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If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet

Regulation No. 107

Adopted 28 February 2017

**Tendering Procedures for Procurement Procedures and Design Contests**

*Issued pursuant to*

*Section 8, Paragraphs two and three, Section 49, Paragraph four, and Section 57 of the Public Procurement Law*

**1. General Provision**

1. This Regulation prescribes:

1.1. tendering procedures for procurement procedures and design contest and regulations for their application;

1.2. minimum terms for the submission of applications, tenders, and designs, and the cases of their reduction;

1.3. content of the rules for procurement procedures and design contest;

1.4. regulations for the announcement, suspension, and termination of procurement procedures and design contest;

1.5. regulations for the announcement of the procurement procedure and design contest results;

1.6. regulations for the documentation of the procurement procedure and design contest and the contents of the report on the procurement procedure and design contest;

1.7. regulations and procedures for the application of the dynamic purchasing system;

1.8. procedures for the application of the European Single Procurement Document in procurement procedures;

1.9. procedures by which the contracting authority shall act if a complaint regarding the requirements laid down in rules for the open tendering procedure or the contract notice, or the invitation to tender in the restricted procedure has been submitted;

1.10. cases when the contracting authority shall not be obliged to use electronic information systems for the receipt of applications, tenders, designs or their constituent parts.

**2. Tendering Procedures for Procurement Procedures**

**2.1. Open Tendering Procedures**

2. Before the contract notice is published, rules for the open tendering procedure shall be prepared. The rules shall contain:

2.1. procurement identification number;

2.2. name, address and, if necessary, other details of the contracting authority;

2.3. description, scope, the most suitable CPV code or codes of the subject-matter of the procurement;

2.4. lots of the subject-matter of the procurement, if any have been determined, and their volume, and the rules for the submission of tenders in the lots of the subject-matter of the procurement in accordance with Sub-chapter 2.8 of this Regulation;

2.5. where applicable, rules for the framework agreement;

2.6. time and place for the performance of the procurement contract;

2.7. place, date, and time for the submission and opening of tenders;

2.8. place, date, and time for the meeting of interested economic operators, if such is provided;

2.9. requirements for the preparation and submission of the tender;

2.10. requirements for the tender security, if such is provided;

2.11. requirements for the performance bond, if such has been required;

2.12. reasons for the exclusion of tenderers specified in Section 42, Paragraph two, Clauses 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14 of the Public Procurement Law and procedures for their verification, or a reference to Section 42, Paragraph two, Clauses 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14 of the Public Procurement Law and indication that the reasons for the exclusion of tenderers will be verified according to the procedures specified in Section 42 of the Public Procurement Law;

2.13. where applicable, the applicable reason for the exclusion of tenderers specified in Section 42, Paragraph two, Clauses 8 and 9 of the Public Procurement Law and procedures for their verification, or a reference to the applicable Section 42, Paragraph two, Clauses 8 and 9 of the Public Procurement Law and indication that the applicable reason for the exclusion of tenderers will be verified according to the procedures specified in Section 42 of the Public Procurement Law;

2.14. requirements for the capacity of a tenderer to pursue professional activities, its economic and financial standing and technical and professional ability, and also the information to be submitted which is required for the assessment of the tenderer in accordance with the aforementioned requirements;

2.15. the rules by which associations of economic operators must fulfil the requirements for the economic and financial standing or technical and professional abilities;

2.16. the requirement to indicate all subcontractors or only those subcontractors the value of the construction work to be performed or the services to be provided by which is at least EUR 10 000 and the lot of the procurement contract to be transferred to each such subcontractor;

2.17. where applicable, the requirement for the tenderer to submit a list of subcontractors involved in the construction work or service provision in accordance with Section 63, Paragraph four of the Public Procurement Law;

2.18. standard form of the European Single Procurement Document or reference to the website where the standard form of the European Single Procurement Document is available, requirements for its completion and submission;

2.19. tender evaluation criteria;

2.20. where applicable, the methodology for the circulation of life-cycle costs and the data necessary and to be submitted for making such calculations;

2.21. indication whether the tenderer may submit variants and, where the submission of variants is authorised, the requirements for their submission;

2.22. technical specifications and, if necessary, other information about the subject-matter of the procurement;

2.23. draft procurement contract or framework agreement. Where a standard-form contract is being used for the preparation of the procurement contract or framework agreement, the reference to the used standard-form contract;

2.24. other information.

[*8 November 2022*]

3. The minimum term for the submission of tenders shall be 35 days after sending of the contract notice to the Publications Office of the European Union for publication in the Official Journal of the European Union if the estimated contract price is equal to or exceeds the contract price thresholds determined by the Cabinet. If the estimated contract price is less than the contract price thresholds determined by the Cabinet, the minimum term for the submission of tenders shall be 20 days after publication of the contract notice on the website of the Procurement Monitoring Bureau.

[*24 October 2023*]

4. Where the contracting authority has published a prior information notice which is used to shorten the term for the submission of tenders, the minimum term for the submission of tenders may be reduced to 15 days if the following conditions have been fulfilled:

4.1. the prior information notice contains all the information necessary to be indicated in the contract notice, in so far as the aforementioned information was available at the moment of publishing the prior information notice;

4.2. the prior information notice has been published within the period between 35 days and 12 months after the day when the contract notice was published.

[*24 October 2023*]

5. Where, due to urgency, the term referred to in Paragraph 3 of this Regulation cannot be applied, a reduced term for the submission of tenders may be determined, however, it may not be less than 15 days after the day when the contract notice has been published on the website of the Procurement Monitoring Bureau if the estimated contract price is less than the contract price thresholds determined by the Cabinet or when it has been sent to the Publications Office of the European Union for publication in the Official Journal of the European Union if the estimated contract price is equal to or exceeds the contract price thresholds determined by the Cabinet. In such case, the contracting authority shall specify the reasons for urgency in the relevant procurement procedure notice, and also the procurement procedure report.

[*24 October 2023*]

6. If electronic submission of tenders is provided, the term for the submission of tenders referred to in Paragraph 3 of this Regulation may be reduced by five days.

7. After the procurement commission has approved the rules, the contracting authority shall, for the announcement of the open tendering procedure, prepare the contract notice and publish it on the website of the Procurement Monitoring Bureau if the estimated contract price is less than the contract price thresholds determined by the Cabinet or send it to the Publications Office of the European Union for publication in the Official Journal of the European Union if the estimated contract price is equal to or exceeds the contract price thresholds determined by the Cabinet.

[*24 October 2023*]

8. The contracting authority shall ensure access to the procurement procedure documents, their issuance and provision of additional information in accordance with Section 36 of the Public Procurement Law, starting from the day when the contract notice has been posted on the website of the Procurement Monitoring Bureau.

9. If the procurement commission extends the term for the submission of tenders, the contracting authority shall prepare the contract notice and re-publish it on the website of the Procurement Monitoring Bureau if the estimated contract price is less than the contract price thresholds determined by the Cabinet or send it to the Publications Office of the European Union for publication in the Official Journal of the European Union if the estimated contract price is equal to or exceeds the contract price thresholds determined by the Cabinet. If the contract notice has been published in the Official Journal of the European Union, the minimum period for which the contracting authority is entitled to extend the term for the submission of tenders shall be seven days. Such extension of the term for the submission of tenders shall not be regarded as amendments to the procurement procedure documents.

[*24 October 2023*]

10. If the procurement commission makes amendments to the procurement procedure documents, the minimum term for the submission of tenders after the day when the contract notice is re-published on the website of the Procurement Monitoring Bureau or re-sent to the Publications Office of the European Union for publication in the Official Journal of the European Union shall be at least half of the initially specified term for the submission of tenders, however, not shorter than seven days.

[*24 October 2023*]

11. The economic operator shall be entitled to propose the organisation of a meeting of interested economic operators. The procurement commission shall organise the meeting of interested economic operators, if at least 10 days before the final day of the term for the submission of tenders proposals to organise the meeting of interested economic operators are received from at least two interested economic operators. Meeting shall be organised at least five days before the final day of the term for the submission of tenders, and information on the meeting shall be published on the buyer profile at least three days in advance. The procurement commission shall provide additional information and answer the questions asked during the meeting. The course of the meeting shall be recorded in minutes.

12. An economic operator shall submit the tender and the tender security (if any is provided) that has been prepared and drawn-up in accordance with the set requirements at the place and time specified in the rules for the open tendering procedure. The economic operator shall specify the lots of the tender containing a trade secret.

13. If the contracting authority uses the electronic information system for the receipt of tenders and a notice is received from the system operator on malfunctions of the electronic information system due to which the safety of tenders cannot be ensured, the procurement commission shall take the decision to suspend the procurement procedure and the contracting authority shall prepare the contract award notice and publish it on the website of the Procurement Monitoring Bureau or, if the initial contract notice has been published in the Official Journal of the European Union, send it to the Publications Office of the European Union for publication in the Official Journal of the European Union.

[*24 October 2023*]

14. The contracting authority shall open the submitted tenders not earlier than four hours after expiry of the term for the submission of tenders at the place and time specified in the procurement procedure documents, except for the case referred to in Section 68, Paragraph seven of the Public Procurement Law. In the cases referred to in Section 68, Paragraph seven of the Public Procurement Law, the contracting authority shall publish on the buyer profile information on the cancellation of the meeting for the opening of tenders and shall not open the submitted tenders. If the commission for the examination of applications takes the decision referred to in Section 71, Paragraph two, Clause 1 of the Public Procurement Law or the administrative case is terminated, the contracting authority shall publish on the buyer profile information on the place and time of the meeting for the opening of tenders, and inform the tenderers thereof at least three working days in advance. If the commission for the examination of applications takes the decision referred to in Section 71, Paragraph two, Clause 3 or Paragraph three of the Public Procurement Law, the contracting authority shall not open the submitted tenders and shall issue or send them back to the tenderers.

[*24 October 2023*]

15. The contracting authority shall organise an open meeting for the opening of tenders. Tenders shall be opened in the order of their submission or concurrently, if the tenders are opened in the electronic information system, by naming or publishing on the buyer profile the tenderer, date and time for the submission of tender and the proposed price or costs.

16. The procurement commission shall evaluate tenders in a closed meeting. The procurement commission shall verify the conformity of tenderers to the qualification requirements and the conformity of tenders and shall select the tender in accordance with the established tender evaluation criteria. The procurement commission shall be entitled to verify the eligibility of tenderer qualification only of the tenderer to whom the procurement contract should be awarded.

17. If the tenderer to whom the procurement contract should be awarded in the procurement procedure has submitted the European Single Procurement Document as the initial proof for the conformity with the requirements for the selection of tenderers specified in the procurement procedure documents, the procurement commission shall, before deciding on awarding the procurement contract, request the submission of the documents confirming the conformity of the tenderer with the requirements for the selection of tenderers.

[*24 October 2023*]

18. Following the evaluation of tenders, the procurement commission shall decide on awarding the procurement contract. If the subject-matter of the procurement has been divided into lots, the procurement commission shall decide on awarding the procurement contract for each lot separately.

19. [8 November 2022]

20. The contracting authority shall inform all tenderers of the decision taken in accordance with the procedures laid down in Section 37 of the Public Procurement Law.

21. The contracting authority shall prepare the procurement procedure report on the entire procurement procedure or on each lot separately and shall publish it on the buyer profile within five working days after taking the decision on the results of the procurement procedure. The procurement procedure report shall contain at least the following information:

21.1. name and address of the contracting authority, procurement identification number, type of the procurement procedure, and the subject-matter of the procurement contract or framework agreement;

21.2. date when the contract notice and the prior information notice, if used, has been published in the Official Journal of the European Union (where applicable) and on the website of the Procurement Monitoring Bureau;

21.3. the composition of the procurement commission and the justification for its establishment, the persons preparing the procurement procedure documents, the secretary of the procurement commission, and the invited experts;

21.4. the term for the submission of tenders and also the reasons for the reduction of the term (inter alia, due to urgency in accordance with Paragraph 5 of this Regulation), if any;

21.5. names of those economic operators who have submitted tenders and also the proposed prices;

21.6. place, date and time for the opening of tenders;

21.7. name of the tenderer (or tenderers) to whom the procurement contract has (have) been awarded, the offered contract price, and also the summary of tender evaluation and the reasons for choosing the tender;

21.8. information (if known) on the lot of the procurement contract or framework agreement which the selected tenderer has intended to transfer to subcontractors, as well as the names of subcontractors;

21.9. justification of the decision on each rejected tenderer as well as on each tender not conforming to the procurement procedure documents;

21.10. justification in respect of what public safety and health protection interests would be threatened by organising a repeated procurement if the contracting authority, in accordance with Section 41, Paragraph twelve, Clause 2 of the Public Procurement Law, does not suspend the procurement procedure because the suspension of the procurement procedure would pose a threat to the public safety or health protection interests;

21.11. justification of the decision, if the procurement commission has taken the decision to suspend or terminate the procurement procedure;

21.12. reasons for rejecting the tender, if the procurement commission has recognised the tender as abnormally low;

21.13. reasons due to which electronic submission of tenders is not provided for, if the contracting authority has the obligation to use the electronic information systems for the receipt of tenders;

21.14. the established conflicts of interests and the measures taken for their prevention.

[*8 November 2022*]

22. After the expiry of the waiting period, if applicable, the contracting authority shall conclude the procurement contract or the framework agreement.

23. If the tenderer to whom the procurement contract has been awarded refuses to conclude the procurement contract with the contracting authority, the procurement commission shall be entitled to decide to award the procurement contract to the next tenderer who has offered the most economically advantageous tender or to discontinue the procurement procedure without selecting any tender. If the decision has been taken to award the procurement contract to the next tenderer who offered the most economically advantageous tender, but it refuses to conclude the procurement contract, the procurement commission shall take the decision to discontinue the procurement procedure without selecting any tender.

24. [8 August 2023]

25. After the procurement contract or framework agreement has been concluded or the decision to terminate or suspend the procurement procedure has been taken, the contracting authority shall prepare the contract award notice and publish it on the website of the Procurement Monitoring Bureau or, if the initial contract notice has been published in the Official Journal of the European Union, send it to the Publications Office of the European Union for publication in the Official Journal of the European Union in accordance with Section 29 of the Public Procurement Law and, where applicable, place on the buyer profile the body of the text of the procurement contract or framework agreement in accordance with Section 60, Paragraph ten of the Public Procurement Law. The contracting authority may publish the contract award notice with respect to each lot separately.

[*24 October 2023*]

**2.2. Restricted Tendering Procedure**

26. Before publishing the contract notice, the rules for the selection of the candidates in the restricted tendering procedure shall be prepared. The rules shall contain:

26.1. procurement identification number;

26.2. name, address and, if necessary, other details of the contracting authority;

26.3. description of the subject-matter of the procurement to an extent allowing the interested economic operators to decide on participation in the procurement procedure, as well as the most suitable CPV code or codes thereof;

26.4. lots of the subject-matter of the procurement, if any have been determined, and their scope, and the rules for the submission of applications and tenders in the lots of the subject-matter of the procurement in accordance with Sub-paragraph 2.8 of this Regulation;

26.5. where applicable, rules for the framework agreement;

26.6. where applicable, reference to the dynamic purchasing system and its description;

26.7. place, date, and time for the submission of applications;

26.8. requirements for the preparation and submission of applications;

26.9. reasons for the exclusion of candidates specified in Section 42, Paragraph two, Clauses 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14 of the Public Procurement Law and procedures for their verification, or a reference to Section 42, Paragraph two, Clauses 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14 of the Public Procurement Law and indication that the reasons for the exclusion of candidates will be verified according to the procedures specified in Section 42 of the Public Procurement Law;

26.10. where applicable, the applicable reason for the exclusion of candidates specified in Section 42, Paragraph two, Clauses 8 and 9 of the Public Procurement Law and procedures for their verification, or a reference to the applicable Section 42, Paragraph two, Clauses 8 and 9 of the Public Procurement Law and indication that the applicable reason for the exclusion of candidates will be verified according to the procedures specified in Section 42 of the Public Procurement Law;

26.11. requirements for the capacity of a candidate to pursue professional activities, its economic and financial standing and technical and professional ability, and also the information to be submitted which is required for the assessment of the candidate in accordance with the aforementioned requirements;

26.12. the rules by which associations of economic operators must fulfil the requirements for the economic and financial standing or technical and professional abilities;

26.13. standard form of the European Single Procurement Document or reference to the website where the standard form of the European Single Procurement Document is available, requirements for its completion and submission;

26.14. methodology for the evaluation of candidates, if the reduction in the number of candidates is applied;

26.15. other information on the selection of the candidates.

[*8 November 2022*]

27. The minimum term for the submission of applications shall be 30 days after the day of sending the contract notice to the Publications Office of the European Union for publication in the Official Journal of the European Union if the estimated contract price is equal to or exceeds the contract price thresholds determined by the Cabinet. Where the estimated contract price is less than the contract price thresholds determined by the Cabinet, the minimum term for the submission of applications shall be 20 days after the day when the contract notice has been published on the website of the Procurement Monitoring Bureau.

[*24 October 2023*]

28. Where, due to urgency, the term referred to in Paragraph 27 of this Regulation cannot be applied, a reduced term for the submission of applications may be determined, however, it may not be less than 15 days after the day when the contract notice has been published on the website of the Procurement Monitoring Bureau if the estimated contract price is less than the contract price thresholds determined by the Cabinet or when it has been sent to the Publications Office of the European Union for publication in the Official Journal of the European Union if the estimated contract price is equal to or exceeds the contract price thresholds determined by the Cabinet. In such case, the contracting authority shall specify the reasons for urgency in the relevant procurement procedure notice, and also the procurement procedure report.

[*24 October 2023*]

29. The procurement commission may determine in advance the number of candidates that will be invited to submit tenders, if a sufficient number of suitable candidates is available. The contract notice and the rules for the selection of candidates shall specify objective and non-discriminatory criteria or rules to be applied for the reduction of the number of candidates, as well as the minimum and, where necessary, the maximum number of candidates planned to be invited. The procurement commission shall invite at least five candidates, but their number may not be less than the number of candidates provided for in the contract notice and the rules for the selection of candidates. The number of selected candidates shall be sufficient to ensure competition.

30. After the procurement commission has approved the rules for the selection of candidates, the contracting authority shall, for the announcement of the restricted tendering procedure, prepare the contract notice and publish it on the website of the Procurement Monitoring Bureau if the estimated contract price is less than the contract price thresholds determined by the Cabinet or send it to the Publications Office of the European Union for publication in the Official Journal of the European Union if the estimated contract price is equal to or exceeds the contract price thresholds determined by the Cabinet.

[*24 October 2023*]

31. The contracting authority shall ensure access to procurement procedure documents, their issuance and provision of additional information in accordance with Section 36 of the Public Procurement Law, starting from the day when the contract notice has been posted on the website of the Procurement Monitoring Bureau.

32. If the procurement commission extends the term for the submission of applications, the contracting authority shall prepare the contract notice and re-publish it on the website of the Procurement Monitoring Bureau if the estimated contract price is less than the contract price thresholds determined by the Cabinet or send it to the Publications Office of the European Union for publication in the Official Journal of the European Union if the estimated contract price is equal to or exceeds the contract price thresholds determined by the Cabinet. If the contract notice has been published in the Official Journal of the European Union, the minimum term for which the contracting authority is entitled to extend the term for the submission of applications shall be seven days. Such extension of the term for the submission of applications shall not be regarded as amendments to the procurement procedure documents.

[*24 October 2023*]

33. If the procurement commission makes amendments to the procurement procedure documents, the minimum term for the submission of applications after the day when the contract notice is re-published on the website of the Procurement Monitoring Bureau or sent to the Publications Office of the European Union for publication in the Official Journal of the European Union shall be at least half of the initially specified term for the submission of applications, however, not shorter than seven days.

[*24 October 2023*]

34. If the contracting authority uses the electronic information system for the receipt of applications and a notice is received from the system operator on malfunctions of the electronic information system due to which the safety of applications cannot be ensured, the procurement commission shall take the decision to suspend the procurement procedure and the contracting authority shall prepare the contract award notice and publish it on the website of the Procurement Monitoring Bureau or, if the initial contract notice has been published in the Official Journal of the European Union, send it to the Publications Office of the European Union for publication in the Official Journal of the European Union.

[*24 October 2023*]

35. The submitted applications shall be opened not earlier than four hours after expiry of the term for their submission. After expiry of the term for the submission of applications, the procurement commission shall select candidates in accordance with the requirements for the selection of candidates laid down in the procurement procedure documents for candidates, and also in accordance with the methodology for the evaluation of candidates if the reduction of the number of candidates is applied. Applications shall be evaluated by the procurement commission in closed meetings.

[*24 October 2023*]

36. If the number of candidates meeting the requirements for the selection of candidates is less than the determined minimum number, the procurement commission shall be entitled to continue the procurement procedure by inviting the selected candidates to submit a tender. The procurement commission shall not be entitled to invite such economic operators which have not submitted applications or do not meet the specified requirements.

37. If a candidate who should be invited to submit a tender has submitted the European Single Procurement Document as the initial evidence of the conformity with the requirements for the selection of candidates specified in the procurement procedure documents, the procurement commission shall request the submission of the documents confirming the conformity of the candidate with the requirements for the selection of candidates before taking the decision on the results of the selection of candidates.

[*24 October 2023*]

38. After evaluation of applications, the procurement commission shall decide on the candidates to be invited to submit tenders, or, in case of the dynamic purchasing system, on the inclusion of a candidate in the dynamic purchasing system. If the subject-matter of the procurement has been divided into lots, the procurement commission shall decide on each lot separately.

39. If only one candidate conforms to all the requirements for the selection of candidates specified in the procurement procedure documents, the procurement commission shall take the decision to suspend the procurement procedure, except for the cases specified in Section 41, Paragraph twelve of the Public Procurement Law.

[*24 October 2023*]

40. The contracting authority shall inform all candidates of the decision taken in accordance with the procedures laid down in Section 37 of the Public Procurement Law.

41. The contracting authority shall invite all the selected candidates simultaneously in writing to submit tenders.

42. The invitation to tender shall include at least the following information:

42.1. procurement identification number and reference to the published contract notice;

42.2. name, address and, if necessary, other details of the contracting authority;

42.3. the scope of the subject-matter of the procurement and the time and place for the performance of the procurement contract;

42.4. lots of the subject-matter of the procurement, if any, their scope and the rules for the submission of tenders in the lots of the subject-matter of the procurement in accordance with Sub-paragraph 2.8 of this Regulation;

42.5. where applicable, rules for the framework agreement;

42.6. where applicable, rules for the dynamic purchasing system;

42.7. place, date, and time for the submission and opening of tenders;

42.8. requirements for the preparation and submission of a tender;

42.9. requirements for the tender security, if any is provided;

42.10. requirements for the performance bond, if such has been required;

42.11. reference to the reasons for exclusion laid down in the rules for the selection of candidates in accordance with Section 42, Paragraph two of the Public Procurement Law which are to be verified after the submission of tenders and the procedures for their verification by complying with Section 42, Paragraph ten, Clause 2 of the Public Procurement Law;

42.12. where necessary, reference to any additional documents to be submitted to verify the representations included in the European Single Procurement Document, and information to be submitted that is required for the assessment of the tendered and evaluation of the tender in accordance with the requirements specified in the invitation;

42.13. the requirement to indicate all subcontractors or only those subcontractors the value of the construction work to be performed or the services to be provided by which is at least EUR 10 000 and the lot of the procurement contract to be transferred to each such subcontractor;

42.14. where applicable, the requirement for the tenderer to submit the list of subcontractors involved in the construction work or service provision in accordance with Section 63, Paragraph four of the Public Procurement Law;

42.15. standard form of the European Single Procurement Document or the reference to the website where the standard form of the European Single Procurement Document is available, the requirements for its completion and submission;

42.16. tender evaluation criteria and the their specific weight in the order of importance;

42.17. where applicable, the methodology for life-cycle costing and the data necessary and to be submitted for making the calculation;

42.18. indication of whether the tenderer is authorised to submit variants and, where the submission of variants is authorised, the requirements for their submission;

42.19. technical specifications and other necessary documents, or the website where such documents are available, if the contracting authority ensures free and direct electronic access to procurement procedure documents and all additionally necessary documents;

42.20. draft procurement contract or framework agreement and other necessary information on the subject-matter of the procurement. Where a standard-form contract is being used for the preparation of the procurement contract or framework agreement, the reference to the used standard-form contract;

42.21. other information.

[*8 November 2022*]

43. The term for the submission of tenders may not be shorter than 20 days after the day when the invitation to tender has been sent to the selected candidates. If the contract notice has been published in the Official Journal of the European Union, the term for the submission of tenderers’ tenders shall be determined not less than 30 days after the day of sending the invitation to tender.

[*24 October 2023*]

44. Where the contracting authority has published a prior information notice which is used to shorten the term for the submission of tenders, the minimum term for the submission of tenders may be reduced to 10 days if the following conditions have been fulfilled:

44.1. the prior information notice contains all the information necessary to be indicated in the contract notice, in so far as the aforementioned information was available at the moment of publishing the prior information notice;

44.2. the prior information notice has been published within the period between 35 days and 12 months after the day when the contract notice was published.

[*24 October 2023*]

45. Where, due to urgency, the term referred to in Paragraph 43 of this Regulation cannot be applied, a reduced term for the submission of tenders may be determined, but it cannot be less than 10 days after the day when the invitation to tender has been sent to the candidates. In such case, the contracting authority shall specify the reasons for urgency in the relevant procurement procedure notice, and also the procurement procedure report.

[*24 October 2023*]

46. If electronic submission of tenders is provided, the term for the submission of tenders referred to in Paragraph 43 of this Regulation may be reduced by five days.

47. If the procurement commission extends the term for the submission of tenders, the contracting authority shall simultaneously inform thereof all the candidates which have been invited to submit a tender. Such extension of the term for the submission of tenders shall not be regarded as amendments to the procurement procedure documents.

48. Where the procurement commission amends the invitation to tender, the minimum term for the submission of tenders after the day when the contracting authority has informed all candidates who have been invited to submit a tender thereof shall be at least one half of the initially determined term for the submission of tenders, but not less than seven days.

49. The invited candidate shall submit the tender and the tender security (if any is requested) prepared and drawn up in accordance with the determined requirements at the place and time specified in the invitation.

50. Where it is necessary to hold a trade secret with respect to the subject-matter of the procurement or separate lots thereof, the candidate shall specify it in its tender. The candidate shall specify those lots of the tender which contain the trade secret.

51. If the contracting authority uses the electronic information system for the receipt of tenders and a notice is received from the system operator on malfunctions of the electronic information system due to which the safety of tenders cannot be ensured, the procurement commission shall take the decision to suspend the procurement procedure and the contracting authority shall prepare the contract award notice and publish it on the website of the Procurement Monitoring Bureau or, if the initial contract notice has been published in the Official Journal of the European Union, send it to the Publications Office of the European Union for publication in the Official Journal of the European Union.

[*24 October 2023*]

52. The contracting authority shall open the submitted tenders not earlier than four hours after expiry of the term for the submission of tenders in the place and time specified in the invitation, except in the case referred to in Section 68, Paragraph seven of the Public Procurement Law. In the cases referred to in Section 68, Paragraph seven of the Public Procurement Law, the contracting authority shall publish on the buyer profile information on the cancellation of the meeting for the opening of tenders and shall not open the submitted tenders. If the commission for the examination of applications takes the decision referred to in Section 71, Paragraph two, Clause 1 of the Public Procurement Law or the administrative case is terminated, the contracting authority shall publish on the buyer profile information on the place and time of the meeting for the opening of tenders, and also inform the invited candidates thereof at least three working days in advance. If the commission for the examination of applications takes the decision referred to in Section 71, Paragraph two, Clause 3 or Paragraph three of the Public Procurement Law, the contracting authority shall not open the submitted tenders and shall issue or send them back to the tenderers.

[*8 November 2022*]

53. The contracting authority shall organise an open meeting for the opening of tenders. Tenders shall be opened in the order of their submission or concurrently, if the tenders are opened in the electronic information system, by naming or publishing on the buyer profile the tenderer, date and time for the submission of tender and the proposed price or costs.

54. The procurement commission shall evaluate tenders in closed meetings. The procurement commission shall check the conformity of tenders to the requirements laid down in the invitation and shall select the tender or tenders in accordance with the established tender evaluation criteria.

55. If the tenderer to whom the procurement contract should be awarded in the procurement procedure has submitted the European Single Procurement Document as the initial proof for the conformity with the requirements for the selection of tenderers specified in the procurement procedure documents, the procurement commission shall, before deciding on awarding the procurement contract, request the submission of the documents which have not been previously requested and which attest that the tenderer is not subject to the reasons for exclusion in accordance with Sub-paragraph 42.11 of this Regulation.

[*24 October 2023*]

56. Following the evaluation of tenders, the procurement commission shall decide on awarding the procurement contract. If the subject-matter of the procurement has been divided into lots, the procurement commission shall decide on awarding the procurement contract for each lot separately.

57. The contracting authority shall inform all tenderers of the decision to award the procurement contract in accordance with the procedures laid down in Section 37 of the Public Procurement Law.

58. The contracting authority shall prepare the procurement procedure report on the entire procurement procedure or on each lot separately and shall publish it on the buyer profile within five working days after taking the decision on the results of the procurement procedure. The procurement procedure report shall contain at least the following information:

58.1. name and address of the contracting authority, procurement identification number, type of the procurement procedure, and the subject-matter of the procurement contract or framework agreement;

58.2. date when the contract notice and the prior information notice, if used, has been published in the Official Journal of the European Union (where applicable) and on the website of the Procurement Monitoring Bureau;

58.3. composition of the procurement commission and the reasons for its establishment, the persons preparing the procurement procedure documents, the secretary of the procurement commission, and the invited experts;

58.4. term for the submission of applications and tenders, and also the reasons for the reduction of the term (inter alia, for urgency in accordance with Paragraphs 28 and 45 of this Regulation), if any;

58.5. names of the economic operators who have applied for the selection of candidates, and names of the tenderers who have submitted the tenders, and the offered prices;

58.6. if the number of candidates has been reduced, the names of the selected candidates and reasons for selecting them, and the names of the rejected candidates and reasons for rejecting them shall be specified;

58.7. place, date, and time for the opening of applications and tenders;

58.8. name of the tenderer (or tenderers) to whom the procurement contract has (have) been awarded, the offered contract price, and also the summary of the tender evaluation and the reasons for choosing the tender;

58.9. information (if known) on the lot of the procurement contract or framework agreement which the selected economic operator has intended to transfer to subcontractors, as well as the names of subcontractors;

58.10. justification of the decision on each rejected candidate and tenderer, as well as on each application and tender not conforming to the procurement procedure documents;

58.11. justification of the decision, if the procurement commission has taken the decision to suspend or terminate the procurement procedure;

58.12. reasons for rejecting the tender, if the procurement commission has recognised the tender as abnormally low;

58.13. reasons due to which electronic submission of applications and tenders is not provided for, if the contracting authority has the obligation to use the electronic information systems for the receipt of the applications and tenders;

58.14. the established conflicts of interests and the measures taken for their prevention;

58.15. justification of the public safety and health protection interests which would be threatened by organising a repeated procurement if the contracting authority does not, in accordance with Section 41, Paragraph twelve, Clause 2 of the Public Procurement Law, suspend the procurement procedure because the suspension of the procurement procedure would pose a threat to the public safety or health protection interests.

[*8 November 2022*]

59. After the expiry of the waiting period, if applicable, the contracting authority shall conclude the procurement contract or the framework agreement.

60. If the tenderer to whom the procurement contract has been awarded refuses to conclude the procurement contract with the contracting authority, the procurement commission shall be entitled to decide to award the procurement contract to the next tenderer who has offered the most economically advantageous tender or to discontinue the procurement procedure without selecting any tender. If the decision has been taken to award the procurement contract to the next tenderer who offered the most economically advantageous tender, but it refuses to conclude the procurement contract, the procurement commission shall take the decision to discontinue the procurement procedure without selecting any tender.

61. [8 August 2023]

62. After the procurement contract or framework agreement has been concluded or the decision to terminate or suspend the procurement procedure has been taken, the contracting authority shall prepare the contract award notice and publish it on the website of the Procurement Monitoring Bureau or, if the initial contract notice has been published in the Official Journal of the European Union, send it to the Publications Office of the European Union for publication in the Official Journal of the European Union in accordance with Section 29 of the Public Procurement Law and, where applicable, place on the buyer profile the body of the text of the procurement contract or framework agreement in accordance with Section 60, Paragraph ten of the Public Procurement Law. The contracting authority may publish the contract award notice with respect to each lot separately.

[*24 October 2023*]

**2.3. Competitive Procedure with Negotiation**

63. Before the contract notice is published, the rules for the selection of candidates in the competitive procedure with negotiation shall be prepared. The rules shall contain:

63.1. procurement identification number;

63.2. name, address and, if necessary, other details of the contracting authority;

63.3. description of the subject-matter of the procurement to an extent allowing the interested economic operators to decide on participation in the procurement procedure, as well as the most suitable CPV code or codes thereof;

63.4. lots of the subject-matter of the procurement, if any have been determined, and the rules for the submission of applications in the lots of the subject-matter of the procurement in accordance with Sub-paragraph 2.8 of this Regulation;

63.5. where applicable, rules for the framework agreement;

63.6. place, date, and time for the submission of applications;

63.7. requirements for the preparation and submission of an application;

63.8. reasons for the exclusion of candidates specified in Section 42, Paragraph two, Clauses 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14 of the Public Procurement Law and procedures for their verification, or a reference to Section 42, Paragraph two, Clauses 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14 of the Public Procurement Law and indication that the reasons for the exclusion of candidates will be verified according to the procedures specified in Section 42 of the Public Procurement Law;

63.9. where applicable, the applicable reason for the exclusion of candidates specified in Section 42, Paragraph two, Clauses 8 and 9 of the Public Procurement Law and procedures for their verification, or a reference to the applicable Section 42, Paragraph two, Clauses 8 and 9 of the Public Procurement Law and indication that the applicable reason for the exclusion of candidates will be verified according to the procedures specified in Section 42 of the Public Procurement Law;

63.10. requirements for the capacity of a candidate to pursue professional activities, its economic and financial standing and technical and professional ability, and also the information to be submitted which is required for the assessment of the candidate in accordance with the aforementioned requirements;

63.11. the rules by which associations of economic operators must fulfil the requirements for the economic and financial standing or technical and professional abilities;

63.12. standard form of the European Single Procurement Document or reference to the website where the standard form of the European Single Procurement Document is available, requirements for its completion and submission;

63.13. methodology for the evaluation of candidates, if the reduction in the number of candidates is applied;

63.14. other information on the selection of the candidates.

[*8 November 2022*]

64. The minimum term for the submission of applications shall be 30 days after the day when the contract notice is sent to the Publications Office of the European Union for publication in the Official Journal of the European Union if the estimated contract price is equal to or exceeds the contract price thresholds determined by the Cabinet. If the estimated contract price is less than the contract price thresholds determined by the Cabinet, the minimum term for the submission of applications shall be 20 days after the day when the contract notice has been published on the website of the Procurement Monitoring Bureau.

[*24 October 2023*]

65. Where, due to urgency, the term referred to in Paragraph 64 of this Regulation cannot be applied, a reduced term for the submission of applications may be determined, however, it may not be less than 15 days after the day when the contract notice has been published on the website of the Procurement Monitoring Bureau if the estimated contract price is less than the contract price thresholds determined by the Cabinet or when it has been sent to the Publications Office of the European Union for publication in the Official Journal of the European Union if the estimated contract price is equal to or exceeds the contract price thresholds determined by the Cabinet. In such case, the contracting authority shall specify the reasons for urgency in the relevant procurement procedure notice, and also the procurement procedure report.

[*24 October 2023*]

66. The procurement commission may determine in advance the number of candidates that will be invited to submit tenders, if a sufficient number of suitable candidates is available. The contract notice and the rules for the selection of candidates shall specify objective and non-discriminatory criteria or rules to be applied for the reduction of the number of candidates, as well as the minimum and, where necessary, the maximum number of candidates planned to be invited. The procurement commission shall invite at least three candidates, but their number may not be less than the number of candidates provided for in the contract notice and the rules for the selection of candidates. The number of selected candidates shall be sufficient to ensure competition.

67. After the procurement commission has approved the rules for the selection of candidates, the contracting authority shall, for the announcement of the competitive procedure with negotiation, prepare the contract notice and publish it on the website of the Procurement Monitoring Bureau if the estimated contract price is less than the contract price thresholds determined by the Cabinet or send it to the Publications Office of the European Union for publication in the Official Journal of the European Union if the estimated contract price is equal to or exceeds the contract price thresholds determined by the Cabinet.

[*24 October 2023*]

68. The contracting authority shall ensure access to the procurement procedure documents, their issuance and provision of additional information in accordance with Section 36 of the Public Procurement Law, starting from the day when the contract notice has been posted on the website of the Procurement Monitoring Bureau.

69. If the procurement commission extends the term for the submission of applications, the contracting authority shall prepare the contract notice and re-publish it on the website of the Procurement Monitoring Bureau if the estimated contract price is less than the contract price thresholds determined by the Cabinet or send it to the Publications Office of the European Union for publication in the Official Journal of the European Union if the estimated contract price is equal to or exceeds the contract price thresholds determined by the Cabinet. If the contract notice has been published in the Official Journal of the European Union, the minimum term for which the contracting authority is entitled to extend the term for the submission of applications shall be seven days. Such extension of the term for the submission of applications shall not be regarded as amendments to the procurement procedure documents.

[*24 October 2023*]

70. If the procurement commission makes amendments to the procurement procedure documents, the minimum term for the submission of applications after the day when the contract notice is re-published on the website of the Procurement Monitoring Bureau or sent to the Publications Office of the European Union for publication in the Official Journal of the European Union shall be at least half of the initially specified term for the submission of applications, however, not shorter than seven days.

[*24 October 2023*]

71. If the contracting authority uses the electronic information system for the receipt of applications and a notice is received from the system operator on malfunctions of the electronic information system due to which the safety of applications cannot be ensured, the procurement commission shall take the decision to suspend the procurement procedure and the contracting authority shall prepare the contract award notice and publish it on the website of the Procurement Monitoring Bureau or, if the initial contract notice has been published in the Official Journal of the European Union, send it to the Publications Office of the European Union for publication in the Official Journal of the European Union.

[*24 October 2023*]

72. The submitted applications shall be opened not earlier than four hours after expiry of the term for their submission. After expiry of the term for the submission of applications, the procurement commission shall select candidates in accordance with the requirements for the selection of candidates laid down in the procurement procedure documents, and also in accordance with the methodology for the evaluation of candidates if the reduction of the number of candidates is applied. Applications shall be evaluated by the procurement commission in closed meetings.

[*24 October 2023*]

73. If the number of candidates meeting the qualification requirements is less than the determined minimum number, the procurement commission shall be entitled to continue the procurement procedure by inviting the selected candidates to submit an initial tender. The procurement commission shall not be entitled to invite such economic operators which have not submitted applications or do not meet the specified requirements.

74. If a candidate who should be invited to submit an initial tender has submitted the European Single Procurement Document as the initial evidence of the conformity with the requirements for the selection of candidates specified in the procurement procedure documents, the procurement commission shall request the submission of the documents confirming the conformity of the candidate with the requirements for the selection of candidates before taking the decision on the results of the selection of candidates.

[*24 October 2023*]

75. After evaluation of applications, the procurement commission shall decide on the candidates which should be invited to submit initial tenders. If the subject-matter of the procurement has been divided into lots, the procurement commission shall decide on each lot separately.

76. If only one candidate conforms to all the requirements for the selection of candidates specified in the procurement procedure documents, the procurement commission shall take the decision to suspend the procurement procedure, except for the cases specified in Section 41, Paragraph twelve of the Public Procurement Law.

[*24 October 2023*]

77. The contracting authority shall inform all candidates of the decision taken in accordance with the procedures laid down in Section 37 of the Public Procurement Law.

78. The contracting authority shall invite all the selected candidates simultaneously in writing to submit initial tenders.

79. The invitation to submit initial tenders shall include at least the following information:

79.1. procurement identification number and reference to the published contract notice;

79.2. name, address and, if necessary, other details of the contracting authority;

79.3. lots of the subject-matter of the procurement, if any, their scope and the rules for the submission of tenders in the lots of the subject-matter of the procurement in accordance with Sub-paragraph 2.8 of this Regulation;

79.4. where applicable, rules for the framework agreement;

79.5. place, date, and time for the submission of initial tenders;

79.6. requirements for the layout and submission of the initial tender;

79.7. indication of the place, date, and time for the commencement of negotiations and the stages of negotiations, if such are provided, and information on the aspects of the tender to be discussed during the negotiations;

79.8. where applicable, indication that the procurement contract may be awarded without negotiation, based on the initial tenders;

79.9. requirements for the tender security, if any is required;

79.10. requirements for the performance bond, if such has been required;

79.11. reference to the reasons for exclusion laid down in the rules for the selection of candidates in accordance with Section 42, Paragraph two of the Public Procurement Law which are to be verified after the submission of tenders and the procedures for their verification by complying with Section 42, Paragraph ten, Clause 2 of the Public Procurement Law;

79.12. where necessary, reference to any additional documents to be submitted to verify the representations included in the European Single Procurement Document, and information to be submitted that is required for the assessment of the tendered and evaluation of the tender in accordance with the requirements specified in the invitation;

79.13. the requirement to indicate all subcontractors or only those subcontractors the value of the construction work to be performed or the services to be provided by which is at least EUR 10 000 and the lot of the procurement contract to be transferred to each such subcontractor;

79.14. where applicable, the requirement for the tenderer to submit the list of subcontractors involved in the construction work or service provision in accordance with Section 63, Paragraph four of the Public Procurement Law;

79.15. standard form of the European Single Procurement Document or the reference to the website where the standard form of the European Single Procurement Document is available, the requirements for its completion and submission;

79.16. tender evaluation criteria and their specific weight in the order of importance;

79.17. if the number of tenders to be negotiated is intended to be reduced, the tender evaluation criteria applicable during the stages of negotiations;

79.18. where applicable, the methodology for life-cycle costing and the data necessary and to be submitted for making the calculation;

79.19. indication of whether the tenderer is authorised to submit variants and, where the submission of variants is authorised, the requirements for their submission;

79.20. information on the subject-matter of the procurement or technical specifications and other necessary documents, or the website where such documents are available, if the contracting authority ensures free and direct electronic access to the procurement procedure documents and all additionally necessary documents;

79.21. minimum requirements determined by the contracting authority for tenders;

79.22. draft procurement contract or framework agreement. Where a standard-form contract is being used for the preparation of the procurement contract or framework agreement, the reference to the used standard-form contract;

79.23. other information.

[*8 November 2022*]

80. The term for the submission of initial tenders may not be shorter than 20 days after the day when the initial invitation to tender has been sent to the selected candidates. If the contract notice has been published in the Official Journal of the European Union, the term for the submission of tenderers’ initial tenders shall be determined not less than 30 days after the day of sending the initial invitation to tender.

[*24 October 2023*]

81. Where the contracting authority has published a prior information notice which is used to shorten the term for the submission of tenders, the minimum term for the submission of initial tenders may be reduced to 10 days if the following conditions have been fulfilled:

81.1. the prior information notice contains all the information necessary to be indicated in the contract notice, in so far as the aforementioned information was available at the moment of publishing the prior information notice;

81.2. the prior information notice has been published within the period between 35 days and 12 months after the day when the contract notice was published.

[*24 October 2023*]

82. Where, due to urgency, the term referred to in Paragraph 80 of this Regulation cannot be applied, a reduced term for the submission of tenders may be determined, but it cannot be less than 10 days after the day when the initial invitation to tender has been sent to the candidates. In such case, the contracting authority shall specify the reasons for urgency in the relevant procurement procedure notice, and also provide them in the procurement procedure report.

[*24 October 2023*]

83. If electronic submission of tenders is provided, the term for the submission of tenders referred to in Paragraph 80 of this Regulation may be reduced by five days.

84. If the procurement commission extends the term for the submission of initial tenders, the contracting authority shall simultaneously inform all the candidates that have been invited to submit initial tenders thereof. Such extension of the term for the submission of tenders shall not be regarded as amendments to the procurement procedure documents.

85. Where the procurement commission amends the invitation to submit initial tenders, the minimum term for the submission of initial tenders after the day when the contracting authority has informed all the candidates who have been invited to submit initial tenders shall be at least one half of the initially determined term for the submission of initial tenders, but not less than seven days.

86. The invited candidate shall submit the initial tender and the tender security (if any is requested) prepared and drawn up in accordance with the determined requirements at the place and time specified in the invitation.

87. Where it is necessary to hold a trade secret with respect to the subject-matter of the procurement or separate lots thereof, the candidate shall specify it in its tender. The candidate shall specify those lots of the tender which contain the trade secret.

88. If the contracting authority uses the electronic information system for the receipt of initial tenders and a notice is received from the system operator on malfunctions of the electronic information system due to which the safety of initial tenders cannot be ensured, the procurement commission shall take the decision to suspend the procurement procedure and the contracting authority shall prepare the contract award notice and publish it on the website of the Procurement Monitoring Bureau or, if the initial contract notice has been published in the Official Journal of the European Union, send it to the Publications Office of the European Union for publication in the Official Journal of the European Union.

[*24 October 2023*]

89. The contracting authority shall open the submitted initial tenders not earlier than four hours after expiry of the term for their submission. The procurement commission shall evaluate the initial and subsequent tenders in closed meetings. The procurement commission shall negotiate with tenderers on their initial and all subsequent tenders, except for final tenders, to improve their content. The minimum requirements specified for the tenders and tender evaluation criteria determined by the contracting authority shall not be subject to negotiations.

[*8 November 2022*]

90. If it is intended to reduce the number of tenders to be negotiated, the procurement commission shall carry out negotiations in successive stages by applying the stages specified in the procurement procedure documents and the tender evaluation criteria applicable thereto.

[*24 October 2023*]

91. Where applicable, the procurement commission may take the decision not to organise negotiations and to award the procurement contract based on the initial tenders.

92. During the negotiations, the procurement commission shall ensure equal treatment for all tenderers. The procurement commission shall provide information to tenderers in a non-discriminatory manner, thus not giving any tenderer an advantage over the others.

93. The procurement commission shall inform all tenderers whose tenders have not been excluded in accordance with Paragraph 90 of this Regulation in writing of any changes in the technical specifications or other procurement procedure documents. The procurement commission shall provide enough time for tenderers to change and re-submit the amended tenders.

94. If the procurement commission plans to conclude the negotiations, it shall inform the remaining tenderers and set a common term for the submission of any new or revised tenders. The procurement commission shall verify that the final tenders conform to the requirements specified for tenders and other requirements determined in the procurement procedure documents.

95. The procurement commission shall select a tender or tenders in accordance with the selected tender evaluation criterion or criteria.

96. If the tenderer to whom the procurement contract should be awarded in the procurement procedure has submitted the European Single Procurement Document as the initial proof for the conformity to the requirements for the selection of tenderers specified in the procurement procedure documents, the procurement commission shall, before deciding on awarding the procurement contract, request the submission of the documents which have not been previously requested and which attest that the tenderer is not subject to the reasons for exclusion in accordance with Sub-paragraph 79.11 of this Regulation.

[*24 October 2023*]

97. Upon the evaluation of the initial, where applicable, or final tenders, the procurement commission shall take the decision on awarding the procurement contract. If the subject-matter of the procurement has been divided into lots, the procurement commission shall decide on awarding the procurement contract for each lot separately.

98. The contracting authority shall inform all tenderers of the decision to award the procurement contract in accordance with the procedures laid down in Section 37 of the Public Procurement Law.

99. The contracting authority shall prepare the procurement procedure report on the entire procurement procedure or on each lot separately and shall publish it on the buyer profile within five working days after taking the decision on the results of the procurement procedure. The procurement procedure report shall contain at least the following information:

99.1. name and address of the contracting authority, procurement identification number, type of the procurement procedure and the justification of its choice, and the subject-matter of the procurement contract or framework agreement;

99.2. date when the contract notice and the prior information notice, if used, has been published in the Official Journal of the European Union (where applicable) and on the website of the Procurement Monitoring Bureau;

99.3. composition of the procurement commission and the reasons for its establishment, the persons preparing the procurement procedure documents, the secretary of the procurement commission, and the invited experts;

99.4. term for the submission of applications and initial tenders, and also justification of the reduction of the term (inter alia, due to urgency in accordance with Paragraphs 65 and 82 of this Regulation), if any;

99.5. names of the economic operators who have applied for the selection of candidates, and names of the tenderers who have submitted the tenders, and the offered prices;

99.6. if the number of candidates has been reduced, the names of the selected candidates and reasons for selecting them, and the names of the rejected candidates and reasons for rejecting them shall be specified;

99.7. if the number of tenders has been reduced, the names of the selected tenderers and reasons for their selection, and the names of the rejected tenderers and reasons for their rejection shall be specified;

99.8. place, date, and time for the opening of applications and tenders;

99.9. stages of negotiations and their results;

99.10. name of the tenderer (or tenderers) with whom it has been decided to conclude the procurement contract, the offered contract price, and also the summary of the tender evaluation and the reasons for choosing the tender;

99.11. information (if known) on the lot of the procurement contract or framework agreement which the selected economic operator has intended to transfer to subcontractors, as well as the names of subcontractors;

99.12. justification of the decision on each rejected candidate and tenderer, as well as on each applications and tender not conforming to the procurement procedure documents;

99.13. justification of the decision, if the procurement commission has taken the decision to suspend or terminate the procurement procedure;

99.14. reasons for rejecting the tender, if the procurement commission has recognised the tender as abnormally low;

99.15. reasons due to which electronic submission of applications and tenders is not provided for, if the contracting authority has the obligation to use the electronic information systems for the receipt of the applications and tenders;

99.16. the established conflicts of interests and the measures taken for their prevention;

99.17. justification in respect of what public safety and health protection interests would be threatened by organising a repeated procurement if the contracting authority, in accordance with Section 41, Paragraph twelve, Clause 2 of the Public Procurement Law, does not suspend the procurement procedure because the suspension of the procurement procedure would pose a threat to the public safety or health protection interests.

[*8 November 2022*]

100. After the expiry of the waiting period, if applicable, the contracting authority shall conclude the procurement contract or the framework agreement.

101. If the tenderer to whom the procurement contract has been awarded refuses to conclude the procurement contract with the contracting authority, the procurement commission shall be entitled to decide to award the procurement contract to the next tenderer who has offered the most economically advantageous tender or to discontinue the procurement procedure without selecting any tender. If the decision has been taken to award the procurement contract to the next tenderer who offered the most economically advantageous tender, but it refuses to conclude the procurement contract, the procurement commission shall take the decision to discontinue the procurement procedure without selecting any tender.

102. [8 August 2023]

103. After the procurement contract or framework agreement has been concluded or the decision to terminate or suspend the procurement procedure has been taken, the contracting authority shall prepare the contract award notice and publish it on the website of the Procurement Monitoring Bureau or, if the initial contract notice has been published in the Official Journal of the European Union, send it to the Publications Office of the European Union for publication in the Official Journal of the European Union in accordance with Section 29 of the Public Procurement Law and, where applicable, place on the buyer profile the body of the text of the procurement contract or framework agreement in accordance with Section 60, Paragraph ten of the Public Procurement Law. The contracting authority may publish the contract award notice with respect to each lot separately.

[*24 October 2023*]

**2.4. Competitive Dialogue**

104. Before the contract notice is published, the rules for the selection of candidates in the competitive dialogue shall be prepared. The rules shall contain:

104.1. procurement identification number;

104.2. name, address and, if necessary, other details of the contracting authority;

104.3. description of the subject-matter of the procurement to an extent allowing the interested economic operators to decide on participation in the procurement procedure, as well as the most suitable CPV code or codes thereof;

104.4. lots of the subject-matter of the procurement, if any have been determined, and the rules for the submission of applications in the lots of the subject-matter of the procurement in accordance with Sub-paragraph 2.8 of this Regulation;

104.5. where applicable, rules for the framework agreement;

104.6. place, date, and time for the submission of applications;

104.7. requirements for the preparation and submission of an application;

104.8. reasons for the exclusion of candidates specified in Section 42, Paragraph two, Clauses 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14 of the Public Procurement Law and procedures for their verification, or a reference to Section 42, Paragraph two, Clauses 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14 of the Public Procurement Law and indication that the reasons for the exclusion of candidates will be verified according to the procedures specified in Section 42 of the Public Procurement Law;

104.9. where applicable, the applicable reason for the exclusion of candidates specified in Section 42, Paragraph two, Clauses 8 and 9 of the Public Procurement Law and procedures for their verification, or a reference to the applicable Section 42, Paragraph two, Clauses 8 and 9 of the Public Procurement Law and indication that the applicable reason for the exclusion of candidates will be verified according to the procedures specified in Section 42 of the Public Procurement Law;

104.10. requirements for the capacity of a candidate to pursue professional activities, its economic and financial standing and technical and professional ability, and also the information to be submitted which is required for the assessment of the candidate in accordance with the aforementioned requirements;

104.11. the rules by which associations of economic operators must fulfil the requirements for the economic and financial standing or technical and professional abilities;

104.12. standard form of the European Single Procurement Document or reference to the website where the standard form of the European Single Procurement Document is available, requirements for its completion and submission;

104.13. methodology for the evaluation of candidates, if the reduction in the number of candidates is applied;

104.14. estimated time schedule for the course of the dialogue;

104.15. tender evaluation criteria (the price or costs and quality criteria linked to the subject-matter of the procurement contract shall be selected);

104.16. information on the prizes or payments intended for the participants in the dialogue;

104.17. the needs of the contracting authority and minimum requirements for tenders;

104.18. other information on the selection of candidates and the competitive dialogue process.

[*8 November 2022*]

105. The minimum term for the submission of applications shall be 30 days after the day when the contract notice is sent to the Publications Office of the European Union for publication in the Official Journal of the European Union if the estimated contract price is equal to or exceeds the contract price thresholds determined by the Cabinet. Where the estimated contract price is less than the contract price thresholds determined by the Cabinet, the minimum term for the submission of applications shall be 20 days after the day when the contract notice has been published on the website of the Procurement Monitoring Bureau.

[*24 October 2023*]

106. The procurement commission may prescribe in advance the number of candidates who will be invited to participate in the dialogue, if a sufficient number of suitable candidates is available. The contract notice and the rules for the selection of candidates shall specify objective and non-discriminatory criteria or rules to be applied for the reduction of the number of candidates, as well as the minimum and, where necessary, the maximum number of candidates planned to be invited. The procurement commission shall invite at least three candidates, but their number may not be less than the number of candidates provided for in the contract notice and the rules for the selection of candidates. The number of selected candidates shall be sufficient to ensure competition.

107. After the procurement commission has approved the rules for the selection of candidates, the contracting authority shall, for the announcement of the competitive dialogue, prepare the contract notice and publish it on the website of the Procurement Monitoring Bureau if the estimated contract price is less than the contract price thresholds determined by the Cabinet or send it to the Publications Office of the European Union for publication in the Official Journal of the European Union if the estimated contract price is equal to or exceeds the contract price thresholds determined by the Cabinet.

[*24 October 2023*]

108. The contracting authority shall ensure access to the procurement procedure documents, their issuance and provision of additional information in accordance with Section 36 of the Public Procurement Law, starting from the day when the contract notice has been posted on the website of the Procurement Monitoring Bureau.

109. If the procurement commission extends the term for the submission of applications, the contracting authority shall prepare the contract notice and re-publish it on the website of the Procurement Monitoring Bureau if the estimated contract price is less than the contract price thresholds determined by the Cabinet or send it to the Publications Office of the European Union for publication in the Official Journal of the European Union if the estimated contract price is equal to or exceeds the contract price thresholds determined by the Cabinet. If the contract notice has been published in the Official Journal of the European Union, the minimum term for which the contracting authority is entitled to extend the term for the submission of applications shall be seven days. Such extension of the term for the submission of applications shall not be regarded as amendments to the procurement procedure documents.

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110. If the procurement commission makes amendments to the procurement procedure documents, the minimum term for the submission of applications after the day when the contract notice is re-published on the website of the Procurement Monitoring Bureau or re-sent to the European Union for publication in the Official Journal of the European Union shall be at least half of the initially specified term for the submission of applications, however, not shorter than 10 days.

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111. If the contracting authority uses the electronic information system for the receipt of applications and a notice is received from the system operator on malfunctions of the electronic information system due to which the safety of applications cannot be ensured, the procurement commission shall take the decision to suspend the procurement procedure and the contracting authority shall prepare the contract award notice and publish it on the website of the Procurement Monitoring Bureau or, if the initial contract notice has been published in the Official Journal of the European Union, send it to the Publications Office of the European Union for publication in the Official Journal of the European Union.

[*24 October 2023*]

112. The submitted applications shall be opened not earlier than four hours after expiry of the term for their submission. After expiry of the term for the submission of applications, the procurement commission shall select candidates in accordance with the requirements for the selection of candidates laid down in the rules for the selection of candidates, and also in accordance with the methodology for the evaluation of candidates, if the reduction of the number of candidates is applied. Applications shall be evaluated by the procurement commission in closed meetings.

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113. If the number of candidates meeting the qualification requirements is less than the determined minimum number, the procurement commission shall be entitled to continue the procurement procedure by inviting the selected candidates to submit a tender. The procurement commission shall not be entitled to invite such economic operators which have not submitted applications or do not meet the specified requirements.

114. If a candidate who should be invited to participate in the dialogue has submitted the European Single Procurement Document as the initial evidence of the conformity with the requirements for the selection of candidates specified in the procurement procedure documents, the procurement commission shall request the submission of the documents confirming the conformity of the candidate with the requirements for the selection of candidates before taking the decision on the results of the selection of candidates.

[*24 October 2023*]

115. After evaluation of applications, the procurement commission shall decide on the candidates which should be invited to participate in the dialogue. If the subject-matter of the procurement has been divided into lots, the procurement commission shall decide on each lot separately.

116. The contracting authority shall inform all candidates of the decision taken in accordance with the procedures laid down in Section 37 of the Public Procurement Law.

117. The contracting authority shall invite all the selected candidates simultaneously in writing to open a dialogue. During the dialogue, the procurement commission may discuss all aspects of the procurement with the chosen candidates.

118. The invitation to initiate a dialogue shall contain at least the following information:

118.1. procurement identification number and reference to the published contract notice;

118.2. name, address and, if necessary, other details of the contracting authority;

118.3. lots of the subject-matter of the procurement, if any, their scope and the rules for the submission of tenders in the lots of the subject-matter of the procurement in accordance with Sub-paragraph 2.8 of this Regulation;

118.4. where applicable, rules for the framework agreement;

118.5. information on the place, date and time for the initiation of a dialogue and the stages of negotiations, if such are provided, and information on the issues to be discussed during the negotiations;

118.6. tender evaluation criteria and their specific weight in the order of importance;

118.7. if the number of solutions to be negotiated is intended to be reduced, the solution evaluation criteria applicable during the stages of negotiations;

118.8. where applicable, the methodology for life-cycle costing and the data necessary and to be submitted for making the calculation;

118.9. information on the needs of the contracting authority and other necessary documents, or the website where such documents are available, if the contracting authority ensures free and direct electronic access to the procurement procedure documents and all additionally necessary documents;

118.10. information on the prizes or payments, if any are provided, for the participants of the competitive dialogue;

118.11. other information on the course of the competitive dialogue.

119. During the dialogue, the contracting authority shall ensure equal treatment for all participants of the competitive dialogue. The contracting authority shall provide information to the participants of the competitive dialogue in a non-discriminatory manner, thus not giving any participant of the competitive dialogue an advantage over the others.

120. If a trade secret needs to be held regarding the information provided by the participants of the competitive dialogue during the dialogue, the participant of the competitive dialogue shall specify it in writing, listing the information to be regarded as a trade secret. The contracting authority shall not reveal to other participants of the competitive dialogue the solutions offered by the participant of the competitive dialogue or information containing trade secret, transferred at its disposal by the participant of the competitive dialogue without its agreement.

121. If it is intended to reduce the number of solutions to be negotiated, the procurement commission shall carry out the dialogue in successive stages by applying the stages specified in the procurement procedure documents and the solution evaluation criteria applicable thereto.

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122. The contracting authority shall continue the dialogue until such a solution or solutions are identified that satisfy the needs of the contracting authority.

123. The contracting authority shall inform the participants of the competitive dialogue about the conclusion of the dialogue and shall invite the remaining participants of the competitive dialogue to submit their final tenders that are based on the solutions presented and specified during the dialogue.

124. The invitation to submit the final tender shall include at least the following information:

124.1. procurement identification number and reference to the published contract notice;

124.2. name, address and, if necessary, other details of the contracting authority;

124.3. lots of the subject-matter of the procurement, if any, their scope and the rules for the submission of tenders in the lots of the subject-matter of the procurement in accordance with Sub-paragraph 2.8 of this Regulation;

124.4. where applicable, rules for the framework agreement;

124.5. place, date, and time for the submission of final tenders;

124.6. requirements for the preparation and submission of the final tender;

124.7. requirements for the tender security, if any is required;

124.8. requirements for the performance bond, if such has been required;

124.9. reference to the reasons for exclusion laid down in the rules for the selection of candidates in accordance with Section 42, Paragraph two of the Public Procurement Law which are to be verified after the submission of tenders and the procedures for their verification by complying with Section 42, Paragraph ten, Clause 2 of the Public Procurement Law;

124.10. where necessary, reference to any additional documents to be submitted to verify the representations included in the European Single Procurement Document, and information to be submitted that is required for the assessment of the tendered and evaluation of the tender in accordance with the requirements specified in the invitation;

124.11. the requirement to indicate all subcontractors or only those subcontractors the value of the construction work to be performed or the services to be provided by which is at least EUR 10 000 and the lot of the procurement contract to be transferred to each such subcontractor;

124.12. where applicable, the requirement for the tenderer to submit the list of subcontractors involved in the construction work or service provision in accordance with Section 63, Paragraph four of the Public Procurement Law;

124.13. standard form of the European Single Procurement Document or the reference to the website where the standard form of the European Single Procurement Document is available, the requirements for its completion and submission;

124.14. final tender evaluation criteria (the price or costs and quality criteria linked to the subject-matter of the procurement contract shall be selected);

124.15. where applicable, the methodology for life-cycle costing and the data necessary and to be submitted for making the calculation;

124.16. indication of whether the tenderer is authorised to submit variants and, where the submission of variants is authorised, the requirements for their submission;

124.17. minimum requirements determined by the contracting authority for tenders in accordance with the solution or solutions identified during the dialogue;

124.18. draft procurement contract or framework agreement. Where a standard-form contract is being used for the preparation of the procurement contract or framework agreement, the reference to the used standard-form contract;

124.19. other information.

[*8 November 2022*]

125. The participant invited to the competitive dialogue shall submit the final tender and the tender security (if any is requested) prepared and drawn up in accordance with the determined requirements at the place and time specified in the invitation.

126. Where it is necessary to hold a trade secret with respect to the subject-matter of the procurement or separate lots thereof, the candidate shall specify it in its tender. The candidate shall specify those lots of the tender which contain the trade secret.

127. If the contracting authority uses the electronic information system for the receipt of final tenders and a notice is received from the system operator on malfunctions of the electronic information system due to which the safety of final tenders cannot be ensured, the procurement commission shall take the decision to suspend the procurement procedure and the contracting authority shall prepare the contract award notice and publish it on the website of the Procurement Monitoring Bureau or, if the initial contract notice has been published in the Official Journal of the European Union, send it to the Publications Office of the European Union for publication in the Official Journal of the European Union.

[*24 October 2023*]

128. The contracting authority shall open the submitted final tenders not earlier than four hours after expiry of the term for their submission. The procurement commission shall evaluate final tenders in closed meetings.

[*8 November 2022*]

129. The procurement commission shall select a tender or tenders in accordance with the selected tender evaluation criterion or criteria.

130. If the tenderer to whom the procurement contract should be awarded in the procurement procedure has submitted the European Single Procurement Document as the initial proof for the conformity with the requirements for the selection of candidates specified in the contract notice or procurement procedure documents, the procurement commission shall, before deciding on awarding the procurement contract, request the submission of the documents which have not been previously requested and which attest that the tenderer is not subject to the reasons for exclusion in accordance with Sub-paragraph 124.9 of this Regulation.

[*24 October 2023*]

131. The procurement commission shall be entitled to enter into negotiations with a tenderer to whom the procurement contract should be awarded in order to agree upon the final provisions of the procurement contract, approve financial liabilities or other provisions of the tender, and to ask for explanations, adjustments and improvements in its tender. Negotiations may not introduce changes in the key provisions of the tender that are included in the tender or the invitation to submit the final tender, and thus restrict the competition.

132. After the negotiations referred to in Paragraph 131 of this Regulation, if any are held, the procurement commission shall take the decision on awarding the procurement contract. If the subject-matter of the procurement has been divided into lots, the procurement commission shall decide on awarding the procurement contract for each lot separately.

133. The contracting authority shall inform all tenderers of the decision to award the procurement contract in accordance with the procedures laid down in Section 37 of the Public Procurement Law.

134. The contracting authority shall prepare the procurement procedure report on the entire procurement procedure or on each lot separately and shall publish it on the buyer profile within five working days after taking the decision on the results of the procurement procedure. The procurement procedure report shall contain at least the following information:

134.1. name and address of the contracting authority, procurement identification number, type of the procurement procedure and the justification of its choice, and the subject-matter of the procurement contract or framework agreement;

134.2. date when the contract notice and the prior information notice, if used, has been published in the Official Journal of the European Union (where applicable) and on the website of the Procurement Monitoring Bureau;

134.3. composition of the procurement commission and the reasons for its establishment, the persons preparing the procurement procedure documents, the secretary of the procurement commission, and the invited experts;

134.4. the term for the submission of applications and final tenders, place, date, and time for their opening;

134.5. names of the economic operators who have applied for the selection of candidates, and the names of the participants of the competitive dialogue who have submitted final tenders, as well as the offered prices;

134.6. if the number of candidates has been reduced, the names of the selected candidates and reasons for selecting them, and the names of the rejected candidates and reasons for rejecting them shall be specified;

134.7. if the number of solutions has been reduced, the names of the selected participants of the competitive dialogue and the reasons for their selection, and the names of the rejected participants of the competitive dialogue and reasons for their rejection shall be specified;

134.8. stages and results of the dialogue;

134.9. name of the tenderer (or tenderers) with whom it has been decided to conclude the procurement contract, the contract price, and also the summary of the tender evaluation and the reasons for choosing the tender;

134.10. information (if known) on the lot of the procurement contract or framework agreement which the selected economic operator has intended to transfer to subcontractors, as well as the names of subcontractors;

134.11. justification of the decision on each rejected candidate, participant of the competitive dialogue and tenderer, as well as on each application and tender not conforming to the procurement procedure documents;

134.12. justification of the decision, if the procurement commission has taken the decision to suspend or terminate the procurement procedure;

134.13. reasons for rejecting the tender, if the procurement commission has recognised the tender as abnormally low;

134.14. reasons due to which electronic submission of applications and tenders is not provided for, if the contracting authority has the obligation to use the electronic information systems for the receipt of applications and tenders;

134.15. the established conflicts of interests and the measures taken for their prevention.

[*8 November 2022*]

135. After the expiry of the waiting period, if applicable, the contracting authority shall conclude the procurement contract or the framework agreement.

136. If the tenderer to whom the procurement contract has been awarded refuses to conclude the procurement contract with the contracting authority, the procurement commission shall be entitled to decide to award the procurement contract to the next tenderer who has offered the most economically advantageous tender or to discontinue the procurement procedure without selecting any tender. If the decision has been taken to award the procurement contract to the next tenderer who offered the most economically advantageous tender, but it refuses to conclude the procurement contract, the procurement commission shall take the decision to discontinue the procurement procedure without selecting any tender.

137. [8 August 2023]

138. After the procurement contract or framework agreement has been concluded or the decision to terminate or suspend the procurement procedure has been taken, the contracting authority shall prepare the contract award notice and publish it on the website of the Procurement Monitoring Bureau or, if the initial contract notice has been published in the Official Journal of the European Union, send it to the Publications Office of the European Union for publication in the Official Journal of the European Union in accordance with Section 29 of the Public Procurement Law and, where applicable, place on the buyer profile the body of the text of the procurement contract or framework agreement in accordance with Section 60, Paragraph ten of the Public Procurement Law. The contracting authority may publish the contract award notice with respect to each lot separately.

[*24 October 2023*]

**2.5. Innovation Partnership Procedure**

139. Before the contract notice is published, the rules for the selection of candidates in the innovation partnership procedure shall be prepared. The rules shall contain:

139.1. procurement identification number;

139.2. name, address and, if necessary, other details of the contracting authority;

139.3. information on the need for an innovative product, service or construction work that cannot be met by purchasing products, services or works already available on the market, and the indication as to which elements of this description define the minimum requirements to be met by all tenders. The information provided shall be sufficient to allow the interested economic operators to identify the nature and extent of the required solution, and decide on participation in the procurement procedure;

139.4. the most suitable CPV code or codes;

139.5. lots of the subject-matter of the procurement, if any have been determined, and the rules for the submission of applications in the lots of the subject-matter of the procurement in accordance with Sub-paragraph 2.8 of this Regulation;

139.6. the requirements for the preparation and submission of an application, including information on the place, date, and time for the submission of applications;

139.7. reasons for the exclusion of candidates specified in Section 42, Paragraph two, Clauses 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14 of the Public Procurement Law and procedures for their verification, or a reference to Section 42, Paragraph two, Clauses 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14 of the Public Procurement Law and indication that the reasons for the exclusion of candidates will be verified according to the procedures specified in Section 42 of the Public Procurement Law;

139.8. where applicable, the applicable reason for the exclusion of candidates specified in Section 42, Paragraph two, Clauses 8 and 9 of the Public Procurement Law and procedures for their verification, or a reference to the applicable Section 42, Paragraph two, Clauses 8 and 9 of the Public Procurement Law and indication that the applicable reason for the exclusion of candidates will be verified according to the procedures specified in Section 42 of the Public Procurement Law;

139.9. requirements for the capacity of a candidate to pursue professional activities, its economic and financial standing and technical and professional ability, and also the information to be submitted which is required for the assessment of the candidate in accordance with the aforementioned requirements;

139.10. the rules by which associations of economic operators must fulfil the requirements for the economic and financial standing or technical and professional abilities;

139.11. standard form of the European Single Procurement Document or reference to the website where the standard form of the European Single Procurement Document is available, requirements for its completion and submission;

139.12. methodology for the evaluation of candidates, if the reduction in the number of candidates is applied. Special criteria that refer to the capacity of a candidate in the field of research and development, and development and implementation of innovative solution shall be used for evaluation;

139.13. number of innovation partners, if the innovation partnership contract is planned to be concluded with several partners;

139.14. other information on the selection of candidates and innovation partnership procedure.

[*8 November 2022*]

140. The minimum term for the submission of applications shall be 30 days after the day when the contract notice is sent to the Publications Office of the European Union for publication in the Official Journal of the European Union if the estimated contract price is equal to or exceeds the contract price thresholds determined by the Cabinet. Where the estimated contract price is less than the contract price thresholds determined by the Cabinet, the minimum term for the submission of applications shall be 20 days after the day when the contract notice has been published on the website of the Procurement Monitoring Bureau.

[*24 October 2023*]

141. The procurement commission may prescribe in advance the number of candidates who will be invited to participate in the partnership procedure, if a sufficient number of suitable candidates is available. The contract notice and the rules for the selection of candidates shall specify objective and non-discriminatory criteria or rules to be applied for the reduction of the number of candidates, as well as the minimum and, where necessary, the maximum number of candidates planned to be invited. The procurement commission shall invite at least three candidates, but their number may not be less than the number of candidates provided for in the contract notice and the rules for the selection of candidates. The number of selected candidates shall be sufficient to ensure competition.

142. After the procurement commission has approved the rules for the selection of candidates, the contracting authority shall, for the announcement of the innovation partnership procedure, prepare the contract notice and publish it on the website of the Procurement Monitoring Bureau if the estimated contract price is less than the contract price thresholds determined by the Cabinet, or send it to the Publications Office of the European Union for publication in the Official Journal of the European Union if the estimated contract price is equal to or exceeds the contract price thresholds determined by the Cabinet.

[*24 October 2023*]

143. The contracting authority shall ensure access to procurement procedure documents, their issuance and provision of additional information in accordance with Section 36 of the Public Procurement Law, starting from the day when the contract notice has been posted on the website of the Procurement Monitoring Bureau.

144. If the procurement commission extends the term for the submission of applications, the contracting authority shall prepare the contract notice and re-publish it on the website of the Procurement Monitoring Bureau if the estimated contract price is less than the contract price thresholds determined by the Cabinet or send it to the Publications Office of the European Union for publication in the Official Journal of the European Union if the estimated contract price is equal to or exceeds the contract price thresholds determined by the Cabinet. If the contract notice has been published in the Official Journal of the European Union, the minimum term for which the contracting authority shall be entitled to extend the term for the submission of applications shall be seven days. Such extension of the term for the submission of applications shall not be regarded as amendments to the procurement procedure documents.

[*24 October 2023*]

145. If the procurement commission makes amendments to the procurement procedure documents, the minimum term for the submission of applications after the day when the contract notice is re-published on the website of the Procurement Monitoring Bureau or re-sent to the European Union for publication in the Official Journal of the European Union shall be at least half of the initially specified term for the submission of applications, however, not shorter than 10 days.

[*24 October 2023*]

146. If the contracting authority uses the electronic information system for the receipt of applications and a notice is received from the system operator on malfunctions of the electronic information system due to which the safety of applications cannot be ensured, the procurement commission shall take the decision to suspend the procurement procedure and the contracting authority shall prepare the contract award notice and publish it on the website of the Procurement Monitoring Bureau or, if the initial contract notice has been published in the Official Journal of the European Union, send it to the Publications Office of the European Union for publication in the Official Journal of the European Union.

[*24 October 2023*]

147. The submitted applications shall be opened not earlier than four hours after expiry of the term for their submission. After expiry of the term for the submission of applications, the procurement commission shall select candidates in accordance with the requirements for the selection of candidates laid down in the rules for the selection of candidates, and also in accordance with the methodology for the evaluation of candidates, if the reduction of the number of candidates is applied. The procurement commission shall evaluate applications in closed meetings.

[*8 November 2022*]

148. If the number of candidates meeting the qualification requirements is less than the determined minimum number, the procurement commission shall be entitled to continue the procurement procedure by inviting the selected candidates to submit a tender. The procurement commission shall not be entitled to invite such economic operators which have not submitted applications or do not meet the specified requirements.

149. If a candidate who should be invited to participate in the partnership procedure has submitted the European Single Procurement Document as the initial evidence of the conformity with the requirements for the selection of candidates specified in the procurement procedure documents, the procurement commission shall request the submission of the documents confirming the conformity of the candidate with the requirements for the selection of candidates before taking the decision on the results of the selection of candidates.

[*24 October 2023*]

150. After evaluation of applications, the procurement commission shall decide on the candidates which should be invited to participate in the partnership procedure. If the subject-matter of the procurement has been divided into lots, the procurement commission shall decide on each lot separately.

151. [8 November 2022]

152. The contracting authority shall inform all candidates of the decision taken in accordance with the procedures laid down in Section 37 of the Public Procurement Law.

153. The contracting authority shall invite all the selected candidates simultaneously in writing to submit initial tenders (research and innovation project). The invitation to submit initial tenders shall include at least the following information:

153.1. procurement identification number and reference to the published contract notice;

153.2. name, address and, if necessary, other details of the contracting authority;

153.3. lots of the subject-matter of the procurement, if any, their scope and the rules for the submission of tenders in the lots of the subject-matter of the procurement in accordance with Sub-paragraph 2.8 of this Regulation;

153.4. place, date, and time for the submission of initial tenders;

153.5. requirements for the layout and submission of the initial tender;

153.6. indication of the place, date, and time for the initiation of negotiations, the stages of innovation partnership and information on the issues to be discussed during the negotiations;

153.7. reference to the reasons for exclusion laid down in the rules for the selection of candidates in accordance with Section 42, Paragraph two of the Public Procurement Law which are to be verified after the submission of tenders and the procedures for their verification by complying with Section 42, Paragraph ten, Clause 2 of the Public Procurement Law;

153.8. where necessary, reference to any additional documents to be submitted to verify the representations included in the European Single Procurement Document, and information to be submitted that is required for the assessment of the tendered and evaluation of the tender in accordance with the requirements specified in the invitation;

153.9. the requirement to indicate all subcontractors or only those subcontractors the value of the construction work to be performed or the services to be provided by which is at least EUR 10 000 and the lot of the procurement contract to be transferred to each such subcontractor;

153.10. standard form of the European Single Procurement Document or the reference to the website where the standard form of the European Single Procurement Document is available, the requirements for its completion and submission;

153.11. final tender evaluation criteria (the price or costs and quality criteria linked to the subject-matter of the procurement contract shall be selected) and their specific weight in the order of importance;

153.12. if the number of solutions to be negotiated is intended to be reduced, the solution evaluation criteria applicable during the stages of negotiations;

153.13. where applicable, the methodology for life-cycle costing and the data necessary and to be submitted for making the calculation;

153.14. information on the needs of the contracting authority for innovation and other necessary documents, or the website where such documents are available, if the contracting authority ensures free and direct electronic access to the procurement procedure documents and all additionally necessary documents;

153.15. legislation on the intellectual property rights with respect to the research and innovation projects submitted by the candidates;

153.16. information on payments to the innovation partners;

153.17. draft an innovation partnership contract;

153.18. other information on the innovation partnership procedure.

[*8 November 2022*]

154. When determining the term for the submission of initial tenders, the contracting authority shall take into account the time necessary for the preparation of initial tenders.

155. The invited candidate shall submit the initial tender (research and innovation project)prepared and drawn up in accordance with the determined requirements at the place and time specified in the invitation. The candidate shall specify those lots of the tender which contain the trade secret.

156. If the contracting authority uses the electronic information system for the receipt of initial tenders and a notice is received from the system operator on malfunctions of the electronic information system due to which the safety of initial tenders cannot be ensured, the procurement commission shall take the decision to suspend the procurement procedure and the contracting authority shall prepare the contract award notice and publish it on the website of the Procurement Monitoring Bureau or, if the initial contract notice has been published in the Official Journal of the European Union, send it to the Publications Office of the European Union for publication in the Official Journal of the European Union.

[*24 October 2023*]

157. The contracting authority shall open the submitted initial tenders (research and innovation projects) not earlier than four hours after expiry of the term for their submission. The initial and subsequent tenders shall be evaluated by the procurement commission in closed meetings. The procurement commission shall negotiate with tenderers on their initial and all subsequent tenders, except for final tender, to improve their content. The minimum requirements specified for tenders and tender evaluation criteria shall not be subject to negotiations.

[*8 November 2022*]

158. If it is intended to reduce the number of tenders to be negotiated, the procurement commission shall carry out negotiations in successive stages by applying the stages specified in the procurement procedure documents and the tender evaluation criteria applicable thereto (the price or costs and quality criteria linked to the subject-matter of the procurement contract shall be selected).

[*24 October 2023*]

159. If it is intended to reduce the number of solutions to be negotiated, the procurement commission shall carry out the negotiations in successive stages by applying the stages specified in the procurement procedure documents and the solution evaluation criteria applicable thereto.

[*24 October 2023*]

160. The contracting authority shall not reveal to other tenderers the solutions offered by the tenderer or the information containing trade secret, transferred at its disposal by the tenderer, without its agreement.

161. The contracting authority shall continue the negotiations until such a solution or solutions are identified that satisfy the needs of the contracting authority.

162. The contracting authority shall select a tender or tenders in accordance with the selected tender evaluation criteria. The tender evaluation criteria may not be the object of negotiations.

163. The contracting authority may decide to conclude the innovation partnership contract with one or with several tenderers conducting separate research and development activities.

164. If the tenderer to whom the innovation partnership contract should be awarded in the procurement procedure has submitted the European Single Procurement Document as the initial proof for the conformity with the requirements for the selection of tenderers specified in the procurement procedure documents, the procurement commission shall, before deciding on awarding the procurement contract, request the submission of the documents which have not been previously requested and which confirm that the tenderer is not subject to the specified reasons for exclusion in accordance with Sub-paragraph 153.7 of this Regulation.

[*24 October 2023*]

165. The procurement commission shall take the decision to award the procurement contract for the innovation partnership. If the subject-matter of the procurement has been divided into lots, the procurement commission shall decide on awarding the procurement contract for each lot separately.

166. The contracting authority shall inform all tenderers of the decision to award the procurement contract for the innovation partnership in accordance with the procedures laid down in Section 37 of the Public Procurement Law.

167. The contracting authority shall prepare the procurement procedure report on the entire procurement procedure or on each lot separately and shall publish it on the buyer profile within five working days after taking the decision on the results of the procurement procedure. The procurement procedure report shall contain at least the following information:

167.1. name and address of the contracting authority, procurement identification number, type of the procurement procedure and the justification of its choice, and the subject-matter of the procurement contract;

167.2. date when the contract notice and the prior information notice, if used, has been published in the Official Journal of the European Union (where applicable) and on the website of the Procurement Monitoring Bureau;

167.3. composition of the procurement commission and the reasons for its establishment, the persons preparing the procurement procedure documents, the secretary of the procurement commission, and the invited experts;

167.4. the term for the submission of applications and initial tenders, place, date, and time for their opening;

167.5. names of the economic operators who have applied for the selection of candidates, and names of the tenderers who have submitted the tenders (research and innovation projects), participants of the innovation partnership procedure;

167.6. if the number of candidates has been reduced, the names of the selected candidates and reasons for selecting them, and the names of the rejected candidates and reasons for rejecting them shall be specified;

167.7. if the number of solutions has been reduced, names of the selected tenderers and reasons for their selection, and names of the rejected tenderers and reasons for their rejection shall be specified;

167.8. name of the tenderer (or tenderers) with whom it has been decided to conclude the innovation partnership contract, the offered contract price, and also the summary of the tender evaluation and the reasons for choosing the tender;

167.9. information (if known) on the lot of the procurement contract for the innovation partnership which the selected economic operator has intended to transfer to subcontractors and also names of the subcontractors;

167.10. justification of the decision on the rejected tenderers, and also the tenders and solutions not conforming to the procurement procedure documents;

167.11. justification of the decision, if the procurement commission has taken the decision to suspend or terminate the procurement procedure;

167.12. reasons for rejecting the tender, if the procurement commission has recognised the tender as abnormally low;

167.13. reasons due to which electronic submission of applications and tenders is not provided for, where the contracting authority has the obligation to use the electronic information systems for the receipt of applications and tenders;

167.14. the established conflicts of interests and the measures taken for their prevention.

[*8 November 2022*]

168. The contracting authority shall invite all the selected tenderers simultaneously in writing to participate in the partnership procedure and to conclude the innovation partnership contract. The innovation partnership contract shall be subject to the provisions of the Public Procurement Law for the procurement contract.

169. After expiry of the waiting period, if any is applicable, the contracting authority shall conclude the innovation partnership contract. Upon concluding the innovation partnership contract, the tenderer shall become the innovation partner.

170. In the innovation partnership contract, the contracting authority shall state the stages of the innovation partnership, the outcomes to be achieved, payments to the innovation partnership procedure partners and other regulations governing the course of the innovation partnership.

171. The contracting authority shall, within 10 working days after conclusion of the innovation partnership contract or taking of the decision to terminate or suspend the procurement procedure, prepare the contract award notice and publish it on the website of the Procurement Monitoring Bureau or, if the initial contract notice has been published in the Official Journal of the European Union, send it to the Publications Office of the European Union for publication in the Official Journal of the European Union in accordance with Section 29 of the Public Procurement Law.

[*24 October 2023*]

172. The contracting authority may publish the contract award notice with respect to each lot separately.

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173. The innovation partnership is made up of successive stages corresponding to the sequence of steps in the research and innovation process which may include the manufacturing of products, the provision of services or the completion of construction work. The innovation partnership shall provide for intermediate objectives to be achieved by the innovation partnership procedure partners and for the payment of the remuneration in appropriate instalments. Based on those objectives, the contracting authority may decide after each phase to terminate the innovation partnership or, in the case of an innovation partnership with several partners, to reduce the number of partners by terminating individual innovation partnership contracts, provided that such possibility and the conditions for its use have been specified in the procurement procedure documents.

174. During the innovation partnership, the contracting authority shall ensure equal treatment for all its partners. The contracting authority shall provide information to the innovation partners in a non-discriminatory manner, thus not giving any partner an advantage over the others.

175. If a trade secret needs to be held regarding the information provided within the innovation partnership by the partner, the partner shall specify it in writing, listing the information to be regarded as the trade secret.

176. The contracting authority shall not reveal to other partners the solutions offered by it or any other confidential information transferred at its disposal by a partner without its agreement.

177. The contracting authority shall continue the innovation partnership until such a solution or solutions are identified which satisfies the needs of the contracting authority and meets the minimum determined requirements. In such case, the contracting authority shall invite the innovation partners to submit the tenders for the introduction of the developed solution (purchase of a product, provision of a service or construction work) and shall select the most suitable one in accordance with the criteria laid down in the procurement contract on the innovation partnership.

**2.6. Negotiated Tendering Procedure**

178. The contracting authority shall invite to negotiations the economic operators of its choice and shall open negotiations with one or several of them on the provisions of the procurement contract or framework agreement.

179. The contracting authority may publish a voluntary notice of the procurement results in accordance with Section 30 of the Public Procurement Law. After conclusion of the procurement contract or framework agreement, the contracting authority shall enter in the buyer profile the body text of the procurement contract or framework agreement in accordance with Section 60, Paragraph ten of the Public Procurement Law, prepare the contract award notice, and publish it on the website of the Procurement Monitoring Bureau or, if the contract price exceeds the contract price thresholds determined by the Cabinet, send it to the Publications Office of the European Union for publication in the Official Journal of the European Union in accordance with section 29 of the Public Procurement Law.

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180. The contracting authority shall prepare the report of the procurement procedure on the procurement procedure and shall publish in on the buyer profile within five working days after the conclusion of the procurement contract or framework agreement. The procurement procedure report shall contain at least the following information:

180.1. name and address of the contracting authority, procurement identification number, type of the procurement procedure and the justification of its choice in accordance with Section 8, Paragraph seven of the Public Procurement Law, and the subject-matter of the procurement contract or framework agreement;

180.2. the composition and justification for the formation of a procurement commission;

180.3. names of the economic operators invited to negotiations;

180.4. name of the economic operator (or economic operators) with whom it has been decided to conclude the procurement contract with, and the offered contract price.

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**2.7. Dynamic Purchasing System**

181. Dynamic purchasing system shall be subject to the regulations that are applicable to the restricted procedure, unless otherwise provided for in this Chapter.

182. Dynamic purchasing system may be divided into objectively established categories of products, services or construction work, taking into account the characteristics of the procurement (the ceiling of the procurement contract, geographical territory for the fulfilment of the procurement contract), planned to be carried out in the relevant category.

183. If the contracting authority has divided the system into the categories referred to in Paragraph 182 of this Regulation, it shall specify the applicable candidate selection criteria for each category.

184. Exchange of information on the dynamic purchasing system and also the submission of applications and tenders in the dynamic purchasing system shall only be made by electronic means.

185. In order to establish the dynamic purchasing system, the contracting authority shall:

185.1. publish a contract notice, indicating that the dynamic purchasing system is being established and the period of its validity;

185.2. indicate in the procurement procedure documents the nature and estimated scope of the envisaged procurements within the framework of the system, as well as all the information necessary on the system itself and its operation, the electronic equipment used and the technical connection arrangements and specifications;

185.3. the procurement procedure documents shall indicate the division, if such has been determined, into categories of products, services or construction work and the characteristics defining them;

185.4. offer unrestricted, direct and full access, for the entire period of validity of the system (starting from the moment of publishing the contract notice), to the procurement procedure documents, by using electronic means. The contracting authority shall indicate the website where such documents are available.

186. The minimum term for the submission of applications in the dynamic purchasing system shall be 30 days after the day when the contract notice has been sent to the Publications Office of the European Union for publication in the Official Journal of the European Union if the estimated contract price is equal to or exceeds the contract price thresholds determined by the Cabinet. If the estimated contract price is less than the contract price thresholds determined by the Cabinet, the minimum term for the submission of applications shall be 20 days after the day when the contract notice has been published on the website of the Procurement Monitoring Bureau. After the contracting authority has sent an invitation to submit a tender on the first particular purchase within the dynamic purchasing system, the term for the submission of applications shall not longer be determined.

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187. Throughout the entire period of validity of the dynamic purchasing system, the contracting authority shall give a possibility to any economic operator to submit the application and be admitted in the system, if it meets the stipulated candidate selection requirements. The number of candidates shall not be restricted. The application shall be evaluated within 10 working days from the day of its submission. The contracting authority may extend the term for the evaluation of the application to 15 working days, if additional documents need to examined or other verification of whether the candidate selection criteria are met needs to be performed. The contracting authority may extend the term for the evaluation of applications, if the invitation to submit a tender has not been sent and no invitation to submit a tender is sent during the evaluation period. In such case, the contracting authority shall indicate the term for the extension of the evaluation of applications in the procurement procedure documents. The contracting authority shall immediately inform the economic operator of its admission to the dynamic purchasing system or the rejection of its application.

188. If the dynamic purchasing system is applied, the minimum term for the submission of tenders shall be at least 10 days after the day when the invitation to tender has been sent.

189. The contracting authority shall invite all selected candidates to submit a tender for each specific procurement under the dynamic purchasing system. If the dynamic purchasing system has been divided into categories of products, services or construction work, the contracting authority shall invite the candidates having been selected in each category to submit a tender under the procurements of the relevant category.

190. The contracting authority shall award the procurement contract to the economic operator who has submitted the most suitable tender in accordance with the tender evaluation criteria or criteria specified in the procurement procedure documents.

191. Throughout the entire period of the dynamic purchasing system, the contracting authority may request the participants of the dynamic purchasing system to submit a certification on conformity with the specified candidate selection criteria or to update the information included in the European Single Procurement Document. The participants of the dynamic purchasing system shall submit the certification or the updated European Single Procurement Document within five workings days after the day when the contracting authority has sent the respective request. The contracting authority is entitled, in any case, throughout the entire period of the dynamic purchasing system, to request the participants of the dynamic purchasing system to submit all the documents (or a part thereof) certifying the conformity with the candidate selection criteria specified in the procurement procedure documents.

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192. It shall be prohibited to use the dynamic purchasing system for the purposes of restricting the competition.

193. The contracting authority shall not charge the interested economic operators for their admission to the dynamic purchasing system, as well as from the participants of this system.

194. Where the contracting authority changes the period of validity of the dynamic purchasing system without terminating the operation of the system, it shall re-publish the contract notice, but where the system operation is terminated – the contract award notice.

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**2.8. Division of Procurement Contracts into Lots**

195. A contracting authority may decide to award a procurement contract in separate lots and may determine the volume and subject-matter of such lots.

196. The contracting authority shall include in the procurement procedure documents an explanation of the reasons forming the basis for awarding the procurement contract without dividing the procurement into lots.

197. The contracting authority shall indicate in the contract notice or in the procurement procedure documents, whether tenders may be submitted for one, for several or for all of the lots. If the tender may be submitted for several or all lots, the contracting authority is entitled to limit the number of lots in which the procurement contract may be awarded to one tenderer, provided that it has specified the maximum number of lots per tenderer in the procurement procedure documents. The contracting authority shall indicate in the procurement procedure documents the objective and non-discriminatory criteria or rules it intends to apply for determining which lots will be awarded to the tenderer if a higher number of lots than the determined maximum number should be awarded to the tenderer in accordance with the procurement contract award criteria.

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**3. Design Contest Procedures**

**3.1. Design Contest**

198. Prior to publishing the notice of the design contest, the design contest rules shall be prepared. Design contest rules shall contain:

198.1. identification number;

198.2. name, address and, if necessary, other details of the contracting authority;

198.3. description and objective of the project;

198.4. the term within which additional questions regarding the design contest rules shall be asked;

198.5. place, deadline, and procedures for the submission of the design and slogan transcript;

198.6. composition of the design to be submitted (illustrations, prototype, explanatory note), the scale of illustrations or drawings and the degree of elaboration thereof, as well as the requirements specified for the explanatory note;

198.7. requirements determined for the layout of the design and slogan transcript;

198.8. requirements for the professional qualification of the participants, if any;

198.9. design evaluation criteria;

198.10. number, value, payments of the prizes, if any are provided, and the principle of their allocation;

198.11. the indicative date by which the expected date of taking the jury commission decision;

198.12. procedures for the receipt of the designs not awarded by any prizes after the announcement of the results of a design contest;

198.13. indication of whether the prize winners are entitled to be awarded with the procurement contract, as well as the number of the winners that should be invited to the procurement procedure;

198.14. composition of the jury commission and the professional qualification of the jury members;

198.15. materials necessary for the development of a design (topographic plan, situational layout, technical regulations, photos and other materials);

198.16. other information.

199. The term for the submission of designs shall be determined by taking into account the level of complexity of a project and the time necessary for the preparation of a design. The minimum term for the submission of designs shall be 35 days after the day when the design contest notice has been sent to the Publications Office of the European Union for publication in the Official Journal of the European Union if the estimated contract price is equal to or exceeds the contract price thresholds determined by the Cabinet or when it has been published on the website of the Procurement Monitoring Bureau if the estimated contract price is less than the contract price thresholds determined by the Cabinet.

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200. After approval of the design contest rules, the contracting authority shall, for the announcement of the design contest, prepare the design contest notice and publish it on the website of the Procurement Monitoring Bureau if the estimated contract price is less than the contract price thresholds determined by the Cabinet or send it to the Publications Office of the European Union for publication in the Official Journal of the European Union if the estimated contract price is equal to or exceeds the contract price thresholds determined by the Cabinet.

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200.1 Starting from the day when the design contest notice is published on the website of the Procurement Monitoring Bureau, the contracting authority shall ensure free and direct electronic access to the design contest rules and any other additionally required documents in the buyer profile, and also a possibility for economic operators to become acquainted on site with any additional procurement documents to which free and direct electronic access cannot be ensured for technical reasons or due to the information included therein, or for the purpose of protection of commercial interests. If an economic operator requests the issuing of the design contest rules and any other additionally required documents in printed form, the contracting authority shall issue them within three working days after receipt of the request, provided that the request for documents has been submitted in due time before expiry of the term for the submission of designs and slogan transcripts. The contracting authority may charge a fee for the issue of the respective documents in printed form which shall not exceed the actual expenses of reproduction and sending of the documents.

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200.2 If the contracting authority extends the term for the submission of designs, it shall prepare the design contest notice and re-publish it on the website of the Procurement Monitoring Bureau if the estimated contract price is less than the contract price thresholds determined by the Cabinet or send it to the Publications Office of the European Union for publication in the Official Journal of the European Union if the estimated contract price is equal to or exceeds the contract price thresholds determined by the Cabinet. If the design contest notice has been published in the Official Journal of the European Union, the minimum term for which the contracting authority is entitled to extend the term for the submission of designs shall be seven days. Such extension of the term for the submission of designs shall not be regarded as amendments to the design contest documents.

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200.3 If the contracting authority makes amendments to the design contest documents, the minimum term for the submission of tenders after the day when the design contest notice is re-published on the website of the Procurement Monitoring Bureau or re-sent to the European Union for publication in the Official Journal of the European Union shall be at least half of the initially specified term for the submission of designs.

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201. After expiry of the term for asking questions about the design contest rules, the contracting authority shall prepare a written answer to all the questions and shall submit it to the responsible secretary. The responsible secretary shall send the answer to the persons who have asked the questions and place all the questions and prepared answers on the buyer profile where the design contest rules are available.

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202. To ensure the anonymity of participants, the designs and the materials attached thereto shall be submitted in a closed form, marked with a slogan. A slogan is a set of letters or words not identifying the participant and used for ensuring the anonymity. A slogan transcript shall be drawn up separately from the design and it shall contain information on its author or authors.

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203. At the place, time and in accordance with the procedures specified in the design contest rules, an economic operator shall concurrently submit the designs and slogan transcripts prepared and drawn up in conformity with the specified requirements.

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204. Unless the design contest provides for electronic submission of designs and slogan transcripts, the slogan transcript shall be submitted in a closed envelope. On the closed envelope, containing the slogan transcript, the name and identification number of the design contest, and also the indication “Slogan transcript” shall be indicated. The author of the design shall not be indicated on the envelope.

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205. The submitted design and the materials attached thereto may not contain any labels that would allow to identify the participant in any manner. If such labels are found on the submitted closed envelopes, they shall be returned to the submitter unopened.

206. The responsible secretary shall register the contact persons submitting the designs and the received designs in the order of their submission by specifying the date and time of receipt and the slogan, as well as, if necessary, shall issue a confirmation on the receipt of the design to contact persons. The responsible secretary shall ensure the storage of designs.

207. If the contracting authority uses the electronic information system for the receipt of designs and slogan transcripts and a notice is received from the system operator on malfunctions of the electronic information system due to which the safety of designs and slogan transcripts cannot be ensured, the contracting authority shall take the decision to suspend the design contest, prepare the notice on the results of the design contest, and publish it on the website of the Procurement Monitoring Bureau or, if the initial design contest notice has been published in the Official Journal of the European Union, send it to the Publications Office of the European Union for publication in the Official Journal of the European Union.

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208. If the design contest provides for electronic submission of designs, the submitted designs shall be opened in the electronic information system not earlier than four hours after expiry of the term for the submission of designs. After expiry of the term for the submission of designs, the jury commission shall evaluate the submitted designs in accordance with the evaluation criteria specified in the design contest rules. Designs shall be evaluated in closed meetings. The work of the jury commission shall be organised by the responsible secretary.

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209. The jury commission shall uphold the anonymity until the decision is taken. If the jury commission finds a label on the design or the materials attached thereto which might in any manner identify the participant, it shall exclude the design from further evaluation by indicating this in the opinion of the jury commission.

210. Each member of the jury commission shall evaluate the submitted designs individually. The jury commission shall decide on the overall evaluation of the designs, taking into account the individual evaluation of each member of the jury commission in a closed meeting voting openly or by secret on each design.

211. The jury commission shall take the decision on the results of evaluation (nominating designs for prizes, allocation of the prize-winning places, as well as proposals for further use of the designs) by simple majority of votes. In case of a tied vote, the chairperson of the jury commission shall have the casting vote. The jury commission shall be entitled to take decisions (have a quorum) if at least two thirds of the members of the jury are present at the meeting. Where the jury commission does not recognise any design as implementable, it shall not grant the first place.

212. The jury commission shall prepare the opinion of the jury commission, including at least the following information:

212.1. information on the designs being evaluated;

212.2. evaluation of the jury commission of each design;

212.3. individual evaluation of each member of jury commission;

212.4. expert reports, if any;

212.5. decision on allocation of prizes, if provided for in the design contest rules;

212.6. a proposal addressed to the contracting authority for the further use of designs.

213. The opinion of the jury commission shall be signed by all members of the jury commission who participated in the adoption of the decision on the evaluation results. The opinion of the jury commission shall be transferred to the responsible secretary. If electronic opening of slogan transcripts is provided for, the responsible secretary shall enter results into the electronic information system after receipt of the opinion of the jury commission.

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214. The responsible secretary shall inform all the contact persons registered in accordance with Paragraph 206 of this Regulation of the place, date, and time of the meeting for the opening of slogan transcripts. This information shall be sent at least five days before the meeting.

215. The opening of slogan transcripts shall be open.

216. The responsible secretary shall register all the persons present at the opening of slogan transcripts.

217. The responsible secretary shall specify the slogans of the winners and the prize-winning contestants, afterwards he/she shall open the transcripts of these slogans and name the winner and the prize-winning contestants. If slogan transcripts are opened in the electronic information system, slogans of the winner and the winners of awarded places and slogan transcripts shall be published on the buyer profile.

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218. The responsible secretary shall prepare the report on the design contest and the contracting authority shall publish it in the buyer profile within five working days after the day of opening the slogan transcripts. The report on the design contest shall contain at least the following information:

218.1. identification number;

218.2. name, address and, if necessary, other details of the contracting authority;

218.3. project description and objective;

218.4. information on the participants taking part in the design contest;

218.5. composition of the jury commission and the opinion of jury commission;

218.6. information on the winners, as well as the decision on allocation of prizes, if provided for by the design contest rules.

219. The contracting authority shall, within three working days after the opening of slogan transcripts, concurrently inform all the design contest participants of the decision taken in relation to the results of the design contest in accordance with Section 37 of the Public Procurement Law.

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220. Prizes shall be awarded within the term specified in the design contest rules. The prize-winning designs shall be transferred into the ownership of the contracting authority, unless otherwise provided for in the design contest rules. The participant shall keep the individual copyrights in accordance with the Copyright Law.

221. Copyrights of the participants of the design contests with respect to the participation in the further development of the designs and further use of the designs shall be complied with in accordance with the Copyright Law.

222. The authors of the designs which did not win any prizes shall be entitled to receive their designs within one month after the announcement of the contest results in accordance with Section 37 of the Public Procurement Law. After expiry of the aforementioned term, the contracting authority shall not be liable for the preservation of the designs.

**3.2. Jury Commission and the Responsible Secretary**

223. In order to professionally evaluate the submitted designs, the contracting authority shall establish the jury commission in the composition of at least five members. The jury commission shall be composed exclusively of natural persons who shall not represent the interests of the participants. The jury commission shall be autonomous in taking the decisions and expressing the opinions. If specific professional qualification requirements are laid down for participants in a design contest, at least one third of the members of the jury shall have the same or equivalent qualification.

224. If the design contest is organised in several stages, the composition of the jury shall not be changed.

225. The jury and each its member shall be liable for the decisions taken. If any member of the jury disagrees with the joint opinion or separate decisions of the jury, it shall be recorded in writing in the minutes of the jury by appropriately justifying the dissenting view.

226. In accordance with Section 37 of the Public Procurement Law, the jury, experts, and other persons involved in the evaluation of the designs shall not reveal the information on the designs and evaluation of designs until the announcement of the results of the design contest, unless otherwise provided for in the Public Procurement Law or this Regulation.

227. The contracting authority shall appoint the responsible secretary, who shall ensure the tendering procedure of the design contest and shall be responsible for ensuring the anonymity of the submitted designs and slogans of the participants till the completion of the evaluation of designs. The responsible secretary shall not be a member of the jury. The responsible secretary shall not disclose information known to him/her to identify a participant.

228. A member of the jury and the responsible secretary are not be entitled to submit a design and to participate in the design contest, as well as to represent a participant of the design contest.

**4. Termination and Suspension of a Procurement Procedure and Design Contest**

229. The contracting authority shall take the decision to terminate a procurement procedure in any of the following cases:

229.1. no tenders or applications have been submitted;

229.2. the tenderers do not meet the qualification requirements specified in the procurement procedure documents;

229.3. applications have been submitted by such tenderers who do not meet the qualification requirements and should be excluded from the procurement procedure;

229.4. such tenders have been submitted which do not conform to the requirements specified by the procurement procedure documents;

229.5. tenders are recognised as abnormally low.

[*8 November 2022*]

230. The contracting authority shall take the decision to suspend the announced procurement procedure or design contest in the cases specified in this Regulation and the Public Procurement Law, and also if it was decided upon by the Procurement Monitoring Bureau in accordance with the Public Procurement Law. In other cases, the contracting authority may suspend the announced procurement procedure or design contest at any time, if there is an objective reason for that.

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**5. Right To Not Use Electronic Information Systems**

231. The contracting authority shall be released from the obligation to use electronic information systems for the receipt of applications, tenders or their constituent parts in accordance with Section 39, Paragraph one of the Public Procurement Law in any of the following cases:

231.1. the negotiated procedure is being applied;

231.2. the electronic information system is not available on the day when the procurement procedure was announced and this fact is confirmed by the system operator;

231.3. in the procurement procedure such an object is to be submitted as the constituent part of the application or tender which cannot be digitalised and sent electronically (for example, a production prototype manufactured on a particular scale);

231.4. such specific file formats are to be used for the submission of applications, tenders, or their constituent parts which an economic operator cannot prepare or the contracting authority cannot read by means of commonly available open source code software (for example, if the use of a specialised designing or modelling software is required);

231.5. even though the applications, tenders, or their constituent parts can be received through an electronic information system, the receipt, viewing and evaluation of the applications, tenders, or their constituent parts requires such office equipment (for example, large format printing equipment) which is not at disposal of the contracting authority;

231.6. such information is to be submitted the protection whereof is not ensured by the electronic information system used by the contracting authority.

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**Informative Reference to Directive of the European Union**

This regulation contains legal norms arising out of Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC.

Prime Minister Māris Kučinskis

Minister for Finance Dana Reizniece-Ozola