

**PUBLIC PROCUREMENT DOCUMENTATION**

*Containing information necessary for Tenderers to prepare the tender containing the list of certificates, declarations to be submitted, recommended certificate and declaration samples for the offer stage of the open public procurement procedure reaching the EU threshold under Part Two of the PPA (Act CXLIII of 2015 on Public Procurement) in the subject of*



**“PURCHASE OF 2K X 2K MONITORS”**

**DEAR TENDERER,**

**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. 10 WITHOUT DELAY TO THE PERSON ACTING ON BEHALF OF THE CONTRACTING AUTHORITY TO THE FOLLOWING E-MAIL ADDRESS: [hc@szilioffice.hu](mailto:hc@szilioffice.hu)<sup>1</sup>, OR TO THE TELEFAX NUMBER (+36 1) 17938121 ADDRESSED TO THE ATTENTION OF DR. DÁNIEL KOPPÁNDI.**

*The condition for the participation in the procedure is that at least one Tenderer 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. 10 - duly signed by the person having adequate representation rights.*

**30.06.2017**

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<sup>1</sup> Having regard to the provisions of subsection (4) of section 41 of the PPA.

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## **CHAPTER I – GUIDELINES FOR TENDERERS**

*Communication on the information necessary for Tenderers for the preparation of the tender.*

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 Tenderers 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 tender.

By submitting their requests to participate, Tenderers 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 Contracting Authority

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

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.

Telephone: +36 703295236

Fax: +36 17938121

E-mail: [hc@szilioffice.hu](mailto:hc@szilioffice.hu)

Tenderer

Is an economic operator who/which has sought an invitation to take part in the second, tendering stage of a multi-stage public procurement procedure or who/which has submitted a tender in a concession award procedure.

## 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.

## 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 works, the supply of products or the provision of services on the market.

## Joint tender

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

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

Where the contracting entity is required under this Act to notify the Tenderer 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 Tenderers to the representative specified in subsection (2) of Article 35 of the PPA.

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 joint tender shall be authorized after the time limit for the submission of tenders.

In event the Tenderer submits an offer not just by itself but jointly then the corresponding letter of intent or cooperation agreement shall be attached to the tender document and shall contain at least the following:

- the joint and several liability of the grouping of tenderers 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 tenderers 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 tender 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 tenderers as well.

#### 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.

#### Task of the Tenderer

Tenderer is obliged to realize the service (delivery) constituting the subject of the procurement in compliance with the 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 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 Tenderers that their tenders shall be prepared with the simultaneous compliance with the Procurement Document, the provisions of the PPA and other legal regulations.

#### Additional information

In the interest of responsive requesting to participate, any economic operator who is eligible to become a Tenderer in the subject public procurement procedure pursuant to Article 56 of the PPA may request additional (interpretation) information in written form, in connection with the 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 six 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 17938121 **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 name 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 Procurement Document; it is mandatory for all tenderers to incorporate the content of the communication into their tender. The Tenderer is obliged to indicate in a separate declaration in the application that it took the additional information into consideration during the preparation of the tender (According to Annex No. 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.**

Division of the Contract into Lots, Variants (Alternative offers);

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

Integrity and accuracy

It is the Tenderer'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 Tenderer to download or to take over any parts of the documents.

Evidence of the absence of the grounds for exclusion

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

- No economic operator may become Tenderer (grouping of Tenderers), 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 Tenderer (grouping of Tenderers), 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:**

- Tenderer- 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 Tenderer 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 (Tenderer, 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 Tenderer (grouping of Tenderers) 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 Tenderer’s country) shall be enclosed to the tender document (Article 13 of Government Decree No 321/2015. (X.30.)). The tender document shall contain the declaration of the Tenderer 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 Tenderer (grouping of Tenderers), 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 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 Document<sup>2</sup>; and furthermore the following attestations and declarations, and inspect the absence of the grounds for exclusion according to the following [Articles 8; 10; 12 –16 of Government Decree No. 321/2015 (X. 30.)].

**- According to paragraph a) of subsection (1) of Article 62 of the PPA:**

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<sup>2</sup> If – pursuant to subsection 11 of section 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.



- 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,
  - 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 tender 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 sworn declaration, or if such declaration is unknown in the country concerned, a declaration on oath made by the Tenderer 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 tender, 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 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 “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<sup>3</sup>:**

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 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 sworn declaration, or if such declaration is unknown in the country concerned, a declaration on oath made by the Tenderer in front of the competent court, authority, chamber or trade association or a declaration certified by a public notary.*

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<sup>3</sup> 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 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 “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 sworn declaration, or if such declaration is unknown in the country concerned, a declaration on oath made by the Tenderer 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 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 “C” of Part III** of the standard form.

3. **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 sworn declaration, or if such declaration is unknown in the country concerned, a declaration on oath made by the Tenderer 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 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 "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 sworn declaration, or if such declaration is unknown in the country concerned, a declaration on oath made by the Tenderer 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:** whose activity was restricted by final court ruling under paragraph b) of subsection (2) of Article 5 or as appropriate in the given procurement procedure - of the Act CIV of 2001 on Measures Applicable to Legal Entities in Criminal Law, during the period of prohibition; or the tenderer's activities have been restricted by final court ruling for a similar reason and in a similar manner by another court;

**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:

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 sworn declaration, or if such declaration is unknown in the country concerned, a declaration on oath made by the Tenderer in front of the competent court, authority, chamber or trade association or a declaration certified by a public notary.*

- **Pursuant to paragraph g) of subsection (1) of Article 62 of the PPA:** who or which have been prohibited from participating in procurement procedures by final decision based on Article 165(2)(f), until the end of the period established by the final decision of the Public Procurement Arbitration Board or, in case of review of the decision of the Public Procurement Arbitration Board, by final court ruling;

**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 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 sworn declaration, or if such declaration is unknown in the country concerned, a declaration on oath made by the Tenderer 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:** who or which supplied false data or made false declarations in an earlier procurement procedure or concession award procedure and was therefore excluded from that procedure and, in a period of three years after the completion of the procurement procedure in question, no judicial remedy was provided for the prohibition.

**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 “C” of Part III** of the standard form.

**1. 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 Section 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;

- **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 "C" of Part III** of the standard form.

- **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 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 “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 beneficial owner provided for in Subparagraphs *ra)-rb)* or *rc)-rd)* of Paragraph *r)* of Section 3 of Act CXXXVI of 2007 on the Prevention and Combating of Money Laundering and Terrorist Financing cannot be identified, or *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 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:

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 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 beneficial owners as provided for in Subparagraphs *ra)-rb)* or *rc)-rd)* of Paragraph *r)* of Article 3 of Act CXXXVI of 2007 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 beneficial owner as provided for in Subparagraphs *ra)-rb)* or *rc)-rd)* of Paragraph *r)* of Section 3 of the Money Laundering Act, the corresponding declaration shall be attached.

Subparagraph kc): Tenderer’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 company; if there is such entity, the Tenderer 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 sworn declaration, or if such declaration is unknown in the country concerned, a declaration on oath made by the Tenderer in front of the competent court, authority, chamber or trade association or a declaration certified by a public notary.*

kb) subparagraph: Tenderer's declaration that it is being a company listed or not on a regulated stock exchange, if the Tenderer is not listed on a regulated stock exchange, all of the names and permanent residences of its beneficial owners as provided for in Subparagraphs *ra)-rb)* or *rc)-rd)* of Paragraph *r)* of Article 3 of Act CXXXVI of 2007 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 beneficial owner as provided for in Subparagraphs *ra)-rb)* or *rc)-rd)* of Paragraph *r)* of Article 3 of the Money Laundering Act, the corresponding declaration shall be attached.

Subparagraph kc): Tenderer'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 company; if there is such entity, the Tenderer 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 Section 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 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 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 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 “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 Section 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 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 “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 Section 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 Section 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 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 “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 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 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 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 “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 sworn declaration, or if such declaration is unknown in the country concerned, a declaration on oath made by the Tenderer 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 tender document:**

2. 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.

**3. Attestation of the grounds for exclusion in line with subsection (4) of section 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 section 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 sworn declaration, or if such declaration is unknown in the country concerned, a declaration on oath made by the Tenderer 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 section 62 of the PPA or subsection (2) of section 62 of the PPA but took measures to demonstrate its reliability under section 64 of the PPA according to the final ruling of the Közbeszerzési Hatóság (*Procurement Authority*) adopted under Subsection (4) of Section 188 - or according to a court ruling adopted under Subsection (5) of Section 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 Section 188 - or according to a court ruling adopted under Subsection (5) of Section 188 in the case of judicial review shall be attached to the standard form.

## Attestation of competence

Tenderer (grouping of Tenderers), shall attest their competence pursuant to the provisions of paragraphs III.1.2) – III.1.3) of the Contract Notice with regard to the following regulations as well:

### **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 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.).

In the course of the assessment the Tenderer shall submit a declaration incorporated into the Single European Document for the preliminary examination of the eligibility criteria.

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.

### **Relying on the capacities of other entities:**

**In order to comply with the economic, financial eligibility criteria** Subsection (7) – (8) of Article 65 of the PPA can be applied in order to comply with the basic eligibility criteria, that is Tenderers 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 eligibility requirement(s) for the certificate of which Tenderer will rely on the resources of this organisation.

Pursuant to subsection (8) of section 65 of the PPA, the entity whose particulars the Tenderer used in the process of verifying its economic and financial standing shall be recognized according to Section 6:419 of the Civil Code as the surety for compensating the Contracting Authority for losses incurred upon the tenderer's lack of performance or defective performance.

**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 Tenderers 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 call for tender, as well as the eligibility requirement(s) for the certificate of which Tenderer 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 tender, 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 tender 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 section 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 section 65 of the PPA shall offer proof thereof.

If a Tenderer wishes to comply with the prescribed eligibility criteria by relying on the capacities of other organizations or entities, then the Tenderer 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 Tenderer wish to employ to prove its eligibility.

In event the Tenderer 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 tender 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 tender document, each of the members of the grouping of Tenderers 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.

#### Formal requirements of the submission of the tender document

- **About the submission of the tender document:**
  - The original copy of the tender 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 Tenderer 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 tender document.
  - The page numbers of the tender 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 tender 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 No. 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 tender 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 tender document each page of the tender 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 tender document consist of several separate parts, the number of volumes have to be marked evidently.
- The tender document shall be submitted wrapped, the wrapping shall ensure the following:
  - each copies of the tender 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 tender document:

**Ajánlat – „2K x 2K monitorok beszerzése” (Offer – „Purchase of 2K x 2K monitors”)**

And furthermore:

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 tender document should not contain any material that was not requested by the Contracting Authority (e.g. brochures, flyers, etc.). Should the Tenderer wish to submit similar material, then – if it is indeed considered to be necessary by the Tenderer – submit it separately to the application, if possible.

#### Taking over and opening the tender documents

Contracting Authority opens the tender 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 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 tender documents. The tenderers do not receive individual invitations to the opening.

The takeover of the tender document submitted personally is confirmed by the representative of the Contracting Authority in writing on the spot. The tender is considered to have arrived within the deadline for participation if the sealed and intact package containing the tender 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 tender 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 tender document can be submitted in different times during the business hours at the following address:

**HungaroControl Zrt., H-1185 Budapest, Igló u. 33-35,  
to the attention of Ms Melinda Dancs**

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

Posted tenders are considered by the Contracting Authority to be submitted in due time, if the receipt thereof occurred until the expiry of the deadline in the call at the place indicated herein and also in the Contract Notice. All risks arising from the submission of the tender document by post are borne by the Tenderer. 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:

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 tender document by post are borne by the Tenderer. The Contracting Authority has no liability for the integrity of the wrapping of the applications sent via post.

All risks arising related to or in connection with the handover of the tender documentation in other premises of the building, its mis-transferring, loss and the incidental delay caused thereof are entirely borne by the tenderer.

The Contracting Authority ensures that no unauthorized persons have access to the package(s) as from the time of the takeover until the opening of the tenders. The integrity of the packaging of the tenders shall be ensured by the Contracting Authority as from the time of the takeover until the opening of the tenders.

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: **HungaroControl Zrt. H-1185 Budapest, Igló utca 33-35., To the attention of Ms Melinda Dancs**

The tender 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 tender delivered after the expiration of the deadline will be opened by Contracting Authority so that the Tenderer could be identified, about which a protocol is taken (Subsection (6) of Article 68 of the PPA).

The Contracting Authority draws the Tenderers' 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) of Article 48 of the PPA shall also apply to the calculation of binding periods and the period referred to in Subsection (6) of Article 131.

#### Assessment of the validity of the Tenderer; disqualification of the Tenderer

In the course of the assessment the Contracting Authority examines the validity of the tender of the Tenderer in line with subsections (1), (3) of section 73 and section 74.

#### Assessment and verification of the tenders

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

The Contracting Authority shall determine which tender documents are considered null and void, 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 tender 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*)

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

#### Assessment of the offer

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
<b>Price</b>	
1) Offer price (net EUR)	85
<b>Quality criteria</b>	
2) Reflection level	25
3) LED back light (yes/no)	20
4) Cooling fan (yes/no)	10
5) Warranty period (further warranty offer beyond the mandatory 24 months warranty period)	10
6) Maximum power consumption (W)	5
7) Power consumption in stand-by mode (W)	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.

Assessment method:

Contracting Authority shall evaluate the content of the offers as follows: in case of sub criteria 1., 5., 6., 7. relative scoring, in case of 2. sub criterion ranking, in case of sub criteria 3 - 4 absolute scoring shall be used for the items of the offer, as detailed in the tender documentation.



Scores shall be précised up to two decimal places.

### 1) Offer price (Net EUR), weight ratio: 85

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:

$$P = (\text{Offer}_{\text{best}} / \text{Offer}_{\text{assessed}}) \times (\text{Rank}_{\text{max}} - \text{Rank}_{\text{min}}) + \text{Rank}_{\text{min}}$$

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

### 2. Reflection level, Weight ratio: 25

**In case of the 2<sup>nd</sup> sub criteria** the sample products shall be evaluated separately by the members of an expert committee consisting of 10 experts in the subject of the public procurement (end-user air traffic

controllers) independent of the Evaluation Committee in order to assess which monitor is the least reflective. Each member of the expert committee shall give a score to the devices of all tenderers (from 1 to 10) by filling in the table in Technical Description Annex No. 1 of the tender Documentation. This amount (amount of the total scores given by the experts) shall be averaged using the following formula:

$$E/140=P$$

E = the total value of scores given by the experts (as per the Technical Description Annex No. 1)

P = evaluation score of the monitor

The Contracting Authority shall calculate to 3 decimal places in accordance with the rules for rounding. Following this, the tender with the highest score shall get the maximum 10 points, the tender with the second highest score shall get 7 points, the tender with the third highest score shall get 4 points, the tender with the fourth and fifth highest score shall get 1-1 point. Contracting Authority reserves the right to allocate the same rank and point to tenders with the same scores. In this case the offer of the tenderer having the next non-identical score, shall be ranked after them. (e.g. in case of two winning tenders, the tender with the next favourable score shall be ranked as second.)

### **3. LED back light (yes/no), weight ratio: 20**

**In case of the 3<sup>rd</sup> sub criteria**, the tenderer whose product has LED backlight shall get 10 points, while the tenderer whose product contains traditional lighting shall get 1 point.

### **4. Cooling fan (yes/no), weight ratio: 10**

**In case of the 4<sup>th</sup> sub criteria**, the tenderer whose product is equipped with cooling fan shall get 1 point, while the tenderer whose product does not contain cooling fan shall get 10 points.

### **5. Warranty period (further warranty offer beyond the mandatory 24 months warranty period), weight ratio: 10**

**In case of the 5<sup>th</sup> criteria** -where the highest value is the most favourable- the maximum score shall be given by the Contracting Authority to the most favourable content item, while the scores of the content items of the other tenders shall be calculated in *inverse proportion* to the most favourable content item.

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

that

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

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

Contracting Authority limits the tenderers' undertakings concerning the evaluation criteria the following way:

-The minimum length of the warranty period: 24 months

- the maximum length of the warranty period: 60 months

Only positive whole numbers may be given to the duration of the warranty period.

The offer for further warranty beyond the mandatory 24 months warranty period to be undertaken by the tenderer shall be indicated on the fiche.

For example:

<b>Warranty period (offer made beyond the mandatory 24 months warranty period)</b>	24 months basis + <b>12 months extra</b>
--	--

The tender in which the tenderer undertakes a warranty period shorter than the minimum duration shall be deemed invalid by the Contracting Authority.

The tender in which the tenderer undertakes a warranty period longer than the maximum duration shall be regarded by the Contracting Authority as if he had undertaken the maximum duration. In this case the offer shall get maximum score.

## **6. Maximum power consumption (W), weight ratio: 5**

**In case of the 6<sup>th</sup> criteria**, the Contracting Authority assesses the volume of maximum power consumption.

where the lowest value is the most favourable- the 10 score shall be given by the Contracting Authority to the most favourable content item, while the scores of the content items of the other tenders shall be calculated in *inverse proportion* to the most favourable content item according to the following formula.

$$P = \left( \frac{\text{Bid}_{\text{most favorable}}}{\text{Offer}_{\text{concerned}}} \right) \times (\text{Score}_{\text{max}} - \text{Score}_{\text{min}}) + \text{Score}_{\text{min}}$$

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

## **7. Power consumption in stand-by mode (W), weight ratio: 5**

**In case of the 7<sup>th</sup> criteria**, the Contracting Authority assesses the volume of maximum power consumption.

where the lowest value is the most favourable- the 10 score shall be given by the Contracting Authority to the most favourable content item, while the scores of the content items of the other tenders shall be calculated in *inverse proportion* to the most favourable content item according to the following formula.

$$P = \left( \frac{\text{Bid}_{\text{most favorable}}}{\text{Offer}_{\text{concerned}}} \right) \times (\text{Score}_{\text{max}} - \text{Score}_{\text{min}}) + \text{Score}_{\text{min}}$$

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)

Assessed: the content item of the evaluated offer

The number of points given for a particular *criteria* shall be multiplied *by the weight ratio of the criteria*.

The multiplications then shall be summed up for each offer. The tender with the highest total score shall be regarded as being the most advantageous.

Additional information for Tenderers regarding paragraph VI.3. of the call for tender and further requirements

1. The condition for participating in the procedure is that at least one Tenderer or the subcontractor indicated in the tender has access to and downloads the Registration data sheet 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 17938121 fax number, or by electronic means – having regard to the provisions of subsection (4) of Article 41 of the PPA – to the hc@sziliooffice.hu e-mail address. The documentation is non-transferable. For groupings of tenderers, it is sufficient if one of the tenderers 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 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 Tender 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 Tenderers' 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 tender document:

Expressed declaration of Tenderer regarding the conditions of the Contract Notice, signed by a person with appropriate representation powers.

- The declaration of Tenderer – 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 Tenderer, signed by a person with appropriate representation powers.
- The declaration of Tenderer, in which the following is indicated:
  - for which part (parts) of the performance of the public procurement intends the Tenderer to employ a subcontractor,
  - the subcontractors (already known at the time of the submission of the tender document) intended to be employed by the Tenderer(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 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. 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.

- Tenderer (in case of grouping of Tenderers, every member of the grouping of Tenderer) [subsection (1) of Article (7) 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 tender document, each of the members of the grouping of Tenderers shall submit separate standard forms.

If a Tenderer wishes to comply with the prescribed eligibility criteria by relying on the capacities of other organizations or entities, then the Tenderer 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 Tenderer wish to employ to prove its eligibility.

4. 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 tender document.
5. 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.
6. Two or more economic operators may form a group to submit a tender jointly and later an offer. In such case the grouping of tenderers shall designate a representative from among themselves vested with powers to act on behalf of the grouping of tenderers in public procurement procedures. All declarations made in the name of the grouping of tenderers shall contain a clear indication of the designation of the grouping of tenderers.

Where the contracting entity is required under this Act to notify the Tenderer, 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 Tenderers to the representative specified in subsection (2) of Article 35 of the PPA.

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 tender jointly shall be authorized after the time limit for the submission of tenders.

- In event the Tenderer submits an offer/tender not just by itself but jointly then the corresponding expression of interest or cooperation agreement shall be attached to the tender document.
- 7. 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
- 8. Contracting Authority carries out the assessment of the tender documents with having regard to Article 69 of the PPA.
- 9. The language of the procedure is Hungarian; the offer may be submitted in Hungarian or English. 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 Tenderer's responsibility.
- 10. All costs and risks incurring in the course of the preparation of the tender and its submission shall be borne by tenderer regardless to the results of the procedure.
- 11. The hours specified in the Contract Notice shall be understood in CEE time.
- 12. 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 tender document.

13. 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];
14. 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.
15. 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.
16. Contracting Authority provides the technical description of the subject of the public procurement in the Procurement Document.
17. The Tenderer must enclose a technical offer to its tender document. The professional document contains all technical parameters, information, possible service needs of the type of Monitor being in compliance with the technical description and offered by the Tenderer.
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.
19. 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 Procurement Document, warranty is pursuant to the contractual terms incorporated into the Procurement Document.

Further conditions for the collaterals to the contract are enlisted in the contractual terms incorporated into the Procurement Document.

20. 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 subsections (1) and (6) of Article 135 of the PPA.

Contracting Authority draws the attention to the fact that the provisions of section 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.

#### Applicable legal regulation

To all issues not regulated in the contract notice or in the present procurement document, the provisions of the PPA and the executing decrees thereof shall be applied.

## **CHAPTER II – TECHNICAL DESCRIPTION**

*The Contracting Authority draws the kind attention of the Tenderers 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.*

# TECHNICAL DESCRIPTION

Annex No 1

## MONITOR ASSESSMENT SHEET

**Monitor number/mark:** .....

**Assessor's name:** .....

Please indicate in the weighting scale in the corresponding row the value observed during assessment from 1 to 10.

Observable reflection in power off state	<b>1</b>	SIGNIFICANTLY observable								
	<b>10</b>	NOT observable								
	1	2	3	4	5	6	7	8	9	10
Observable reflection in power on state	1	2	3	4	5	6	7	8	9	10
Degree to which reflection affects the visibility of the following elements, <b><u>IN WHITE SHIRT</u></b>	<b>10</b>	DOES NOT affect								
	<b>1</b>	SIGNIFICANTLY affects								
<b>RPS and Label</b>										
<b>ASSUMED</b>	1	2	3	4	5	6	7	8	9	10
<b>COORDINATED</b>	1	2	3	4	5	6	7	8	9	10
<b>REDUNDANT</b>	1	2	3	4	5	6	7	8	9	10
<b>UNCONCERNED</b>	1	2	3	4	5	6	7	8	9	10
<b>Other items</b>										
<b>MAP ELEMENTS</b>	1	2	3	4	5	6	7	8	9	10
<b>WINDOWS, MENUS</b>	1	2	3	4	5	6	7	8	9	10
Degree to which reflection affects the visibility of the following elements, <b><u>IN RED SHIRT</u></b>	<b>10</b>	DOES NOT affect								
	<b>1</b>	SIGNIFICANTLY affects								

<b>RPS and Label</b>										
<b>ASSUMED</b>	1	2	3	4	5	6	7	8	9	10
<b>COORDINATED</b>	1	2	3	4	5	6	7	8	9	10
<b>REDUNDANT</b>	1	2	3	4	5	6	7	8	9	10
<b>UNCONCERNED</b>	1	2	3	4	5	6	7	8	9	10
<b>Other items</b>										
<b>MAP ELEMENTS</b>	1	2	3	4	5	6	7	8	9	10
<b>WINDOWS, MENUS</b>	1	2	3	4	5	6	7	8	9	10

**Total score:** .....

**Date:** ..... 2017

**Signature:**.....

### **CHAPTER III – ANNEXES, SAMPLE DECLARATIONS, STANDARD FORMS**

*List of certificates, declarations; recommended sample certificates and declarations.*

1. *List of declarations / certifications to be attached to the offer pursuant to subsection (1) of Article 67 of the PPA*

## Table of Contents<sup>4</sup>

### “PURCHASE OF 2K x 2K monitors”

	Page No.
Tender Form signed by a person with appropriate representation powers (Annex No. 2)	
Table of Contents (with page numbers, the number of pages recorded, with authorized signature) (Annex No. 1)	
Technical data sheet with the parameters of the offered products (Annex No. 3)	
Tender Declaration signed by a person with appropriate representation powers (Annex No. 4)	
Declaration under paragraph a) – b) of subsection (6) of section 66 of the PPA, signed by a person with appropriate representation powers. (Annex No. 5)	
Optional – Cooperation Agreement, signed by a person with appropriate representation powers. (Annex 6)	
The declaration of Tenderer – <u>incorporated into the European Single Procurement Document</u> – ( <b>ESPD Document – separate annex</b> ) and also as part of Annex No. 7 whether it qualifies as a micro, small or medium-sized enterprise according to the Act on Small and Medium-sized Enterprises.	
<b>Declarations, certificates related to the grounds for exclusion</b>	
Single European Document completed by the Tenderer(s) and – if applicable – economic operators participating in the attestation of competence, signed by a person with appropriate representation powers ( <b>ESPD Document – separate annex</b> )	
Declaration of Tenderer(s) with regard to subsection (4) of section 67 of the PPA, signed by a person with appropriate representation powers. (Annex No. 8)	
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	
<b>Declarations, certificates prescribed with regard to the technical and professional eligibility</b>	
Single European Document completed by the Tenderer(s) and – if applicable – economic operators participating in the attestation of competence, signed by a person with appropriate representation powers ( <b>ESPD Document – separate annex</b> )	
<b>Further certificates of Tenderer(s) and subcontractor(s) as well as other organization(s) participating in the attestation of competence</b>	

<sup>4</sup> The Table of Contents shall be updated appropriately according to the contents of the offer to be submitted!

	Page No.
With regard to the economic operators signed (any part of) the application, shall attach the specimen of signature or sample of signature according to Section 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 tender 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 tender 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 Tenderer 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 tender 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	
<b>In event the Tenderer complies with the prescribed eligibility criteria only by relying on the capacities of other organizations (entities):</b>	
Tenderer's declaration on relying on the capacities of other entities, signed by a person with appropriate representation powers. (Annex No. 9)	
Optional – Declaration of the organization providing its capacities signed by a person with appropriate representation powers. <sup>5</sup>	
<b>Other declarations, certificates prescribed in the Contract Notice</b>	
Registration form signed by a person with appropriate representation powers. (Annex No. 10)	
<b>Attached separately next to the request to the tender document:</b>	
1 copy of digital data carrier (CD/DVD) containing: copy of the tender document in readable without a password but non-amendable pdf format	
<b>List of documents to be submitted in case of a notification pursuant to subsection (4) of Article 69 of the PPA</b> (to be submitted only upon separate notification)	

<sup>5</sup> 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 No.
<b>Detailed declarations and certificates prescribed related to the grounds for exclusion</b>	
<b>Certification with respect to the grounds for exclusion of Tenderer(s) established in Hungary</b>	
Tenderer(s)' declaration on the absence of grounds for exclusion (certified by public notary or chamber of commerce, trade association.) (Annex No. 11)	
Optional: Certification of subsection (b) of Article 62 of the PPA, if the economic operator is not listed in the register of taxpayers free of tax debt obligations under Act XCII of 2003 on the Rules of Taxation (hereinafter referred to as "RTA") The certification of the competent tax- and customs authority (simple copy) <u>or</u> the combined tax certificate (simple copy) under the RTA shall be attached.	
<b>Certification with respect to the grounds for exclusion of Tenderer(s) not established in Hungary</b>	
Certification with respect to the grounds for exclusion of Tenderer(s) not established in Hungary (Annex No. 12)	
<b>Other certifications with respect to the grounds for exclusion of Tenderer(s) either established or not in Hungary</b>	
Declaration of Tenderer(s) with regard to subparagraph kb) of paragraph k) of subsection (1) of Article 62 of the PPA / I., signed by the person with appropriate representation authority to sign on behalf of the Tenderer(s). (Annex No. 13)	
Declaration of Tenderer(s) with regard to subparagraph kb) of paragraph k) of subsection (1) of Article 62 of the PPA / II., signed by the person with appropriate representation authority to sign on behalf of the Tenderer(s). (Annex No. 14)	
Declaration of Tenderer(s) with regard to subparagraph kc) of paragraph k) of subsection (1) of Article 62 of the PPA / I., signed by the person with appropriate representation authority to sign on behalf of the Tenderer(s). (Annex No. 15)	
Declaration of Tenderer(s) with regard to subparagraph kc) of paragraph k) of subsection (1) of Article 62 of the PPA / II., signed by the person with appropriate representation authority to sign on behalf of the Tenderer(s). (Annex No. 16)	
<b>Sample certifications / declarations for the detailed verification of the eligibility criteria</b>	
Declaration on net turnover (Annex No. 17)	
Sample attestation of reference (Annex No. 18)	

The offer has ..... continuously numbered pages.



**TENDER FORM**  
**(fiche)**  
**“PURCHASE OF 2K x 2K monitors”**

In case of individual tender<sup>6</sup>:

Name of Tenderer:	
Registered seat of Tenderer:	
Name of contact person:	
Mailing address of contact person:	
Telephone number of contact person:	
Telefax number of contact person:	
E-mail address of contact person:	

In case of grouping of Tenderers<sup>7</sup>:

Name of the grouping of Tenderers:	
Name of the 1 <sup>st</sup> member of the grouping of Tenderers	
Registered seat of the 1 <sup>st</sup> member of the grouping of Tenderers:	
Name of the 2 <sup>nd</sup> member of the grouping of Tenderers:	
Registered seat of the 2 <sup>nd</sup> member of the grouping of e Tenderers:	
... <sup>8</sup>	
name of company acting on behalf of the grouping of Tenderers (according to subsection 2 of Article 35 of the PPA):	
Authorized contact person of the Grouping of Tenderers:	
Mailing address of the authorized contact person of the Grouping of Tenderers:	

<sup>6</sup> Can be deleted in case of grouping of Tenderers.

<sup>7</sup> Can be deleted in case of in case of individual request for participation.

<sup>8</sup> Additional line can be inserted here

Telephone number of the authorized contact person of the Grouping of Tenderers:	
Fax number of the authorized contact person of the Grouping of Tenderers:	
E-mail address of the authorized contact person of the Grouping of Tenderers:	

**Quantified data of the offer:<sup>9</sup>**

Criteria	Data
<b>Price</b>	
1. Offer price (net EUR)	(net)EUR .....
<b>Quality criteria</b>	
2. Does the device have LED or ordinary backlight (the correct statement about the device shall be underlined)	b.1) has LED backlight b.2) has ordinary backlight
3. Does the device have cooling fan (the correct statement about the device shall be underlined)	c.1) yes c.2) no
4. Warranty period (the additional offer provided in months beyond the mandatory 24 months warranty)	24 months + ..... month
5. Maximum power consumption (W)	..... W
6. Power consumption in stand-by mode (W)	..... W

Done at:

.....  
authorized signature / signature of proxy

<sup>9</sup> The Contracting Authority will establish the „Reflection level” criteria during the inspection of the sample item on the basis of the scores given by the expert committee.

Technical description		Compliance (yes/no)	Real value	Descriptio n of the offer (...page)
<b>1. General</b>	Color TFT LCD monitor			
<b>1.1 Bezel (cabinet) color</b>	Dark gray or black (RAL 7021)			
<b>1.2 Front glass</b>				
protective glass, no fully flat clear glass, flicker-free anti-reflective anti glare treatment with high-quality anti-reflective treatment-specular reflection less	+ + + +			
<b>2. Panel</b>				
<b>2.1 Active screen area</b>	503,808(H)x 503,808(V) mm 19,83x19,83 inch			
<b>2.2 Active screen diagonal</b>	712,4mm 28,05"			
<b>2.3 Resolution</b>	2048 x 2048 pixels			
<b>2.4 Viewable image Size</b>	503,808(H)x 503,808(V) mm 19,83(H) x 19,83(V) inch			
<b>2.5 Pixel size /Pitch</b>	</=0,246 x 0,246mm			
<b>2.6 Dot defect</b>	white: 0, black: 0		-	
<b>2.7 Display color</b>	16,7 Mio (24bit)			
<b>2.5 Color temperature</b>	adjustable between native, D65 and custom		-	
<b>2.6 Viewing angle (H/V)</b>	>/= 170 <sup>0</sup> (H,V)			
<b>2.7 Contrast ratio</b>	typically 1000:1 - 2000:1			
<b>2.8 Brightness</b>	>/=150cd/m <sup>2</sup> calibrated and stabilized 500cd/m <sup>2</sup> max.			

<b>2.9 Response time</b>	</= 25ms Tr (black to whitetransition) ms Tf (white to black transition) ms			
<b>2.10 Backlight system</b>	LED	The commitment is included in the reading sheet (tender form)		
Lifetime	>/= 100 000 hours			
<b>3. Interfacing</b>				
Video signals	2 x DVI-D Dual link 2 x DisplayPort			
Cable length 5m	+			
<b>4. Controls</b>	-			
	OSD			
4.1 Front control	+			
4.2 Maintenance keypad	+			
4.3 Remote control távvez.	+			
etc.	...			
<b>5. Automatic function</b>	-			
Automatic Phase Adjust	+			
backlight aging compensation	+			
backlight optical stabilization	+			
Auto mains voltage adapt	+			
Auto stand by	+			
etc.	...			
<b>5.1 Remote control function</b>				
display adjustment,	+			
settings,	+			
control,	+			
firmware updates	+			
etc.	...			
<b>5.2 Features and functions</b>				
OSD languages	English			
Communication Protocol	RS232, RS422, USB, TCP/IP (SNMP)			
Others	interface: RS232, RS422, TCP/IP, ...			
<b>6. Electrical</b>	-			
	110Vac-230Vac 50- 60Hz			
6.1 IEC type connector (length 5m)	+			
built-in power supply	yes			
<b>6.2 Power consumption</b>				
	Pacc < 35W 70cd/m <sup>2</sup>			

	Pnom < 45W stabilized 150cd/m <sup>2</sup>			
	Pmax < 70W	The commitment is included in the reading sheet (tender form)		
	Psoftoff < 1W	The commitment is included in the reading sheet (tender form)		
Dual power supply	yes			
<b>7. Environmental</b>				
7.1 Operating temperature	10°C - 40°C			
7.2 Operating humidity	30%-80%			
<b>8. EMI/EMC</b>				
	EU/IEC/Canada/FCC: limit B, FCC15b classA			
<b>9.Safety</b>				
	IEC60950-1, EN60950-1, UL 60950-1cUL60950-1, cUL, CE, IEC320			
<b>10. Physical specification</b>				
Outer dimension	< 630mm H < 670mm W			
Bezel (frame)	<80mm			
<b>9. Mechanical</b>				
desktop without leg	+			
<b>10. Warranty</b>				
Full warranty	>2 year	The commitment is included in the reading sheet (tender form)		
<b>11. Other products supported</b>				
Materials and tools for installation and maintenance	+			
Power cord: length 5 m 1 pc / monitor	+			
DVI cable: length 5 m (total wired connection) 2 pieces / monitor	+			
DisplayPort cable: length 5 m 2 pieces / monitor	+			
Functional description, Operating instructions: 1 piece / monitor	+			
<b>12. Mounting</b>				
current design	VESA 100 x 100			
Possible design with converter (Manufactured by the manufacturer)	VESA 200 x 100 to VESA 100 x 100			
<b>13. FAN</b>				
	without	The commitment is included in the reading		



Declaration on the acceptance the conditions of the Contract Notice and documents<sup>10</sup>

**“PURCHASE OF 2K x 2K monitors”**

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 ..... Tenderer/ grouping of Tenderers (registered seat of Tenderer/ grouping of Tenderers,

**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 tender document.<sup>11</sup>

We also represent that the contents of the translation(s) submitted in our tender document and later in the remedy for deficiencies are fully identical with the original text, for the contents thereof I bear responsibility.<sup>12</sup>

We represent that there **is**<sup>13</sup> / **is no**<sup>14</sup> pending application for the amendment of the company register.

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

Done at:

.....  
authorized signature / signature of proxy

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<sup>10</sup> In case of grouping of tenderers every member of the grouping of tenderer have to sign this declaration with identical contents.

<sup>11</sup> Optional – if additional information was provided

<sup>12</sup> Optional – if the request for application document contains responsible translation.

<sup>13</sup> 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 tender document

<sup>14</sup> Please underline the appropriate.

**Declaration with respect to paragraphs a) – b) of subsection (6) of section 66 of the PPA<sup>15</sup>**  
*(Every detail to be filled out on the basis of the information provided in the European Single Procurement Document,)*

**“PURCHASE OF 2K x 2K monitors”**

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 ..... Tenderer/ grouping of Tenderers (registered seat of Tenderer/ grouping of Tenderers, pursuant to subsection (6) of section 66 of the PPA hereby represent:

1. We hereby declare that according to subsection (6) of section 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 contract<sup>16</sup>:

<b>The part(s) of the public procurement for the performance of which Applicant to participate will employ subcontractor<sup>17</sup></b>

2. We hereby declare that according to paragraph b) of subsection (6) of section 66 of the PPA, in relation to the parts specified above, the known subcontractor at the time of the submission of the tender document are the following<sup>1819</sup>:

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

Done at:

.....

<sup>15</sup> 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.

<sup>16</sup> Delete as appropriate!

<sup>17</sup> The chart is needed to be completed only if the Tenderer wishes to employ subcontractor to the fulfilment of the contract.

<sup>18</sup> It is needed to be completed only if the Tenderer declared in paragraph 1 that it wishes to employ subcontractor.

<sup>19</sup> 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 Tenderer wishes to employ subcontractor, and furthermore b) with regard to such part(s) the known subcontractors at the time of the submission of the tender document.



authorized signature / signature of proxy

**Cooperation Agreement<sup>20</sup>**  
**(sample)**

/ According to the information provided in section "A" of Part II of the Single European Procurement Document /

**“PURCHASE OF 2K x 2K monitors”**

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 Tenderers in the subject public procurement procedure – according to subsection (2) of section 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 tender document and the bidding, to represent the grouping of Tenderers with full force and power, to act as contact person, to sign the 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, 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.

Parties acknowledge that no changes may occur in the person of the economic operators submitting a joint tender 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.

<sup>20</sup> Optional – to be completed only in case of grouping of Tenderers!

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 Tenderer 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,*

**“PURCHASE OF 2K x 2K monitors”**

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 ..... Tenderer/ grouping of Tenderers (registered seat of Tenderer/ grouping of Tenderers, 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)<sup>21</sup> 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

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<sup>21</sup> Article 3

Small and medium-sized enterprise (KKV) is an enterprise where the total number of staff is less than 250, and its yearly net turnover 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. Within the category of KKV we consider an enterprise a small enterprise that the total number of staff is less than 50, and its yearly net turnover or balance sheet total is not more than an amount in forints equalling 10 million Euros. Within the category of KKV we consider an enterprise a micro enterprise that the total number of staff is less than 10, and its yearly net turnover or balance sheet total is not more than an amount in forints equalling 2 million Euros. 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 Tenderer with respect to subsection (4) of Article 67 of the PPA**

**“PURCHASE OF 2K x 2K monitors”**

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  
..... Tenderer/ grouping of Tenderers (registered seat of Tenderer/ grouping of  
Tenderer

**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 Tenderer 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 section “C” of Part II of the European Single Procurement Document /*

**“PURCHASE OF 2K x 2K monitors”**

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 ..... Tenderer/ grouping of Tenderers (registered seat of Tenderer/ grouping of Tenderer– pursuant to subsection (7) of section 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 criteria<sup>22</sup>.

Relevant paragraph of the Contract Notice, the indication of those eligibility criteria for the compliance of which the Tenderer relies on the resources of this organization (partly)	Name and registered seat of the organization providing its capacities <sup>23</sup>
<b>P1) ELIGIBILITY CRITERIA REFERENCE</b>	
<b>M1) ELIGIBILITY CRITERIA REFERENCE</b>	

*\* 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 offer, 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 tender 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

<sup>22</sup> The appropriate shall be underlined.

<sup>23</sup> The chart is only needed to be completed if the Tenderer meets the eligibility criteria only or partly using the resources of any other organization (entity).

Registration form<sup>24</sup>

## “PURCHASE OF 2K x 2K monitors”

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 tender 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:	
Telefax Number:	
E-mail Address:	

Done at:

.....  
authorized signature / signature of proxy

24 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@sziliooffice.hu, or to the fax number: +36 17938121 addressed to dr. Dániel Koppándi.

**The conditions for participating in the procedure is that at least one 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.**

## Annex No. 11

### Declaration of Tenderer established in Hungary regarding the absence of the grounds for exclusion<sup>25</sup>

#### “PURCHASE OF 2K x 2K monitors”

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 ..... Tenderer/ grouping of Tenderers (registered seat of Tenderer/ grouping of Tenderers

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

that the following grounds for exclusion **do not apply** to our company, according to which, the entity, who falls under the following paragraphs cannot be Tenderer / Grouping of Tenderers<sup>26</sup>:

#### Subsection (1) of Article 62 of the PPA:

- a) who or which committed any of the following crimes and this fact has been established by final court ruling over the last five years, as long as he is not relieved from the detrimental consequences attached to prior conviction:
- aa.** participation in a criminal organisation, including crimes committed by participating in a criminal organisation, under the Act IV of 1978 on the Criminal Code (hereinafter referred to as the ‘Act IV of 1978’) and the Act C of 2012 on the Criminal Code (hereinafter referred to as the ‘Criminal Code’);
  - ab.** active corruption, abuse of a function, indirect bribery, bribery in international relations, indirect bribery in international relations, misappropriation, defalcation and the crimes of corruption specified in Chapter XXII of the Criminal Code, as well as the misappropriation and defalcation under the Criminal Code;
  - ac.** budget fraud under the Act IV of 1978, infringement of the financial interests of the European Communities, budget fraud under the Criminal Code;
  - ad.** terrorist offences under the Act IV of 1978 and the Criminal Code, and the incitement, aiding and abetting or attempt connected thereto;
  - ae.** money laundering under the Act IV of 1978 and the Criminal Code, as well as terrorist financing under the Criminal Code;
  - af.** trafficking in human beings under the Act IV of 1978 and the Criminal Code, as well as forced labour under the Criminal Code;
  - ag.** agreement in restraint of competition in public procurement and concession procedures under the Act IV of 1978 and the Criminal Code;
  - aa.** (ah) a crime which is similar to those listed in points (a)-(g), according to personal law of the economic operator<sup>27</sup>
- c. who or which is subject of winding-up proceedings, who were subject to the publication of a decree in bankruptcy, the liquidation proceedings launched against whom were legally imposed, or against whom a similar process is in progress according to personal law, or who are in any analogous situation according to personal law;
- d. who or which have suspended business activities or whose business activities have been suspended;<sup>28</sup>

<sup>25</sup> Tenderers, Grouping of Tenderers shall fill it out separately!

<sup>26</sup> Delete where not applicable.

<sup>27</sup> Only natural person economic operator shall declare paragraph a) of subsection (1) of Article 62, otherwise this paragraph can be deleted.

<sup>28</sup> If- pursuant to Act V of 2006 on public company information company registration and winding-up proceedings – the economic operator is not classified as company, or if the suspension of the activities of the organization in question can be lawfully ordered by other authorities as well in addition to the Court of Registration.



- e. who or which have been convicted by final court ruling of an offence related to their business activities or professional conduct, over the past three years;<sup>29</sup>
- f. whose activity was restricted by final court ruling under Article 5(2)(b) - or (c) or (g) as appropriate in the given procurement procedure - of the Act CIV of 2001 on Measures Applicable to Legal Entities in Criminal Law, during the period of prohibition; or the tenderer's activities have been restricted by final court ruling for a similar reason and in a similar manner by another court;<sup>30</sup>

**Subsection (2) of Article 62 of the PPA:**

- a. its executive officer or a member of its supervisory board, its manager or, in the case of a business organization its sole member or a member, according to personal law, of its similar management or supervisory body or a person vested according to personal law with the same powers of decision as the ones mentioned above is a person who was convicted by a final court judgement of a crime specified in paragraph 1 (a) of Article 62 of the PPA over the last five years, and he has not been relieved from the detrimental consequences attached to such prior conviction or
- b. a person who was convicted by a final court judgement of a crime specified in paragraph 1 (a) of Article 62 of the PPA over the last five years - or, where such a period is shorter, within the period needed for the person convicted to be relieved from the detrimental consequences attached to the conviction for the given crime - was, in the economic operator concerned, the executive officer or a member of the supervisory board, the manager or, in the case of a business organization, the sole member or a member, according to personal law, of the similar management or supervisory body or a person vested according to personal law with the same powers of decision as the ones mentioned above, when committing the crime in question.

Done at:

.....  
 authorized signature / signature of proxy<sup>31</sup>

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<sup>29</sup> Only natural person economic operator shall declare paragraph e) of subsection (1) of Article 62, otherwise this paragraph can be deleted.

<sup>30</sup> If the non-natural person economic operator is not classified as a company.

<sup>31</sup> **Certified by Public Notary or economic, professional chamber!**

**Declaration of Tenderer established outside of Hungary regarding the absence of the grounds for exclusion pursuant to Subsections (1)-(2) of Article 62 of the PPA<sup>32</sup>**

**“PURCHASE OF 2K x 2K monitors”**

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 ..... Tenderer/ grouping of Tenderers<sup>33</sup> hereby represent that I shall verify the absence of the grounds for exclusion pursuant to Subsections (1)-(2) of Article 62 of the PPA with the following declarations attached hereto<sup>34</sup>:

<b>Grounds for exclusion as specified in subsections (1) – (2) of Article 62 of the PPA</b>	<b>Name of registrar organization or authority</b>  (*denomination of the issuing organization, authority that issues the certification regarding the absence of the concerned ground for exclusion; in the absence of such, own sworn declaration made in front of and certified by a public notary regarding the compliance with the grounds for exclusion)
Paragraph a) of subsection (1) of Article 62	
Paragraph b) of subsection (1) of Article 62 who or which is in breach of its obligations relating to the payment of their tax, customs duty or social security contribution for more than a year, unless they have paid the debt, including, where applicable, any interest accrued or fines by the time of the submission of the tender or the request to participate, or they were granted a permission for deferred payment of the debt;	
Paragraph c) of subsection (1) of Article 62 who or which is subject of winding-up proceedings, who were subject to the publication of a decree in bankruptcy, the liquidation proceedings launched against whom were legally imposed, or against whom a similar process is in progress according to personal law, or who are in any analogous situation according to personal law;	

<sup>32</sup> Optional, only the foreign established (official seat) Tenderer – if any - shall complete and submit this declaration.

<sup>33</sup> Delete where not applicable.

<sup>34</sup> Please kindly attach the referred certifications in true Hungarian translation to the declaration.

<p align="center"><b>Grounds for exclusion as specified in subsections (1) – (2) of Article 62 of the PPA</b></p>	<p align="center"><b>Name of registrar organization or authority</b></p> <p align="center">(*denomination of the issuing organization, authority that issues the certification regarding the absence of the concerned ground for exclusion; in the absence of such, own sworn declaration made in front of and certified by a public notary regarding the compliance with the grounds for exclusion)</p>
<p>Paragraph d) of subsection (1) of Article 62</p> <p>who or which have suspended business activities or whose business activities have been suspended;</p>	
<p>Paragraph e) of subsection (1) of Article 62</p> <p>who or which have been convicted by final court ruling of an offence related to their business activities or professional conduct, over the past three years;</p>	
<p>Paragraph f) of subsection (1) of Article 62</p> <p>whose activity was restricted by final court ruling under Article 5(2)(b) - or (c) or (g) as appropriate in the given procurement procedure - of the Act CIV of 2001 on Measures Applicable to Legal Entities in Criminal Law, during the period of prohibition; or the tenderer's activities have been restricted by final court ruling for a similar reason and in a similar manner by another court;</p>	
<p>Paragraph g) of subsection (1) of Article 62</p> <p>who or which have been prohibited from participating in procurement procedures by final decision based on Article 165(2)(f), until the end of the period established by the final decision of the Public Procurement Arbitration Board or, in case of review of the decision of the Public Procurement Arbitration Board, by final court ruling;</p>	
<p>Paragraph h) of subsection (1) of Article 62</p> <p>who or which supplied false data or made false declarations in an earlier procurement procedure or concession award procedure and was therefore excluded from that procedure and, in a period of three years after the completion of the procurement procedure in question, no judicial remedy was provided for the prohibition or a judicial remedy has been provided for the prohibition and the decision of the Public Procurement Arbitration Board or, in case of a judicial review thereof, the court's final and binding ruling - issued within the previous three years - stated that the contracting authority's decision on the prohibition was lawful and confirmed that false data had been supplied;</p>	<p align="center"><i>The Contracting Authority shall examine it based on the European Single Procurement Document</i></p>
<p>Paragraph i) of subsection (1) of Article 62</p> <p>who or which, in the course of the fulfilment of the obligation concerning data provision stipulated in the</p>	<p align="center"><i>The Contracting Authority shall examine it</i></p>

<p align="center"><b>Grounds for exclusion as specified in subsections (1) – (2) of Article 62 of the PPA</b></p>	<p align="center"><b>Name of registrar organization or authority</b></p> <p align="center">(*denomination of the issuing organization, authority that issues the certification regarding the absence of the concerned ground for exclusion; in the absence of such, own sworn declaration made in front of and certified by a public notary regarding the compliance with the grounds for exclusion)</p>
<p>given procedure, provides incorrect data (hereinafter referred to as ‘false data’) or makes a declaration which contains false data or is unable to supply the information required for the fulfilment of the selection criteria, the verification of the absence of the grounds for exclusion or the criteria specified in Article 82(5), despite the declaration he submitted as a preliminary certification in the procurement procedure, if</p> <p><b>(ia)</b> the false data or declaration substantially influences the decision taken by the contracting authority on the exclusion, the eligibility, compliance of the tender with the technical specifications or the evaluation of tenders and</p> <p><b>(ib)</b> the economic operator has intentionally supplied false data, made false declaration or acting with due care could have clearly recognised that the data supplied by him are incorrect and the declaration made by him does not comply with the contents of the certifications;</p>	
<p>Paragraph j) of subsection (1) of Article 62</p> <p>in his case, the contracting authority can prove that he has undertaken to unduly influence the decision making process of the contracting authority in the given procedure or attempted to obtain any confidential information that may confer upon it undue advantages in the procurement procedure or was excluded from an earlier procurement procedure or concession award procedure for the same reason and no judicial remedy was provided for the exclusion, for a period of three years after completion of the procurement procedure in question;</p>	<p align="center"><i>The Contracting Authority shall examine it</i></p>
<p>Paragraph k) of subsection (1) of Article 62</p>	
<p>Paragraph ka) of subsection (1) of Article 62</p> <p>(ka) which have their fiscal domicile in a country outside the European Union, the European Economic Area or the Organisation for Economic Cooperation and Development or in a non WTO/GPA country or outside the overseas countries and territories specified in Article 198 of the TFEU or in a country which has not signed any agreement with Hungary on avoiding double taxation or which has not signed a bilateral agreement with the European Union concerning public procurement,</p>	
<p>Paragraph kb) of subsection (1) of Article 62</p> <p>companies which are not listed on any official stock</p>	<p align="center"><i>Tenderer's declaration according to</i></p>

<p align="center"><b>Grounds for exclusion as specified in subsections (1) – (2) of Article 62 of the PPA</b></p>	<p align="center"><b>Name of registrar organization or authority</b></p> <p align="center">(*denomination of the issuing organization, authority that issues the certification regarding the absence of the concerned ground for exclusion; in the absence of such, own sworn declaration made in front of and certified by a public notary regarding the compliance with the grounds for exclusion)</p>
<p>exchange, which cannot identify their actual owner pursuant to Article 3(ra)-(rb) or (rc)-(rd) of the Act CXXXVI of 2007 on the Prevention and Combating of Money Laundering and Terrorist Financing;</p>	<p align="center"><i>Annexes No. 13-14</i></p>
<p>Paragraph kc) of subsection (1) of Article 62 economic operators in which any legal person or any entity - having legal capacity according to personal law - who is subject to the conditions set out in point (kb) owns directly or indirectly a share exceeding 25% or has the right to vote;</p>	<p align="center"><i>Tenderer's declaration according to Annexes No. 15-16</i></p>
<p>Paragraph l) of subsection (1) of Article 62 if a third-country national, whose employment is subject to an authorisation in Hungary, committed an infringement of the law established by the employment authority, on the basis of Article 7/A of the Act LXXV of 1996 on Labour Inspection, and was ordered to pay a given amount into the central budget or was ordered by the immigration authority to pay a fine for the protection of public policy pursuant to the Act on the Entry and Stay of Third-Country Nationals;</p>	<p align="center"><i>The Contracting Authority shall examine it</i></p>
<p>Paragraph m) of subsection (1) of Article 62 in his case, the only way to remedy the distortion of competition arising from any conflict of interest under Article 25 or his prior involvement in the preparation of the procurement procedure is to exclude that economic operator from the given procedure;</p>	<p align="center"><i>The Contracting Authority shall examine it</i></p>
<p>Paragraph n) of subsection (1) of Article 62 who or which have committed an infringement of law established in a final and enforceable decision of the Hungarian Competition Authority, delivered within the previous three years or, in the event of a review of the decision of the Hungarian Competition Authority, by final court ruling according to Article 11 of the CA or Article 101 of the TFEU, and was ordered to pay a fine; or if such infringement of law committed by the tenderer was established by another competition authority or court within the previous three years and at the same time the tenderer was ordered to pay a fine;</p>	<p align="center"><i>European Single Procurement Document</i></p>
<p>Paragraph o) of subsection (1) of Article 62 in his case, the contracting authority can prove that the tenderer has committed an infringement of law under Article 11 of the CA or Article 101 of the TFEU in the</p>	<p align="center"><i>European Single Procurement Document</i></p>

<p align="center"><b>Grounds for exclusion as specified in subsections (1) – (2) of Article 62 of the PPA</b></p>	<p align="center"><b>Name of registrar organization or authority</b></p> <p align="center">(*denomination of the issuing organization, authority that issues the certification regarding the absence of the concerned ground for exclusion; in the absence of such, own sworn declaration made in front of and certified by a public notary regarding the compliance with the grounds for exclusion)</p>
<p>given procurement procedure, except where the economic operator exposes the conduct which is liable to infringe Article 11 of the CA or Article 101 of the TFEU to the Hungarian Competition Authority before submitting the tender, in the case of a negotiated procedure or a competitive dialogue the final tender, and the Hungarian Competition Authority establishes in its decision under Article 78/C(2) of the CA that the conditions for non-imposition of the fine, specified in Article 78/A(2) of the CA, are satisfied.</p>	
<p><b>Paragraph p) of subsection (1) of Article 62</b></p> <p>who failed to use the advance granted him in the contract concluded as a result of the procurement procedure or concession award procedure in compliance with the contract and such failure was established by a final and binding judicial decision, administrative decision or, in case of a review of the latter, a final and binding judicial decision issued within the previous three years;</p>	<p align="center"><i>European Single Procurement Document</i></p>
<p><b>Paragraph q) of subsection (1) of Article 62</b></p> <p>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;</p>	
<p><b>Paragraph a) of subsection (2) of Article 62</b></p> <p>whose executive officer or a member of its supervisory board, its manager or, in the case of a business organization its sole member or a member, according to personal law, of its similar management or supervisory body or a person vested according to personal law with the same powers of decision as the ones mentioned above is a person who was convicted by a final court judgement of a crime specified in paragraph 1 (a) over the last five years, and he has not been relieved from the detrimental consequences attached to such prior conviction</p>	
<p><b>Paragraph b) of subsection (2) of Article 62</b></p> <p>a person who was convicted by a final court judgement of a crime specified in paragraph 1 (a) over the last five years - or, where such a period is shorter, within the</p>	

<p style="text-align: center;"><b>Grounds for exclusion as specified in subsections (1) – (2) of Article 62 of the PPA</b></p>	<p style="text-align: center;"><b>Name of registrar organization or authority</b></p> <p>(*denomination of the issuing organization, authority that issues the certification regarding the absence of the concerned ground for exclusion; in the absence of such, own sworn declaration made in front of and certified by a public notary regarding the compliance with the grounds for exclusion)</p>
<p>period needed for the person convicted to be relieved from the detrimental consequences attached to the conviction for the given crime - was, in the economic operator concerned, the executive officer or a member of the supervisory board, the manager or, in the case of a business organization, the sole member or a member, according to personal law, of the similar management or supervisory body or a person vested according to personal law with the same powers of decision as the ones mentioned above, when committing the crime in question.</p>	

*\* If the competent court or authority does not issue an excerpt or certification specified in paragraphs a) – c) and subparagraph ga) of paragraph g of Article 10 of the Government Decree No. 321/2015. (X.30.) or they do not cover all of the cases referred to in these subparagraphs, the Contracting Authority accepts the Tenderer's sworn declaration, or if such declaration is unknown in the country concerned, a declaration on oath made by the Tenderer in front of the competent court, authority, chamber or trade association or a declaration certified by a public notary in true Hungarian translation.*

**Declaration of Tenderer with respect to subparagraph kb) of paragraph k of subsection (1) of Article 62 / I.<sup>35</sup>**

**“PURCHASE OF 2K x 2K monitors”**

1. With respect to the public procurement procedure initiated in the subject above, I, the undersigned ..... (name) as the representative entitled to make representations on behalf of ..... Tenderer/ grouping of Tenderers (registered seat of Tenderer/ grouping of Tenderers represent that our company is classified as a company that is not listed in regulated stock exchange.

Done at:

.....  
authorized signature / signature of proxy

2. With respect to the public procurement procedure initiated in the subject above, I, the undersigned ..... (name) as the representative entitled to make representations on behalf of ..... Tenderer/ grouping of Tenderers (registered seat of Tenderer/ grouping of Tenderers represent that our company is classified as a company that is being listed in regulated stock exchange.

Done at:

.....  
authorized signature / signature of proxy

*Tenderer (Grouping of Tenderers) shall make the representation based on the actual data of the company **either** according to paragraph 1 **or** 2!*

*In event Tenderer (the Grouping of Tenderers) make the representation according to paragraph 1, then it **shall also make the representation** according to Annex No. 5 as well.*

*In event Tenderer (the Grouping of Tenderers) make the representation according to paragraph 2, then it **shall not make the representation** according to Annex No. 5.*

<sup>35</sup>Tenderers, Grouping of Tenderers shall complete it separately.



**Declaration of Tenderer**  
with respect to subparagraph kb) of paragraph k of subsection (1) of Article 62 / II. <sup>36 37</sup>

**“PURCHASE OF 2K x 2K monitors”**

- 1) With respect to the public procurement procedure initiated in the subject above, I, the undersigned ..... (name) as the representative entitled to make representations on behalf of ..... Tenderer/ grouping of Tenderers (registered seat of Tenderer/ grouping of Tenderers represent that, our company is a company that is not being listed in regulated stock exchange, whose every beneficial owner provided for in Subparagraphs ra)-rb) or rc)-rd) of Paragraph r) of Article 3<sup>38</sup> of Act CXXXVI of 2007 on the Prevention and Combating of Money Laundering and Terrorist Financing can be identified and presented together with their names and addresses of their permanent residences according to the following<sup>39</sup>:

Name of every beneficial owner	Addresses of the permanent residences of every beneficial owner

Done at:

.....  
authorized signature / signature of proxy

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- 2) With respect to the public procurement procedure initiated in the subject above, I, the undersigned ..... (name) as the representative entitled to make representations on behalf of ..... Tenderer/ grouping of Tenderers (registered seat of Tenderer/ grouping of Tenderers represent that, our company is a company that is not being listed in regulated stock exchange, and does not have beneficial owner provided for in Subparagraphs ra)-rb)

<sup>36</sup>Optional – To be applied only if the Tenderer made representation according to paragraph (1) of Annex No. 4 (Tenderer is not listed in regulated stock exchange).

<sup>37</sup>Tenderers, Grouping of Tenderers shall complete it separately.

<sup>38</sup>Paragraph r) of Article 3 of Act CXXXVI of 2007:

r) 'beneficial owner' shall mean:

ra) the natural person, who directly or – in a manner specified in Subsection (3) of Section 685/B of Act IV of 1959 on the Civil Code (hereinafter referred to as „Civil Code“) – indirectly owns or controls at least twenty-five per cent of the shares or voting rights in a legal person or in an organisation not having a legal personality, if that legal person or organisation not having a legal personality is not a registered company on the regulated market to which publication requirements consistent with Community legislation or equivalent international requirements apply;

rb) the natural person, who has a dominant influence in a legal person or an organisation not having a legal personality as determined in Subsection (2) of Section 685/B of the Civil Code;

rc) the natural person, on whose behalf a transaction order is executed;

rd) in the case of foundations, the natural person:

1. who is the beneficiary of at least twenty-five per cent of the property of the foundation, if the future beneficiaries have already been determined;

2. in whose main interest the foundation is established or operates, if the beneficiaries have yet to be determined; or

3. who is a member of the managing organisation of the foundation, or who has a dominant influence over at least twenty-five per cent of the property of the foundation, or who acts on behalf of the foundation;

re) in the absence of a natural person specified in Subparagraphs ra)–rb), the executive officer of the legal entity or the organisation not having a legal personality;

<sup>39</sup> If the economic operator does not have beneficial owner as specified in Subparagraphs ra)-rb) or rc)-rd) of Paragraph r) of Article 3 of Act CXXXVI of 2007 on the Prevention and Combating of Money Laundering and Terrorist Financing then the corresponding declaration shall be attached.

or *rc*)-*rd*) of Paragraph *r*) of Article 3<sup>40</sup> of Act CXXXVI of 2007 on the Prevention and Combating of Money Laundering and Terrorist Financing.

Done at:

.....  
authorized signature / signature of proxy

Tenderer (Grouping of Tenderers) shall make the representation based on the actual data of the company either according to paragraph 1 or 2!

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<sup>40</sup>Paragraph r) of Article 3 of Act CXXXVI of 2007:

*r) 'beneficial owner' shall mean:*

*ra) the natural person, who directly or – in a manner specified in Subsection (3) of Section 685/B of Act IV of 1959 on the Civil Code (hereinafter referred to as „Civil Code”) – indirectly owns or controls at least twenty-five per cent of the shares or voting rights in a legal person or in an organisation not having a legal personality, if that legal person or organisation not having a legal personality is not a registered company on the regulated market to which publication requirements consistent with Community legislation or equivalent international requirements apply;*

*rb) the natural person, who has a dominant influence in a legal person or an organisation not having a legal personality as determined in Subsection (2) of Section 685/B of the Civil Code;*

*rc) the natural person, on whose behalf a transaction order is executed;*

*rd) in the case of foundations, the natural person:*

*1. who is the beneficiary of at least twenty-five per cent of the property of the foundation, if the future beneficiaries have already been determined;*

*2. in whose main interest the foundation is established or operates, if the beneficiaries have yet to be determined; or*

*3. who is a member of the managing organisation of the foundation, or who has a dominant influence over at least twenty-five per cent of the property of the foundation, or who acts on behalf of the foundation;*

*re) in the absence of a natural person specified in Subparagraphs *ra*)–*rb*), the executive officer of the legal entity or the organisation not having a legal personality;*

**Declaration of Tenderer  
with respect to subparagraph kc) of paragraph k of subsection (1) of Article 62 / I.<sup>41</sup>**

**“PURCHASE OF 2K x 2K monitors”**

With respect to the public procurement procedure initiated in the subject above, I, the undersigned ..... (name) as the representative entitled to make representations on behalf of ..... Tenderer/ grouping of Tenderers (registered seat of Tenderer/ grouping of Tenderers

**r e p r e s e n t t h a t<sup>4243</sup>**

- a) There is such legal person or any entity - having legal capacity according to personal law - that owns directly or indirectly a share or voting right exceeding 25% in our company.
- b) There is no such legal person or any entity - having legal capacity according to personal law - that owns directly or indirectly a share or voting right exceeding 25% in our company.

Done at:

.....  
authorized signature / signature of proxy

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<sup>41</sup> Tenderers, Grouping of Tenderers shall complete it separately.  
<sup>42</sup> Tenderer (Grouping of Tenderers) shall make the representation based on the actual data of the company either according to paragraph a) or b)!  
<sup>43</sup> In event Tenderer **makes the representation according to paragraph “a”**), then it shall also make the representation according to Annex No. 7 as well. In event Tenderer **makes the representation according to paragraph “b”**), it shall not make the representation according to Annex No. 7.

**Declaration of Tenderer  
with respect to subparagraph kc) of paragraph k of subsection (1) of Article 62 / II.<sup>44</sup>**

**“PURCHASE OF 2K x 2K monitors”**

With respect to the public procurement procedure initiated in the subject above, I, the undersigned ..... (name) as the representative entitled to make representations on behalf of ..... Tenderer/ grouping of Tenderers (registered seat of Tenderer/ grouping of Tenderers make the following

**r e p r e s e n t a t i o n :**

I shall name below those legal persons or any entity - having legal capacity according to personal law - that owns directly or indirectly a share or voting right exceeding 25% in our company:

<b>Denomination of legal persons or any entity having legal capacity according to personal law</b>

I furthermore represent that the grounds for exclusion referred to in subparagraph kc) of paragraph k) of subsection (1) of Article 62 of the PPA do not apply to the legal entity(ies) or any entity - having legal capacity according to personal law - indicated above.

Done at:

.....  
authorized signature / signature of proxy

<sup>44</sup> Tenderers, Grouping of Tenderers shall complete it separately.

## Declaration on net turnover

**“PURCHASE OF 2K x 2K monitors”**

With respect to the public procurement procedure initiated in the subject above, I, the undersigned ..... (name) as the representative entitled to make representations on behalf of ..... Tenderer/ grouping of Tenderers, organization providing its capacities<sup>45</sup> hereby represent that our turnover originating from the subject of the present public procurement procedure (Purchase of 2K x 2K LCD monitors) in the three business years preceding the date of the submission of the call for tender initiating the present procedure excl. VAT is as follows

:

<b>P1) Eligibility criteria</b>	<b>.... year</b>	<b>.... year</b>	<b>.... year</b>
Our net turnover excl. VAT originating from the subject of the present public procurement procedure (Purchase of 2K x 2K LCD monitors) (in EUR)			

Done at:

.....  
authorized signature

---

<sup>45</sup> Delete where not applicable.

**Tenderer(s), or the organization(s) (or person(s)) contributing to certify the technical and professional eligibility criteria**

**Certificate of Reference  
(sample)**

I the undersigned ..... as the authorized representative of .....<sup>46</sup> entitled to sign on behalf of the company hereby represent that our company and .....<sup>47</sup> have entered into an agreement according to the following:

- Introduction of the earlier delivery in such detailed manner that enables the assessment of the compliance with the eligibility criteria:
- performed volume (containing the number of items)
- date of performance (starting, ending, and the date of the successful technical handover/takeover, detailed in at least year/month):
- Place of performance:
- the denomination of the other contracting party, and the name and telephone number of the person providing information on its behalf:

I hereby certify that .....<sup>48</sup> was performed in compliance with the applicable regulations and with the contractual terms.

I issue the present certification in order to make an offer in a public procurement procedure.

Done at:

.....  
authorized signature<sup>49</sup>

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<sup>46</sup> Name and seat of company providing the reference

<sup>47</sup> Name and official seat of Tenderer company

<sup>48</sup> Name of Tenderer company

<sup>49</sup> Optional certification.

## **CHAPTER IV – CONTRACTUAL TERMS**

*The Contracting Authority draws the attention of the Tenderers to that the contractual terms are attached to the procurement document as separate annex.*