of the PPA, the Contracting Authority shall be bound to conclude the contract with the successful tenderer, or - in the event of the successful tenderer's withdrawal - with the tenderer declared second in the process of

the assessment of tenders, provided that this tenderer was indicated in the written report made on the assessment process.

15. The Candidate cannot bid in the present participation phase of the procedure!!! The Contracting Authority decides on the eligibility of the Candidate to perform the contract in the participation phase. With regard to the above, if the Candidate makes a bid in the request to participate document, or the request to participate document contains bid elements, then it shall be considered to be invalid by the Contracting Authority pursuant to subsection (3) of Article 73 of the PPA.

16. Contracting Authority provides the technical description of the subject of the public procurement in the Public Procurement Document.

17. Information for the offer stage of the procedure: Tenders shall include the tenderer's expressed declaration concerning the conditions of the contract notice, the conclusion and fulfilment of the contract and the amount of consideration requested [subsection (2) of Article 66 of the PPA], in original or in certified copy, signed by a person with appropriate representation powers.

18. To all issues not regulated in the present Contract Notice or in the documentation, the provisions and the implementation decrees of Act CXLIII of 2015 on Public Procurement shall apply and furthermore, the laws of Hungary shall govern the present public procurement procedure. The publication of the contract notice was published in accordance with Directive 2014/25/EU on Procurement.

c. Information for the offer stage of the procedure:

Late payment and non-performance penalty according to subsection (1) of 6:186 of the Hungarian Civil Code and pursuant to the contractual terms incorporated into the present Procurement Document, warranty is pursuant to the contractual terms incorporated into the present Procurement Document.

Further conditions for the collaterals to the contract are enlisted in the contractual terms incorporated herein.

d. Information for the offer stage of the procedure:

The currency of the bidding, the contract, the invoicing and the payment is EUR

The acknowledgement of the performance of the Tenderer contracting party; and following the issuance of the completion certificate by the Contracting Party upon the contractual performance of the contract, the payment will be carried out according to the provisions of Articles 30-32 of Government Decree No. 322/2015 and subsections (1) – (3) and (6) – (7) of Article 135 of the PPA.

Contracting Authority draws the attention to the fact that the provisions of Article 36/A of Act XCII of 2003 on Taxes shall be applied both in case of the contractor and the subcontractor when submitting and paying the invoice.

Further details on the main financing and payment conditions are contained in the contractual conditions constituting part of the Procurement Document.

21.) Applicable legal regulation

The PPA and its implementing decrees shall govern all issues not regulated in the Contract Notice or in the present Procurement Document.

CHAPTER II – TECHNICAL DESCRIPTION

The Contracting Authority draws the kind attention of the Candidates that the detailed technical description concerning the subject matter of the procurement drafted in compliance with the provisions of Act CXLIII of 2015 on Public Procurement and Government Decree No. 322/2015. (X.30.) is attached in full volume as a separate annex with regard to the size of the document.

CHAPTER III – ANNEXES, SAMPLE DECLARATIONS, STANDARD FORMS

List of certificates, declarations; recommended certificate templates and declarations.

1. *List of declarations and certificates to be enclosed with the request to participate document according to subsection (1) of Article 67 of the PPA*

Annex No. 1

Table of Contents⁴

“CAMERA SYSTEM AND ADS-B INSTALLATION”

	Page number
Tender Form signed by a person with appropriate representation powers (Annex 2.)	
Table of Contents (with page numbers, the number of pages recorded, with authorized signature) (Annex 1)	
Declaration on participation signed by a person with appropriate representation powers (Annex 3)	
Declaration under paragraph a) – b) of subsection (6) of Article 66 of the PPA, signed by a person with appropriate representation powers. (Annex 4)	
Optional – Cooperation Agreement, signed by a person with appropriate representation powers. (Annex 5)	
The declaration of Candidate – <u>incorporated into the European Single Procurement Document</u> – (ESPD Document – separate annex) and also as part of Annex 6 whether it qualifies as a micro, small or medium-sized enterprise according to the Act on Small and Medium-sized Enterprises.	
Declarations, certificates related to the grounds for exclusion	
Single European Document completed by the Candidate(s) and – if applicable – economic operators participating in the attestation of competence, signed by a person with appropriate representation powers (ESPD Document – separate annex)	
Declaration of Candidate(s) with regard to subsection (4) of Article 67 of the PPA, signed by a person with appropriate representation powers. (Annex 7)	
Optional: The application submitted to the Court of Registration regarding the amendment of the company register and the receipt of the Court of Registration confirming the submission thereof – in event the certificate of incorporation shows that the company has pending application to amend its registered data	
Declarations, certificates prescribed with regard to the technical and professional eligibility	
Single European Document completed by the Candidate(s) and – if applicable – economic operators participating in the attestation of competence, signed by a person with appropriate representation powers (ESPD Document – separate annex)	

⁴ The table of contents shall be updated according to the contents of the actually submitted request for participate document!

	Page number
Further certificates of Candidate(s) and subcontractor(s) as well as other organization(s) participating in the attestation of competence	
With regard to the economic operators signed (any part of) the application, shall attach the specimen of signature or sample of signature according to Article 9 of Act V of 2006 of the persons entitled to sign on behalf of the economic operator. In case of non-Hungarian economic operators, if the law or the country of the economic operator does not recognize the specimen, or it is an economic operator who operates in a non-company form, the original or simple copy of the specimen of signature certified by public notary shall be attached to the request to participate document.	
Optional: With proxy incorporated at least into a fully conclusive private deed signed by the representative of the economic operator with authority to sign on behalf of the economic operator and also by the proxy if the request to participate document or the necessary declarations are signed by other person than the one entitled to sign on behalf of the economic operator upon the proxy given by the representative of the economic operator with authority to sign on behalf of the economic operator.	
Optional: In event in verifying their compliance with requirements Candidate or the organization participating in the attestation of competence wish to rely on data that the economic operator would be entitled to use in consequence of succession, within the predecessor's involvement, then the request to participate document shall be completed with the company documents attesting the legal succession in simple copy, such as demerger, separation agreements, other documents on the transformation	
In event the Candidate complies with the prescribed eligibility criteria only by relying on the capacities of other organizations (entities):	
Candidate's declaration on relying on the capacities of other entities, signed by a person with appropriate representation powers. (Annex 8)	
Optional - The document evidencing the contractual commitment of the entity making available its capacities, or agreed upon by way of a preliminary contract, as shown in the request to participate, verifying that it will have at its disposal the resources necessary for the execution of the contract, throughout the entire life of the contract. ⁵	
Other declarations, certificates prescribed in the Contract Notice	
Registration form signed by a person with appropriate representation powers. (Annex 9)	

⁵ With regard to criteria prescribed under specific other legislation relating to the educational and professional qualifications of experts, or to verifying compliance with the requirement relating to references in proof of the relevant professional experience, economic operators may only rely on the capacities of other entities where the latter will perform the works or services, or the supplies for which these capacities are required. An economic operator may rely on the capacities of other entities for verifying compliance with the requirement set out in Paragraph c) of Subsection (1) of Article 65 of the PPA, if the entity in question will perform the function for which enrolment in the register, membership or authorization is required. The commitment to be attached shall offer proof thereof.

	Page number
Attached separately next to the request to participate document:	
1 copy of digital data carrier (CD/DVD) containing: copy of the request to participate document in readable without a password but non-amendable PDF format,	

The request to participate document has continuously numbered pages.

Tender Form

“CAMERA SYSTEM AND ADS-B INSTALLATION”

In case of individual request for participation⁶:

Name of Candidate:	
Registered seat of Candidate:	
Name of contact person:	
Mailing address of contact person:	
Telephone number of contact person:	
Fax number of contact person:	
E-mail address of contact person:	

In case of grouping of Tenderers⁷:

Name of the grouping of Joint Candidates:	
Name of the 1 st member of the grouping of Joint Candidates	
Registered seat of the 1 st member of the grouping of Joint Candidates:	
Name of the 2 nd member of the grouping of Joint Candidates:	
Registered seat of the 2 nd member of the grouping of Joint Candidates:	
... ⁸	
name of company acting on behalf of the grouping of Joint Candidates (according to subsection 2 of Article 35 of the PPA):	
Authorized contact person of the Grouping of Joint Candidates:	

⁶ Can be deleted in case of grouping of Candidate Tenderers.

⁷ Can be deleted in case of individual request for participation.

⁸ Additional line can be inserted here

Mailing address of the authorized contact person of the Grouping of Joint Candidates:	
Telephone number of the authorized contact person of the Grouping of Joint Candidates:	
Fax number of the authorized contact person of the Grouping of Joint Candidates:	
E-mail address of the authorized contact person of the Grouping of Joint Candidates:	

Done at:

.....
authorized signature / signature of proxy

Declaration on the acceptance the conditions of the Contract Notice and documents⁹

“CAMERA SYSTEM AND ADS-B INSTALLATION”

With respect to the public procurement procedure initiated in the subject above, I, the undersigned as the representative entitled to make representations on behalf of Candidate / grouping of Joint Candidates (registered seat of Candidate / grouping of Joint Candidates,

h e r e b y r e p r e s e n t

that we have learnt, understood, and by signing the present declaration, accepted every condition of the Contract Notice and the Procurement Document,

We also represent that in the above mentioned public procurement procedure the request for participation document submitted in an electronic format (readable without password but non-amendable PDF file) is fully identical with the original hard copy the request for participation document.

We furthermore represent that I have taken all additional information issued in the course of the procedure into consideration when drafting the present request to participate document.¹⁰

We also represent that the contents of the translation(s) submitted in our request to participate document and later in the remedy for deficiencies are fully identical with the original text, for the contents thereof I bear responsibility.¹¹

We represent that there **is**¹² / **is no**¹³ pending application for the amendment of the company register.

We hereby represent that the contents of all documents forming part of the present request to participate are true and accurate, the contents thereof I bear responsibility.

Done at:

.....
authorized signature / signature of proxy

⁹ In case of grouping of candidate tenderers every member of the grouping of candidate tenderer have to sign this declaration with identical contents.

¹⁰ Optional – if additional information was provided

¹¹ Optional – if the request for application document contains responsible translation.

¹² If there is an ongoing procedure to amend a registration related to the certificate of incorporation, a copy of the application to amend the registration and of the confirmation of the submission thereof issued by the court of registration shall be enclosed to the request to participate document

¹³ Please underline the appropriate.

Declaration with respect to paragraphs a) – b) of subsection (6) of Article 66 of the PPA¹⁴

(Every detail to be filled out on the basis of the information provided in the European Single Procurement Document,

Contracting Authority does not require to fill out the information prescribed in Articles “A” and “B” of Part II and in Part III of the Single European Procurement Document with respect to every subcontractor)

“CAMERA SYSTEM AND ADS-B INSTALLATION”

With respect to the public procurement procedure initiated in the subject above, I, the undersigned as the representative entitled to make representations on behalf of Candidate / grouping of Joint Candidates (registered seat of Candidate / grouping of Joint Candidates, pursuant to subsection (6) of Article 66 of the PPA hereby represent:

1. We hereby declare that according to Article (6) of Article 66 of the PPA, in relation to the subject of the public procurement, for parts specified below **we will employ / not employ** subcontractor for the purpose of delivery of the contract¹⁵:

The part(s) of the public procurement for the performance of which Applicant to participate will employ subcontractor ¹⁶

2. We hereby declare that according to paragraph b) of subsection (6) of Article 66 of the PPA, in relation to the parts specified above, the known subcontractor at the time of the submission of the request to participate document are the following¹⁷¹⁸:

¹⁴ The Contracting Authority draws the attention that the total performance of all subcontractors may not exceed the share performed by the successful tenderer (tenderers) of the contract. Furthermore, the subcontractor involved in the execution of the contract may not involve additional contributors in excess of 50 per cent of its own performance.

The successful tenderer shall notify the contracting authority at the latest by the time of conclusion of the contract concerning all subcontractors proposed to be involved in the performance of the contract, and - if a particular subcontractor had not been included in any previous procurement procedure - shall provide a declaration at the time of notification declaring that the subcontractor in question is not subject to any grounds for exclusion.

¹⁵ Delete as appropriate!

¹⁶ The chart is needed to be completed only if the Candidate wishes to employ subcontractor to the fulfilment of the contract.

¹⁷ It is needed to be completed only if the Candidate declared in paragraph 1 that it wishes to employ subcontractor.

¹⁸ The Contracting Authority prescribes that it has to be specified even in the request for participation document a) the part(s) of the public procurement with respect to which the Candidate wishes to employ subcontractor, and furthermore

b) with regard to such part(s) the known subcontractors at the time of the submission of the request to participate document.

Names of subcontractors known at the time of the submission of the request to participate document wished to be employed by the Candidate with respect to the part(s) above	Mailing address of subcontractors known at the time of the submission of the request to participate document wished to be employed by the Candidate with respect to the part(s) above	The part(s) of the public procurement with respect to which the Candidate wishes to employ the already identified subcontractor as per this paragraph
name:	postal address:	...
name:	postal address:	...

Done at:

.....
authorized signature / signature of proxy

Cooperation Agreement¹⁹
(template)

*/ According to the information provided in Section “A” of Part II of the Single European
 Procurement Document /*

“CAMERA SYSTEM AND ADS-B INSTALLATION”

concluded between

..... (name, registered seat)

Tenderer and

..... (name, registered seat)

Tenderer

(hereinafter: Parties) t,

In event we will be selected as winners by the Contracting Authority in the subject public procurement procedure, we hereby conclude the present agreement in the subject matter of the material provisions of the cooperation agreement to be concluded later, with regard to the awarded contract to be fulfilled later:

1. Representation:

The fully authorized representation of the grouping of Joint Candidates (later: The Tenderers) in the subject public procurement procedure – according to subsection (2) of Article 35 of the PPA hereby represent that (name) (postal address: ..., telephone: ..., fax: ..., e-mail address: ... on behalf of (company name) is entitled to make all representations related to the request to participate document and the bidding, to represent the grouping of Joint Candidates (later: Tenderers) with full force and power, to act as contact person, to sign the request to participate document / Tender.

2. Management of the fulfilment of the contract:

The following persons are appointed to manage the fulfilment of the contract:

on behalf of (company name):

.....

on behalf of (company name):

.....

3. Responsibility

Parties declare that they have learnt and understood all conditions incorporated into the Procurement Document and accept them.

Parties declare that they undertake joint and several liability *vis-à-vis* the Contracting Authority to be able to comply with their contractual obligations in event they become successful tenderers.

¹⁹ Optional – to be completed only in case of grouping of Candidate Tenderers!

Parties acknowledge that no changes may occur in the person of the economic operators submitting a joint request to participate (later: Bid) after the expiry of the deadline to participate.

4. Sharing responsibilities

The split of responsibilities among the Parties in the course of the fulfilment of the contract is the following:

RESPONSIBILITY	COMPANY

Parties conciliate their standpoints through the designated representatives.

Parties accept and duly sign through their authorized representatives the present cooperation agreement as one that complies with their contracting will, without any disagreement.

Done at:

.....
Authorized signature / signature of
proxy

.....
Authorized signature / signature of
proxy

Declaration on the classification of the Candidate according to “Small and Medium-sized enterprises and the Support provided to such Enterprises” (Kkvt)
(Every detail to be filled out on the basis of the information provided in the European Single Procurement Document,

“CAMERA SYSTEM AND ADS-B INSTALLATION”

With respect to the public procurement procedure initiated in the subject above, I, the undersigned as the representative entitled to make representations on behalf of Candidate / grouping of Joint Candidates (registered seat of Candidate / grouping of Joint Candidates, pursuant to subsection (6) of Article 66 of the PPA hereby represent that according to Article 3 of Act XXXIV of 2004 on small and medium-sized enterprises (Kkvt)²⁰ the classification of our enterprise is the following:

(mark with X)

medium-sized enterprise	<input type="checkbox"/>
small enterprise	<input type="checkbox"/>
micro enterprise	<input type="checkbox"/>
we do not fall under Kkvt	<input type="checkbox"/>

Done at:

.....
 authorized signature / signature of proxy

²⁰ **Article 3**

- (1) Small and medium-sized enterprise (KKV) is an enterprise where
 - a) the total number of staff is less than 250, and
 - b) its yearly net revenue is not more than an amount in forints equalling 50 million Euros or the balance sheet total is an amount in forints equalling 43 million Euros at best.
- (2) Within the category of KKV we consider an enterprise a small enterprise that
 - c) the total number of staff is less than 50, and
 - a) its yearly net revenue or balance sheet total is not more than an amount in forints equalling 10 million Euros.
- (3) Within the category of KKV we consider an enterprise a micro enterprise that
 - d) the total number of staff is less than 10, and
 - a) its yearly net revenue or balance sheet total is not more than an amount in forints equalling 2 million Euros.
- (4) An enterprise is not classified KKV where the direct or indirect owner's share of the state or the local government – based on capital or voting right – exceeds 25% separately or jointly.

Declaration of Candidate with respect to subsection (4) of Article 67 of the PPA

“CAMERA SYSTEM AND ADS-B INSTALLATION”

With respect to the public procurement procedure initiated in the subject above, I, the undersigned as the representative entitled to make representations on behalf of Candidate / grouping of Joint Candidates (registered seat of Candidate / grouping of Candidate

h e r e b y r e p r e s e n t t h a t

we shall not employ subcontractor(s) falling under the grounds for exclusion pursuant to subsections (1) – (2) of Article (1) of the PPA for the fulfilment of the contract.

Done at:

.....
authorized signature / signature of proxy

Declaration of Candidate regarding the necessity to rely on other organization(s) or entity/entities capacities

/Every detail to be filled out on the basis of the information provided in Article “C” of Part II of the European Single Procurement Document /

“CAMERA SYSTEM AND ADS-B INSTALLATION”

With respect to the public procurement procedure initiated in the subject above, I, the undersigned as the representative entitled to make representations on behalf of Candidate / grouping of Joint Candidates (registered seat of Candidate / grouping of Candidate– pursuant to subsection (7) of Article 65 of the PPA – represent that we **rely / do not rely** on the capacities of other organization(s) or entity/entities to meet the prescribed eligibility criteria²¹.

Relevant paragraph of the Contract Notice, the indication of those eligibility criteria for the compliance of which the Candidate relies on the resources of this organization (partly)	Name and registered seat of the organization providing its capacities ²²
M1) ELIGIBILITY CRITERIA REFERENCE	

** The document evidencing the contractual commitment of the entity making available its capacities, or agreed upon by way of a preliminary contract, as shown in the request to participate, verifying that it will have at its disposal the resources necessary for the execution of the contract, throughout the entire life of the contract shall be attached to the request to participate document.*

* With regard to criteria prescribed under specific other legislation relating to the educational and professional qualifications of experts, or to verifying compliance with the requirement relating to references in proof of the relevant professional experience, economic operators may only rely on the capacities of other entities where the latter will perform the works or services, or the supplies for which these capacities are required. The commitment to be attached shall confirm this.

Done at:

.....
authorized signature / signature of proxy

²¹ The appropriate shall be underlined.

²² The chart is only needed to be completed if the Candidate Tenderer meets the eligibility criteria only or partly using the resources of any other organization (entity).

Registration form²³**“CAMERA SYSTEM AND ADS-B INSTALLATION”**

By sending the present confirmation, I, the undersigned, represent that I have downloaded the Procurement Document in the public procurement procedure initiated in the **above** subject matter, from the homepage of the Contracting Authority on 2017.

I hereby acknowledge that the downloaded documentation shall be treated as business secret, and shall be used only for the preparation of the request to participate document of the announced procedure, any other use is considered as unauthorized use and it is expressly forbidden by the Contracting Authority.

Data of the economic operator:

Company name:	
Registered seat:	
name of the competent person in the procedure:	
His/her postal address:	
Telephone number:	
Fax Number:	
E-mail Address:	

Done at:

.....
authorized signature / signature of proxy

²³ In case you downloaded the present public procurement document by way of electronic means we kindly ask you to send the present completed and duly signed registration form without delay to the person acting on behalf of the contracting authority to the following e-mail address: hc@szilioffice.hu, or the the telefax number: (+36 1) 457-8041 addressed to Dr Dániel Koppándi.

The conditions for participating in the procedure is that at least one Candidate Tenderer or the subcontractor indicated in the participation has access to and downloads the public procurement document by way of electronic means from the designated homepage (through the path specified in the notice); and proves the download by returning the comprehensively completed registration form duly signed by the person having adequate representation rights within the prescribed deadline.

CHAPTER IV – CONTRACTUAL TERMS

Contracting Authority draws the Candidates' kind attention to that the contractual terms are attached to the public procurement document as separate annex.