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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. 187

Adopted 28 March 2017

**Procedures for the Course of Procurement Procedures and Design Contests of Public Service Providers**

*Issued pursuant to*

*Section 13, Paragraphs two and three, Section 56, Paragraph four, Section 62, and Section 72, Paragraph seven of the Law on the Procurements of Public Service Providers*

**1. General Provisions**

1. The Regulation prescribes:

1.1. the procedures for the course and the provisions for the application of procurement procedures and design contests;

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

1.3. the content of the rules of the procurement procedures and design contests;

1.4. the provisions for the announcement, suspension, and termination of procurement procedures and design contests;

1.5. the provisions for the communication of results of the procurement procedure and design contest;

1.6. the provisions for the documentation of the procurement procedure and design contest and the contents of the notice of the procurement procedure and design contest;

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

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

1.9. the procedures by which the public service provider shall act if a complaint is submitted in relation to the requirements which are specified in the open procedure rules or the contract notice, or the invitation to tender of a restricted procedure;

1.10. the cases when the public service provider does not have an obligation to use electronic information systems for the receipt of applications, tenders, designs, or constituent parts thereof.

**2. Procedures for the Course of Procurement Procedures**

**2.1. Open Procedure**

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

2.1. procurement identification number;

2.2. the name, address, and other details of the public service provider, if necessary;

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

2.4. the lots of the subject-matter of the procurement, if any have been determined, and their scope, 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. the time and place for the performance of the procurement contract;

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

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

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

2.10. requirements for the tender security if any is required;

2.11. requirements for the performance bond if any is required;

2.12. the reasons for the exclusion of tenderers specified in Section 48, Paragraph two, Clauses 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14 of the Law on the Procurements of Public Service Providers and the procedures for their verification, or a reference to Section 48, Paragraph two, Clauses 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14 of the Law on the Procurements of Public Service Providers and indication that the respective reasons for the exclusion of tenderers will be verified in accordance with the procedures laid down in Section 48 of the Law on the Procurements of Public Service Providers;

2.13. where applicable, the applicable reason for the exclusion of tenderers specified in Section 48, Paragraph two, Clauses 8 and 9 of the Law on the Procurements of Public Service Providers and the procedures for their verification, or the reference to the applicable Section 48, Paragraph two, Clauses 8 and 9 of the Law on the Procurements of Public Service Providers and the indication that the relevant applicable reason for the exclusion of tenderers will be verified in accordance with the procedures laid down in Section 48 of the Law on the Procurements of Public Service Providers;

2.14. the requirements in relation to the capacity of a tenderer to pursue professional activity, the economic and financial standing, and the technical and professional ability of the tenderer, and also the information to be submitted which is necessary for the assessment of the tenderer in accordance with the abovementioned requirements;

2.15. the rules by which economic operator associations 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 68, Paragraph four of the Law on the Procurements of Public Service Providers;

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

2.19. tender evaluation criteria;

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

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

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

2.23. the draft procurement contract or framework agreement;

2.24. other information.

[*8 November 2022*]

3. The minimum term for the submission of tenders shall be 35 days after sending the contract notice to the Publications Office of the European Union for publishing in the Official Journal of the European Union.

[*24 October 2023*]

4. If the public service provider has published the periodic indicative notice which is used to reduce the minimum term for the submission of tenders, the term may be reduced to 15 days provided that the following conditions are met:

4.1. the periodic indicative notice contains all the information necessary to be indicated in the contract notice, insofar as the abovementioned information was available at the moment of publishing the periodic indicative notice;

4.2. the periodic indicative notice has been published within the period between 35 days and 12 months before the day when the contract notice was published.

[*24 October 2023*]

5. If the term referred to in Paragraph 3 of this Regulation cannot be applied due to urgency, a reduced term may be specified for the submission of tenders, however, it may not be shorter than 15 days after sending the contract notice to the Publications Office of the European Union for publishing in the Official Journal of the European Union.

[*24 October 2023*]

6. If electronic submission of tenders is provided for, 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 public service provider shall, for the announcement of the open procedure, prepare and send the contract notice to the Publications Office of the European Union for publishing in the Official Journal of the European Union.

[*24 October 2023*]

8. The public service provider shall ensure access to the procurement procedure documents, their issuance, and provision of additional information in accordance with Section 42 of the Law on the Procurements of Public Service Providers, starting from the day when the contract notice has been published on the website of the Procurement Monitoring Bureau.

9. If the procurement commission extends the term for the submission of tenders, the public service provider shall prepare and resend the contract notice to the Publications Office of the European Union for publishing in the Official Journal of the European Union. The minimum term for which the public service provider 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 of resending the contract notice to the Publications Office of the European Union for publishing 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 less than seven days.

[*24 October 2023*]

11. An economic operator has the right to propose the organisation of a meeting of interested economic operators. The procurement commission shall organise the meeting of interested economic operators if proposals to organise the meeting of interested economic operators are received from at least two interested economic operators at least 10 days before the final day of the term for the submission of tenders. The 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.

[*8 November 2022*]

12. An economic operator shall submit the tender and, if any is provided, the tender security which has been prepared and drawn up in accordance with the specified requirements at the place and time specified in the open procedure rules. An economic operator shall specify the lots of the tender containing a trade secret.

13. If the public service provider 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 but the public service provider shall prepare the contract award notice and send it to the Publications Office of the European Union for publishing in the Official Journal of the European Union.

[*24 October 2023*]

14. The public service provider 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 indicated in the procurement procedure documents, except in the case referred to in Section 72, Paragraph seven of the Law on the Procurements of Public Service Providers. In the case referred to in Section 72, Paragraph seven of the Law on the Procurements of Public Service Providers, the public service provider shall publish information on the buyer profile on the cancellation of the tender opening meeting and shall not open the submitted tenders. If the complaint examination commission takes the decision referred to in Section 75, Paragraph two, Clause 1 of the Law on the Procurements of Public Service Providers or the administrative case is terminated, the public service provider shall publish information on the buyer profile on the place and time of the tender opening meeting and also inform the tenderers thereof at least three working days in advance. If the complaint examination commission takes the decision referred to in Section 75, Paragraph two, Clause 3 or Paragraph three of the Law on the Procurements of Public Service Providers, the public service provider shall not open the submitted tenders and shall issue or send them back to the tenderers.

[*24 October 2023*]

15. The procurement commission 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 name of the tenderer, the date and time of submitting the tender, and the proposed price or costs.

16. Tenders shall be evaluated by the procurement commission in closed meetings. The procurement commission shall verify the conformity of the qualification of all tenderers and tenders and the selection of tenders according to the specified tender evaluation criteria. The procurement commission is entitled to verify the conformity of tenderer qualification only in respect of the tenderer to whom the procurement contract should be awarded.

[*8 November 2022*]

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, prior to taking the decision on the awarding of 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. After evaluation of tenders, the procurement commission shall decide on the awarding of the procurement contract. If the subject-matter of the procurement has been divided into lots, the procurement commission shall decide on the awarding of the procurement contract for each lot separately.

19. [8 November 2022]

20. The public service provider shall inform all tenderers of the decision taken in accordance with the procedures laid down in Section 37 of the Law on the Procurements of Public Service Providers.

21. The public service provider 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. the name and address of the public service provider, the procurement identification number, the type of the procurement procedure, and also the subject-matter of the procurement contract or framework agreement;

21.2. the date when the contract notice and the periodic indicative notice, if used, has been published in the Official Journal of the European Union 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. the names of the economic operators who have submitted tenders and also the offered prices or costs;

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

21.7. the name of the tenderer (or tenderers) to whom the procurement contract has been awarded, the offered contract price, and also the summary of tender evaluation and the justification for selecting 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 and also 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 public service provider, in accordance with Section 47, Paragraph fourteen, Clause 2 of the Law on the Procurements of Public Service Providers, does not suspend the procurement procedure because 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. the reasons due to which electronic submission of tenders is not provided for if the public service provider has the obligation to use 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 expiry of the waiting period, if applicable, the public service provider shall conclude the procurement contract or framework agreement.

23. If the tenderer to whom the procurement contract has been awarded refuses to conclude the procurement contract with the public service provider, the procurement commission is entitled to take the decision on the awarding of the procurement contract to the next tenderer who has offered the most economically advantageous tender or to suspend 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 suspend 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 public service provider shall prepare and send the contract award notice to the Publications Office of the European Union for publishing in the Official Journal of the European Union in accordance with Section 38 of the Law on the Procurements of Public Service Providers and, where applicable, place on the buyer profile the body of the text of the procurement contract or framework agreement in accordance with Section 65, Paragraph ten of the Law on the Procurements of Public Service Providers. The contract award notice may be sent for publishing by the public service provider for each lot separately.

[*24 October 2023*]

**2.2. Restricted Procedure**

26. Prior to publishing the notice on the existence of a qualification system as an invitation to participate or a contract notice, the public service provider shall prepare accordingly the rules for the selection of candidates for the restricted procedure. If the public service provider uses the periodic indicative notice provided for the announcement of a procurement as an invitation to participate, the public service provider shall prepare the rules for the selection of candidates for the restricted procedure prior to sending the invitation to confirm interest to economic operators. The rules shall contain:

26.1. the procurement identification number;

26.2. the name, address, and other details of the public service provider, if necessary;

26.3. the description of the subject-matter of the procurement to an extent allowing the interested economic operators to decide on participation in the procurement procedure and also the most suitable common procurement vocabulary (CPV) code or codes;

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-chapter 2.8 of this Regulation;

26.5. where applicable, the provisions in relation to the framework agreement;

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

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

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

26.9. the reasons for the exclusion of candidates specified in Section 48, Paragraph two, Clauses 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14 of the Law on the Procurements of Public Service Providers and the procedures for their verification, or a reference to Section 48, Paragraph two, Clauses 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14 of the Law on the Procurements of Public Service Providers and indication that the respective reasons for the exclusion of candidates will be verified in accordance with the procedures laid down in Section 48 of the Law on the Procurements of Public Service Providers;

26.10. where applicable, the applicable reason for the exclusion of candidates specified in Section 48, Paragraph two, Clauses 8 and 9 of the Law on the Procurements of Public Service Providers and the procedures for their verification, or the reference to the applicable Section 48, Paragraph two, Clauses 8 and 9 of the Law on the Procurements of Public Service Providers and the indication that the relevant applicable reason for the exclusion of candidates will be verified in accordance with the procedures laid down in Section 48 of the Law on the Procurements of Public Service Providers;

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

26.12. the provisions by which economic operator associations must fulfil the requirements in relation to the economic and financial standing or technical and professional abilities;

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

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

26.15. other information on the selection of candidates.

[*24 October 2023*]

27. The minimum term for the submission of applications shall be 30 days from the day of sending the contract notice to the Publications Office of the European Union for publishing in the Official Journal of the European Union or from the day when the public service provider has sent an invitation to confirm interest if the public service provider uses the periodic indicative notice for the selection of candidates.

[*24 October 2023*]

28. If the term referred to in Paragraph 27 of this Regulation cannot be applied due to urgency, a reduced term may be specified for the submission of applications; however, it may not be shorter than 15 days from the day of sending the contract notice to the Publications Office of the European Union for publishing in the Official Journal of the European Union or from the day when the public service provider has sent an invitation to confirm interest if the public service provider uses the periodic indicative notice provided for the announcement of a procurement for the selection of candidates. In such case, the public service provider 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 to 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. If the public service provider uses the periodic indicative notice provided for the announcement of a procurement as an invitation to participate, the criteria for the reduction of the number of candidates shall be specified in the invitation to confirm interest and the rules for the selection of candidates.

[*24 October 2023*]

30. After the procurement commission has approved the rules for the selection of candidates, the public service provider shall, for the announcement of the restricted procedure, prepare the contract notice or the notice on the existence of a qualification system which has been prepared as an invitation to participate and send it to the Publications Office of the European Union for publishing in the Official Journal of the European Union.

[*24 October 2023*]

31. If the public service provider uses the periodic indicative notice provided for the announcement of a procurement as an invitation to participate, an economic operator shall express its interest within the term and in the form indicated in the aforementioned periodic indicative notice. In the certification by which the economic operators confirm their interest, the economic operators shall indicate at least the contact person, the name and identification number of the procurement procedure, and the electronic mail address to which the invitation to confirm interest should be sent by the public service provider.

[*24 October 2023*]

32. The public service provider shall register all candidates who have expressed their interest if the public service provider uses the periodic indicative notice provided for the announcement of a procurement as an invitation to participate within the restricted procedure. Prior to the selection of candidates, the public service provider shall concurrently invite all candidates to confirm their interest and to submit an application in the procurement procedure. The public service provider shall send an invitation to confirm interest to the electronic mail address of an economic operator, appending thereto the restricted procedure rules for the selection of candidates which have been prepared in accordance with the requirements referred to in Paragraph 26 of this Regulation or also a reference to a website where such documents are available.

[*24 October 2023*]

33. If the notice on the existence of a qualification system is used as an invitation to participate, the candidate shall submit an application by qualifying for the qualification system.

34. The public service provider shall ensure access to the procurement procedure documents, their issuance, and provision of additional information in accordance with Section 42 of the Law on the Procurements of Public Service Providers, starting from the day when the contract notice or the notice on the existence of a qualification system which has been prepared as an invitation to participate has been published on the website of the Procurement Monitoring Bureau. If the public service provider uses the periodic indicative notice provided for the announcement of a procurement as an invitation to participate, it shall ensure access to the procurement procedure documents, their issuance, and provision of additional information in accordance with Section 42 of the Law on the Procurements of Public Service Providers, starting from the day when the invitation to confirm interest has been sent to economic operators.

[*24 October 2023*]

35. If the procurement commission extends the term for the submission of applications, the public service provider shall prepare and resend the notice announcing the procurement procedure to the Publications Office of the European Union for publishing in the Official Journal of the European Union. The minimum term by which the public service provider 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*]

36. If the procurement commission makes amendments to the procurement procedure documents, the minimum term for the submission of applications after the day of resending the notice announcing the procurement procedure to the European Union for publishing 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 less than seven days.

[*24 October 2023*]

37. If the public service provider 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 but the public service provider shall prepare the contract award notice and send it to the Publications Office of the European Union for publishing in the Official Journal of the European Union.

[*24 October 2023*]

38. 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*]

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

40. 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, prior to taking the decision on the results of the selection of candidates, request the submission of the documents confirming the conformity of the candidate with the requirements for the selection of candidates.

[*24 October 2023*]

41. 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, or – in case of the qualification system – on the inclusion of a candidate in the qualification system. If the subject-matter of the procurement has been divided into lots, the procurement commission shall decide on each lot separately.

42. If only one candidate meets 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 in the cases specified in Section 47, Paragraph fourteen of the Law on the Procurements of Public Service Providers.

[*24 October 2023*]

43. The public service provider shall inform all candidates of the decision taken in accordance with the procedures laid down in Section 37 of the Law on the Procurements of Public Service Providers.

44. The public service provider shall invite all the selected candidates concurrently in writing to submit tenders. The invitation to tender shall include at least the following information:

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

44.2. the name, address, and other details of the public service provider, if necessary;

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

44.4. the lots of the subject-matter of the procurement, if any have been determined, and their scope, 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;

44.5. where applicable, provisions for the framework agreement;

44.6. where applicable, provisions for the dynamic purchasing system;

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

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

44.9. requirements for the tender security if any is required;

44.10. requirements for the performance bond if any is required;

44.11. the reference to the reasons for the exclusion of candidates specified in the rules for the selection of candidates in accordance with Section 48, Paragraph two of the Law on the Procurements of Public Service Providers which are to be verified after submission of tenders and the procedures for their verification in conformity with Section 48, Paragraph ten, Clause 2 of the Law on the Procurements of Public Service Providers;

44.12. where necessary, the reference to any additional documents to be submitted to verify the certifications included in the European Single Procurement Document and information to be submitted that is required for the assessment of the tenderer and evaluation of the tender according to the requirements specified in the invitation;

44.13. 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;

44.14. 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 68, Paragraph four of the Law on the Procurements of Public Service Providers;

44.15. the 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 the completion and submission thereof;

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

44.17. where applicable, the methodology for life-cycle costing and the data necessary and to be submitted for making such calculations;

44.18. indication of whether the tenderer may submit variants of the tender and, where the submission of variants is allowed, the requirements for their submission;

44.19. the technical specifications and other necessary documents or the website where such documents are available if the public service provider ensures free and direct electronic access to the procurement procedure documents and all additionally necessary documents;

44.20. the draft procurement contract or framework agreement and other necessary information on the subject-matter of the procurement;

44.21. other information.

[*8 November 2022*]

45. The public service provider shall agree with all selected candidates on the term for the submission of tenders which shall be determined in the invitation to submit a tender. If the public service provider cannot agree with the candidates on the term for the submission of tenders, it shall determine such term for the submission of tenders which, following the sending of the invitation to submit a tender, is not shorter than 10 days.

46. If the procurement commission extends the term for the submission of tenders, the public service provider shall concurrently 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.

47. If the procurement commission makes amendments to the invitation to tender, the minimum term for the submission of tenders after the day when the public service provider has informed thereof all candidates who have been invited to submit a tender shall be at least one half of the initially specified term for the submission of tenders, however, not less than seven days.

48. The invited candidate shall submit the tender and the tender security (if any is required) that has been prepared and drawn up in accordance with the specified requirements at the place and time indicated in the invitation.

49. If it is necessary to protect a trade secret as regards 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.

50. If the public service provider 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 but the public service provider shall prepare the contract award notice and send it to the Publications Office of the European Union for publishing in the Official Journal of the European Union.

[*24 October 2023*]

51. The public service provider 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 indicated in the invitation, except in the case referred to in Section 72, Paragraph seven of the Law on the Procurements of Public Service Providers. In the case referred to in Section 72, Paragraph seven of the Law on the Procurements of Public Service Providers, the public service provider shall publish information on the buyer profile on the cancellation of the tender opening meeting and shall not open the submitted tenders. If the complaint examination commission takes the decision referred to in Section 75, Paragraph two, Clause 1 of the Law on the Procurements of Public Service Providers or the administrative case is terminated, the public service provider shall publish information on the buyer profile on the place and time of the tender opening meeting and also inform the invited candidates thereof at least three working days in advance. If the complaint examination commission takes the decision referred to in Section 75, Paragraph two, Clause 3 or Paragraph three of the Law on the Procurements of Public Service Providers, the public service provider shall not open the submitted tenders and shall issue or send them back to the tenderers.

[*8 November 2022*]

52. The public service provider 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 name of the tenderer, the date and time of submitting the tender, and the proposed price or costs.

53. Tenders shall be evaluated by the procurement commission in closed meetings. The procurement commission shall verify the conformity of tenders with the requirements laid down in the invitation and shall select the tender or tenders in accordance with the established tender evaluation criteria.

54. 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, prior to taking the decision on the awarding of the procurement contract, request the submission of the documents which have not been previously requested and which attest that the specified reasons for the exclusion are not applicable to the tenderer.

[*24 October 2023*]

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

56. The public service provider shall inform all tenderers of the decision taken on the awarding of the procurement contract in accordance with the procedures laid down in Section 37 of the Law on the Procurements of Public Service Providers.

57. The public service provider 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:

57.1. the name and address of the public service provider, the procurement identification number, the type of the procurement procedure, and also the subject-matter of the procurement contract or framework agreement;

57.2. the date when the contract notice and the periodic indicative notice, if used, has been published in the Official Journal of the European Union and on the website of the Procurement Monitoring Bureau;

57.3. 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;

57.4. the term for the submission of applications and tenders;

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

57.6. if the number of candidates is reduced, the names of the selected candidates and the reasons for selecting them, the names of the rejected candidates and the reasons for rejecting them shall be indicated;

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

57.8. the name of the tenderer (or tenderers) to whom the procurement contract has been awarded, the offered contract price, and also the summary of tender evaluation and the justification for selecting the tender;

57.9. information, if known, on the lot of the procurement contract or framework agreement which the selected economic operator has intended to transfer to subcontractors and also the names of subcontractors;

57.10. 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;

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

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

57.13. the reasons due to which electronic submission of applications and tenders is not provided for if the public service provider has the obligation to use electronic information systems for the receipt of applications and tenders;

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

57.15. justification in respect of what public safety and health protection interests would be threatened by organising a repeated procurement if the public service provider, in accordance with Section 47, Paragraph fourteen, Clause 2 of the Law on the Procurements of Public Service Providers, does not suspend the procurement procedure because suspension of the procurement procedure would pose a threat to the public safety or health protection interests.

[*8 November 2022*]

58. After expiry of the waiting period, if applicable, the public service provider shall conclude the procurement contract or framework agreement.

59. If the tenderer to whom the procurement contract has been awarded refuses to conclude the procurement contract with the public service provider, the procurement commission is entitled to take the decision on the awarding of the procurement contract to the next tenderer who has offered the most economically advantageous tender or to suspend 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 suspend the procurement procedure without selecting any tender.

60. [8 August 2023]

61. After the procurement contract or framework agreement has been concluded or the decision to terminate or suspend the procurement procedure has been taken, the public service provider shall prepare and send the contract award notice to the Publications Office of the European Union for publishing in the Official Journal of the European Union in accordance with Section 38 of the Law on the Procurements of Public Service Providers and, where applicable, place on the buyer profile the body of the text of the procurement contract or framework agreement in accordance with Section 65, Paragraph ten of the Law on the Procurements of Public Service Providers. The contract award notice may be published by the public service provider for each lot separately.

[*24 October 2023*]

**2.3. Negotiated Procedure by Publishing an Invitation to Participate**

62. Prior to publishing the notice on the existence of a qualification system as an invitation to participate or a contract notice, the public service provider shall prepare accordingly the rules for the selection of candidates for a negotiated procedure by publishing an invitation to participate. If the periodic indicative notice provided for the announcement of a procurement is used as an invitation to participate, the public service provider shall prepare the rules for the selection of candidates for the negotiated procedure by publishing an invitation to participate prior to sending an invitation to confirm interest to economic operators. The rules shall contain:

62.1. the procurement identification number;

62.2. the name, address, and other details of the public service provider, if necessary;

62.3. the description of the subject-matter of the procurement to an extent allowing the interested economic operators to decide on participation in the procurement procedure and also the most suitable common procurement vocabulary (CPV) code or codes;

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

62.5. where applicable, the provisions in relation to the framework agreement;

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

62.7. the requirements in relation to the preparation and submission of an application;

62.8. the reasons for the exclusion of candidates specified in Section 48, Paragraph two, Clauses 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14 of the Law on the Procurements of Public Service Providers and the procedures for their verification, or a reference to Section 48, Paragraph two, Clauses 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14 of the Law on the Procurements of Public Service Providers and indication that the respective reasons for the exclusion of candidates will be verified in accordance with the procedures laid down in Section 48 of the Law on the Procurements of Public Service Providers;

62.9. where applicable, the applicable reason for the exclusion of candidates specified in Section 48, Paragraph two, Clauses 8 and 9 of the Law on the Procurements of Public Service Providers and the procedures for their verification, or the reference to the applicable Section 48, Paragraph two, Clauses 8 and 9 of the Law on the Procurements of Public Service Providers and the indication that the relevant applicable reason for the exclusion of candidates will be verified in accordance with the procedures laid down in Section 48 of the Law on the Procurements of Public Service Providers;

62.10. the requirements for the capacity of a candidate to pursue professional activity, 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 abovementioned requirements;

62.11. the provisions by which economic operator associations must fulfil the requirements in relation to the economic and financial standing or technical and professional abilities;

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

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

62.14. other information on the selection of candidates.

[*24 October 2023*]

63. The minimum term for the submission of applications shall be 30 days from the day of sending the contract notice to the Publications Office of the European Union for publishing in the Official Journal of the European Union or from the day when the public service provider has sent an invitation to confirm interest if the public service provider uses the periodic indicative notice provided for the announcement of a procurement for the selection of candidates.

[*24 October 2023*]

64. If the term referred to in Paragraph 63 of this Regulation cannot be applied due to urgency, a reduced term may be specified for the submission of applications; however, it may not be shorter than 15 days from the day of sending the contract notice to the Publications Office of the European Union for publishing in the Official Journal of the European Union or from the day when the public service provider has sent an invitation to confirm interest if the public service provider uses the periodic indicative notice which is provided for the announcement of a procurement for the selection of candidates. In such case, the public service provider shall specify the reasons for urgency in the relevant procurement procedure notice and also the procurement procedure report.

[*24 October 2023*]

65. 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 to 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. If the public service provider uses the periodic indicative notice provided for the announcement of a procurement as an invitation to participate, the criteria for the reduction of the number of candidates shall be specified in the invitation to confirm interest and the rules for the selection of candidates.

[*24 October 2023*]

66. After the procurement commission has approved the rules for the selection of candidates, the public service provider shall, for the announcement of the negotiated procedure by publishing an invitation to participate, prepare the contract notice or the notice on the existence of a qualification system which has been prepared as an invitation to participate and send it to the Publications Office of the European Union for publishing in the Official Journal of the European Union.

[*24 October 2023*]

67. If the public service provider uses the periodic indicative notice provided for the announcement of a procurement as an invitation to participate, the economic operator shall express its interest within the term and in the form indicated in the periodic indicative notice. In the certification by which the economic operators confirm their interest, the economic operators shall indicate at least the contact person, the name and identification number of the procurement procedure, and the electronic mail address to which the invitation to confirm interest should be sent by the public service provider.

[*24 October 2023*]

68. The public service provider shall register all candidates who have expressed their interest if the public service provider uses the periodic indicative notice provided for the announcement of a procurement as an invitation to participate within the negotiated procedure. Prior to the selection of candidates, the public service provider shall concurrently invite all candidates to confirm their interest and to submit an application in the procurement procedure. The public service provider shall send an invitation to confirm interest to the electronic mail address of the economic operator and append thereto the restricted procedure rules for the selection of candidates which have been prepared in accordance with the requirements referred to in Paragraph 62 of this Regulation or also a reference to the website where such documents are available.

[*24 October 2023*]

69. If the notice on the existence of a qualification system is used as an invitation to participate, the candidate shall submit an application by qualifying for the qualification system.

70. The public service provider shall ensure access to the procurement procedure documents, their issuance, and provision of additional information in accordance with Section 42 of the Law on the Procurements of Public Service Providers, starting from the day when the contract notice or the notice on the existence of a qualification system which has been prepared as an invitation to participate has been published on the website of the Procurement Monitoring Bureau. If the public service provider uses the periodic indicative notice as an invitation to participate, it shall ensure access to the procurement procedure documents, their issuance, and provision of additional information in accordance with Section 42 of the Law on the Procurements of Public Service Providers, starting from the day when the invitation to confirm interest has been sent to economic operators.

[*24 October 2023*]

71. If the procurement commission extends the term for the submission of applications, the public service provider shall prepare and resend the notice announcing the procurement procedure to the Publications Office of the European Union for publishing in the Official Journal of the European Union. The minimum term by which the public service provider 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*]

72. If the procurement commission makes amendments to the procurement procedure documents, the minimum term for the submission of applications after the day of resending the notice announcing the procurement procedure to the Publications Office of the European Union for publishing 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 less than seven days.

[*24 October 2023*]

73. If the public service provider 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 but the public service provider shall prepare the contract award notice and send it to the Publications Office of the European Union for publishing in the Official Journal of the European Union.

[*24 October 2023*]

74. 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.

[*8 November 2022*]

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

76. 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, prior to taking the decision on the results of the selection of candidates, request the submission of the documents confirming the conformity of the candidate with the requirements for the selection of candidates.

[*24 October 2023*]

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

78. If only one candidate meets 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 in the cases specified in Section 47, Paragraph fourteen of the Law on the Procurements of Public Service Providers.

[*24 October 2023*]

79. The public service provider shall inform all candidates of the decision taken in accordance with the procedures laid down in Section 37 of the Law on the Procurements of Public Service Providers.

80. The public service provider shall invite all the selected candidates concurrently in writing to submit initial tenders.

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

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

81.2. the name, address, and other details of the public service provider, if necessary;

81.3. the lots of the subject-matter of the procurement, if any have been determined, and their scope, 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;

81.4. where applicable, provisions for the framework agreement;

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

81.6. the requirements for the layout and submission of initial tenders;

81.7. 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;

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

81.9. requirements for the tender security if any is required;

81.10. requirements for the performance bond if any is required;

81.11. the reference to the reasons for the exclusion of candidates specified in the rules for the selection of candidates in accordance with Section 48, Paragraph two of the Law on the Procurements of Public Service Providers which are to be verified after submission of tenders and the procedures for their verification in conformity with Section 48, Paragraph ten, Clause 2 of the Law on the Procurements of Public Service Providers;

81.12. where necessary, the reference to any additional documents to be submitted to verify the certifications included in the European Single Procurement Document and information to be submitted that is required for the assessment of the tenderer and evaluation of the tender according to the requirements specified in the invitation;

81.13. 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;

81.14. 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 68, Paragraph four of the Law on the Procurements of Public Service Providers;

81.15. the 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 the completion and submission thereof;

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

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

81.18. where applicable, the methodology for life-cycle costing and the data necessary and to be submitted for making such calculations;

81.19. indication of whether the tenderer may submit variants of the tender and, where the submission of variants is allowed, the requirements for their submission;

81.20. 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 public service provider ensures free and direct electronic access to the procurement procedure documents and all additionally necessary documents;

81.21. the minimum requirements stipulated by the public service provider to which tenders must conform;

81.22. the draft procurement contract or framework agreement;

81.23. other information.

[*8 November 2022*]

82. The public service provider shall agree with all selected candidates on the term for the submission of tenders which shall be determined in the invitation to submit a tender. If the public service provider cannot agree with the candidates on the term for the submission of tenders, it shall determine such term for the submission of tenders which, following the sending of the invitation to submit a tender, is not shorter than 10 days.

83. If the procurement commission extends the term for the submission of initial tenders, the public service provider shall concurrently inform thereof all the candidates which have been invited to submit initial tenders. Such extension of the term for the submission of tenders shall not be regarded as amendments to the procurement procedure documents.

84. If the procurement commission makes amendments to the invitation to submit initial tenders, the minimum term for the submission of initial tenders after the day when the public service provider 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, however, not less than seven days. When making amendments to the procurement procedure documents, the public service provider shall not change the technical specifications or other requirements in a significant way.

85. The invited candidate shall submit the initial tender and the tender security (if any is required) that has been prepared and drawn up in accordance with the specified requirements at the place and time indicated in the invitation.

86. If it is necessary to protect a trade secret as regards 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.

87. If the public service provider 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 but the public service provider shall prepare the contract award notice and send it to the Publications Office of the European Union for publishing in the Official Journal of the European Union.

[*24 October 2023*]

88. The public service provider shall open the submitted initial tenders 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 tenders, to improve their content. The minimum requirements stipulated by the public service provider which have been brought forward for tenders and the tender evaluation criteria shall not be subject to negotiations.

[*8 November 2022*]

89. 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*]

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

91. 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.

92. The procurement commission shall inform all tenderers whose tenders have not been excluded in accordance with Paragraph 89 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.

93. 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 ascertain that the final tenders conform to the requirements brought forward for tenders and the requirements laid down in the procurement procedure documents.

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

95. 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, prior to taking the decision on the awarding of the procurement contract, request the submission of the documents which have not been previously requested and which attest that the specified reasons for the exclusion are not applicable to the tenderer.

[*24 October 2023*]

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

97. The public service provider shall inform all tenderers of the decision taken on the awarding of the procurement contract in accordance with the procedures laid down in Section 37 of the Law on the Procurements of Public Service Providers.

98. The public service provider 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:

135.1. the name and address of the public service provider, the procurement identification number, the type of the procurement procedure, and the justification of its selection, and also the subject-matter of the procurement contract or framework agreement;

98.2. the date when the contract notice and the periodic indicative notice, if used, has been published in the Official Journal of the European Union and on the website of the Procurement Monitoring Bureau;

98.3. 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;

98.4. the term for the submission of applications and initial tenders;

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

98.6. if the number of candidates is reduced, the names of the selected candidates and the reasons for selecting them, the names of the rejected candidates and the reasons for rejecting them shall be indicated;

98.7. if the number of tenders is reduced, the names of the selected tenderers and the reasons for selecting them, the names of the rejected tenderers and the reasons for rejecting them shall be indicated;

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

98.9. stages of negotiations and their results;

98.10. 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;

98.11. information, if known, on the lot of the procurement contract or framework agreement which the selected economic operator has intended to transfer to subcontractors and also the names of subcontractors;

98.12. 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;

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

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

98.15. the reasons due to which electronic submission of applications and tenders is not provided for if the public service provider has the obligation to use electronic information systems for the receipt of applications and tenders;

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

98.17. justification in respect of what public safety and health protection interests would be threatened by organising a repeated procurement if the public service provider, in accordance with Section 47, Paragraph fourteen, Clause 2 of the Law on the Procurements of Public Service Providers, does not suspend the procurement procedure because suspension of the procurement procedure would pose a threat to the public safety or health protection interests.

[*8 November 2022*]

99. After expiry of the waiting period, if applicable, the public service provider shall conclude the procurement contract or framework agreement.

100. If the tenderer to whom the procurement contract has been awarded refuses to conclude the procurement contract with the public service provider, the procurement commission is entitled to take the decision on the awarding of the procurement contract to the next tenderer who has offered the most economically advantageous tender or to suspend 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 suspend the procurement procedure without selecting any tender.

101. [8 August 2023]

102. After the procurement contract or framework agreement has been concluded or the decision to terminate or suspend the procurement procedure has been taken, the public service provider shall prepare and send the contract award notice to the Publications Office of the European Union for publishing in the Official Journal of the European Union in accordance with Section 38 of the Law on the Procurements of Public Service Providers and, where applicable, place on the buyer profile the body of the text of the procurement contract or framework agreement in accordance with Section 65, Paragraph ten of the Law on the Procurements of Public Service Providers. The contract award notice may be submitted for publishing by the public service provider for each lot separately.

[*24 October 2023*]

**2.4. Competitive Dialogue**

103. The public service provider may publish the contract notice or notice on the existence of a qualification system as an invitation to participate in a competitive dialogue in accordance with Section 32 of the Law on the Procurements of Public Service Providers.

104. The rules for the selection of candidates shall be prepared prior to publishing a contract notice for a competitive dialogue. The rules shall contain:

104.1. procurement identification number;

104.2. the name, address, and other details of the public service provider, if necessary;

104.3. the description of the subject-matter of the procurement to an extent allowing the interested economic operators to decide on participation in the procurement procedure and also the most suitable common procurement vocabulary (CPV) code or codes;

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

104.5. where applicable, provisions 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. the reasons for the exclusion of candidates specified in Section 48, Paragraph two, Clauses 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14 of the Law on the Procurements of Public Service Providers and the procedures for their verification, or a reference to Section 48, Paragraph two, Clauses 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14 of the Law on the Procurements of Public Service Providers and indication that the respective reasons for the exclusion of candidates will be verified in accordance with the procedures laid down in Section 48 of the Law on the Procurements of Public Service Providers;

104.9. where applicable, the applicable reason for the exclusion of candidates specified in Section 48, Paragraph two, Clauses 8 and 9 of the Law on the Procurements of Public Service Providers and the procedures for their verification, or the reference to the applicable Section 48, Paragraph two, Clauses 8 and 9 of the Law on the Procurements of Public Service Providers and the indication that the relevant applicable reason for the exclusion of candidates will be verified in accordance with the procedures laid down in Section 48 of the Law on the Procurements of Public Service Providers;

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 economic operator associations must fulfil the requirements for the economic and financial standing or technical and professional abilities;

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

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 of the competitive dialogue;

104.17. the needs and minimum requirements of the public service provider to which tenders must conform;

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 sending the contract notice to the Publications Office of the European Union for publishing in the Official Journal of the European Union.

[*24 October 2023*]

106. If the term referred to in Paragraph 105 of this Regulation cannot be applied due to urgency, a reduced term may be specified for the submission of applications; however, it may not be shorter than 15 days from the day of sending the contract notice to the Publications Office of the European Union for publishing in the Official Journal of the European Union or from the day when the public service provider has sent an invitation to confirm interest if the public service provider uses the periodic indicative notice which is provided for the announcement of a procurement for the selection of candidates. In such case, the public service provider shall provide the justification for urgency in the procurement procedure report.

[*24 October 2023*]

107. The procurement commission may determine in advance the number of candidates that 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 to 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.

108. After the procurement commission has approved the rules for the selection of candidates, the public service provider shall, for the announcement of the competitive dialogue, prepare the contract notice and submit it in the publication management system.

109. The public service provider shall ensure access to the procurement procedure documents, their issuance, and provision of additional information in accordance with Section 42 of the Law on the Procurements of Public Service Providers, starting from the day when the contract notice has been published on the website of the Procurement Monitoring Bureau.

110. If the procurement commission extends the term for the submission of applications, the public service provider shall prepare and resend the notice announcing the procurement procedure to the Publications Office of the European Union for publishing in the Official Journal of the European Union. The minimum term by which the public service provider 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*]

111. If the procurement commission makes amendments to the procurement procedure documents, the minimum term for the submission of applications after the day of resending the notice announcing the procurement procedure to the European Union for publishing 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 less than 10 days.

[*24 October 2023*]

112. If the public service provider 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 but the public service provider shall prepare the contract award notice and send it to the Publications Office of the European Union for publishing in the Official Journal of the European Union.

[*24 October 2023*]

113. 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.

[*8 November 2022*]

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

115. 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, prior to taking the decision on the results of the selection of candidates, request the submission of the documents confirming the conformity of the candidate with the requirements for the selection of candidates.

[*24 October 2023*]

116. 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.

117. The public service provider shall inform all candidates of the decision taken in accordance with the procedures laid down in Section 37 of the Law on the Procurements of Public Service Providers.

118. The public service provider shall invite all the selected candidates concurrently in writing to initiate the dialogue. During the dialogue, the procurement commission may discuss all aspects of the procurement with the selected candidates.

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

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

119.2. the name, address, and other details of the public service provider, if necessary;

119.3. the lots of the subject-matter of the procurement, if any have been determined, and their scope, 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;

119.4. where applicable, provisions for the framework agreement;

119.5. 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;

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

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

119.8. where applicable, the methodology for life-cycle costing and the data necessary and to be submitted for making such calculations;

119.9. information on the needs of the public service provider and other necessary documents or the website where such documents are available if the public service provider ensures free and direct electronic access to the procurement procedure documents and all additionally necessary documents;

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

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

120. During the dialogue, the public service provider shall ensure equal treatment for all participants of the competitive dialogue. The public service provider 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.

121. If there is an obligation to protect a trade secret as regards 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 the trade secret. The public service provider 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.

122. 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.

[*24 October 2023*]

123. The procurement commission shall continue the dialogue until such a solution or solutions are identified that satisfy the needs of the public service provider.

124. The public service provider shall inform the participants of the competitive dialogue of 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.

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

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

125.2. the name, address, and other details of the public service provider, if necessary;

125.3. the lots of the subject-matter of the procurement, if any have been determined, and their scope, 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;

125.4. where applicable, provisions for the framework agreement;

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

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

125.7. requirements for the tender security if any is required;

125.8. requirements for the performance bond if any is required;

125.9. the reference to the reasons for the exclusion of candidates specified in the rules for the selection of candidates in accordance with Section 48, Paragraph two of the Law on the Procurements of Public Service Providers which are to be verified after submission of tenders and the procedures for their verification in conformity with Section 48, Paragraph ten, Clause 2 of the Law on the Procurements of Public Service Providers;

125.10. where necessary, the reference to any additional documents to be submitted to verify the certifications included in the European Single Procurement Document and information to be submitted that is required for the assessment of the tenderer and evaluation of the tender according to the requirements specified in the invitation;

125.11. 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;

125.12. 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 68, Paragraph four of the Law on the Procurements of Public Service Providers;

125.13. the 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 the completion and submission thereof;

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

125.15. where applicable, the methodology for life-cycle costing and the data necessary and to be submitted for making such calculations;

125.16. indication of whether the tenderer may submit variants of the tender and, where the submission of variants is allowed, the requirements for their submission;

125.17. the minimum requirements stipulated by the public service provider to which tenders must conform according to a solution or solutions specified during the dialogue;

125.18. the draft procurement contract or framework agreement;

125.19. other information.

[*8 November 2022*]

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

127. If it is necessary to protect a trade secret as regards 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.

128. If the public service provider 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 but the public service provider shall prepare the contract award notice and send it to the Publications Office of the European Union for publishing in the Official Journal of the European Union.

[*24 October 2023*]

129. The public service provider shall open the submitted final tenders not earlier than four hours after expiry of the term for their submission. Final tenders shall be evaluated by the procurement commission in closed meetings.

[*8 November 2022*]

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

131. 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 procurement procedure documents, the procurement commission shall, prior to taking the decision on the awarding of the procurement contract, request the submission of the documents which have not been previously requested and which attest that the specified reasons for the exclusion are not applicable to the tenderer.

[*24 October 2023*]

132. The procurement commission is 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.

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

134. The public service provider shall inform all tenderers of the decision taken on the awarding of the procurement contract in accordance with the procedures laid down in Section 37 of the Law on the Procurements of Public Service Providers.

135. The public service provider 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:

135.1. the name and address of the public service provider, the procurement identification number, the type of the procurement procedure, and the justification of its selection, and also the subject-matter of the procurement contract or framework agreement;

135.2. the date when the contract notice and the periodic indicative notice, if used, has been published in the Official Journal of the European Union and on the website of the Procurement Monitoring Bureau;

135.3. 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;

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

135.5. the 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, and also the offered prices or costs;

135.6. if the number of candidates is reduced, the names of the selected candidates and the reasons for selecting them, the names of the rejected candidates and the reasons for rejecting them shall be indicated;

135.7. if the number of solutions is reduced, the names of the selected participants of the competitive dialogue and the reasons for their selection, the names of the rejected participants of the competitive dialogue and the reasons for their rejection shall be indicated;

135.8. stages and results of the dialogue;

135.9. 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;

135.10. information, if known, on the lot of the procurement contract or framework agreement which the selected economic operator has intended to transfer to subcontractors and also the names of subcontractors;

135.11. 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;

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

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

135.14. the reasons due to which electronic submission of applications and tenders is not provided for if the public service provider has the obligation to use electronic information systems for the receipt of applications and tenders;

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

[*8 November 2022*]

136. After expiry of the waiting period, if applicable, the public service provider shall conclude the procurement contract or framework agreement.

137. If the tenderer to whom the procurement contract has been awarded refuses to conclude the procurement contract with the public service provider, the procurement commission is entitled to take the decision on the awarding of the procurement contract to the next tenderer who has offered the most economically advantageous tender or to suspend 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 suspend the procurement procedure without selecting any tender.

138. [8 August 2023]

139. After the procurement contract or framework agreement has been concluded or the decision to terminate or suspend the procurement procedure has been taken, the public service provider shall prepare and send the contract award notice to the Publications Office of the European Union for publishing in the Official Journal of the European Union in accordance with Section 38 of the Law on the Procurements of Public Service Providers and, where applicable, place on the buyer profile the body of the text of the procurement contract or framework agreement in accordance with Section 65, Paragraph ten of the Law on the Procurements of Public Service Providers. The contract award notice may be submitted for publishing by the public service provider for each lot separately.

[*24 October 2023*]

**2.5. Innovation Partnership Procedure**

140. The rules for the selection of candidates for an innovation partnership procedure shall be prepared prior to publishing the contract notice or notice on the existence of a qualification system as an invitation to participate. The rules shall contain:

140.1. procurement identification number;

140.2. the name, address, and other details of the public service provider, if necessary;

140.3. information on the need for an innovative product, service, or construction work that cannot be met by purchasing such products, services, or works already available on the market, and the indication as to which elements of this description determine 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;

140.4. the most suitable common procurement vocabulary (CPV) code or codes;

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

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

140.7. the reasons for the exclusion of candidates specified in Section 48, Paragraph two, Clauses 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14 of the Law on the Procurements of Public Service Providers and the procedures for their verification, or a reference to Section 48, Paragraph two, Clauses 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14 of the Law on the Procurements of Public Service Providers and indication that the respective reasons for the exclusion of candidates will be verified in accordance with the procedures laid down in Section 48 of the Law on the Procurements of Public Service Providers;

140.8. where applicable, the applicable reason for the exclusion of candidates specified in Section 48, Paragraph two, Clauses 8 and 9 of the Law on the Procurements of Public Service Providers and the procedures for their verification, or the reference to the applicable Section 48, Paragraph two, Clauses 8 and 9 of the Law on the Procurements of Public Service Providers and the indication that the relevant applicable reason for the exclusion of candidates will be verified in accordance with the procedures laid down in Section 48 of the Law on the Procurements of Public Service Providers;

140.9. 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;

140.10. the rules by which economic operator associations must fulfil the requirements for the economic and financial standing or technical and professional abilities;

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

140.12. 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;

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

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

[*8 November 2022*]

141. The minimum term for the submission of applications shall be 30 days after sending the contract notice to the Publications Office of the European Union for publishing in the Official Journal of the European Union.

[*24 October 2023*]

142. If the term referred to in Paragraph 141 of this Regulation cannot be applied due to urgency, a reduced term may be specified for the submission of applications, however, it may not be shorter than 15 days after sending the contract notice to the Publications Office of the European Union for publishing in the Official Journal of the European Union. In such case, the public service provider shall provide the justification for urgency in the procurement procedure report.

[*24 October 2023*]

143. The procurement commission may determine in advance the number of candidates that 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 to 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.

144. After the procurement commission has approved the rules for the selection of candidates, the public service provider shall, for the announcement of the innovation partnership procedure, prepare the contract notice and send it to the Publications Office of the European Union for publishing in the Official Journal of the European Union.

[*24 October 2023*]

145. If the notice on the existence of a qualification system is used as an invitation to participate, the candidate shall submit an application by qualifying for the qualification system.

146. The public service provider shall ensure access to the procurement procedure documents, their issuance, and provision of additional information in accordance with Section 42 of the Law on the Procurements of Public Service Providers, starting from the day when the contract notice has been published on the website of the Procurement Monitoring Bureau.

147. If the procurement commission extends the term for the submission of applications, the public service provider shall prepare and resend the notice announcing the procurement procedure to the Publications Office of the European Union for publishing in the Official Journal of the European Union. The minimum term by which the public service provider 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*]

148. If the procurement commission makes amendments to the procurement procedure documents, the minimum term for the submission of applications after the day of resending the notice announcing the procurement procedure to the European Union for publishing 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 less than 10 days.

[*24 October 2023*]

149. If the public service provider 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 but the public service provider shall prepare the contract award notice and send it to the Publications Office of the European Union for publishing in the Official Journal of the European Union.

[*24 October 2023*]

150. 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.

[*8 November 2022*]

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

152. 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, prior to taking the decision on the results of the selection of candidates, request the submission of the documents confirming the conformity of the candidate with the requirements for the selection of candidates.

[*24 October 2023*]

153. 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.

154. The public service provider shall inform all candidates of the decision taken in accordance with the procedures laid down in Section 37 of the Law on the Procurements of Public Service Providers.

155. The public service provider shall invite all the selected candidates concurrently in writing to submit initial tenders (research and innovation projects). The invitation to submit initial tenders shall include at least the following information:

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

155.2. the name, address, and other details of the public service provider, if necessary;

155.3. the lots of the subject-matter of the procurement, if any have been determined, and their scope, 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;

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

155.5. the requirements for the layout and submission of initial tenders;

155.6. the 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;

155.7. the reference to the reasons for the exclusion of candidates specified in the rules for the selection of candidates in accordance with Section 48, Paragraph two of the Law on the Procurements of Public Service Providers which are to be verified after submission of tenders and the procedures for their verification in conformity with Section 48, Paragraph ten, Clause 2 of the Law on the Procurements of Public Service Providers;

155.8. where necessary, the reference to any additional documents to be submitted to verify the certifications included in the European Single Procurement Document and information to be submitted that is required for the assessment of the tenderer and evaluation of the tender according to the requirements specified in the invitation;

155.9. 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;

155.10. the 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 the completion and submission thereof;

155.11. the 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;

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

155.13. where applicable, the methodology for life-cycle costing and the data necessary and to be submitted for making such calculations;

155.14. information on the needs of the public service provider for innovation and other necessary documents or the website where such documents are available if the public service provider ensures free and direct electronic access to the procurement procedure documents and all additionally necessary documents;

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

155.16. the information on payments to the innovation partners;

155.17. draft an innovation partnership contract;

155.18. other information on the partnership procedure.

[*8 November 2022*]

156. When determining the term for the submission of initial tenders, the public service provider shall take into account the time necessary for the preparation of initial tenders.

157. The invited candidate shall submit the initial tender, i.e. research and innovation project, that has been prepared and drawn up in accordance with the specified requirements at the place and time indicated in the invitation. The candidate shall specify those lots of the tender which contain the trade secret.

158. If the public service provider 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 but the public service provider shall prepare the contract award notice and send it to the Publications Office of the European Union for publishing in the Official Journal of the European Union.

[*24 October 2023*]

159. The public service provider shall open the submitted initial tenders, i.e. 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 tenders, to improve their content. The minimum requirements stipulated by the public service provider which have been brought forward for tenders and the tender evaluation criteria shall not be subject to negotiations.

[*8 November 2022*]

160. 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*]

161. 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*]

162. The public service provider shall not reveal to other tenderers the solutions offered by the tenderer or the information transferred at its disposal by the tenderer which contains a trade secret without its agreement.

163. The procurement commission shall continue the negotiations until such a solution or solutions are identified that satisfy the needs of the public service provider.

164. The public service provider shall select a tender or tenders according to the selected tender evaluation criteria. The tender evaluation criteria may not be the object of negotiations.

165. The public service provider may decide to conclude the procurement contract for innovation partnership with one or with several tenderers conducting separate research and development activities.

166. If the tenderer to whom the procurement contract for innovation partnership 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, prior to taking the decision on the awarding of the procurement contract, request the submission of the documents which have not been previously requested and which attest that the specified reasons for the exclusion are not applicable to the tenderer.

[*24 October 2023*]

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

168. The public service provider shall inform all tenderers of the decision taken on the awarding of the procurement contract for innovation partnership in accordance with the procedures laid down in Section 37 of the Law on the Procurements of Public Service Providers.

169. The public service provider 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:

169.1. the name and address of the public service provider, the procurement identification number, the type of the procurement procedure, and the justification of its selection, and also the subject-matter of the procurement contract;

169.2. the date when the contract notice and the periodic indicative notice, if used, has been published in the Official Journal of the European Union and on the website of the Procurement Monitoring Bureau;

169.3. 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;

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

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

169.6. if the number of candidates is reduced, the names of the selected candidates and the reasons for selecting them, the names of the rejected candidates and the reasons for rejecting them shall be indicated;

169.7. if the number of solutions is reduced, the names of the selected tenderers and the reasons for selecting them, the names of the rejected tenderers and the reasons for rejecting them shall be indicated;

169.8. the 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 tender evaluation and the justification for selecting the tender;

169.9. 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 the names of the subcontractors;

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

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

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

169.13. the reasons due to which electronic submission of applications and tenders is not provided for if the public service provider has the obligation to use electronic information systems for the receipt of applications and tenders;

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

[*8 November 2022*]

170. The public service provider shall invite all the selected tenderers concurrently in writing to participate in the innovation partnership procedure and to conclude the innovation partnership contract. The innovation partnership contract shall be subject to the provisions of the Law on the Procurements of Public Service Providers regarding the procurement contract.

171. After expiry of the waiting period, if any is applicable, the public service provider shall conclude the innovation partnership contract. Upon conclusion of the innovation partnership contract, the tenderer shall become the innovation partner.

172. In the innovation partnership contract, the public service provider shall state the stages of the innovation partnership, the outcomes to be achieved, the payments to the innovation partnership procedure partners, and other provisions governing the course of the innovation partnership.

173. The public service provider shall, within 10 working days after the innovation partnership contract has been concluded or the decision to terminate or suspend the procurement procedure has been taken, prepare the contract award notice in accordance with Sections 38 and 40 of the Law on the Procurements of Public Service Providers and send it to the Publications Office of the European Union for publishing in the Official Journal of the European Union.

[*24 October 2023*]

174. The contract award notice may be submitted for publishing by the public service provider for each lot separately.

175. 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 the abovementioned objectives, the public service provider 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.

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

177. If there is an obligation to protect a trade secret as regards the information provided by the partner within the innovation partnership procedure, the partner shall specify it in writing, listing the information to be regarded as the trade secret.

178. The public service provider shall not reveal to other partners the solutions offered by the innovation partner or any other confidential information transferred at its disposal by a partner without its agreement.

179. The public service provider shall continue the innovation partnership until such a solution or solutions are identified which satisfy the needs of the public service provider and meet the minimum determined requirements. In such case, the public service provider shall invite the innovation partners to submit the tenders for the introduction of the developed solution, for the supply of a product, for the provision of a service or construction work and shall select the most suitable one according to the criteria specified in the procurement contract for the innovation partnership.

**2.6. Negotiated Procedure without Publishing an Invitation to Participate**

180. The public service provider shall invite to negotiations economic operators of its choice and shall open negotiations with one or several of them on the provisions of the procurement contract.

181. The public service provider may publish a voluntary notice on the procurement results in accordance with Section 39 of the Law on the Procurements of Public Service Providers.

[*24 October 2023*]

182. The public service provider shall publish the justification for the application of the negotiated procedure on the buyer profile in accordance with the corresponding Clause of Section 13, Paragraph seven of the Law on the Procurements of Public Service Providers not later than within three working days after concluding the procurement contract or framework agreement.

**2.7. Dynamic Purchasing System**

183. The dynamic purchasing system shall be subject to the provisions that are applicable to the restricted procedure, unless otherwise provided for in this Chapter.

184. The 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.

185. If the public service provider has divided the system into the categories referred to in Paragraph 184 of this Regulation, it shall determine corresponding requirements for the selection of candidates for each category.

186. Exchange of information and also submission of applications and tenders in the dynamic purchasing system shall take place only in electronic form.

187. In order to establish a dynamic purchasing system, the public service provider shall:

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

187.2. 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 necessary information on the system itself and its operation, the electronic equipment used and the technical connection arrangements and specifications;

187.3. 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;

187.4. 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 public service provider shall indicate in the notice the website where such documents are available.

188. The minimum term for the submission of applications for participation in the dynamic purchasing system shall be 30 days from the day of sending the contract notice to the Publications Office of the European Union for publishing in the Official Journal of the European Union or from the day when the public service provider has sent an invitation to confirm interest if the public service provider uses the periodic indicative notice which is used for the announcement of a procurement for the selection of candidates. When the public service provider 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 is no longer determined.

[*24 October 2023*]

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

190. The public service provider shall agree with all selected candidates on the term for the submission of tenders which shall be determined in the invitation to submit a tender. If the public service provider cannot agree with the candidates on the term for the submission of tenders, it shall determine such term for the submission of tenders which, following the sending of the invitation to submit a tender, is not shorter than 10 days.

191. The public service provider shall invite all selected candidates to submit tenders 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 public service provider shall invite the candidates selected in each category to submit tenders under the procurements of the relevant category.

192. The public service provider shall award the procurement contract to the economic operator who has submitted the most suitable tender according to the tender evaluation criteria or the criteria specified in the procurement procedure documents.

193. Throughout the entire period of the dynamic purchasing system, the public service provider may request the participants of the dynamic purchasing system to submit a certification on conformity with the specified requirements for the selection of candidates 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 working days after the day when the public service provider has sent a relevant request. The public service provider is entitled to, in any event during the period of validity of the dynamic purchasing system, request the participants of the dynamic purchasing system to submit all or part of the documents certifying the conformity with the requirements for the selection of candidates laid down in the procurement procedure documents.

[*24 October 2023*]

194. It is prohibited to use the dynamic purchasing system for the purposes of restricting the competition.

195. The public service provider shall not accept payment from the interested economic operators for their inclusion in the dynamic purchasing system and also from the participants of this system.

196. If the public service provider changes the period of validity of the dynamic purchasing system without terminating the operation of the system, it shall republish the contract notice, but if the operation of the system is terminated then it shall publish the contract award notice.

[*24 October 2023*]

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

197. The public service provider may decide to award a procurement contract in separate lots and may determine the volume and subject-matter of such lots.

198. The public service provider 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.

199. The public service provider shall indicate in the procurement procedure documents whether tenders may be submitted for one, several, or all lots. If the tender may be submitted for several or all lots, the public service provider is entitled to limit the number of lots in which the procurement contract may be awarded to one tenderer, provided that the public service provider has specified the maximum number of lots per tenderer in the procurement procedure documents. The public service provider shall indicate in the procurement procedure documents the objective and non-discriminatory criteria or rules it intends to apply to determine 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 according to the criteria for awarding the procurement contract.

[*24 October 2023*]

**3. Design Contest Procedures**

**3.1. Design Contest**

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

200.1. the identification number;

200.2. the name, address, and other details of the public service provider, if necessary;

200.3. description and objective of the project;

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

200.5. place, term, and procedures for the submission of the design and slogan transcript;

200.6. the composition of the design to be submitted (drawings, models, explanatory memorandum), the scale and level of development of the drawings or drafts, and also the requirements specified for the explanatory memorandum;

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

200.8. the requirements for the professional qualification of the participants, if any are required;

200.9. design evaluation criteria;

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

200.11. the indicative term within which the jury commission decision shall be taken;

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

200.13. 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;

200.14. the composition of the jury commission;

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

200.16. other information.

201. 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 from the day of sending the design contest notice to the Publications Office of the European Union for publishing in the Official Journal of the European Union.

[*24 October 2023*]

202. When the public service provider has approved the design contest rules, it shall, for the announcement of the design contest, prepare the design contest notice and send it to the Publications Office of the European Union for publishing in the Official Journal of the European Union.

[*24 October 2023*]

202.1 Starting from the day when the design contest notice is published on the website of the Procurement Monitoring Bureau, the public service provider 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 the economic operator requests to issue the design contest rules and any other additionally required documents in printed form, the public service provider 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 public service provider may charge a fee for the issue of the respective documents in printed form which shall not exceed the actual expenditures of the reproduction and sending of the documents.

[*8 November 2022*]

202.2 If the public service provider extends the term for the submission of designs, it shall prepare and resend the design contest notice to the Publications Office of the European Union for publishing 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.

[*24 October 2023*]

202.3 If the public service provider makes amendments to the design contest documents, the minimum term for the submission of tenders after the day of resending the design contest notice to the Publications Office of the European Union for publishing in the Official Journal of the European Union shall be at least half of the initially specified term for the submission of designs.

[*24 October 2023*]

203. After expiry of the term for asking questions about the design contest rules, the public service provider 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.

[*8 November 2022*]

204. 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.

[*8 November 2022*]

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

[*8 November 2022*]

206. 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.

[*8 November 2022*]

207. 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.

208. 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, and also, if necessary, shall issue a confirmation on the receipt of the design to contact persons. The responsible secretary shall ensure the storage of designs.

209. If the public service provider 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 public service provider shall take the decision to suspend the design contest, prepare the notice on the results of the design contest, and send it to the Publications Office of the European Union for publishing in the Official Journal of the European Union.

[*24 October 2023*]

210. If the design contest provides for the 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 according to 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.

[*8 November 2022*]

211. 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.

212. 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.

213. The jury commission shall take the decision on the results of evaluation (nominating designs for prizes, allocation of the prize-winning places, and also proposals for the further use of 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. The jury commission may take the decision to award several first places. If the jury commission does not recognise any design as implementable, it shall not grant the first place.

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

214.1. information on the designs being evaluated;

214.2. evaluation of the jury commission of each design;

214.3. individual evaluation of each member of jury commission;

214.4. expert reports, if any;

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

214.6. a recommendation addressed to the public service provider regarding further use of the design.

215. 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.

[*8 November 2022*]

216. The responsible secretary shall inform all the contact persons registered in accordance with Paragraph 208 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.

217. The opening of slogan transcripts shall be open.

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

219. The responsible secretary shall call out the identification codes of the winner and the winners of awarded places. Afterwards he or she shall open the disclosure of these identification codes and call out the winner and the winners of awarded places. 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.

[*8 November 2022*]

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

220.1. identification number;

220.2. the name, address, and other details of the public service provider, if necessary;

220.3. description and objective of the project;

220.4. information about the participants taking part in the design contest;

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

220.6. the information on the winners and also the decision on allocation of prizes if the latter is provided for in the design contest rules.

221. The public service provider 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 Law on the Procurements of Public Service Providers.

[*8 November 2022*]

222. 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 public service provider, unless otherwise provided for in the design contest rules.

223. If a participant of the design contest does not have the professional qualification specified in the design contest rules, it may be awarded a prize, however, a procurement contract shall not be concluded therewith.

224. 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.

225. The authors of the designs which did not win any prizes are entitled to receive their designs within one month after announcement of the contest results in accordance with Section 37 of the Law on the Procurements of Public Service Providers. After expiry of the abovementioned term, the public service provider shall not be responsible for the preservation of the designs.

226. If designs have not been submitted in the design contest or if the submitted designs do not conform to the requirements of the design contest rules, or if the participants do not conform to the specified requirements for the professional qualification, the public service provider shall take the decision to suspend the design contest, send the information referred to in Section 37 of the Law on the Procurements of Public Service Providers to all the participants, prepare the notice on the results of the design contest and send it to the Publications Office of the European Union for publishing in the Official Journal of the European Union.

[*24 October 2023*]

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

227. In order to professionally evaluate the submitted designs, the public service provider shall establish a jury commission consisting of at least five members. The jury commission shall consist exclusively of natural persons who do 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.

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

229. 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.

230. In accordance with Section 37 of the Law on the Procurements of Public Service Providers, the jury, experts, and other persons involved in the evaluation of the designs shall not disclose 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 Law on the Procurements of Public Service Providers or this Regulation.

231. The public service provider shall appoint the responsible secretary who shall ensure the course of the design contest and shall be responsible for ensuring the anonymity of the submitted designs and slogans of the participants until completion of the evaluation of designs. The responsible secretary shall not be a member of the jury commission. The responsible secretary shall not disclose information known to him or her to identify a participant.

232. A member of the jury commission and the responsible secretary are not entitled to submit a design and to participate in the design contest, and also to represent a participant of the design contest.

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

233. The public service provider shall take the decision to terminate a procurement procedure in any of the following cases:

233.1. no tenders or applications have been submitted;

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

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

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

233.5. tenders are recognised as abnormally low.

[*8 November 2022*]

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

[*8 November 2022*]

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

235. The public service provider does not have the obligation to use electronic information systems for the receipt of applications, tenders, or their constituent parts in accordance with Section 44, Paragraph one of the Law on the Procurements of Public Service Providers in any of the following cases:

235.1. a negotiated procedure without publishing an invitation to participate is applied;

235.2. 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;

235.3. 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);

235.4. such specific file formats are to be used for the submission of applications, tenders, or their constituent parts which the economic operator cannot prepare or the public service provider 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);

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

235.6. such information is to be submitted the protection whereof is not ensured by the electronic information system used by the public service provider.

[*8 November 2022*]

236. The Regulation shall come into force on 1 March 2017.

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

The Regulation contains legal norms arising from Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC.

Prime Minister Māris Kučinskis

Minister for Finance Dana Reizniece-Ozola