

PUBLIC PROCUREMENT DOCUMENTS

in the subject of

“Service and supply contract for ACM Digital Library online database”

**in the public procurement procedure under Article 98 (2)(c) of Chapter XV
of the Second Part of Act CXLIII of 2015 on Public Procurement (PPA)**

2017

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Every document generating in connection with the preparation and conduct of the public procurement procedure is to be preserved for a 5 years long period as from the closing of the public procurement procedure [Article 46(2) of the PPA], while the same applies to every document related to the fulfilment of the contract but from the time of fulfilment. If review proceedings have been started in connection with the public procurement, the documents need to be preserved until the non-appealable completion thereof, or until that of the revision in case of a judicial review, but for the mentioned five years at least.	26
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INTRODUCTION

The **Library and Information Centre of the Hungarian Academy of Sciences**, as Contracting Authority, is conducting a public procurement procedure under Article 98(2)(c) of Chapter XV of Part Two of the PPA in the subject of ***“Service and supply contract for ACM Digital Library online database”***.

In order to facilitate the submission of the appropriate tender, the Contracting Authority provides the Tenderer with this Public Procurement Documents.

The Public Procurement Documents contain the technical requirements (technical specifications for the public procurement), the draft agreement to be signed by the winner, the requirements, formal requirements, declaration templates necessary for drawing up the tender, as well as the specification of the information and conditions briefly set out in the tender notice.

The Contracting Authority requests the Tenderer to carefully study the Invitation to Tender and the Public Procurement Documents prior to compiling the tender, and to compile its tender in strict compliance with the specifications in the invitation launching the procedure and in the Public Procurement Documents, and to use the option to request “supplementary information” as provided by the Public Procurement Act for the cases of uncertainty.

CHAPTER I.

GUIDE TO PREPARE THE TENDER

1. Public Procurement Documents

Public Procurement Document: shall mean all documents made by Contracting Authority in order to describe or define the subject or the procedure of the public procurement, or which is referred to for the same, thus specifically, the Invitation to Tender launching the procedure, the Technical Specifications, supplementary information, proposed contractual terms and conditions, templates for documents to be submitted by economic operators.

Public Procurement Documents and particular parts thereof, or duplicates of public procurement documents and particular parts thereof may solely be used in the preparation of the tender, and for the purposes indicated therein.

2. Tendering costs

Every cost incurred in connection with the preparation and submission of the tender is borne by the Tenderer. The Tenderer shall bear all costs incurred by the receipt of the documentation, the preparation and the submission of the tender application.

3. Additional information

Any economic entity that may be Tenderer within the framework of the given public procurement procedure, may, in connection with the tender application and for the sake of appropriate tender application, request additional information in writing in pursuance of Article 56 of the PPA and in connection with the invitation launching the procedure and the Public Procurement Documents, by way of sending a fax message to the +36 1 700 2293 telefax number of **Csendes Consulting Kft.** or electronically, by sending an email to the kozbeszerzes@csendesconsulting.hu address. The Contracting Authority shall send additional information either electronically or by way of fax 3 days before the expiry of the deadline for submission of the tender at the latest. If the request for additional information is submitted later than 3 days before the 3 days deadline for replies, then the Contracting Authority is not obliged to provide the additional information, but may provide it if it considers the reply to the question received late to be necessary for appropriate tendering.

If the Contracting Authority is unable to provide the information within the deadline specified in Article 56(2) of the PPA or if it modifies the public procurement documents together with the additional information, then Article 52(4) of the PPA shall apply.

If the Contracting Authority considers answering of the question to be necessary for appropriate tendering but the appropriate amount of time necessary to reply within a reasonable time and to consider the reply is not at hand, then it may use the option to extend the deadline for submission of tender pursuant to Article 52(3) of the PPA.

The supplementary information issued by the Contracting Authority will become part of the Public Procurement Documents, therefore the Tenderer shall prepare and submit its tender application in line with this information.

4. Language of the public procurement procedure and of the tender

Language of the public procurement procedure: Hungarian and/or English.

Whatever communication during the procedure is done in Hungarian and/or in English, communication in any other language is not accepted.

Language of the tender application: Hungarian and/or English and/or German.

In case a document or a form is submitted in a language different from Hungarian and/or English and/or German, than the responsible Hungarian and/or English and/or German translation thereof is also required to be submitted. The responsible translation must include the declaration of the Tenderer stating that the translation is identical as to content with the document in the foreign language, and the due signature of the representative acting in the name of the Tenderer. Tenderer is responsible for the accuracy of the translation.

The Contracting Authority shall also accept the responsible translations by the Tenderer of the documents submitted in languages different from Hungarian and/or English and/or German. (Pursuant to Article 47(2) of the PPA)

5. Originality of the documents to be submitted

Subject to Article 47(2) of the PPA, the documents to be submitted within the context of the tender may be submitted in simple copies as well, unless otherwise required by the law. Declarations serving to directly enforce claims shall be submitted in original and the

declaration under Article 66(2) of the PPA (tender declaration). If an original document is required, its certified copy prepared by the body authorised to do so may also be submitted, with the official certification submitted in original.

6. Person(s) authorised to sign

Statements/documents in the tender are to be attached to the tender for the person signing in the name of the *Tenderer, subcontractor* (hereinafter referred to as: signatory):

(i) a document (e.g. Deed of Foundation, Articles of Association), that can ascertain the **power of representation** of the signatory, and

(ii) such a notarised specimen signature prepared by a civil law notary or a document countersigned by a solicitor or a document witnessed by two witnesses that can unequivocally ascertain the signature of the **signatory** (“document attached for verifying the appearance of the signature”).

Should *Tenderer, subcontractor* fall within the scope of Act IV of 2006 on Business Associations or is a business association under Article 3:89 of the Civil Code, then it is not necessary to attach the **foregoing** (i) document verifying the **power of representation** of the signatory, as it can be checked for free pursuant to Article 69(11) of the PPA.

As regards Point (ii), the notarised specimen signature or a specimen signature issued by a solicitor is to be attached for the **signatory** in case the *Tenderer* falls within the scope of Act V of 2006 on Public Company Information, Company Registration and Winding-up Proceedings (hereinafter referred to as Public Company Information Act), with consideration of Article 9 of the Public Company Information Act.

Should the signatory appoint a procurator, then it is necessary to attach the authorisation for representation of the appointed persons and signed by both the person entitled to represent and the procurator.

7. Trade secrets and data disclosure

Business secret: the concept defined in Article 2:47 of the Civil Code.

Pursuant to Article 44 of the PPA, the Tenderer may prohibit the disclosure of any documents containing a business secret (including know how) [Article 2:47 of the Civil Code] and placed separately in its tender, in the supplied missing information or provision of information and in the reasoning under Article 72 of the PPA. Documents containing business secrets should be prepared so as to contain such information exclusively, taking into account Article 2:47 of the Civil Code, the disclosure of which would cause disproportionate violation in terms of business activity and that none of the items detailed below is included therein. The economic operator is obliged to attach a reasoning to the separate document containing the business secret, and it is to provide detailed substantiation therein why and how the disclosure of the particular piece of information or data would cause it disproportionate damage. The reasoning provided by the economic operator is not appropriate if it is way too general.

Tenderer should note that if documents containing or forming trade secrets are not submitted in a separated manner, the Contracting Authority will be unable to handle them as trade secrets. The Contracting Authority calls the attention of the Tenderer to the fact that the tender shall be invalid if data is qualified as business secret in a way that is in

conflict with Article 44(2)–(3) of the PPA and the Tenderer fails to correct this even after the Contracting Authority requests it to eliminate deficiencies or if the reasoning under Article 44(1) of the PPA remains inappropriate even after the elimination of deficiencies has been carried out.

Pursuant to Article 44(3) of the PPA, the Tenderer may not prohibit the disclosure of its name, address (registered office and domicile) and of facts, information, solutions or data (hereinafter collectively referred to as: data) to be assessed on the basis of assessment criteria defined under Article 76 of the PPA, however, it may prohibit the disclosure of partial information and basic data (in particular the priced budget) forming the basis thereof and not governed by Paragraph (2).

8. Substantive requirements of the tender

Tenderer should prepare and submit its tender in line with the substantive and formal requirements set out in the Public Procurement Documents.

The invitation having launched the procedure and the Public Procurement Documents contain the requirements to be adhered to when preparing and submitting the tender. In issues not regulated in the Invitation to Tender and the Public Procurement Documents, the provisions of the Public Procurement Act shall apply.

Chapter II of the Public Procurement Documents contains the recommended declaration templates (“Annex”) needed to draw up the tender application.

If the Tenderer, or subcontractor wishes to certify any data or fact as per Article 69(11) of the Public Procurement Act, but the registry specified in Article 69(11) of the Public Procurement Act containing the data or fact is not listed in the guidelines of the Public Procurement Authority, the Tenderer, subcontractor shall indicate the registry in its tender application.

Pursuant to Article 18 of Government Decree No. 321/2015 (X. 30.) on the verification of suitability and of the grounds for exclusion and on the specification of the public procurement technical specifications in public procurement procedures, the Public Procurement Authority shall issue a guide on the certificates, declarations, records and data to be submitted by economic operators established in Hungary, in the European Union and in the European Economic Area as referred to in Articles 8–11 of the Government Decree and on the Hungarian official electronic records complying with Article 69(11) of the PPA.

Amendment registration:

Statement of the Tenderer (each of the Tenderers in case of joint tender application) whether there is a change registration procedure in progress, i.e. whether there has any request to register changes been submitted that has not been processed by the registering court/authority yet, is to be attached to the tender.

If there is a registration of modification to the company data (or change in company data) of the Tenderer in progress on the basis of the declaration of the Tenderer, then, if it is about a company, the printed request for registration of the modification shall be appended, as well as the printed electronic certificate issued by the Court of Company Registration, or a simple copy of the change registration/data modification request received by the court/budgetary body/chamber/notary in case of activities not carried out under company form.

The declaration is expressly to be made in case of negative content as well and is to be attached to the tender.

9. Requirements concerning the compilation and the credibility of the tender

The formal requirements applicable to paper tenders are:

- (a) Every document (declaration), prepared by either the Tenderer, or subcontractor, in the tender is to be signed at its end in a way that is suitable to produce legal effects by the person(s) entitled to do so at the business entity or by person(s) who has/have obtained the authorisation, in writing and in compliance with the legal requirements, to do so from the person(s) entitled to sign.
- (b) Every page that has been amended prior to submission shall be signed at the place of amendment by the person signing the entire document as well.
- (c) The tender shall be submitted as bound in a manner preventing it from being unbound without damage. "Bound in a manner preventing it from being unbound without damage" means a binding method that does not allow any pages to be replaced or exchanged without visible damage.
- (d) Page numbering of the tender shall begin with one and increase on each page. It is sufficient to number pages containing text or numbers or images, empty pages do not need to, but can be numbered. The front and back cover do not need to, but can be numbered.
- (e) The tender must contain a table of content at the beginning of the document based on which the relevant documents may be found;
- (f) The tender is to be submitted in a number of copies and format specified in the invitation having launched the procedure;
- (g) The Tenderer's name, registered office, the name, position, telephone, fax number and email address of the contact person appointed for the procedure are to be indicated on the copies of the tender;
- (h) Any information disclosed to the contact person in the course of the public procurement procedure shall be considered as legally effective information. Any message or document sent to the contact person's fax number or email address shall be considered as delivered in a legally effective manner at the time of confirmation;
- (i) In the event of any discrepancy, the original counterpart shall prevail. If the Tenderer does not mark the original then the Contracting Authority shall deliberately select one of the copies and treat that as original in the course of the procedure.

10. Recommended procedure for compiling the printed tender

1. If every document is ready, they are to be sorted into order.
2. Numbering the pages of the tender and signing the declarations.
3. Updating the Table of Contents (listing documents, indicating page numbers for the documents).
4. Tenderer is obliged to attach a read-only (non-editable) copy made of the entire duly signed original tender on an electronic data medium (CD or DVD).

5. Binding/wrapping of the printed tender as described (see Point 9 of Chapter I. "Guide").
6. Packing the printed tender and the CD/DVD into the package/envelope.
7. Addressing the package/envelope, indicating the texts given in Point 11 of the Guide.
8. Closing the envelope/package.

11. Submission of the tender

Tenderer is to put the original and electronic copies of its tender in a non-transparent package/envelope for the sake of security, sealed and delivered to the location defined in the invitation having launched the procedure.

The envelope/package shall include:

- Name of the Tenderer
- Name of the Contracting Authority
- And the following remark: **“Tender – Library and Information Centre of the Hungarian Academy of Sciences – in the subject of *“Service and supply contract for ACM Digital Library online database”* and *“Opening is forbidden before the expiration of the deadline for tender application”*”**

The Contracting Authority shall be liable for the redirection or premature opening of any envelope/package not adequately sealed and bearing the above inscriptions.

The tender is to be submitted to the address specified in the Invitation to Tender having launched the procedure and prior to the expiry of the deadline for the submission of tender.

Contracting Authority shall not assume any responsibility for the receipt of tender submitted in person at places different than the one set out in the invitation having launched the procedure.

On account of submitting the tender by mail, the Contracting Authority draws attention to the fact that the tender is to be addressed to **Csendes Consulting Kft.** 1051 Budapest, József Nádor tér 5-6. III. em. (1396 Budapest, Pf. 468).

The risks arising from submission of the tender by mail or delivery service shall be borne by the Tenderer. (Arrival after expiry of the submission deadline, loss of or damage to the envelope containing the tender, etc.)

Pursuant to Article 73(1)(a) of the PPA, the tender shall be invalid if it is submitted after the expiry of the deadline for the submission of tender.

The Contracting Authority shall consider a tender to have arrived within the prescribed time limit if that arrives to the address for submitting tenders and given in the invitation having launched the procedure before the deadline for the submission of tender.

By virtue of the foregoing, the Contracting Authority shall open tenders submitted late or arriving late by mail only with a view to ascertain the person of the Tenderer.

CHAPTER II.

DECLARATION TEMPLATES (ANNEXES)

READING SHEET

Subject of the Tender: "Service and supply contract for ACM Digital Library online database"

Ajánlattevő adatai:

Name of Tenderer:	
Registered seat of Tenderer:	
Representation:	
VAT-number, if applicable:	

A kapcsolattartó adatai:

Contact person:	
Telephone:	
E-mail:	

The main quantifiable particulars to be assessed according to the award criteria:

<i>Net tender price:</i>,- USD
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Date, place

.....
due signature(s)

DECLARATION OF THE TENDERER
pursuant to Article 66(2) and 66(4) of the PPA

I, the undersigned (name) hereby declare in the name of the Tenderer (company name) that the **Tenderer** **(company name) intends to participate in the public procurement procedure** launched by the **Information Centre of the Hungarian Academy of Sciences** as Contracting Authority in the subject of **“Service and supply contract for ACM Digital Library online database”**.

After reviewing and understanding the **terms and conditions of Your Invitation to Tender** having launched the procedure connecting to the public procurement procedure with the foregoing subject and **those of the Public Procurement Documents**, together with the technical specifications and the contract terms and conditions, we hereby declare that we **accept them and submit a tender for performing the contract** under our tender and for the consideration indicated in our tender.

Should we become winners, we intend to conclude and perform the contract to be concluded as a result of this public procurement procedure in line with the terms and conditions included in the invitation having launched the procedure and the Public Procurement Documents and our tender.

I declare that the Tenderer (company name) represented by me is

- a) a micro / small / medium-sized enterprise according to the Act XXXIV. 2004. on Small and Medium-sized Enterprises and the Support Provided to Such Enterprises
- b) not falling within the law of Act XXXIV. 2004. on Small and Medium-sized Enterprises and the Support Provided to Such Enterprises.

Date, place

.....
due signature(s)

DECLARATION

on the non-existence of grounds for exclusion in case of the tenderer is not established in Hungary

I, the undersigned, as representative authorised to sign for (name of Tenderer) **declare** in the public procurement procedure launched by the **Library and Information Centre of the Hungarian Academy of Sciences** as Contracting Authority in the subject of “**Service and supply contract for ACM Digital Library online database**” that according to the legal system of our country (name of the country) the verification the non-existence of grounds for exclusion in Article 62(1)(a)-(g) and (k)(ka) of the PPA and Article 62(2) of the PPA could be certified according to Article 10 of Government Decree 321/2015. (X. 30.) by the following courts and authorities:

1. Article 62(1)(a) of the PPA: The following economic operators shall be excluded from participating in the procedure as a tenderer, candidate, subcontractor or an organization participating in the certification of suitability:

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;

(ah) a crime which is similar to those listed in points (a)-(g), according to personal law of the economic operator;

<p>The document issued by the competent judicial or administrative authority of the Member State or the country of establishment of the economic operator or the person in question, which certifies the fulfilment of the relevant requirements: If the competent court or authority does not issue extracts or certificates pursuant to this point, or the extracts or certificates do not cover all the cases referred to in the aforementioned points, the contracting authority shall accept the declaration of the tenderer made under oath or, if such a declaration is not known in the country concerned, a declaration made by the tenderer before the competent court, authority, chamber of professional association or attested by the notary public.</p>	
<p>Name of the competent judicial or administrative authority if necessary:</p>	

2. Article 62(1)(b) of the PPA: The following economic operators shall be excluded from participating in the procedure as a tenderer, candidate, subcontractor or an organization participating in the certification of suitability 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;

<p>A certificate issued by the competent authorities of the country of establishment; the non-existence of the ground for exclusion with respect to public debts in Hungary shall also be verified by the contracting authority on the basis of the database of taxpayers not having public debts pursuant to the Art.; if the tenderer or candidate is not included in such database, a certificate of the competent tax and customs authority or the joint tax certificate specified in the Art. shall also be submitted; if the economic operator does not carry out taxable transactions in Hungary, the related certificate issued by the National Tax and Customs Administration: If the competent court or authority does not issue extracts or certificates pursuant to this point, or the extracts or certificates do not cover all the cases referred to in the</p>	
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<p>aforementioned points, the contracting authority shall accept the declaration of the tenderer made under oath or, if such a declaration is not known in the country concerned, a declaration made by the tenderer before the competent court, authority, chamber of professional association or attested by the notary public.</p>	
<p>Name of the competent judicial or administrative authority if necessary:</p>	

3. Article 62(1)(c) of the PPA: The following economic operators shall be excluded from participating in the procedure as a tenderer, candidate, subcontractor or an organization participating in the certification of suitability 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;

<p>A certificate issued by the competent authorities of the country of establishment: If the competent court or authority does not issue extracts or certificates pursuant to this point, or the extracts or certificates do not cover all the cases referred to in the aforementioned points, the contracting authority shall accept the declaration of the tenderer made under oath or, if such a declaration is not known in the country concerned, a declaration made by the tenderer before the competent court, authority, chamber of professional association or attested by the notary public.</p>	
<p>Name of the competent judicial or administrative authority if necessary:</p>	

4. Article 62(1)(d) of the PPA: The following economic operators shall be excluded from participating in the procedure as a tenderer, candidate, subcontractor or an organization participating in the certification of suitability who or which is subject of winding-up proceedings, who or which have suspended business activities or whose business activities have been suspended;

<p>A certificate issued by the competent authorities of the country of establishment: If the competent court or authority does not issue extracts or certificates pursuant to this point, or the extracts or certificates do not cover all the cases referred to in the aforementioned points, the contracting authority shall accept the declaration of the</p>	
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tenderer made under oath or, if such a declaration is not known in the country concerned, a declaration made by the tenderer before the competent court, authority, chamber of professional association or attested by the notary public.	
Name of the competent judicial or administrative authority if necessary:	

5. Article 62(1)(e) of the PPA: The following economic operators shall be excluded from participating in the procedure as a tenderer, candidate, subcontractor or an organization participating in the certification of suitability 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;

The document issued by the competent judicial or administrative authority of the Member State or the country of establishment of the economic operator or the person in question, which certifies the fulfilment of the relevant requirements: If the competent court or authority does not issue extracts or certificates pursuant to this point, or the extracts or certificates do not cover all the cases referred to in the aforementioned points, the contracting authority shall accept the declaration of the tenderer made under oath or, if such a declaration is not known in the country concerned, a declaration made by the tenderer before the competent court, authority, chamber of professional association or attested by the notary public.	
Name of the competent judicial or administrative authority if necessary:	

6. Article 62(1)(f) of the PPA: The following economic operators shall be excluded from participating in the procedure as a tenderer, candidate, subcontractor or an organization participating in the certification of suitability 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;

The document issued by the competent judicial or administrative authority of the Member State or the country of establishment of the economic operator or the person in question, which certifies the fulfilment of the relevant requirements:	
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<p>If the competent court or authority does not issue extracts or certificates pursuant to this point, or the extracts or certificates do not cover all the cases referred to in the aforementioned points, the contracting authority shall accept the declaration of the tenderer made under oath or, if such a declaration is not known in the country concerned, a declaration made by the tenderer before the competent court, authority, chamber of professional association or attested by the notary public.</p>	
<p>Name of the competent judicial or administrative authority if necessary:</p>	

7. Article 62(1)(g) of the PPA: The following economic operators shall be excluded from participating in the procedure as a tenderer, candidate, subcontractor or an organization participating in the certification of suitability 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>A certificate issued by the competent authorities of the country of establishment: If the competent court or authority does not issue extracts or certificates pursuant to this point, or the extracts or certificates do not cover all the cases referred to in the aforementioned points, the contracting authority shall accept the declaration of the tenderer made under oath or, if such a declaration is not known in the country concerned, a declaration made by the tenderer before the competent court, authority, chamber of professional association or attested by the notary public.</p>	
<p>Name of the competent judicial or administrative authority if necessary:</p>	

8. Article 62(1)(k)(ka) of the PPA: The following economic operators shall be excluded from participating in the procedure as a tenderer, candidate, subcontractor or an organization participating in the certification of suitability who or which are subject to any of the following circumstances 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>A certificate of fiscal domicile issued by the competent authority of the country concerned:</p> <p>If the competent court or authority does not issue extracts or certificates pursuant to this point, or the extracts or certificates do not cover all the cases referred to in the aforementioned points, the contracting authority shall accept the declaration of the tenderer made under oath or, if such a declaration is not known in the country concerned, a declaration made by the tenderer before the competent court, authority, chamber of professional association or attested by the notary public.</p>	
<p>Name of the competent judicial or administrative authority if necessary:</p>	

9. Article 62(2)(a)-(b) of the PPA: Furthermore, the following economic operators are also excluded from participating in the procedure as a tenderer, candidate, subcontractor or an organization participating in the certification of suitability:

- 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) 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) 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.

<p>The document issued by the competent judicial or administrative authority of the Member State or the country of establishment of the economic operator or the person in question, which certifies the fulfilment of the relevant requirements:</p> <p>If the competent court or authority does not issue extracts or certificates pursuant to this point, or the extracts or certificates do not cover all the cases referred to in the aforementioned points, the contracting authority shall accept the declaration of the tenderer made under oath or, if such a</p>	
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declaration is not known in the country concerned, a declaration made by the tenderer before the competent court, authority, chamber of professional association or attested by the notary public.	
Name of the competent judicial or administrative authority if necessary:	

Date, place

.....
due signature(s)

DECLARATION

on the non-existence of grounds for exclusion pursuant to Article 62(1)(k)(kb) and (kc) of the PPA

I, the undersigned, as representative authorised to sign for (name of Tenderer) declare in the procedure launched by **Library and Information Centre of the Hungarian Academy of Sciences** as a contracting authority on the “*Service and supply contract for ACM Digital Library online database*”, that the economic operator represented by me is not subject to the grounds for exclusion defined in the Article 62(1)(k)(kb) of the PPA and it is

- a company listed on a regulated stock exchange.
- a company not listed on a regulated stock exchange.

Considering that the economic operator represented by me *is not listed on a regulated stock exchange*, I declare, that

- the name and permanent residence of all the actual proprietors 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:

Name	Permanent address

OR

The economic operator represented by me cannot identify its 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.

Pursuant to Article 62(1)(k)(kc) I declare, that

- there is not a legal person or a business organization having legal capacity under its personal right, which owns directly or indirectly a share exceeding 25 % or has the right to vote
- the legal person(s) or business organisation(s) having legal capacity under its personal right, which owns directly or indirectly a share exceeding 25 % or has the right to vote in the Tenderer I represent is/are the following(s):
- The entity(s) above is/are not subject to the ground for exclusion specified in Article 62(1)(kc).

Date, place

.....
due signature(s)

DECLARATION
on the non-existence of grounds for exclusion pursuant to Article 62(1)-(2) and
declaration pursuant to 67(4)

I, the undersigned, as representative authorised to sign for (Tenderer) declare in the public procurement procedure launched by the **Library and Information Centre of the Hungarian Academy of Sciences** as Contracting Authority in the subject of “*Service and supply contract for ACM Digital Library online database*” that the Tenderer represented by me does not fall within the scope of the grounds for exclusion provided for in the invitation (Article 62(1)-(2) of the PPA).

The Tenderer represented by me does not employ any subcontractors falling within the scope of the grounds for exclusion provided for in Article 62.

Date, place

.....
due signature(s)

DECLARATION¹
On the submission of requests for modification

(a)

I, the undersigned, **as representative authorised to sign for** **as Tenderer in this public procedure declare under penalty of perjury in the public procurement procedure conducted by the Library and Information Centre of the Hungarian Academy of Sciences as Contracting Authority in the subject of “Service and supply contract for ACM Digital Library online database” that there is a change registration procedure underway for the data contained in the registry of the court/authority of registration, therefore the printed electronic request for the registration of the change and the printed electronic certificate on the request issued by the court of registration and a copy of the confirmation of receipt issued by the competent court/institution/authority/office/organisation shall be appended to the tender application.**

Date, place

.....
due signature(s)

(b)

I, the undersigned, **as representative authorised to sign for** **declare under penalty of perjury in the public procurement procedure conducted by the Library and Information Centre of the Hungarian Academy of Sciences as Contracting Authority in the subject of “Service and supply contract for ACM Digital Library online database” that there is no pending amendment procedure for the data contained in the registry of the court/authority of registration, and no data modification request was submitted to the competent court/institution/authority/office/organisation.**

Date, place

.....
due signature(s)

¹ The Tenderer / subcontractor shall complete declaration “(a)” or “(b)”.

**DECLARATION
on tender applications submitted electronically**

I, the undersigned, as the representative of the Tenderer authorised to provide procurement in this procedure hereby declare that in the public procurement procedure launched **by the Library and Information Centre of the Hungarian Academy of Sciences** as Contracting Authority and in the subject of *“Service and supply contract for ACM Digital Library online database”*, the electronically submitted version of the tender application (non-encrypted, read-only PDF file) is fully equivalent to the original hardcopy.

Date, place

.....
due signature(s)

**DECLARATION²
concerning Article 66(6) of the PPA**

(a)

I, the undersigned, as representative authorised to sign for (name of Tenderer) **declare** under penalty of perjury that our company is going to employ subcontractors³ to the **following part(s)** of the public procurement (to perform the below tasks of the public procurement) in the public procurement procedure launched by the **Library and Information Centre of the Hungarian Academy of Sciences** as Contracting Authority in the subject of **“Service and supply contract for ACM Digital Library online database”**,

- [...]

and I hereby name the subcontractor(s) (name, registered seat), which we intend to employ and who are known at the time of tender submission, regarding these part(s) (tasks) as follows:

- [...]

Date, place

.....
due signature(s)

(b)

I, the undersigned, as representative authorised to sign for (name of Tenderer) **declare** under penalty of perjury that our company is not willing to employ subcontractors for the fulfilment of the contract concluded as a result of the public procurement procedure launched by the **Library and Information Centre of the Hungarian Academy of Sciences** as Contracting Authority in the subject of **“Service and supply contract for ACM Digital Library online database”**.

Date, place

.....
due signature(s)

² The Tenderer shall complete declaration “(a)” or “(b)”.

³ As per Article 3(2) of the Public Procurement Act, a ‘subcontractor’ is an economic operator who (which) participates directly in the performance of the contract concluded in a contract award procedure involved by the Tenderer, except for

(a) economic operators who (which) pursue their activity on the basis of an exclusive right,

(b) manufacturers, distributors and suppliers of parts and basic materials intended to be employed for the performance of the contract,

c) vendor of the building material in case of a construction investment.

CHAPTER III

INFORMATION ON THE EXECUTION OF THE PUBLIC PROCUREMENT PROCEDURE

1. Opening of the tenders

Opening of the documents containing the tender applications shall commence at the time of expiry of the deadline for application. Opening shall last until every tender application submitted until the deadline becomes opened.

It is the Contracting Authority, the Tenderer and the persons invited by them and, in case the Contracting Authority receives support for the public procurement, the representatives and persons of the bodies specified by separate legislation who may be present at the opening of the tender.

Upon opening the tender, the name, address (registered seat, domicile) of the Tenderer and the main quantifiable data that shall be assessed on the basis of the assessment criterion are disclosed.

Amount of the available funds may be disclosed before opening the tender.

The Contracting Authority shall draw up minutes about the opening of the tenders and about the disclosure of data, which minutes it sends to the Tenderer within five days as from the opening.

2. Supplying missing information, requesting clarification

Pursuant to Article 71(1) of the PPA, the Contracting Authority is obliged to provide all of the Tenderers with the opportunity to supply missing information under the same conditions and the Tenderers have the opportunity to request clarification from the Contracting Authority with a view to clarify the content of non-obvious statements, declarations and verifications in the tender.

Supplying missing information, in the course of which documentation included in the tender may be modified and amended, may only aim at ensuring compliance of the tender with the Invitation to Tender having launched the procedure, the documentation and the legislative provisions.

As long as there is a deadline, specified in the notification issued by the Contracting Authority, for supplying missing information or providing clarification applying to the Tenderer, the Tenderer may also supply such missing information as regards which the Contracting Authority has not called it to supply missing information.

The Contracting Authority is obliged to order further procedures for supplying missing information if it discovers deficiencies that were not included in the previous call(s) for supplying missing information. Deficiencies specified at a previous time may not be corrected in the course of later procedures for supplying missing information.

The Contracting Authority may request only such clarification that is necessary for the assessment of the tender, the request for clarification may not aim at negotiations with the Tenderer.

Supplying missing information and providing clarification:

(a) without prejudice to Article 2(1)–(3) and (5) of the PPA, and

(b) as regards a document pertaining to the features of the subject matter of the procurement, the way in which the contractual obligation of the Tenderer is fulfilled or to other terms and conditions of the contract, only such insignificant defect or deficiency concerning a specific question of detail may be corrected, and such a particular item or unit price of the priced budget (detailed price offer), in case of a fixed-price contract, may be supplied, modified, complemented or removed, the change of which does not influence the total price offered or its subtotal under assessment and the sequence of the Tenderers at the assessment.

The Contracting Authority is obliged to ensure if the supplementation or the granting of clarification complies with 71 of the PPA. In case of infringement of the provisions of Article 71(3) or Article 71(8)–(9) of the PPA, or if supplementation, clarification is not performed or not performed in the provided deadline, then it is the original tender or application for participation that may be considered in the course of the assessment.

3. The Contracting Authority tells as follows the name of the organisations from which the Tenderer may obtain information about the requirements under Article 73(4) of the PPA and which must be complied with. In the course of the public procurement procedure, the Contracting Authority is not obliged, as regards Article 73(4) of the PPA, to require the indication of separate information in the tender, but may only check if information indicated in the offer is not in conflict with the requirements of Article 73(4) of the PPA.

Labour Law:

Office for Public Administration and Justice (H-Budapest 1088, Múzeum utca 17.)

Labour Law Help Desk of the Ministry of National Economy:

Tel: (1) 795-7977

Email: ugyfelszolgalat@ngm.gov.hu

Environmental Issues:

National Inspectorate for Environment and Nature

Head office: H-Budapest 1016, Mészáros u. 58/a.

Phone: +36 1 224 9100

Email: orszagos@zoldhatosag.hu

Social Issues:

General Directorate of Social Affairs and Child Protection

Head office: H-Budapest 1132, Visegrádi u. 49.

Postal address: 1132 Budapest, Visegrádi u. 49.

Central phone: +36-1-769-1704

Central fax: +36-70-900-1010

Central email: info@szgyf.gov.hu

Website: www.szgyf.gov.hu

Ministry of National Economy, Department for Labour Market and Training

Address: 1051 Budapest, József nádor tér 2-4.

Tel: +36 1 795-1400

Labour Control Unit Department of Employment of the Government Office of Budapest

1036 Budapest, Váradi u. 15.

Postal address: 1438 Budapest, Pf. 520.

Tel: 06-1-323-3600

Fax: 06-1-323-3602

Email: budapestfv-kh-mmszsz-mu@ommf.gov.hu, budapestfv-kh-mmszsz@ommf.gov.hu

National Public Health and Medical Officer Service

Address: 1097 Budapest, Albert Flórián út 2-6.

Tel: +36 1 476 1100, zöld szám: +36 80 204 264

Labour Control Unit Department of Employment of the Government Office of Pest County

1135 Budapest, Lehel út 43-47.

Postal address: 1381 Budapest, Pf: 1265.

Tel: 06-1-236-3900

Fax: 06-1- 236-3999

Email: pest-kh-mmszsz-mu@ommf.gov.hu, pest-kh-mmszsz@ommf.gov.hu

4. Handling of the copies of the tender

Every document generating in connection with the preparation and conduct of the public procurement procedure is to be preserved for a 5 years long period as from the closing of the public procurement procedure [Article 46(2) of the PPA], while the same applies to every document related to the fulfilment of the contract but from the time of fulfilment. If review proceedings have been started in connection with the public procurement, the documents need to be preserved until the non-appealable completion thereof, or until that of the revision in case of a judicial review, but for the mentioned five years at least.

The contracting Authority is obliged, upon request of the Public Procurement Authority or of other bodies entitled by law, to send the documents related to the public procurement or to provide them with electronic access thereto.

5. Details of the accredited public procurement consultant in pursuant to Article 6 (7) of MvM Regulation No. 14/2016 (V.25).

Name of the accredited consultant in public procurement:	Diána Kaffka
Postal address:	2737 Ceglédbercel, Kassai u. 29.
Email:	kaffkadia@gmail.com
Registration number:	OO603

CHAPTER IV

TECHNICAL SPECIFICATIONS

ACM (Association for Computing Machinery) is the oldest and largest scientific society of computer sciences. It is a forum for information, theories, exchange and publication of discoveries since 1947. The database of Association for Computing Machinery is published by ACM, contains bibliographic data on journals, conference documents and full-text articles since 1985.

The ACM Digital Library (DL) is a comprehensive collection of full text articles and bibliographic records in existence today covering the fields of computing and information technology. The full text database includes the complete collection of ACM publications, including journals, conference proceedings, magazines, newsletters, and multimedia titles.

In addition to the full-text database, the ACM Digital Library is heavily integrated with and includes unrestricted access to the Guide to Computing Literature bibliography.

The ACM Digital Library includes reference linking through CrossRef, integration with the ACM Computing Reviews database, index terms using ACM's Computing Classification Scheme (CCS), alerting and TOC services, and all export formats including BibTex, EndNote and ACM Ref, as well as OpenURL compliance, and COUNTER III and SUSHI Compliant usage statistics.

The ACM digital Library Platform is ACM's own proprietary system that is wholly developed, hosted and maintained by ACM. The system is built on open source technology in collaboration with volunteers from the scientific community and contains many of the most powerful search features available today.

One can browse by titles of magazines, reviews, congresses, or by member institutions. It's also possible to search by special fields. By the personal ACM WebAccount, the user can customize the services. Search is also aided by several inbuilt tools.