

# Transparent Public Procurement Rating



## Hungary

### Public Procurement Legislation Assessment

The Assessment of the Public Procurement Legislation of Hungary was prepared by K-monitor.

The Project – [Transparent Public Procurement Rating](#) – is implemented by the Institute for Development of Freedom of Information (IDFI) in partnership with a [network](#) of organizations and procurement specialists from more than 20 countries.



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*The opinions expressed in this draft document belong to the Institute for Development of Freedom of Information (IDFI) and its partner organizations, and do not reflect the positions of Open Society Institute Budapest Foundation (OSI). Therefore, this organization is not responsible for the content of this report.*

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## Introduction

The TPPR Methodology is envisioned to be a universal methodology for assessing public procurement legislations (PPLs) with the ultimate goal of identifying the strengths and weaknesses of legal frameworks and their enforcement around the globe.

## Structure and Logic

The Methodology is composed of 64 indicators, each of which holds a similar degree of importance. A number of these indicators are further broken down into scoring components.

The Methodology covers all the major components of any public procurement system, from the nature of the legislation to the complaint review process, with focus on the transparency of public procurement systems.

The selection of indicators for the Methodology was largely based on international best practice, international standards and aspects of other existing methodologies in the sphere of public procurement, such as:

- EBRD Methodology and Standard
- GPA Standard (WTO)
- OECD Methodology and Principles
- EU Standard (Directive 2014/24/EU)
- Open Contracting Data Standard (OCDS)

Several indicators have been directly taken from one of the sources listed above as examples of best international practice. All of these indicators have been properly referenced.

During the indicator selection and elaboration process, an effort was made to ensure that the Methodology can be used to assess many different kinds of public procurement systems, but at the same time set high standards.

The indicators are separated into 5 groups (benchmark indicators) that represent the key characteristics (values) of a well-functioning, transparent and accountable public procurement system:

1. **Uniformity of the Legislative Framework** – 14 indicators
2. **Efficiency** – 10 indicators
3. **Transparency** – 18 indicators
4. **Accountability and Integrity** – 7 indicators
5. **Competitiveness and Impartiality** – 10 indicators

The methodology also includes 5 indicators that are used to assess legal components **that are not directly part** of the public procurement legislation but are crucial in terms of creating a transparent environment necessary for a proper functioning of any public procurement system. These indicators are grouped separately under '**Transparency Environment**'.

Indicators are also arranged according to the procurement process:

1. **Pre-tendering Phase** – procurement processes leading up to the publication of a notice of intended procurement.
2. **Tendering Phase** – procurement processes between publication of a notice of intended procurement and selection of a tender winner.
3. **Post-tendering Phase** – procurement processes after the selection of a tender winner.

These two arrangements allow for both process and value-based assessments of public procurement legislations.

## Limitations

Public procurement systems vary significantly by country. The TPR Methodology is intended to be applicable on a global scale, meaning that the indicators cannot be too specific and cannot cover all the possible variations and exceptions.

For the same reason, the TPPR Methodology can only be used to assess public procurement legislations on the national level, and it does not include indicators for any industry specific rules.

## About the Project

The Methodology has been developed within the framework of the project [Transparent Public Procurement Rating \(TPPR\) – Assessing Public Procurement Legislation and the Enforcement Process in the Eurasian Region](#).

The project was funded by Open Society Institute Budapest Foundation (OSI) and has been implemented by a Georgia-based civil society organization [Institute for Development of Freedom of Information \(IDFI\)](#) together with 5 partner organizations from each country in the Eurasian region covered by the project:

Armenia – [Freedom of Information Center of Armenia](#)

Azerbaijan – [Transparency International \(TI\)](#)

Belarus – [BIPART](#)

Moldova – [Expert-Grup](#)

Ukraine – [Transparency International \(TI\)](#)

In its initial stage, the TPPR project only covers the Eastern Partnership (EaP) Region; however, it plans to scale the methodology up to larger regions in the future.

## Scoring System

Each indicator included in the TPPR Methodology is granted equal weight and receives a maximum of 1 point. With a total of 64 indicators, public procurement legislations are rated on the scale of **0 to 64** (converted to percentages for easier understanding and visualization).

Indicators that are further broken down into scoring components are nevertheless worth 1 point. Each scoring component is evaluated separately.

The Methodology uses two ways to distribute points among scoring components of an indicator:

1. **'Scoring method'** is used when scoring components of an indicator overlap (meaning they do not add up as points) or have an unequal distribution of points.
2. **'Point distribution'** is used when each scoring component of an indicator is given an equal share of the overall point granted to that indicator.

This scoring system and the structure of the Methodology allow for the results to be presented in three ways:

1. **Country Overall Results and Rating** – country overall results on the scale of 0-64 are converted into and presented using percentages (0-100%). Countries are then ranked by their overall results.
2. **Results by Benchmark Indicators** – results for benchmark indicators are presented only through percentages, since benchmark indicators include an unequal number of indicators (and, therefore, unequal number of maximum points).
3. **Results by Procurement Process** – results for different phases of the procurement process are presented only through percentages, due to unequal number of indicators included in each phase.

Countries are also ranked and compared by their results for each benchmark indicator.

## Visualization

Visualizing the results of the assessment is crucial to the goal of the methodology. For this purpose, the overall points received by each country shall be shown graphically using the scale of 0-100%, divided into 4 quarters of a specific color:

- Low compliance with TPPR Standards – 0% to 25% (red)
- Average compliance with TPPR Standards – 26% to 50% (orange)
- Good compliance with TPPR Standards – 51% to 75% (yellow)
- Excellent compliance with TPPR Standards – 76% to 100% (green)

Visualizations will also include spider graphs depicting country results by benchmark indicators and the procurement process, and multi-colored bar graphs for comparing country results in these categories.

## Terminology

This methodology uses universally accepted procurement terminology as well as a few terms of its own design, in order to make key distinctions easier.

**Acceptance act** – A document signed by parties through which they agree on the terms by which a bargain is concluded.

**Bid** – Price offered by a tender participant during the bidding procedure.

**Bid Security** – A refundable amount of money paid by tender candidates validating their participation in a tender.

**Coordination** – Providing assistance to economic operators and procuring entities to engage in procuring activities.

**Day** – In the context of this methodology a day implies a calendar day.

**Economic operator** – business or other organization which supplies goods, works or services.

**Legal entity of public law (LEPL) (Public Legal Entity)** – Organization created by the government or a government body, but separated from state management, and performing public authority independent of state control.

**Machine-readable** – A data format that can be processed (i.e. extract, transform and process) by a computer.

**Monitoring** – Data collection and analysis.

**State non-commercial legal entity** – A body governed by public law, having legal personality, not having an industrial or commercial character, and funded or managed, for the most part, by state entities.

**Non-competitive procedure (direct procurement)** – A type of public procurement procedure that does not involve prior publication of a notice of intended procurement.

**Notice of intended procurement** – A call for participation in an open tender issued by procuring entities.

**Open tender** – A type of tender, in which any economic operator can request participation.

**Post-tendering phase** – procurement processes after the selection of a tender winner.

**Pre-tendering phase** – procurement processes leading up to the publication of a notice of intended procurement.

**Procurement regulatory body** – a state body responsible for managing the public procurement system without necessarily incorporating lawmaking and law enforcement functions.

**Procuring entity** – A state budget and local government entity (including their respective LEPLs and state owned companies).

**Public procurement annual plan** – A document issued by procuring entities that contains information about all procurements planned within a fiscal year.

**Tender** – A type of public procurement procedure that involves bidding.

**Tender application** – An economic operator's official request to participate in a tender that includes all the documents requested by the procuring entity.

**Tender candidate** – An economic operator willing to participate in a tender.

**Tender commission** – A group of persons within a procuring entity responsible for conducting procurement (this function can also be performed by a single person).

**Tender documentation** – A collection of documents containing full information about the procurement, such as its subject-matter, technical requirements/specification, eligibility and evaluation criteria, draft contract conditions etc.

**Tender participant** – An economic operator that has been allowed to participate in a tender.

**Tendering phase** – procurement processes between publication of a notice of intended procurement and selection of a tender winner

## TPPR Methodology Indicators

<b>Transparency Environment</b>			
#	Indicator	Score	Relevant Article, Law and excerpt (if applicable)
1.	Business registry is publicly available. – [ 1 point ]	1	<p><b>Act V of 2006 on Public Company Information, Company Registration and Winding-up Proceedings (Company Procedures Act)</b> Section 1, Section 2, Art 10, Art 12</p> <p><a href="https://net.jogtar.hu/jogszabaly?docid=A0600005.TV">https://net.jogtar.hu/jogszabaly?docid=A0600005.TV</a></p>
2.	Budgets of all public procuring entities are publicly available. – [ 1 point ]	1	<p><b>Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information</b> Annex No. 1/ STANDARD DISCLOSURE LIST / Annual (fiscal) budget of the body with public service functions, annual accounts under the Accounting Act or the annual budget report</p> <p><a href="https://net.jogtar.hu/jogszabaly?docid=A1100112.TV">https://net.jogtar.hu/jogszabaly?docid=A1100112.TV</a></p>
3.	Public officials are required by law to file asset declarations. – [ 1 point ]	1	<p><b>Act CLII of 2007 on Individual Wealth Declaration Obligations</b> Art 3</p> <p><a href="https://net.jogtar.hu/jogszabaly?docid=a0700152.tv">https://net.jogtar.hu/jogszabaly?docid=a0700152.tv</a></p>
4.	The country has adopted legal provisions ensuring the right to request public information. – [ 1 point ]	1	<p><b>Fundamental Law of Hungary</b> Article VI</p> <p><i>(2) Everyone shall have the right to the protection of his or her personal data, as well as to access and disseminate data of public interest</i></p>



			<p><a href="https://net.jogtar.hu/jogszabaly?docid=A1100425.ATV">https://net.jogtar.hu/jogszabaly?docid=A1100425.ATV</a></p> <p><b>Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information</b> Section 26</p> <p><i>(1) Any person or body attending to statutory State or municipal government functions or performing other public duties provided for by the relevant legislation (hereinafter referred to collectively as “body with public service functions”) shall allow free access to the data of public interest and data public on grounds of public interest under its control to any person, save where otherwise provided for in this Act.</i></p> <p><a href="https://net.jogtar.hu/jogszabaly?docid=A1100112.TV">https://net.jogtar.hu/jogszabaly?docid=A1100112.TV</a></p>
5.	Legislation includes provisions regulating whistleblower protection. – [ 1 point ]	1	<p><b>Act CLXV of 2013 on Complaints and Public Interest Disclosures</b></p> <p><a href="https://net.jogtar.hu/jogszabaly?docid=a1300165.tv">https://net.jogtar.hu/jogszabaly?docid=a1300165.tv</a></p>

## Indicators by Procurement Process

<b>General Characteristics of the Procurement System</b>			
#	Indicator	Score	Relevant Article, Law and excerpt (if applicable)
1.	<p>Public Procurement Legislation (<b>PPL</b>), which may include primary and secondary legislation, lays out the basic principles and general framework of the procurement process, makes it operational and indicates how the law must be applied to specific circumstances. – [ <b>1 point</b> ]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	1	<p><b>Act CXLIII of 2015 on Public Procurements</b> (hereinafter <b>PPA</b>) general framework Art 9 lists</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxlIII-of-2015-on-public-procurement//1/3/9/">https://www.kozbeszerzes.hu/torveny/act-cxlIII-of-2015-on-public-procurement//1/3/9/</a></p>
2.	<p>PPL (including primary and secondary legislation) is available in a single and accessible place. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>● Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>● Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>● Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>● Only on paper – [ <b>0.25</b> ]</li> <li>● None – [ <b>0</b> ]</li> </ul> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	1	<p>Note: available on the homepage of Public Procurement Authority, however, the Authority is not obliged by the law to collect all relevant regulation</p> <p><a href="http://www.kozbeszerzes.hu/cikkek/kozbeszerzesi-torveny-es-kapcsolodo-jogszabalyok">http://www.kozbeszerzes.hu/cikkek/kozbeszerzesi-torveny-es-kapcsolodo-jogszabalyok</a></p>

<p>3.</p>	<p>PPL applies to all state budget and local government entities (including their respective Legal Entities of Public Law (LEPLs), state owned companies and non-commercial legal entities) and all exempted entities are clearly indicated. – [ 1 point ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) All state budget entities – [ 0.2 ]</li> <li>b) Local government entities – [ 0.2 ]</li> <li>c) Legal Entities of Public Law (LEPL) – [ 0.2 ]</li> <li>d) State owned companies – [ 0.2 ]</li> <li>e) State non-commercial legal entities – [ 0.2 ]</li> </ul> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a)0.2</li> <li>b)0.2</li> <li>c)0.2</li> <li>d)0.2</li> <li>e)0.2</li> </ul>	<p><b>PPA</b></p> <p>Art 5</p> <p><b>Contracting authorities</b></p> <p>1. For the purposes of this Act, the following entities are subject to the obligation to conduct procurement procedures:</p> <ul style="list-style-type: none"> <li>a. ministries,</li> <li>b. the central purchasing body designated by the Government,</li> <li>c. the State, all the budgetary authorities, public foundations, local governments, local and national self-governments of nationalities, associations of local governments and self-governments of nationalities, associations of local governments for the purpose of regional development, development councils of sub-regions;</li> <li>d. legal persons specified in Article 9(1)(h)-(i);</li> <li>e. entities having legal capacity, which are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character or which pursue any of such activities, provided that one or more entities specified in points (a)-(e), the Parliament or the Government can exercise, either separately or together, a dominant influence over it or its operation is financed for the most part by one or more of those entities (bodies);</li> </ul> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/3/5/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/3/5/</a></p> <p>Art 9</p> <p>9. § (...) h) legal persons over which the (above mentioned) contracting authorities exercises a control similar to that exercised over its own organisational units, the contracting authorities jointly have decisive influence on setting the legal person's strategic goals and on making key decisions relating to its operation, ; furthermore, the legal person in question is not exposed to any direct private capital participation and more than 80 % of its annual net turnover derives from the performance of contracts concluded or to be concluded with the controlling contracting authority or with any other legal person over which the contracting authority exercises control under this point;</p> <p>i) legal persons over which the contracting authority exercises joint control with other contracting authorities and the control in question corresponds to the one exercised over its own organizational units, the contracting authorities jointly have decisive influence on</p>
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		<p><i>setting the legal person's strategic goals and on making key decisions relating to its operation; furthermore, the legal person in question is not exposed to any direct private capital participation and more than 80 % of its annual net turnover derives from the performance of contracts concluded or to be concluded with the controlling contracting authority (contracting authorities) or with any other legal person over which the contracting authority exercises control under this point;</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/3/9/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/3/9/</a></p> <p>SEE ALSO Art 6 <i>For the purposes of this Act, in the course of procurements conducted by public service providers with the aim of performing their public service activity, contracting entities are entities referred to in Article 5(1) which pursue one of the following activities or were established for the purpose of pursuing such activity</i></p> <ul style="list-style-type: none"> <li><i>a. in connection with the production, transport or distribution of drinking water, the provision or operation of fixed networks intended to provide a service to the public or the supply of drinking water to such networks;</i></li> <li><i>b. in connection with the production, transport or distribution of gas or heat, the provision or operation of fixed networks intended to provide a service to the public or the supply of gas or heat to such networks;</i></li> <li><i>c. the provision or operation of networks providing a service to the public in the field of transport by railway, automated systems, tramway, trolley bus, bus or cable;</i></li> <li><i>d. the exploitation of a geographical area</i> <ul style="list-style-type: none"> <li><i>da) for the purpose of the provision of airports and maritime or inland ports or other port facilities to carriers by air, sea or inland waterway or passenger carriers,</i></li> <li><i>db) for the purpose of extracting oil or gas or</i></li> <li><i>dc) for the purpose of exploring for, or extracting coal or other solid fuels;</i></li> </ul> </li> <li><i>e. the provision of postal services; (This amendment entered into force on 1 January 2017.)</i> <ul style="list-style-type: none"> <li><i>a. the provision of other services than postal services, provided that the contracting authority also offers postal services under point (e), which are not covered by Article 13. (This point entered into force on 1 January 2017.)</i></li> </ul> </li> </ul>
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4.	<p>The scope of coverage of PPL includes all sectors of the economy where competition is possible and exemptions are clearly listed in the PPL. – [ 1 point ]</p> <p><b>Point Distribution</b></p> <p>a) The scope of coverage of PPL includes all sectors of the economy where competition is possible. – [ 0.5 ]</p> <p>b) PPL clearly lists or refers to all exemptions. – [ 0.5 ]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 1</p> <p>Components:</p> <p>a)0.5</p> <p>b)0.5</p>	<p><b>PPA</b></p> <p>Art 8</p> <p><i>Subject-matters of public contracts shall be the following: public supply, public works or public services.</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/3/8/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/3/8/</a></p> <p>Art 9</p> <p><i>(...)fields of defence and security, procurements which are exclusively aimed at allowing the contracting authority to make available or utilize a public electronic communication network, contracts for the acquisition of existing buildings or other immovable property, public contracts awarded by an audiovisual or radio media service provider for the acquisition, development, production or joint production by audiovisual or radio media</i></p>

			<p>service providers of any programme intended for providing audiovisual or radio media services, some legal, financial, credit, employment services etc)</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/3/9/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/3/9/</a></p> <p>other exceptions in Art 111 (Procedures below EU Threshold)  <a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//3/17/111/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//3/17/111/</a></p>
5.	<p>PPL determines a separate state body (procurement regulatory body) responsible for managing public procurement or assigns this function to a subordinate public body(ies). – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>● PPL determines a separate state body responsible for managing public procurement which is authorized to have income in addition to state funding. – [ <b>1</b> ]</li> <li>● PPL determines a separate state body responsible for managing public procurement. – [ <b>0.75</b> ]</li> <li>● PPL assigns this function to a subordinated public body(ies). – [ <b>0.5</b> ]</li> <li>● There is no responsible state body. – [ <b>0</b> ]</li> </ul> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	1	<p><b>PPA</b></p> <p>Art 179</p> <ol style="list-style-type: none"> <li>1. For purposes of enforcing the objectives set out in this Act, a Public Procurement Authority (hereinafter referred to as 'Authority') shall operate, as subordinated to Parliament only.</li> <li>2. The Authority is a central budgetary organ operating as an autonomous state administration organ subordinated to Parliament, with general competence within its scope of responsibilities as laid down in this Act, it has jurisdiction over the entire territory of Hungary. Its seat shall be in Budapest.</li> <li>3. The Authority's budget shall be planned as a specific budget title under budget heading 'National Assembly' of the Act on the central budget. Any regroupings against this appropriation for the Authority during the year shall be subject to approval by Parliament.</li> </ol> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//7/23/179/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//7/23/179/</a></p> <p>Further incomes of the Public Procurement Authority:</p> <p>Art 191</p> <ol style="list-style-type: none"> <li>1. The Authority may not conduct any other business activities, accept pecuniary contributions from, or grant the same to any entities or persons.</li> <li>2. The collected administrative service fee, shall constitute the Authority's own revenues. The revenue from the examination of the notices shall be used partly to ensure the IT</li> </ol>

			<p>support for the Authority to perform its duties pursuant to this Act.  3. The administrative service fees payable pursuant to paragraph 2 shall be used to cover the costs incurred by the Authority in the course of performing its duties.</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//7/23/191/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//7/23/191/</a></p>
6.	<p>PPL stipulates that the procurement regulatory body is responsible for at least coordination and monitoring (i.e. data collection and analysis as opposed to regulation and control) of public procurement activities. – [ <b>1 point</b> ]</p> <p><i>Uniformity of the Legislative Framework</i></p>	1	<p><b>PPA</b>  Art 187 of PPA</p> <p>2. The Authority shall... b) keep a registry of public procurements; k) maintain the Public Procurement Database, m) express opinions on issues of interpretation in matters of principle in cooperation with the minister responsible for public procurements - if necessary - in order to help contracting authorities in the course of the preparation and conduct of procurement procedures f) make arrangements for editing the Public Procurement Bulletin, which is the Official Journal of the Public Procurement Authority etc.</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//7/23/187/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//7/23/187/</a></p>
7.	<p>Legislation provides for a mechanism of consultation with the private and civil society sectors that is aimed at receiving feedback and identifying problems in the procurement system. PPL obligates the entity responsible for managing public procurement to use this mechanism on a regular basis. – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) Legislation provides for a mechanism of consultation with</p>	<p>Overall: 0</p> <p>Components:</p> <p>a)0</p> <p>b)0</p> <p>c)0</p>	<p>Also Art 182</p> <p>There is a Council operating within the framework of the Authority, and among its 13 members it has the the three persons designated by the national employers' interest representation bodies and the national economic chambers, including the Hungarian Chamber of Agriculture, Food Economy and Rural Development, and one person designated jointly by the Hungarian Chamber of Engineers and the Chamber of Hungarian Architects.</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//7/23/182/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//7/23/182/</a></p>

	<p>the private sector. – [ 0.25 ]</p> <p>b) Legislation provides for a mechanism of consultation with the civil society sector. – [ 0.25 ]</p> <p>c) PPL obligates the entity responsible for managing public procurement to use this mechanism on a regular basis. – [ 0.5 ]</p> <p style="text-align: right;"><i>Accountability and Integrity</i></p>		<p>Art 183</p> <p>This Council shall <i>consult with the minister competent in public procurements and, where appropriate, in collaboration with the national economic chambers and other trade organisations, prepare guidelines with the aim of facilitating the application of the regulations applicable to public procurements based on the experiences acquired from the decisions of review procedures and the control of public contracts in practice and concerning practical information on public procurement. The Council The Council shall convene its sessions as required, but at least on ten occasions every year.</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliii-of-2015-on-public-procurement//7/23/183/">https://www.kozbeszerzes.hu/torveny/act-cxliii-of-2015-on-public-procurement//7/23/183/</a></p> <p>Note: On the other hand, according to <b>Act CXXXI of 2010 On Public Participation in Developing Legislation</b> civil sector may give feedback on almost any legislation proposals.</p>
8.	<p>PPL stipulates that electronic means is the primary method of conducting public procurement and of communication between procuring entities and tender participants. – [ 1 point ]</p> <p><b>Point Distribution</b></p> <p>a) PPL stipulates that electronic means is the primary method of conducting public procurement. – [ 0.5 ]</p> <p>b) PPL stipulates that electronic means is the primary method of communication between procuring entities and tender participants. – [ 0.5 ]</p> <p style="text-align: right;"><i>Efficiency</i></p>	<p>Overall: 0.5</p> <p>Components:</p> <p>a)0.5</p> <p>b)0</p>	<p><b>PPA</b></p> <p>Art 40</p> <p>From 15th April 2018, a central Electronic Procurement System is mandatory for procuring authorities. (there are some exemptions though)</p> <p><a href="https://net.jogtar.hu/jogszabaly?docid=A1500143.TV&amp;goto=461">https://net.jogtar.hu/jogszabaly?docid=A1500143.TV&amp;goto=461</a></p> <p>Art 41</p> <p>3. <i>The contracting authority may prescribe the application of a specific form of contact keeping, but it may not prejudice the equal opportunities of economic operators. Tenderers may not be obliged to make their statements exclusively by electronic means, except in</i></p>



			<p><i>procedures conducted by a central purchasing body, as well as the use of dynamic purchasing system, online catalogue or electronic auction.</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/5/41/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/5/41/</a></p>
9.	<p>PPL establishes a single official point of access (i.e. an online portal) for all procedures and information related to public procurement. – [ 1 point ]</p> <p style="text-align: right;"><i>Efficiency</i></p>	1	<p><b>PPA</b> Art 187 <b>Responsibilities and competence of the Authority</b> 2. The Authority shall</p> <ul style="list-style-type: none"> <li>a. <i>manage, update and publish on its homepage</i></li> <li>b. <i>(aa) the list of the contracting authorities falling under the scope of the legislation,</i></li> <li>c. <i>(ab) the official list of approved tenderers, established by the Authority,</i></li> <li>d. <i>(ac) the No° and date of the decisions of the Arbitration Board and the judicial decisions justifying the exclusion under Article 62(1)(h), furthermore, without considering the gravity of the infringement, the No° and date of all decisions of the Arbitration Board or, in case of a review thereof, final and binding judicial decisions justifying the exclusion under Article 62(1)(q); (This amendment entered into force on 1 January 2017.)</i></li> <li>e. <i>(ad) the list of tenderers excluded from participation in procurement procedures, which list shall include the term of such exclusion as well,</i></li> <li>f. <i>(ae) where an economic operator has been found in breach of its contractual obligations assumed by it in the procurement procedure and this fact was established by final court ruling or admitted by the economic operator, reference to the breach of contract, its description, substantial characteristics, including, where appropriate, that the breach of contract resulted in the termination or rescission of the contract, a compensation claim or any other sanction applicable on the basis of the contract and that the wrongful conduct of the party entering into the contract as successful tenderer resulted in, partly or fully, the impossibility of the contract, noting that those data shall be made available on the homepage for a period of three years from the breach of contract,</i></li> <li>g. <i>(af) the final decisions establishing that the economic operator subject to a ground for exclusion is reliable [Article 188(4)],</i></li> <li>h. <i>(ag) the list of sheltered places of employment, including the products</i></li> </ul>

			<p><i>manufactured or distributed, services provided by those places of employment;</i></p> <p>Apart from these, the law stipulates several other information to be published on the homepage.</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliii-of-2015-on-public-procurement//7/23/187/">https://www.kozbeszerzes.hu/torveny/act-cxliii-of-2015-on-public-procurement//7/23/187/</a></p>
10.	<p>Legislation requires that software used for electronic procurement and related communication shall be non-discriminatory, free to use and interoperable with the ICT products in general use and shall not restrict economic operators' access to the procurement procedure. – [ <b>1 point</b> ]</p> <p><i>Competitiveness and Impartiality</i> <i>Source: EU Standard</i></p>	1	<p><b>Gov. Decree 424/2017</b> Art 5</p> <p><i>'electronic procurement system' shall provide non-discriminatory access, shall be interoperable with the ICT products in general use and shall not restrict economic operators' access to the procurement procedure.</i></p> <p><a href="https://net.jogtar.hu/jogszabaly?docid=A1700424.KOR">https://net.jogtar.hu/jogszabaly?docid=A1700424.KOR</a></p>
11.	<p>PPL ensures that tender candidates must be given equal treatment, without regard to nationality, residency or political affiliation: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) PPL should not allow domestic preferences. – [ <b>1/5</b> ]</li> <li>b) Participation of any candidate or group of candidates is based on qualification. – [ <b>1/5</b> ]</li> <li>c) Ensures that registration if required does not constitute a barrier to participation in tenders. – [ <b>1/5</b> ]</li> <li>d) State owned companies are not given any preference. – [</li> </ul>	<p>Overall: 0.8</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a)0.2</li> <li>b)0</li> <li>c)0.2</li> <li>d)0.2</li> <li>e)0.2</li> </ul>	<p><b>PPA</b></p> <p>a) - Art 2</p> <p>1. <i>In procurement procedures, contracting authorities shall ensure and economic operators shall respect the fairness, transparency and public nature of competition.</i></p> <p>2. <i>Contracting authorities shall ensure equal opportunities and equal treatment for economic operators.</i></p> <p>5. <i>In the course of procurement procedures, national treatment shall be given to economic operators established in the European Union as well as to goods of Community origin. As regards economic operators established outside the European Union and goods originating outside the Community, national treatment is to be given in accordance with the international obligations assumed by Hungary and the European Union in the field of public procurement.</i></p> <p>Meanwhile,</p>

<p><b>1/5 ]</b></p> <p>e) Time-periods, including any extension of the time-periods, shall be the same for all interested or participating candidates.– [ <b>1/5 ]</b></p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> <b>Source: GPA Standard</b></p>	<p>6. <i>Procurement procedures shall be conducted in Hungarian language, however, the contracting authority may allow – but may not require – the use of another language besides the Hungarian.</i></p> <p>Outside EU-competitors may also be excluded.</p> <p>Also there are many instances, where the requirement of fair competition and equal opportunities are explicitly stated.</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/1/2/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/1/2/</a></p> <p>Art 74.</p> <p>2. <i>The contracting authority may exclude from the procedure</i></p> <ul style="list-style-type: none"> <li>a. <i>the tenderers or candidates who are not eligible for national treatment [Article 2(5)],</i></li> <li>b. <i>the tenderers who offer a product not eligible for national treatment due to its place of origin [Article 2(5)].</i></li> </ul> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/13/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/13/</a></p> <p>Art 65</p> <p>3. <i>Without prejudice to the principles of equal opportunity, equal treatment and fair competition, the contracting authority shall confine the establishment of suitability criteria to the subject-matter of the contract and he may prescribe such criteria only to the extent actually necessary for the performance of the contract, also taking into consideration the estimated contract value.</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/11/65/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/11/65/</a></p>
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			<p>b) - In some procedures (for procedures below EU threshold, and for some exemptional cases for procedures reaching EU-threshold 'negotiated procedure without prior publication of a contract notice' the contracting authority starts the procedure with selected tenderers invited to submit a tender.</p> <p>Art 98. <a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/15/98/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/15/98/</a></p> <p>Part III (<a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//3/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//3/</a> )</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/11/65/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/11/65/</a></p> <p>c) d) - not explicitly stated but covered by general requirements and also explicitly stated for invitation tender procedures as</p> <p>e) - Art 84</p> <p><i>6. In procedures launched by sub-central contracting authorities the contracting authority and the candidates to be invited to submit tenders may agree on the time limit for the submission of tenders, provided that each candidate is allowed the same period to draw up and submit his tender. If the contracting authority and the candidates, which are considered suitable, are unable to agree on the time limit for the submission of tenders, the time limit shall be determined by the contracting authority, with the proviso that the time limit may not be shorter than ten days from the date of sending of the invitation to tender.</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/15/84/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/15/84/</a></p>
12.	PPL stipulates that a procuring entity shall, consistent with its	1	Yes, in procedures reaching EU-threshold. (different time frames for different procedures)

	<p>own reasonable needs, provide sufficient time (based on the GPA standard - Article XI) for candidates to prepare and submit tender application. – [ 1 point ]</p> <p style="text-align: center;"><i>Competitiveness and Impartiality</i></p>		<p><b>PPA</b> Chapter XV</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/11/65/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/11/65/</a></p> <p>Art 115 <i>If the estimated value of public works does not reach HUF 300 million, the contracting authority may, according to his choice, conduct the procurement procedure either in accordance with the rules on open procedures or in accordance with the rules on negotiated procedures without prior publication at national level, with the differences laid down in this Article, except where the public contract is financed by European Union funds and is related to a cross-border project.</i></p> <p>3. <i>The provision on the minimum time limit for submission of tenders in open procedures, shall not apply.</i></p>
13.	<p>PPL stipulates that each procuring entity has a staff member(s) responsible for conducting procurement activities. – [ 1 point ]</p> <p style="text-align: center;"><i>Uniformity of the Legislative Framework</i></p>	1	<p><b>PPA</b> Art 27</p> <p>1) <i>Contracting authorities shall be obliged to determine, in accordance with the relevant legislation, the distribution of responsibilities for the preparation, carrying out and internal control of their procurement procedures, as well as the responsibilities of persons and organisations acting on their behalf or involved by them in such procedures and the procedure of documentation applicable to their procurement procedures. In doing so, contracting authorities shall specify in particular the person, persons or bodies responsible for decisions made in the course of the procedure.</i></p> <p>3) <i>Persons and organisations acting in the name of a contracting authority or involved in a procurement procedure who or which take part in the preparatory work for the procurement procedure, the preparation of the invitation and the procurement documents, the assessment of tenders or in any other stage of the procedure, shall be required to jointly demonstrate adequate professional competence related to the subject-matter of the public procurement, as well as adequate competence in the field of public procurement, law and finance. The contracting authority shall involve an accredited public procurement</i></p>

			<p>consultant in the procurement procedure partly or fully funded by the European Union or reaching EU thresholds in case of public supplies and public services or reaching HUF 500 million in case of public works. (This amendment entered into force on 1 January 2017.)</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/4/27/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/4/27/</a></p>
14.	<p>PPL references sanctions for violations of the PPL. – [ 1 point ]</p> <p><i>Accountability and Integrity</i></p>	1	<p><b>PPA</b></p> <p>Part VI. Chapter XXI - Rules Pertaining to Review Procedures (144-177. §)</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//6/21/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//6/21/</a></p> <p>Art 165 on the sanctions of the Public Procurement Arbitration Board</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//6/21/165/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//6/21/165/</a></p>
15.	<p>Legislation explicitly defines fraud and corruption / abuse of public office and spells out the individual responsibilities and consequences for government employees and private firms or individuals found guilty of fraud or corruption. – [ 1 point ]</p> <p><i>Accountability and Integrity</i></p> <p><b>Source: OECD Methodology</b></p>	0	<p>Not explicitly stated in the PPL (criminal law has sanctions, though)</p> <p>Art 420 of criminal law: Agreement in Restraint of Competition in Public Procurement and Concession Procedures</p>
16.	<p>PPL ensures the right to review (complaints), for all interested parties, including general public, tender participants and potential</p>	0.75	<p><b>PPA</b></p> <p>Art 148</p>

	<p>suppliers. – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>● PPL ensures the right to review, for general public, tender participants and potential suppliers. – [ 1 ]</li> <li>● PPL ensures the right to review, for tender participants and potential suppliers. – [ 0.75 ]</li> <li>● PPL ensures the right to review, for tender participants. – [ 0.25 ]</li> <li>● No one has the right to review. – [ 0 ]</li> </ul> <p><i>Uniformity of the Legislative Framework</i></p>		<p>2. An application may be submitted by the contracting authority, the tenderer, in the case of a joint tender any of the tenderers, the candidate, in the case of a joint request to participate any of the candidates, or any other interested party whose right or legitimate interest is being harmed or risks being harmed by an activity or default which is in conflict with this Act. Chambers or representative associations having an activity related to the subject-matter of procurement may submit an application regarding the illegal nature of the contract notice, the invitation for submission of tenders, the invitation to participate, the procurement documents or any amendment thereto or the illegal nature of the information specified in Article 113(1). (Those included in this paragraph are hereinafter jointly referred to as ‘applicant’.)</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//6/21/148/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//6/21/148/</a></p>
17.	<p>PPL ensures the right to review throughout the procurement process. – [ 1 point ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) Complaints can be filed at any time during the procurement process up until the signing of the contract. – [ 1/3 ]</li> <li>b) A procurement contract cannot be awarded with a pending complaint. – [ 1/3 ]</li> <li>c) A reasonable amount of time should be left between publication of the contract award decision and the signing of the contract, in order to give any stakeholder the opportunity to challenge the award decision. – [ 1/3 ]</li> </ul> <p><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a)1/3</li> <li>b)1/3</li> <li>c)1/3</li> </ul>	<p><b>PPA</b> Art 148</p> <p>3. The application may be submitted, subject to the derogation referred to in paragraphs 4-5, within fifteen days from the date when the applicant learned of the infringement and in cases of infringing decisions closing a procurement procedure within ten days from the date when the applicant learned of the infringement. No application may be submitted more than 90 days following the occurrence of the infringement.</p> <p>4. Contrary to the provision set out in paragraph 3, in the case of a procedure under Article 115, the application may be submitted within fifteen days from the date when the applicant learned of the infringement and in cases of infringing decisions closing a procurement procedure within five days from the date when the applicant learned of the infringement. No application may be submitted more than 90 days following the occurrence of the infringement.</p> <p>5. The application related to the contract notice, the invitation to tender or the invitation to participate, the procurement documents or their modification may be submitted not later than five days before the expiry of the, in case modified, time limit to submit tenders or time limit to participate, however if the time limit stipulated in paragraph 3 or 4 expires later, the applicant is entitled to submit its application till the date stipulated in paragraph 3 and 4, respectively. As regards the contract notice, the invitation to tender or the invitation to</p>

		<p><i>participate, the procurement documents or any amendment thereto the contracting authority may submit an application regarding an infringement committed by itself, by the date of sending of the written summary concerning the tenders.</i></p> <p><i>6. No separate application for review may be submitted in respect of an infringing procedural act under Article 69(4)-(7), the application related to that infringement may be included in the application for review against the unlawful decision closing the procurement procedure. The application in respect of an infringing procedural act under Article 69(4)-(7) does not constitute an element of application other than the one related to the unlawful decision closing the procurement procedure and, when calculating the time limit specified in paragraphs 3-4, the date when the applicant learned of the infringement and the date when the infringement was committed shall be the date to be taken into account in the case of the application for review against the unlawful decision closing the procurement procedure.</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxlirii-of-2015-on-public-procurement//6/21/148/">https://www.kozbeszerzes.hu/torveny/act-cxlirii-of-2015-on-public-procurement//6/21/148/</a></p> <p><b>Art 131</b></p> <p><i>6. The contract shall be concluded by the contracting authority within the validity period pursuant to paragraph 5. Unless otherwise provided by this Act, the contract may not be concluded in any case before the end of a period of ten days or, in the case of the procedure laid down in Article 115 a period of five days, following the date of dispatch of the written summary or, where correction shall be made to the summary, and any data concerning the effectiveness of the procedure, the validity of the tender or the result of the assessment is modified, the modified summary.</i></p> <p><i>7. Where an application for review procedure [Article 148(2)] is filed or a review procedure is initiated [Article 152], the contract, in the case stipulated in paragraph 3 the contract on the part of procurement affected by the review procedure, may be concluded only after the substantial decision or the decision closing the public procurement case has been taken, except in cases where the Public Procurement Arbitration Board allows the conclusion of the contract [Article 156(4)]. Where the validity period of the tender of the successful tenderer has expired, the contract may only be concluded with the successful tenderer by the contracting authority, if he makes a statement that he maintains his tender.</i></p> <p>(there are some exceptions)</p>
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18.	<p>PPL ensures the existence of an independent (from parties involved in a procurement dispute) review body with the authority to review complaints and grant remedies. – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) PPL ensures the existence of an independent review body. – [ <b>0.7</b> ]</p> <p>b) The review body includes civil society members. – [ <b>0.3</b> ]</p> <p style="text-align: center;"><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 0.7</p> <p>Components:</p> <p>a) 0.7</p> <p>b) 0</p>	<p><b>PPA</b> Art 145</p> <p><i>1. The provisions of Act CXL of 2004 on the General Rules of Administrative Proceedings and Services (hereinafter referred to as 'AP') shall apply to the proceedings of the Public Procurement Arbitration Board, unless otherwise provided by this Act or the government decree based on the empowerment of this Act.</i></p> <p><i>2. Proceedings initiated against any infringement of the legislative provisions applicable to public procurements, procurement procedures, works or service concessions and concession award procedures, including the proceeding initiated against the rejection of the request for prequalification and the deletion from the prequalification list specified in the separate act of legislation referred to in Article 21(4) (hereinafter referred to as 'review procedures initiated in prequalification cases'), shall fall within the competence of the Public Procurement Arbitration Board, with regard to procurement procedures or concessions award procedures.</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//6/21/145/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//6/21/145/</a></p>
19.	<p>PPL ensures electronic, machine-readable and free of charge access to submitted complaints, either the full text or key information contained in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>● Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>● Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>● Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>● Only on paper – [ <b>0.25</b> ]</li> </ul>	0	<p>Restricted to very basic information, such as</p> <p><b>PPA</b> Art 148</p> <p><i>11. The Public Procurement Arbitration Board shall publish without delay the designation and subject-matter of the procedure concerned by the application, the indication of the names of the parties and the date of receipt of the application on the homepage of the Public Procurement Authority following the submission of the application.</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//6/21/148/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//6/21/148/</a></p>

	<ul style="list-style-type: none"> <li>None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>		
20.	<p>PPL ensures electronic, machine-readable and free of charge access to dispute resolutions (of the independent review body), either the full text or key information contained in these documents. – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>Electronic, machine-readable, free of charge – [ 1 ]</li> <li>Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>Electronic, non-machine-readable – [ 0.5 ]</li> <li>Only on paper – [ 0.25 ]</li> <li>None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0.5	<p><b>PPA</b> Art 166 3. The Public Procurement Arbitration Board shall publish the decision on the homepage, even if an application for a judicial review [Article 170] of the decision has been lodged, but it shall also include a reference to that fact.</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxlili-of-2015-on-public-procurement//6/21/166/">https://www.kozbeszerzes.hu/torveny/act-cxlili-of-2015-on-public-procurement//6/21/166/</a></p>
<b>Pre-tendering Phase</b>			
#	Indicator	Score	Relevant Article, Law and excerpt (if applicable)
1.	PPL obligates procuring entities to publish as early as possible in each fiscal year a notice regarding their future procurement plans - "public procurement annual plan". The annual plan must include	Overall: 0 Components:	<p><b>PPA</b> Art 42 1. Contracting authorities defined in Article 5(1), with the exception of central purchasing</p>

	<p>at least: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) Subject-matters (CPV- or other similar classificatory system) of planned procurements. – [ <b>0.25</b> ]</p> <p>b) Planned dates (a range of week/month/quarter) of publication of the notices of intended procurement. – [ <b>0.25</b> ]</p> <p>c) Estimated value of procurements. – [ <b>0.25</b> ]</p> <p>d) Source of funding. – [ <b>0.25</b> ]</p> <p style="text-align: right;"><i>Efficiency</i></p>	<p>a) 0</p> <p>b) 0</p> <p>c) 0</p> <p>d) 0</p>	<p><i>bodies, shall draw up, at the beginning of the budgetary year, by 31 March at the latest, an annual overall public procurement plan (hereinafter referred to as ‘public procurement plan’), which shall outline all public procurements envisaged for the given year. The public procurement plan shall be retained by the contracting authority for a period of at least five years. Public procurement plans shall be made publicly available.</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/5/42/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/5/42/</a></p> <p>However, the content of the annual plan is not defined by the law. The President of the Public Procurement Authority has issued a opinion about the minimal content of the plan, which consists of:</p> <p style="margin-left: 40px;">a) <i>subject of the procurement</i></p> <p style="margin-left: 40px;">b) <i>type of procedure</i></p> <p style="margin-left: 40px;">c) <i>planned date of the procurement (quarter)</i></p>
<p>2.</p>	<p>PPL ensures electronic, machine-readable and free of charge access to public procurement annual plans of all procuring entities or key information included in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>● Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>● Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>● Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>● Only on paper – [ <b>0.25</b> ]</li> <li>● None – [ <b>0</b> ]</li> </ul>	<p>0.5</p>	<p><b>PPA</b> Art 43</p> <p><i>1. The contracting authority shall publish the following data, information, documents in the Public Procurement Database maintained by the Public Procurement Authority or, if the publication in the Database is not possible, on its own homepage or on the homepage of the maintaining entity:</i></p> <p style="margin-left: 40px;">a. <i>the public procurement plan and amendment(s) thereto, without delay upon adoption of the plan or any amendment thereto;</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/5/43/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/5/43/</a></p>

	<i>Transparency</i>		
3.	<p>Legislation stipulates that the planning of procurement and estimation of associated expenditures are part of the state budget formulation process in a fiscal year. – [ 1 point ]</p> <p style="text-align: right;"><i>Efficiency</i></p> <p style="text-align: right;"><b>Source: OECD Methodology</b></p>	0	<p>No such regulation found.</p> <p>Act CXCIV of 2011 on Public Finances: it generally refers to the planning of budget expenditures and incomes.</p>
4.	<p>PPL stipulates that procurement process should not normally be initiated until the appropriate financial resources have been identified. – [1 point]</p> <p style="text-align: right;"><i>Accountability and Integrity</i></p>	0	<p>There is no direct requirement for this in the PPA</p>
5.	<p>PPL defines the composition, powers, responsibilities and decision-making procedures of the body (tender commission or a person) responsible for conducting tender within the procuring entity. – [1 point]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	1	<p><b>PPA</b> Art 27</p> <p><i>1. Contracting authorities shall be obliged to determine, in accordance with the relevant legislation, the distribution of responsibilities for the preparation, carrying out and internal control of their procurement procedures, as well as the responsibilities of persons and organisations acting on their behalf or involved by them in such procedures and the procedure of documentation applicable to their procurement procedures. In doing so, contracting authorities shall specify in particular the person, persons or bodies responsible for decisions made in the course of the procedure.</i></p> <p><i>2. Where a contracting authority does not have any general rule on public procurement drawn up according to paragraph (1) or fulfils the criteria that allow derogation from such</i></p>

		<p><i>rules as laid down therein, it shall lay down the requirements set forth in paragraph (1) before the preparatory work for the given procurement procedure at the latest.</i></p> <p><i>3. Persons and organisations acting in the name of a contracting authority or involved in a procurement procedure who or which take part in the preparatory work for the procurement procedure, the preparation of the invitation and the procurement documents, the assessment of tenders or in any other stage of the procedure, shall be required to jointly demonstrate adequate professional competence related to the subject-matter of the public procurement, as well as adequate competence in the field of public procurement, law and finance. The contracting authority shall involve an accredited public procurement consultant in the procurement procedure partly or fully funded by the European Union or reaching EU thresholds in case of public supplies and public services or reaching HUF 500 million in case of public works. (This amendment entered into force on 1 January 2017.)</i></p> <p><i>4. Contracting authorities shall set up an evaluation committee of at least three members, who jointly have the professional competence pursuant to paragraph 3, for the evaluation and assessment of the tenders according to this Act, taking place following the supply of missing information, the provision of requested information or the provision of explanation [Articles 71-72], where appropriate. The evaluation committee shall put forward in writing an expert's opinion and a proposal for the decision for the person or body making the decision closing the procurement procedure. The work of the evaluation committee shall be documented by drawing up minutes, which may contain the members' reasoned evaluation sheets, if applied by the contracting authority.</i></p> <p><i>5. The person taking the decision closing the procurement procedure in the name of the contracting authority may not be a member of the evaluation committee. In the case of a collective decision-making process, persons delegated by the decision-making body in the evaluation committee shall be entitled to have right of consultation. In the case of collective decision-making process, a vote by call-over shall be applied.</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/4/27/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/4/27/</a></p>
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6.	<p>Minimum monetary thresholds exist for different types of procurement. – [ 1 point ]</p> <p style="text-align: right;"><i>Efficiency</i></p>	1	<p><b>PPA</b> Art 15</p> <p><i>1. Thresholds for procurement procedures and concession award procedures:</i></p> <ul style="list-style-type: none"> <li><i>a. thresholds specified by European Union acts (hereinafter referred to as ‘EU thresholds’);</i></li> <li><i>b. thresholds specified by the Act on the Central Budget (hereinafter referred to as ‘national thresholds’).</i></li> </ul> <p><i>2. Thresholds shall be periodically established and published in the Official Journal of the European Union by the European Commission.</i></p> <p><i>3. National thresholds concerning each subject-matter of public procurement shall be determined annually by the Act on the Central Budget. The EU thresholds, specified by the European Union acts according to paragraph 2, concerning each subject-matter of public procurement shall be included in the respective Act on the Central Budget.</i></p> <p><i>4. As regards social and other specific services defined in Annex 3, no national threshold for service concessions shall be established and the contracting authority shall only apply this Act in case of service concessions the value of which is equal to or greater than the EU threshold.</i></p> <p><i>5. At the beginning of each year, the EU thresholds and the national thresholds applicable for each subject-matter of public procurement, as well as the thresholds specified in Article 19(4)(a) shall be published by the Public Procurement Authority on its homepage. For this purpose, the amount of the EU thresholds and the thresholds specified in Article 19(4)(a) expressed in HUF shall be set in compliance with the Communication on the amount of the EU thresholds expressed in national currencies, published by the European Commission in the Official Journal of the European Union. (This amendment entered into force on 1 January 2017.)</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliii-of-2015-on-public-procurement//1/3/15/">https://www.kozbeszerzes.hu/torveny/act-cxliii-of-2015-on-public-procurement//1/3/15/</a></p>
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7.	<p>PPL stipulates that open tender is the default procedure for any public procurement, and all exceptions are clearly listed by the PPL. – [ 1 point ]</p> <p><b>Point Distribution</b></p> <p>a) Open tender is the default procedure for any public procurement. – [ 0.5 ]</p> <p>b) All exceptions are clearly listed by the PPL. – [ 0.5 ]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p><b>PPA</b> Art 49</p> <p>1. Procurement procedures may be</p> <ol style="list-style-type: none"> <li>a. open procedures,</li> <li>b. restricted procedures,</li> <li>c. innovation partnerships,</li> <li>d. negotiated procedures,</li> <li>e. competitive dialogues,</li> <li>f. negotiated procedures without prior publication of a contract notice.</li> </ol> <p>2. Negotiated procedure, competitive dialogue and negotiated procedure without prior publication of a contract notice may only be conducted under the conditions laid down by this Act. Innovation partnership shall aim to serve the purpose specified by this Act.</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliii-of-2015-on-public-procurement//2/6/49/">https://www.kozbeszerzes.hu/torveny/act-cxliii-of-2015-on-public-procurement//2/6/49/</a></p>
8.	<p>PPL stipulates that justification for using a non-competitive procedure must be made public by the procuring entity. – [ 1 point ]</p> <p style="text-align: right;"><i>Accountability and Integrity</i></p>	0	<p>In case of procurements reaching EU threshold:</p> <p><b>PPA</b> Art 100</p> <p>1. In addition to the contents provided for in Article 50, the invitation to tender shall contain the following elements:</p> <ol style="list-style-type: none"> <li>a. the ground for adopting the negotiated procedure;</li> </ol> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliii-of-2015-on-public-procurement//2/15/100/">https://www.kozbeszerzes.hu/torveny/act-cxliii-of-2015-on-public-procurement//2/15/100/</a></p> <p><b>In cases not reaching EU-threshold, PPA is more flexible in regard to non-</b></p>

			<b>competitive procedures.</b>
9.	<p>PPL stipulates that provided that it does not use this provision for the purpose of avoiding competition among suppliers or in a manner that discriminates against foreign suppliers or protects domestic suppliers, a procuring entity may use non-competitive procedure (direct procurement) when: – [ <b>1 point</b> ]</p> <p>a) Where the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist.</p> <p>b) For additional deliveries by the original supplier of goods or services that were not included in the initial procurement where a change of supplier for such additional goods or services cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services or installations procured under the initial procurement; or would cause significant inconvenience or substantial duplication of costs for the procuring entity.</p> <p>c) Insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the procuring entity, the goods or services could not be obtained in time using open tendering or selective tendering.</p> <p>d) Where a procuring entity procures a prototype or a first</p>	0.5	<p><b>PPA</b> (only in case of procurements reaching EU-threshold) Art 98</p> <p><i>2. Contracting authorities may conduct a negotiated procedure without prior publication of a contract notice in exceptional cases, where: the preconditions set out in Article 85(2)(e) are met and the original terms of the public contract have not been altered substantially, furthermore, all tenderers of the open or restrictive procedure whose tender was considered invalid are invited by the contracting authority to the negotiation, on condition that the invalidity is not based on Article 73(1)(b) or (d), and their tender have fulfilled the formal requirements set, where appropriate, after a supply of missing information;</i></p> <p><i>b. the open, restrictive procedure was unsuccessful because no tender or request to participate was submitted in the procedure or the tenders or requests to participate submitted were substantially unsuitable, provided that the original terms of the public contract have not been altered substantially; the contracting authority shall, upon request, inform the European Commission via the Minister responsible for public procurements. The tender shall be considered substantially unsuitable, if it is invalid on the ground that the professional tender is clearly unable to meet the needs and requirements defined by the contracting authority, unless substantial changes are made to it; the request to participate shall be considered substantially unsuitable, if it is invalid on the basis of Article 73(1)(b) or (d).</i></p> <p><i>c. <u>for technical reasons or for reasons connected with the protection of exclusive rights, the contract may only be concluded with a particular economic operator, provided that no reasonable alternative or substitute exists to satisfy the purchasing need of the contracting authority and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement;</u></i></p> <p><i>d. the contract may only be concluded with a particular economic operator because it is aimed at the creation or acquisition of a unique work of art or artistic performance;</i></p> <p><i>e. <u>insofar as is strictly necessary when, for reasons of extreme urgency brought about</u></i></p>



<p>good or service that is developed at its request in the course of, and for, a particular contract for research, experiment, study or original development.</p> <p>e) For purchases made under exceptionally advantageous conditions that only arise in the very short term in the case of unusual disposals such as those arising from liquidation, receivership or bankruptcy, but not for routine purchases from regular suppliers. – [ 1 ]</p> <p><b>Scoring Method</b></p> <p>In case of any additional exceptions – [ 0.5 ]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i> <b>Source: GPA Standard</b></p>		<p><u>by events unforeseen by the contracting authority, the time limit laid down for the open or restricted procedures cannot be kept; however, the circumstances invoked to justify extreme urgency must not in any event be attributable to the negligence of the contracting authority or be caused by the contracting authority.</u></p> <p>2a. Article 2(a) and (b) shall not apply if there was a submitted tender (in case of the participation stage, request to participate) in the procedure and the procedure could have also been declared unsuccessful on the basis of Article 75(2)(e) applied in the given procedure. (This paragraph entered into force on 1 January 2017.)</p> <p>3. <u>Furthermore, contracting authorities may award public works or public service contracts by negotiated procedure without prior publication of a contract notice in case of new public works or services consisting in the same or similar works or services entrusted to the former winning tenderer to which the same contracting authority awarded an earlier contract. This is subject to the proviso that such new works or services conform to a basic project for which a first contract was awarded in an open or restricted procedure, and the contracting authority indicated in the notice launching or announcing the original procedure that the negotiated procedure might be adopted and also indicated the subject-matter of the further possible works or services and the conditions for their procurement, furthermore, it took into consideration the total estimated value of subsequent works or services (to determine whether it reaches the EU threshold) when determining the estimated value of the works or services in the former procedure. Such negotiated procedure may only be applied during the three years following the conclusion of the original contract.</u></p> <p>4. In addition, contracting authorities may award public supply contracts by negotiated procedure without prior publication of a contract notice in the following cases:</p> <ol style="list-style-type: none"> <li>a. where the products involved are manufactured purely for the purpose of research, experiment, study or development; however, this provision does not cover quantity production to establish commercial viability or to recover research and development costs;</li> <li>b. <u>where, in the course of a partial replacement or the extension of existing supplies, a change of supplier would oblige the contracting authority to acquire material having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance; however, the total length of such contract(s) concluded with the former winning tenderer may not exceed three years;</u></li> <li>c. where the product is listed on and procured from a commodity exchange;</li> <li>d. <u>where the supplies are procured with exceptionally favourable terms in the course of a sale in a liquidation procedure, in a closing sale or in the execution of a court</u></li> </ol>
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			<p><u>warrant or in any similar procedure related to the personal rights of the entity concerned.</u></p> <p>5. In addition, contracting authorities may award public service contracts by negotiated procedure without prior publication of a contract notice, where a previous design contest was conducted and the contract must be awarded to the successful candidate or, according to the recommendation of the evaluation committee, to one of the successful or prize winning candidates; in the latter case, all candidates or tenderers recommended by the evaluation committee shall be invited to participate in the negotiations.</p> <p><a href="http://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/15/98/">http://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/15/98/</a></p>
<b>Tendering Phase</b>			
#	Indicator	Score	Relevant Article, Law and excerpt (if applicable)
1.	<p>PPL stipulates that the notice of intended procurement / tender documentation must include at least: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) Name and address of the procuring entity and other information necessary to contact the procuring entity and obtain all relevant documents relating to the procurement, and their cost and terms of payment, if any. – [ <b>1/8</b> ]</p>	<p>Overall: 1</p> <p>Components:</p> <p>a)1/8</p> <p>b)1/8</p> <p>c)1/8</p>	<p>See also next indicator</p> <p><b>PPA</b> Art 37</p> <p>6. Contracting authorities shall send notices for publication to the Public Procurement Authority by electronic means as specified in a separate act of legislation. Contracting authorities shall publish notices defined in this Act according to a standard form specified in a separate act of legislation. Detailed rules pertaining to the applicable standard forms, the mandatory content elements thereof and the sending and examination of notices, the related fees and their payment and the way of publication of notices shall be laid down in a</p>

	<p>b) A description of the procurement, including the nature and the quantity of the goods or services (including construction) to be procured or, where the quantity is not known, the estimated quantity. – [ 1/8 ]</p> <p>c) CPV codes (or other classificatory system of a similar nature). – [ 1/8 ]</p> <p>d) Estimated value of the goods or services to be procured. – [ 1/8 ]</p> <p>e) The time-frame for delivery of goods or services or the duration of the contract. – [ 1/8 ]</p> <p>f) The procurement method that will be used. – [ 1/8 ]</p> <p>g) The address (where applicable) and any final date for the submission of requests for participation in the procurement. – [ 1/8 ]</p> <p>h) A list and brief description of any conditions (eligibility criteria) for participation of candidates, including any requirements for specific documents or certifications to be provided by candidates in connection therewith. – [ 1/8 ]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> <b>Source: GPA Standard</b></p>	<p>d)1/8</p> <p>e)1/8</p> <p>f)1/8</p> <p>g)1/8</p> <p>h)1/8</p>	<p><i>separate act of legislation. The fee related to the examination of notices is considered as administrative service fee. The Public Procurement Authority shall be obliged to use the fees to cover the costs of its own operation in the sphere of its basic activity.</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/5/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/5/</a></p> <p><b>Decree No. 44/2015 (2nd of November) MvM of the minister leading the Prime Minister's Office</b></p> <p>The Decree defines the standard notices (all of the components are included)</p> <p><a href="https://net.jogtar.hu/jogszabaly?docid=a1500044.mvm&amp;getdoc=1">https://net.jogtar.hu/jogszabaly?docid=a1500044.mvm&amp;getdoc=1</a></p>
2.	<p>PPL stipulates that the notice of intended procurement / tender documentation must include: – [ 1 point ]</p> <p><b>Point Distribution</b></p> <p>a) Payment conditions – [ 0.2 ]</p>	<p>Overall: 0.6</p> <p>Components:</p> <p>a)0</p>	<p><b>PPA</b></p> <p>For tenders above EU-threshold:</p> <p>Art 50.</p>

	<p>b) Information about bid security (if required) – [ 0.2 ]</p> <p>c) Source of funding – [ 0.2 ]</p> <p>d) Payment information for multi-year contracts – [ 0.2 ]</p> <p>e) Draft of contract – [ 0.2 ]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	<p>b)0.2</p> <p>c)0.2</p> <p>d) 0</p> <p>e)0.2</p>	<p>2. <i>The notice launching the procurement procedure shall contain in particular:</i></p> <ul style="list-style-type: none"> <li>a. <i>name, address, telephone number and fax number, e-mail and, if any, website address of the contracting authority;</i></li> <li>b. <i>type of the procurement procedure, in the case of negotiated and accelerated procedures, competitive dialogues and negotiated procedures without prior publication of a contract notice, the grounds for their use;</i></li> <li>c. <i>contact points at which the procurement documents are available or will be available for unrestricted and full direct access, free of charge. Where, in case of certain procurement documents, direct electronic access is not available for the reasons set out in Article 39, an indication of how the procurement documents concerned can be accessed.</i></li> <li>d. <i>subject-matter and quantity of the public procurement;</i></li> <li>e. <i>description of the contract to be concluded as a result of the procurement procedure;</i></li> <li>f. <i>indication of the conclusion of a framework agreement, the use of dynamic purchasing system, electronic auction, where appropriate;</i></li> <li>g. <i>term of the contract or the time limit for performance/delivery;</i></li> <li>h. <i>place of performance/delivery;</i></li> <li>i. <i>conditions for settling the consideration or reference to the applicable legislation;</i></li> <li>j. <i>possibility or ruling out of variant (alternative) offers;</i></li> <li>k. <i>acceptance or prohibition of the division of the contract into lots. If the division of the contract into lots is accepted, an indication whether only one, several or all of the lots may be subject to tendering and whether the number of the lots which can be awarded to the same tenderer is limited. In the case of prohibition of the division of the contract into lots, the reasons therefor;</i></li> <li>l. <i>award criteria of the tenders. Where the selection of the most economically advantageous tender is not exclusively based on price or is solely based on the costs determined according to Article 78, the weighting (exceptionally, order of importance) of the award criteria related to the most economically advantageous tender shall also be indicated;</i></li> <li>m. <i>the grounds for exclusion and reference to the way of evidence required; (This amendment entered into force on 1 January 2017.);</i></li> <li>n. <i>the suitability criteria and reference to the way of evidence required; (This amendment entered into force on 1 January 2017.)</i></li> <li>o. <i>time limit for submission of tenders or in the case of an invitation to participate the time limit for the submission of requests to participate;</i></li> </ul>
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			<p>and requests to participate, besides the documents specified in this Act, the contracting authority shall be bound to make available the following procurement documents supplementing the contract notice, except in the case of negotiated procedures without publication:</p> <p>a. the draft contract, except for the cases in which a negotiated procedure or a competitive dialogue is used, where the contracting authority is entitled to specify only the contract terms and conditions known by him, instead of a draft-contract (draft-contract and contract terms and conditions hereinafter referred to as: 'draft-contract').</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxlili-of-2015-on-public-procurement//2/9/">https://www.kozbeszerzes.hu/torveny/act-cxlili-of-2015-on-public-procurement//2/9/</a></p>
3.	<p>PPL defines all eligibility criteria for participation in tender that must include at least: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) Capabilities with the respect to personnel, equipment, and construction or manufacturing facilities. – [ <b>1/3</b> ]</p> <p>b) Financial position. – [ <b>1/3</b> ]</p> <p>c) Grounds of restriction for participation. – [ <b>1/3</b> ]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p> <p style="text-align: right;"><b>Source: EBRD Methodology</b></p>	<p>Overall: 1</p> <p>Components:</p> <p>a)1/3</p> <p>b)1/3</p> <p>c)1/3</p>	<p><b>PPA</b></p> <p>(for tenders reaching EU threshold) Art 65</p> <p><b>Suitability criteria</b></p> <p>1. The contracting authority may make submission of a tender subject to fulfilment of the suitability criteria established by it, in relation to</p> <p>a. economic and financial standing;</p> <p>b. technical and professional ability;</p> <p>c. the enrollment in the register of the country in which the economic operator is established or the permit, licence or membership in a professional organisation or chamber prescribed in his country of establishment, where this is necessary for the performance of the contract.</p> <p>9. In order to certify the fulfilment of the criteria related to the availability of technicians, their educational and professional qualifications, as well as the reference works which prove the relevant professional experience prescribed by the implementation decree of this Act, economic operators shall only rely on the capacities of other entities if such entity will participate in the performance of the contract or in the performance of the element of the</p>

*contract requiring the capacities to an extent ensuring that the competence and professional experience – together with the tenderer’s own capacities - required by the suitability criteria is achieved during the performance.*

<https://www.kozbeszerzes.hu/torveny/act-cxlili-of-2015-on-public-procurement//2/11/65/>

Art 73

***Invalidity of the tender and the request to participate***

*1. The tender or the request to participate shall be deemed invalid, if*

- a. it is submitted after the expiry of the time-limit to submit tenders or to submit requests to participate;*
- b. the tenderer, candidate has been excluded from the procedure;*
- c. a subcontractor of the tenderer or candidate or an organization participating in the certification of suitability is excluded from participating in the procedure due to a ground for exclusion specified in Article 62(1)(i) or, as a result of its conduct in the given procedure, point (j).*
- d. the tenderer or candidate does not comply with the suitability criteria required for the performance of the contract or has not properly certified compliance with those conditions;*
- e. it does not comply in any other way with the conditions stipulated in the contract notice, the invitation to tender or the invitation to participate and the procurement documents and by law, with the exception of formal requirements for tenders and requests to participate set out by the contracting authority;*
- f. furthermore,*
  - (fa) an information is classified as a business secret by the tenderer or the candidate in contravention of Article 44(2)-(3) and this situation is not remedied, even after the contracting authority’s request for supply of missing information; or*
  - (fb) the justification pursuant to Article 44(1) is not sufficient, even after the supply of missing information.*

*2. In addition to the cases set out in paragraph 1, the tender shall be deemed invalid, if the consideration offered is abnormally low or it contains any other unfeasible undertaking [Article 72].*

		<p>3. In addition to the cases set out in paragraph 1, the request to participate shall be deemed invalid, if the candidate submits a tender.</p> <p>4. According to paragraph 1(e), the tender shall be deemed invalid, in particular, if it does not comply with the environmental, social and labour requirements laid down by legislation or mandatory collective agreement or the provisions on environmental, social and labour requirements listed in Annex 4. On the basis of the data made available each year by the minister responsible for employment policy, the Public Procurement Authority shall publish on its website information relating to the lowest wages applicable in each sector in Hungary.</p> <p>5. In the procurement documents, the contracting authority indicates, for information purposes, the name of the organisations from which the tenderer can obtain information on the requirements specified in paragraph 4, which shall be met in the course of the performance. The contracting authority is not obliged to stipulate that special information shall be included in the tender as regards the provision set out in paragraph 4, it shall only verify that the information included in the tender do not run counter to the requirements laid down in paragraph 4.</p> <p>6. In particular, the tender shall be deemed invalid according to paragraph 1(e), if</p> <ol style="list-style-type: none"> <li>a. it was withdrawn by the tenderer, although the validity period has not yet expired;</li> <li>b. the tenderer failed to provide the tender guarantee within the time-limit set by the contracting authority or provided the tender guarantee in a smaller amount than it was prescribed;</li> <li>c. in the notice launching the procedure, the contracting authority determined in advance an amount, above which all tenders would be declared invalid in the course of the evaluation, and the price or cost included in the given tender exceeds that amount.</li> </ol> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/13/73/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/13/73/</a></p> <p>Art 74</p> <p>1. The contracting authority must exclude from the procedure the tenderers, candidates, subcontractors, or entities contributing to the certification of suitability</p> <ol style="list-style-type: none"> <li>a. who are subject to the grounds for exclusion (Articles 62 and, where the contracting authority provided for it, Article 63);</li> </ol>
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			<p>b. on whose side any ground for exclusion arose in the course of the procedure.</p> <p>2. The contracting authority may exclude from the procedure</p> <p>a. the tenderers or candidates who are not eligible for national treatment [Article 2(5)],</p> <p>b. the tenderers who offer a product not eligible for national treatment due to its place of origin [Article 2(5)].</p> <p>3. The place of origin of products shall be established on the basis of the rules stipulated in a separate act of legislation or in Regulation (EU) No 952/2013 of the European Parliament and the Council of 9 October 2013 laying down the Union Customs Code.</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/13/74/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/13/74/</a></p>
4.	<p>PPL stipulates that procuring entities may seek consultations for the purpose of planning procurement (drafting of tender documentation) from independent experts or market participants. In such cases, these experts or market participants may not take part or benefit from tenders they helped plan unless it can be demonstrated that there is no conflict of interest (as defined by the national legislation). – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) PPL stipulates that procuring entities may seek consultations for the purpose of planning procurement from independent experts or market participants. – [ <b>0.5</b> ]</p> <p>b) PPL prohibits these experts or market participants from taking part or benefiting from tenders they helped plan, unless it can be demonstrated that there is no conflict of interest (as defined by the national legislation). – [ <b>0.5</b> ]</p>	<p>Overall: 0</p> <p>Components:</p> <p>a)0</p> <p>b)0</p>	<p><b>PPA</b></p> <p>Art 27</p> <p>note: accredited public procurement consultants may not be independent from contracting authorities</p> <p><i>3. Persons and organisations acting in the name of a contracting authority or involved in a procurement procedure who or which take part in the preparatory work for the procurement procedure, the preparation of the invitation and the procurement documents, the assessment of tenders or in any other stage of the procedure, shall be required to jointly demonstrate adequate professional competence related to the subject-matter of the public procurement, as well as adequate competence in the field of public procurement, law and finance. The contracting authority shall <u>involve an accredited public procurement consultant in the procurement procedure partly or fully funded by the European Union or reaching EU thresholds in case of public supplies and public services or reaching HUF 500 million in case of public works.</u> (This amendment entered into force on 1 January 2017.)</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/13/74/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/13/74/</a></p>

	<p style="text-align: right;"><i>Efficiency</i> <b>Source: EU Standard</b></p>		<p><a href="#">procurement//1/4/27/</a></p> <p>Art 25</p> <p>3. The following entities may not participate in the procedure as a tenderer, candidate, subcontractor or an organization participating in the certification of suitability, for that is qualified a conflict of interest:</p> <ul style="list-style-type: none"> <li>a. persons or organizations involved by the contracting authority in the pursuing of any activity relating to the procedure or to the preparatory work thereof,</li> <li>b. any organization, if <ul style="list-style-type: none"> <li>ba) its executive officer or a member of its supervisory board,</li> <li>bb) its owner,</li> <li>bc) a relative living in the same household as the person specified in point ba) and bb) is involved by the contracting authority in the pursuing of any activity relating to the procedure or to the preparatory work thereof<sup>[1]</sup>, where their involvement in the procedure may have the effect of distorting competition.</li> </ul> </li> </ul> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/4/25/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/4/25/</a></p>
5.	<p>PPL ensures electronic, machine-readable and free of charge access to notices of intended procurement (including tender documentation), either the full text or key information contained in these documents. – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>● Electronic, machine-readable, free of charge – [ 1 ]</li> <li>● Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>● Electronic, non-machine-readable – [ 0.5 ]</li> <li>● Only on paper – [ 0.25 ]</li> </ul>	0.5	<p><b>PPA</b></p> <p>Art 39.</p> <p>1. The contracting authority shall offer economic operators direct, unrestricted and full access free of charge to the procurement documents by electronic means, except for the request for registration data. (This amendment entered into force on 1 January 2017.)</p> <p>2. Where unrestricted and full access free of charge by electronic means may not be provided in the case of certain procurement documents, for any of the following reasons:</p> <ul style="list-style-type: none"> <li>a. the specialised nature of the procurement would require the use of specific electronic means of communication which are not generally available to economic operators,</li> <li>b. the contents of the procurement documents may not be displayed using open source applications or applications which are generally available among economic</li> </ul>

	<ul style="list-style-type: none"> <li>• None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>		<p><i>operators or are under a proprietary licensing scheme and the necessary applications or licence cannot be made available by the contracting authority,</i></p> <p><i>c. the supply of the procurement documents would require specialised office equipment that is not generally available to contracting authorities or</i></p> <p><i>d. the procurement documents contain business secrets, classified information or any information classified for security or national security reasons, which require such a high level of protection that it cannot be properly ensured by using electronic means of communication that are generally available to economic operators,</i></p> <p><i>the contracting authority shall indicate in the notice launching the procedure how access to the procurement documents will be given to economic operators, possibly by non-electronic means, or what measures will be prescribed in order to preserve the confidential nature of the procurement documents and in what ways can economic operators have access to the documents concerned.</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/5/39/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/5/39/</a></p>
6.	<p>PPL ensures electronic, machine-readable and free of charge access to tender documentation amendments, either the full text or key information contained in these documents. – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ 1 ]</li> <li>• Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>• Electronic, non-machine-readable – [ 0.5 ]</li> <li>• Only on paper – [ 0.25 ]</li> <li>• None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0.5	<p><b>PPA</b> Art 55</p> <p><i>4. The contracting authority shall make the modifications of the procurement documents available directly, electronically, at the same place as the original documents.</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/7/55/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/7/55/</a></p> <p>Art 113</p> <p><i>4. (...)The contracting authority shall make the modifications of the procurement documents available directly, electronically, at the same place as the original documents.</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-</a></p>

			<a href="#">procurement//3/17/113/</a>
7.	<p>PPL ensures electronic, machine-readable and free of charge access to tender candidate applications (all documents needed for the request to participate in a tender), either the full text or key information contained in these documents. – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>● Electronic, machine-readable, free of charge – [ 1 ]</li> <li>● Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>● Electronic, non-machine-readable – [ 0.5 ]</li> <li>● Only on paper – [ 0.25 ]</li> <li>● None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0	
8.	<p>PPL ensures electronic, machine-readable and free of charge access to information about the bids offered by tender participant. – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>● Electronic, machine-readable, free of charge – [ 1 ]</li> <li>● Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>● Electronic, non-machine-readable – [ 0.5 ]</li> <li>● Only on paper – [ 0.25 ]</li> <li>● None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0.5	<p>Note: contract award notice also contains information about the bids.</p> <p><b>PPA</b> Art 79 (applies for tenders reaching EU threshold)</p> <p><i>2. Upon completing the evaluation of the tenders and requests to participate, the contracting authority shall prepare a written summary of the tenders and requests to participate according to the standard forms specified in a separate act of legislation. Upon completing the evaluation of the tenders and requests to participate, the contracting authority shall provide the information pursuant to paragraph 1 by sending the written summary by fax or electronic means to all tenderers, in the case of the end of the participation stage to all candidates, at the same time.</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-</a></p>

			<p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/14/79">procurement//2/14/79</a></p> <p>Art 43</p> <p><i>1. The contracting authority shall publish the following data, information, documents in the Public Procurement Database maintained by the Public Procurement Authority or, if the publication in the Database is not possible, on its own homepage or on the homepage of the maintaining entity:</i></p> <p><i>e) the summary concerning the evaluation of requests to participate and the summary concerning the evaluation of tenders, at the same time as they are submitted to the candidates or the tenderers;</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/5/43/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/5/43/</a></p>
9.	<p>PPL ensures electronic, machine-readable and free of charge access to decisions of the tender commission, either the full text or key information contained in these documents. – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>● Electronic, machine-readable, free of charge – [ 1 ]</li> <li>● Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>● Electronic, non-machine-readable – [ 0.5 ]</li> <li>● Only on paper – [ 0.25 ]</li> <li>● None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0.5	<p><b>PPA</b></p> <p>Art 37</p> <p><i>1. The following documents shall be published by the contracting authority:</i></p> <p><i>h) the notice on the results of the procedure;</i></p> <p><i>i) the notice on the results of the design contest.</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/5/37/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/5/37/</a></p> <p><b>Decree No. 44/2015 (2nd of November) MvM of the minister leading the Prime Minister's Office</b></p> <p>Annex 4 (Contract award notice)</p>

<p>10.</p>	<p>Unless justified by the subject-matter of the contract, technical specifications shall not refer to a specific make or source, or a particular process which characterizes the products or services provided by a specific economic operator, or to trade marks, patents, types or a specific origin or production with the effect of favoring or eliminating certain undertakings or certain products. –  <b>[ 1 point ]</b></p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i>  <b>Source: EU Standard</b></p>	<p>1</p>	<p><b>PPA</b>  Art 98 (procurements reaching EU threshold)</p> <p><i>2. Contracting authorities may conduct a negotiated procedure without prior publication of a contract notice in exceptional cases, where:</i>  <i>c) for technical reasons or for reasons connected with the protection of exclusive rights, the contract may only be concluded with a particular economic operator, provided that no reasonable alternative or substitute exists to satisfy the purchasing need of the contracting authority and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement;</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxlili-of-2015-on-public-procurement//2/15/98/">https://www.kozbeszerzes.hu/torveny/act-cxlili-of-2015-on-public-procurement//2/15/98/</a></p> <p>Art 117 (procurements below EU-threshold)</p> <p><i>7. The subject-matter of the contract shall be described by the contracting authority in a non-discriminatory way. The technical specifications may not be set by the contracting authority in such a way as to exclude certain economic operators or goods from the procedure or to result in their inappropriate, discriminatory or preferential treatment. If the precise and intelligible description of the subject-matter of the public procurement justifies reference to a specific make or source, or type, or a particular process, activity, person, patent or trade mark, the specification shall state that this was justified only by the need to specify the subject-matter precisely, and such a reference shall be accompanied by the word “or equivalent”.</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxlili-of-2015-on-public-procurement//3/17/117/">https://www.kozbeszerzes.hu/torveny/act-cxlili-of-2015-on-public-procurement//3/17/117/</a></p>
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11.	<p>PPL stipulates that procuring entities may require tender candidates to confirm the validity of their bid with a bid security that is refunded once the procedure is completed. – [ 1 point ]</p> <p style="text-align: right;"><i>Efficiency</i></p>	1	<p><b>PPA</b> Art 54 (procurements reaching EU threshold)</p> <p><i>1. A contracting authority may make subject participation in the procedure to the condition of provision of a tender guarantee to be provided by tenderers by the beginning of the validity period, in the amount defined in the contract notice.</i></p> <p><i>5. The tender guarantee shall be refunded</i></p> <ul style="list-style-type: none"> <li><i>a. to tenderers within ten days after the withdrawal of the contract notice or the invitation to tender, or after having their tender declared invalid or after the dispatch of the notice on the results of the procedure to the tenderers;</i></li> <li><i>b. to the successful tenderer or, where it is referred to in the summary, to the tenderer ranked second, within ten days after the conclusion of the contract, unless the contract notice stipulated the tender guarantee to be retained and transferred as additional security which confirms the ensuing contract.</i></li> </ul> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/7/54/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/7/54/</a></p>
12.	<p>Legislation explicitly defines conflict of interest and includes mechanisms for its prevention: – [ 1 point ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) The concept of conflicts of interest covers at least any situation where staff members of the procuring entity or of a procurement service provider acting on behalf of the procuring entity who are involved in the conduct of the procurement procedure or may influence the outcome of that procedure, have, directly or indirectly, a financial,</li> </ul>	<p>Overall: 2/3</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a)1/3</li> <li>b)1/3</li> <li>c)0</li> </ul>	<p><b>PPA</b> Art 25</p> <p><i>2. Persons or entities on behalf of the contracting authority, - including the procurement service provider and those employed by it - unable to perform their functions in an unbiased and objective manner for whatever reason, in particular due to economic or other interests or any other common interest with an economic operator participating in the procedure, shall not participate in the preparation and the execution of the procedure, for that shall qualify as a conflict of interest. (This amendment entered into force on 1 January 2017.)</i></p> <p><i>3. The following entities may not participate in the procedure as a tenderer, candidate, subcontractor or an organization participating in the certification of suitability, for that is qualified a conflict of interest:</i></p> <ul style="list-style-type: none"> <li><i>a. persons or organizations involved by the contracting authority in the pursuing of</i></li> </ul>

	<p>economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure. – [ 1/3 ]</p> <p>b) PPL stipulates that persons responsible for procurement decision-making in procuring entities must declare in writing any conflict of interest with tender participants. – [ 1/3 ]</p> <p>c) The legislative framework prohibits the participation of active public officials and former public officials for a reasonable period of time after leaving office in public procurement procedures in ways that benefit them, their relatives, and business or political associates financially or otherwise. – [ 1/3 ]</p> <p style="text-align: right;"><i>Accountability and Integrity</i> <b>Source for a): EU Standard</b> <b>Source for b): OECD Methodology</b></p>		<p>any activity relating to the procedure or to the preparatory work thereof,</p> <p>b. any organization, if</p> <p>ba) its executive officer or a member of its supervisory board,</p> <p>bb) its owner,</p> <p>bc) a relative living in the same household as the person specified in point ba) and bb) is involved by the contracting authority in the pursuing of any activity relating to the procedure or to the preparatory work thereof, where their involvement in the procedure may have the effect of distorting competition.</p> <p>6. Persons or organisations acting on behalf of the contracting authority or involved by the contracting authority in the pursuing of any activity relating to the procedure or the preparatory work thereof shall declare in writing specifying whether they are subject to the conflicts of interest set out in this Article.</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/4/25/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/4/25/</a></p>
13.	<p>PPL stipulates that award decisions must be made solely on the basis of evaluation criteria that have been precisely specified in advance in the tender documentation. – [ 1 point ]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	1	<p><b>PPA</b></p> <p>Art 76 (above EU threshold)</p> <p>1. In the notice launching the procedure, the contracting authority shall specify the criterion or criteria on the basis of which he shall select the tender that he considers to be the most economically advantageous tender, also as regards social, societal and environmental issues, where appropriate (hereinafter referred to as ‘award criteria’).</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/14/76/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/14/76/</a></p>



			<p>Art 117 (below EU threshold)</p> <p><i>3. The notice launching the procedure shall state all the information necessary for appropriate tendering (request to participate) by the economic operators, in particular the most important elements of the contract to be awarded (the subject-matter of the procurement, the quantity, the contract terms) and a short description of the way of awarding (award criteria and method), the time limit for submission of tenders (time limit to participate) and the information concerning the way of contacting the contracting authority. The contracting authority shall be bound to arrange for the opening of the tenders at the time and place indicated in the notice launching the procedure. The invitation shall be published by the contracting authority in a notice drawn up pursuant to the standard form specified in a separate act of legislation.</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//3/17/117/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//3/17/117/</a></p>
14.	<p>PPL stipulates that upon modification of any criteria and requirements set out in tender documentation prior to the completion of tender application submission period, a procuring entity shall transmit in writing all such modifications: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) To all tender candidates; and – [ <b>0.5</b> ]</p> <p>b) Give additional adequate time (either by extending or restarting the time) to allow such candidates to modify and re-submit amended tender application. – [ <b>0.5</b> ]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	<p>Overall: 1</p> <p>Components:</p> <p>a)0.5</p> <p>b)0.5</p>	<p><b>PPA</b> (procurements reaching EU threshold)</p> <p>Art 55</p> <p><b><i>Modification of the invitation and other procurement documents, furthermore, the tender and the request to participate</i></b></p> <p><i>1. If the contracting authority intends to modify the contents of an invitation (including the extension of the time limits) published in a notice, it shall have the right to modify the terms specified in the invitation by the publication of a notice. The notice shall contain a reference, to the fact that the other procurement documents were also modified. (This amendment entered into force on 1 January 2017.)</i></p> <p><i>2. The notice modifying the invitation shall be dispatched until the expiry of the time limit to submit tenders or, in the participation stage of a procedure consisting of more than one</i></p>

		<p><i>stage the time limit for participation; furthermore, before the expiry of the original time limit, the contracting authority shall inform simultaneously the economic operators who have expressed their interest in the procedure - in particular those who electronically accessed the procurement documents or asked for additional information – on its intent of modification as well as on the dispatch of the modifying notice. No measure or decision shall be taken and no documents shall be submitted in the procurement procedure before the publication of the modifying notice. (This amendment entered into force on 1 January 2017.)</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement/2/7/55/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement/2/7/55/</a></p> <p>Art 52</p> <p><i>4. Contracting authorities shall extend the time limit for the receipt of tenders or requests to participate in the following cases:</i></p> <ul style="list-style-type: none"> <li><i>a. where any additional information, although requested by the economic operator in good time in accordance with Article 56, is not supplied within the time limit set [Article 56 (2)] or</i></li> <li><i>b. where changes are made to the procurement documents.</i></li> </ul> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement/2/6/52/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement/2/6/52/</a></p> <p>(below Eu threshold)</p> <p>Art 113</p> <p><i>4. In case of application of paragraphs 1-2, instead of publishing a notice on the modification of the time limit for submission of tenders or requests to participate, on the amendment of the notice launching the procedure, the procurement documents or the revocation of the notice launching the procedure, the economic operators who received the notice launching the procedure shall be informed thereof at the same time, directly, in</i></p>
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			<p>writing by the contracting authority, prior to the expiry of the original time limit. The contracting authority shall make the modifications of the procurement documents available directly, electronically, at the same place as the original documents. Those elements of the notice launching the procedure or the procurement documents which have already been included in the summary information specified in paragraph 1 may not be amended.</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//3/17/113/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//3/17/113/</a></p>
15.	<p>PPL stipulates that procuring entities shall inform each tender participant of the decision reached about the winner of the tender, including failure to do so, as soon as it is made, but no later than the end of the following working day. – [ 1 point ]</p> <p style="text-align: right;"><i>Transparency</i></p>	0	<p>3 working days</p> <p><b>PPA</b></p> <p>(procurements reaching EU threshold)</p> <p>Art 79</p> <p><i>1. The contracting authority shall inform the tenderer or the candidate in writing of the results of the procedure or the participation stage, the lack of success of the procedure, the classification of their tender or request to participate as invalid, the exclusion of an economic operator as well as of the relevant reasons thereof in detail, as soon as possible after the decision to this effect, but within three business days at the latest.</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/14/79/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/14/79/</a></p> <p>(below EU threshold)</p> <p>Art 117</p> <p><i>8. The contracting authority shall inform in writing tenderers, candidates and - before the opening of tenders - the economic operators who have expressed their interest in the procedure about all the decisions and information affecting the results of the procedure and the detailed justification thereof as soon as possible but not later than three business days</i></p>

			<p>after the decision. After completion of the evaluation of tenders, the contracting authority shall be bound to draw up a written summary which provides information on the evaluation of tenders and the reasons for the selection of the winning tender and to send that written summary to all tenderers at the same time, by fax or by electronic means.</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//3/17/117/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//3/17/117/</a></p>
16.	<p>PPL ensures that on request from the tender participant the procuring entity shall as quickly as possible inform: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) Any unsuccessful tender candidate of the reasons for the rejection of its request to participate (if such approval is required). – [ <b>0.5</b> ] ***</p> <p>b) Any unsuccessful tender participant of the reasons for the rejection of its bid. – [ <b>0.5</b> ]</p> <p>*** If a) is not applicable, b) equals [ <b>1 point</b> ].</p> <p style="text-align: right;"><i>Transparency</i> <b>Source: EU Standard</b></p>	<p>Overall: 1</p> <p>Components:</p> <p>a)0.5</p> <p>b)0.5</p>	<p>See sources at indicator 15.</p> <p><i>‘as quickly as possible but no later than 3 days after the decision’</i></p>
17.	<p>PPL stipulates that in cases when evaluation criteria include both price and quality, the winner shall be chosen using a cost-effectiveness approach, such as: – [ <b>1 point</b> ]</p>	<p>Overall: 1</p> <p>Components:</p> <p>a)1/3</p>	<p><b>PPA</b></p> <p>(procurements above EU threshold)</p> <p>Art 76</p> <p><i>2. Award criteria may be</i></p>

	<p><b>Point Distribution</b></p> <p>a) Life-cycle cost – [ 1/3 ]  b) Best price-quality ratio – [ 1/3 ]  c) Environmental and/or social costs – [ 1/3 ]</p> <p style="text-align: right;"><i>Efficiency</i>  <b>Source: EU Standard</b></p>	<p>b)1/3  c)1/3</p>	<p>a. the lowest price,  b. the lowest cost to be calculated using the cost-efficiency method determined by the contracting authority or  c. criteria representing the best price-quality ratio, in particular qualitative, environmental, social criteria, which include price or cost.</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/14/76/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/14/76/</a></p> <p>Art 78</p> <p><i>1. Where contracting authorities assess the costs - taken into account in the course of the evaluation - of the supply, service or works using a life-cycle costing approach, they shall refer to it in the notice launching the procedure and shall indicate in the procurement documents the data to be provided by the tenderers and the method which the contracting authority will use to determine the life-cycle costs on the basis of those data.</i></p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/14/78/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//2/14/78/</a></p>
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### Post-tendering Phase

#	Indicator	Score	Relevant Article, Law and excerpt (if applicable)
1.	PPL stipulates that upon successful conclusion of tender (upon choosing and announcing of the winner) the following information must be made public as soon as it is available: – [ 1	Overall:0.7 Components:	<b>PPA</b> Art 37.

<p><b>point ]</b></p> <p><b>Point Distribution</b></p> <p>a) Name, type, identification number, address, telephone, fax number (where applicable), email and internet address of the procuring entity and, where different, of the service from which additional information may be obtained. – [ 0.1 ]</p> <p>b) Subject of procurement. – [ 0.1 ]</p> <p>c) CPV codes (or other classificatory system of similar nature). – [ 0.1 ]</p> <p>d) Description of the procurement: nature, extent, quantity or value of goods, works and services. Where the contract is divided into lots, this information shall be provided for each lot. – [ 0.1 ]</p> <p>e) Type of award procedure; in the case of negotiated procedure without prior publication, justification. – [ 0.1 ]</p> <p>f) Date of the signing of contract(s) or of framework agreement(s). – [ 0.1 ]</p> <p>g) Duration of the contract. – [ 0.1 ]</p> <p>h) Number of bids and their respective amounts received. – [ 0.1 ]</p> <p>i) Name, address, telephone, fax number (where applicable), email address and internet address of the successful tender participant(s) including: information whether the contract was awarded to a group of economic operators (joint venture, consortium or other)</p>	<p>a)0.1</p> <p>b)0.1</p> <p>c)0.1</p> <p>d)0.1</p> <p>e)0.1</p> <p>f)0.1</p> <p>g)0</p> <p>h)0</p> <p>i)0.1</p> <p>j)0</p>	<p>1. The following documents shall be published by the contracting authority:</p> <p>h) the notice on the results of the procedure;</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/5/37/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/5/37/</a></p> <p><b>Decree No. 44/2015 (2nd of November) MvM of the minister leading the Prime Minister's Office</b></p> <p>Annex 4</p> <p>a) <i>Section I: Contracting authority, I.1) Name, addresses and contact point(s)</i></p> <p>b) <i>Section II: Object of the contract</i> <i>Section II: Object of the contract</i> <i>II.1) Description</i> <i>II.1.1) Title attributed to the contract</i></p> <p>c) <i>II.1.5) Common procurement vocabulary (CPV)</i></p> <p>d) <i>II.1.2) Type of contract and location of works, place of delivery or of performance</i> <i>II.1.4) Short description of the contract or purchase(s):</i></p> <p>e) <i>Section IV: Procedure</i> <i>IV.1) Type of procedure IV.1.2) Justification</i></p> <p>f) <i>Section V: Award of contract</i> <i>V. II. 1. Date of Conclusion of the contract</i></p> <p>g) <i>(no)</i></p> <p>h) <i>only to some extent: V.II. 2. (Number of bids received) + V.2.4) Information on value of the contract (highest offer/lowest offer)</i></p> <p>i) <i>V. II. 3. Name and address of the contractor</i></p> <p><a href="https://net.jogtar.hu/jogszabaly?docid=a1500044.mvm&amp;getdoc=1">https://net.jogtar.hu/jogszabaly?docid=a1500044.mvm&amp;getdoc=1</a></p>
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	<p>(where applicable). – [ 0.1 ]</p> <p>j) Name and address of the body responsible for review and, where appropriate, mediation procedures. Precise information concerning the deadline for review procedures, or if need be, the name, address, telephone number, fax number (where applicable) and email address of the service from which this information may be obtained. – [ 0.1 ]</p> <p style="text-align: right;"><i>Transparency</i> <b>Source: EU Standard</b></p>		
2.	<p>PPL stipulates that the information on subcontractors must be made public upon successful conclusion of tender (upon choosing and announcing of the winner). – [ 1 point ]</p> <p><b>Point Distribution</b></p> <p>a) Procurement contracts include information on what proportion of the contract can be subcontracted to third parties. – [ 0.5 ]</p> <p>b) Information on subcontractor/s (if any): name, address, ID, contact information, is made public as soon as this information is available. – [ 0.5 ]</p> <p style="text-align: right;"><i>Transparency</i></p>	<p>Overall: 0.5</p> <p>Components:</p> <p>a)0.5</p> <p>b)0</p>	<p><b>Decree No. 44/2015 (2nd of November) MvM of the minister leading the Prime Minister's Office</b></p> <p>Annex 4</p> <p><i>V.2.5) Information about subcontracting</i></p> <p><input type="checkbox"/>The contract is likely to be subcontracted</p> <p><i>Value or proportion likely to be subcontracted to third parties</i></p> <p><i>Value excluding VAT: [ ] Currency: [ ][ ][ ]</i></p> <p><i>Proportion: [ ] %</i></p> <p><i>Short description of the part of the contract to be subcontracted</i></p>
3.	<p>PPL ensures electronic, machine-readable and free of charge access to procurement contracts, either the full text or key</p>	0.5	<p><b>PPA</b></p> <p>Art 43</p>

	<p>information contained in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>● Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>● Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>● Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>● Only on paper – [ <b>0.25</b> ]</li> <li>● None – [ <b>0</b> ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>		<p>1. The contracting authority shall publish the following data, information, documents in the Public Procurement Database maintained by the Public Procurement Authority or, if the publication in the Database is not possible, on its own homepage or on the homepage of the maintaining entity:</p> <p>d) the contracts concluded on the basis of the procurement procedure, without delay upon conclusion of the contract;</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxlxiii-of-2015-on-public-procurement//1/5/43/">https://www.kozbeszerzes.hu/torveny/act-cxlxiii-of-2015-on-public-procurement//1/5/43/</a></p>
4.	<p>PPL ensures electronic, machine-readable and free of charge access to contract amendments, either the full text or key information contained in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>● Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>● Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>● Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>● Only on paper – [ <b>0.25</b> ]</li> <li>● None – [ <b>0</b> ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	1	<p><b>PPA</b> Art 141</p> <p>7. With the exception of paragraph 4(a), the contracting authority shall publish a notice, in line with the contents of the standard form specified in a separate act of legislation, concerning the modification of the contract.</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxlxiii-of-2015-on-public-procurement//5/20/141/">https://www.kozbeszerzes.hu/torveny/act-cxlxiii-of-2015-on-public-procurement//5/20/141/</a></p> <p><b>Decree No. 44/2015 (2nd of November) MvM of the minister leading the Prime Minister's Office</b> Annex 12</p>
5.	<p>PPL ensures electronic, machine-readable and free of charge access to contract performance information (acceptance act and milestone reports), either the full text or key information included in these documents. – [ <b>1 point</b> ]</p>	1	<p><b>PPA</b> Art 43</p> <p>1. The contracting authority shall publish the following data, information, documents in the Public Procurement Database maintained by the Public Procurement Authority or, if the publication in the Database is not possible, on its own homepage or on the homepage of the maintaining entity:</p>



	<p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>● Electronic, machine-readable, free of charge – [ 1 ]</li> <li>● Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>● Electronic, non-machine-readable – [ 0.5 ]</li> <li>● Only on paper – [ 0.25 ]</li> <li>● None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>		<p>f) the following data concerning the performance of the contract: reference to the notice launching the procurement procedure (in the case of procedures without prior publication of a contract notice, to the invitation), the name of the parties to the contract, the establishment whether the performance was in compliance with the contract, the date of the acknowledgement by the contracting authority of the performance of the contract, the date of the payment of the consideration and the value of the paid consideration, within thirty (30) days following the fulfilment of the contract by each party or, in the case of public procurements carried out using subsidies, in the context of the payment of suppliers, following the fulfilment by the entity which is obliged to make payment;</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/5/43/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/5/43/</a></p>
6.	<p>PPL ensures electronic, machine-readable and free of charge access to payment receipts, either the full text or key information contained in these documents. – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>● Electronic, machine-readable, free of charge – [ 1 ]</li> <li>● Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>● Electronic, non-machine-readable – [ 0.5 ]</li> <li>● Only on paper – [ 0.25 ]</li> <li>● None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	1	See above.
7.	<p>PPL clearly defines the procedures for inspection and quality control procedures: – [ 1 point ]</p>	<p>Overall: 0</p> <p>Components:</p>	only in case of some procurements related to EU-subsidies

	<p><b>Point Distribution</b></p> <p>a) Quality control (<b>QC</b>) procedures for goods, works and services are well defined in the draft contracts/documents or in the regulations. – [ <b>0.5</b> ]</p> <p>b) Inspection of civil works is carried out by independent engineering firms or qualified government supervisors and inspectors. – [ <b>0.5</b> ]</p> <p style="text-align: right;"><i>Efficiency</i></p> <p style="text-align: right;"><b>Source: OECD Methodology</b></p>	<p>a) 0</p> <p>b) 0</p>	
8.	<p>PPL ensures electronic, machine-readable and free of charge access to any inspection and quality control reports, either the full text or key information contained in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>● Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>● Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>● Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>● Only on paper – [ <b>0.25</b> ]</li> <li>● None – [ <b>0</b> ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0	
9.	<p>Procedures for acceptance of final products and processing of final payments are clearly defined by the PPL or contract law and</p>	1	<p><b>PPA</b> Art 135</p>

	<p>are incorporated as standard clauses in contracts. – [ 1 point ]</p> <p style="text-align: right;"><i>Efficiency</i></p> <p style="text-align: right;"><b>Source: OECD Methodology</b></p>		<p><b>Specific provisions pertaining to the performance of the contract</b></p> <p>1. The party entering into the contract as contracting authority shall make a written declaration on the acknowledgement of the performance of the contract (receipt of performance) or the refusal of such acknowledgement within 15 days from the date of the performance by the party entering into the contract as tenderer or the receipt of the written notification thereof.</p> <p>3. In case of public works, specific rules - other than those set out in Article 6:130 (1)-(3) of the Civil Code - may be laid down in a Gov. Decree on the payment of the consideration stipulated by the contract. (This amendment entered into force on 1 January 2017.)</p> <p>4. In case of public contracts carried out using subsidies, for the payment of suppliers, the entity obliged to make payment shall do so according to the rules to which the party entering into the contract as the contracting authority is subject, i.e. according to the rules set out in Article 6:130 (1)-(3) of the Civil Code, paragraph 3 herein or the government decree drawn up on the basis of the empowerment of this Act, respectively.</p> <p>5. The parties may also agree on payment in instalments, provided that the chosen type of contract actually justifies it. In such cases each instalment shall be subject to the provisions on payments set out by this Act or the relevant Gov. Decree.</p> <p>etc.</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//5/20/135/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//5/20/135/</a></p>
10.	<p>PPL defines specific procedures for modifying contracts. – [ 1 point ]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	1	<p><b>PPA</b></p> <p>Art 141</p> <p>1. The provisions set out in this subchapter shall apply to modifications made by the contracting parties or any of the contracting parties entitled to do so and to any change in the legal relationship of the contracting parties in accordance with the stipulations of the contract (hereinafter jointly referred to as ‘contract modification’).</p> <p><a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//5/20/135/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//5/20/135/</a></p>

			<a href="#">procurement/5/20/141/</a>
11.	<p>PPL stipulates that procurement contract must include dispute resolution procedures. – [ 1 point ]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	0	(no explicit rule)
12.	<p>PPL stipulates that all procurement related documentation must be maintained: – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>● In electronic form for a period of at least 10 years. – [ 1 ]</li> <li>● In paper form for a period of at least 3 years. – [ 0.5 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0.5	<p>5 years</p> <p><b>PPA</b> Art 46</p> <p><i>2. Contracting authorities shall retain all documents created in the course of the preparation and conduct of the procurement procedure for a period of at least five years following the closure of the procedure [Article 37(2)] and all documents created in relation to the performance of the contract for a period of at least five years following the performance of the contract. If a procedure has been launched to seek legal remedy in connection with the public procurement, the documents shall be kept until completion of that a procedure, or in the case of a judicial review, until completion of the review, but at least for five years.</i></p> <p><i>2. Contracting authorities shall retain all documents created in the course of the preparation and conduct of the procurement procedure for a period of at least five years following the closure of the procedure [Article 37(2)] and all documents created in relation to the performance of the contract for a period of at least five years following the performance of the contract. If a procedure has been launched to seek legal remedy in connection with the public procurement, the documents shall be kept until completion of that a procedure, or in the case of a judicial review, until completion of the review, but at least for five years.</i></p>

			<a href="https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/5/46/">https://www.kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/5/46/</a>
13.	<p>PPL stipulates that public procurement operations must be subject to internal and external audit conducted by qualified specialists. – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) PPL stipulates that public procurement operations must be subject to internal audit conducted by qualified specialists. – [ <b>0.5</b> ]</p> <p>b) PPL stipulates that public procurement operations must be subject to external audit conducted by qualified specialists. – [ <b>0.5</b> ]</p> <p style="text-align: right;"><i>Accountability and Integrity</i></p>	<p>Overall: 0</p> <p>Components:</p> <p>a) 0</p> <p>b) 0</p>	<p>Special rules apply only for procurements related to EU subsidies (not included in PPL regulations)</p>