



European Union

Publication of Supplement to the Official Journal of the European Union

2, rue Mercier, 2985 Luxembourg, Luxemburg Fax: +352 29 29 42 670

E-mail: ojs@publications.europa.eu

Info & on-line forms: <http://simap.europa.eu>

CONTRACT NOTICE

In case of applying a procedure developed independently upon Article 123 of PPA

SECTION I.: CONTRACTING ENTITY

I.1) Name, addresses and contact point(s)

Official name: Budapesti Közlekedési Zártkörűen Működő Részvénytársaság		
Postal address: Akácfa u. 15.		
Town: Budapest	Postal code: 1972	Country: Hungary
Contact point(s): Gazdasági Igazgatóság Beszerzési Főosztály For the attention of: Schifner Marianna		Telephone: +36 114616578
E-mail: kozbeszerzes@bkv.hu		Fax: +36 13226438
Internet address(es) (if applicable) General address of the contracting entity (URL): www.bkv.hu Address of the buyer profile (URL): www.bkv.hu/hu/beszerzesek		

SECTION II: OBJECT OF THE CONTRACT

II.1) Description

II.1.1) Title attributed to the contract by the contracting entity: Transport of 10 pieces of used trams
II.1.2) Type of contract and location of works, place of delivery or of

performance

(choose one category only – works, supplies or services – which corresponds most to the specific object of your contract or purchase(s))

<input type="checkbox"/> Works	<input type="checkbox"/> Supplies	<input checked="" type="checkbox"/> Services
<input type="checkbox"/> Execution <input type="checkbox"/> Design and execution <input type="checkbox"/> Realisation, by whatever means of work, corresponding to the requirements specified by the contracting entities	<input type="checkbox"/> Purchase <input type="checkbox"/> Lease <input type="checkbox"/> Rental <input type="checkbox"/> Hire purchase <input type="checkbox"/> A combination of these	Service category No: 2 <i>Please see service categories in Annex 3. and 4. of PPA</i>
Place of delivery or of performance: 1106 Budapest, Fehér út 1/B.		
NUTS-code: HU 101		
II.1.3) Information about the contract, , subject:		
Transport of 10 pieces of used trams		
II.1.4) Common procurement vocabulary (CPV)		
Main object: 60100000-9		

II.1.5) Part tendering: yes no

II.1.6) Alternative offers:

alternative offers are accepted:

yes no

II.2) Quantity or scope of the contract

II.2.1) Total quantity or scope: *(including all lots, renewals and options)*

Transport of 10 pieces of used trams from Germany to Hungary

(if known, give figures only) Estimated value excluding VAT: Currency:

OR

Range: between and Currency:

II.2.2) Information about options (if applicable)

Options yes no

(if yes) Description of these options:

(if known) Provisional timetable for recourse to these options:
in months: or on days: (from the award of the contract)

II.3.) Duration of the Contract or limit for completion

The planned duration in months: or on days: (from the award of the contract)

OR

Completion: 31. 12. 2015.

SECTION III: LEGAL, ECONOMIC, FINANCIAL AND TECHNICAL INFORMATION
III.1) Conditions relating to the contract

III.1.1) Deposit and guarantees required: (if applicable) yes no

In case of the answer is yes:

In case of delayed or deficient performance Tender Announcer may impose a penalty. The extent of the penalty is indicated in the Draft Contract which is part of the tender documentation.

III.1.2) Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them:

The consideration is fulfilled by the Tender Announcer in line with Article 130/ (1) of PPA and 6:130 (1) of Civil Code from 2013 (Low V.)

III.1.3) Legal form to be taken by the group of economic operators to whom the contract is to be awarded:

yes no

III.2) Conditions for participation

III.2.1 Grounds for exclusion

Ground for exclusion and the required method of certification (Obligatory grounds for exclusions listed under Article 56 (1)k) and (2) of PPA)

Grounds for exclusion:

- The following Candidates (joint Candidates), subcontractors and organisations taking part in verifying suitability shall be excluded from participation in the procedure and may not contribute to the certification of suitability in whose case ground for exclusion listed under Article 56 Section (1) Points a)-k) of PPA are present.
- The following Candidates (joint Candidates) shall be excluded from participation in the procedure in whose case grounds for exclusion listed under Article 56 Section (2) of PPA are present.

Required method of certification:

- Candidates (joint Candidates) shall certify that they do not fall within the scope of Article 56 Section (1) a)-k), nor Article 56 Section (2) of PPA. Article 56 Section (1) Points k, kc, shall be certified pursuant to Article 2 Points i, and ib, and Article 4 Points f, and fc, of Government Decree 310/2011 (XII.23) in their Application.
- Candidates (joint Candidates) shall make a statement pursuant to Article 58 Section (3) of PPA in their Application as their subcontractors or organisations taking part in verifying suitability do not fall under the scope of grounds for exclusion listed in Article 56 Section (1) a) -k) of PPA.

III.2.2) Economic and financial ability (*if applicable*)

Information and formalities necessary for evaluating if the requirements are met:

Statement of the Candidates (joint Candidates) about the total net turnover of at least one year from the previous three years before this notice (depending on the time when Candidate came into existence or respectively when Candidate started his operation) pursuant to Article 14 Section (1) c) of Government Decree 310/2011 (XII.23) has to be attached to the Application if these data are available

Article 14 (3) of Government Decree 310/2011 (XII.23) shall be applied if conditions detailed in it exist. If conditions detailed in Article 14 (4a) of Government Decree 310/2011 (XII.23) exist, Tender Announcer accepts the exact indication of the requirement and the place of documents certifying the compliance .

Minimum requirement(s) of suitability:

The Candidate (joint Candidate) will be qualified as suitable for fulfilling the agreement if its total net turnover (calculated without value-added tax) exceeded HUF 40 000 000 or EUR 130 000 at least in one of the previous three years before this notice

III.2.3) Technical, professional suitability (if applicable)

Information and formalities necessary for evaluating if the requirements are met:

M1: The Candidates (joint Candidates) shall detail the most remarkable fulfillments in the previous 60 months before the dispatch of this notice. The Tender Announcer requests Candidate to certify its authenticity pursuant to Article 16 Section (5) of Government Decree 310/2011 (XII.23). In the Certificate or statement at least the following data have to be indicated: time and place of performance, subject matter and quantity of the purchase, sum of the compensation, statement on the suitable performance.

M2: Tenderers (or joint tenderers) shall attach to their offer the description of the technical equipment and tools necessary for the performance upon Article 15 (3) of Government Degree 310/2011 (XII.23).

Minimum requirement(s) of suitability:

M1: A tenderer (joint tenderer) is suitable, if he has reference about transporting at least 5 units of vehicles type TW6100 or other type with the same size and weight performed during the last 60 months before dispatching this contract notice.

M2: A tenderer (joint tenderer) is suitable if he has transport equipment with the following parameters:

- the equipment shall be able to transport the tram in one piece, without disassembling it,
- the equipment shall have a 1435 mm gauge guide rail and a rail ramp which can be built from street level. to track platform,
- the equipment shall be able to pull the tram up to the platform with the help of a winch and also to let it down to the recipient platform.

SECTION IV: PROCEDURE

IV. 1.2) Award criteria

Lowest price

OR

The most economically advantageous tender in terms of

IV.1.4) The process of negotiation and the related fundamental rules, the first date of the negotiation (*except the procedure is without negotiation*)

Tender Announcer does not plan to hold negotiation. If the valid, lowest price containing offer exceeds the cover, the final prices will be determined on a price negotiation. The planned date for price negotiation is the 5th business day after submitting offers.

IV.1.5) Regulation of tender guarantee: [] yes [x] no

IV.2) Administrative information

IV.21.1) Conditions for obtaining specifications and additional documents

Time limit for accessing documents:

Date: 10/11/2015 Time: 10:00 AM

Payable documents [] yes [x] no

(if yes, give figures only) Price: Currency:

Terms and method of payment:

IV.2.1.2) Buying, receipt or accessing through an electronic way of the documentation is a criterion in taking part in the procedure [x] yes [] no

IV.2.1.3) Other information on providing the documentation, additional papers or review:

Tender Announcer makes the entire tender documentation available in electronic way on his web page (<http://www.bkv.hu/hu/beszerzesek>). Downloading the documentation is a criterion for taking part in the procedure. The documentation shall be downloaded pro one offer by at least one tenderer or a subcontractor designated in the offer. Additional information will be sent to the entity that has downloaded the documentation. The reception of the electronic version of the documentation shall be confirmed by the tenderer (or his subcontractor) by completing Confirmation Sheet which is part of the documentation. The completed Confirmation Sheet shall be sent to the fax number or e-mail address indicated in Point I.1 of this present Contract Notice which certifies the reception of the documentation.

IV.2.2) The limit for the submission of tenders or the time limit for submission of requests to participate, respectively time limit for submission of declaration of intent:

Date: 10/11/2015 Time: 10:00 AM

IV.2.4) Language(s) in which tender s or request to participates may be drawn up

Any EU official language
 Official EU language(s): English
 Other:
 Hungarian:

IV.2.5) Minimum time frame during which the tenderer must maintain the tender

until : / / (dd/mm/yy)

OR

Duration in months: or in days: 30 (from the date started for receipt of tender)

IV.2.6) Conditions for opening tenders

Date 10/11/2015 Time: 10:00

Place: BKV Zrt. 1072 Budapest, Akácfa utca 15. office B303/B

Persons authorised to be present at the opening tenders (*if applicable*)

yes no

(*if yes*) Additional information about authorised persons and opening procedure:

Persons under PPA Article 62 (2) may attend the tender opening session: Tender Announcer, tenderers, and persons invited by them, furthermore representatives of organs defined by the law.

SECTION V: COMPLEMENTARY INFORMATION

V.1) Information about recurrence (if applicable)

This is a recurrent procurement yes no

(if yes) Estimated timing for further notices to be published:

V.2) Information about European Union funds

The contract is related to a project and/or programme financed by European Union funds

yes no

(if yes) Reference to project(s) and/or programme(s):

V.3) The procedure will be launched upon Article 44 (section 3-4) in the PPA. yes no

V.4) Further information, procedural regulations applied by the Tender Announcer, other information for submitting an offer:

A) Procedural regulations applied by Tender Announcer:

Applying the public procurement law

1. Pursuant to Article 123 Section 1 in PPA Tender Announcer is entitled to apply other regulations than Articles 38-110. Tender Announcer shall apply regulations of the First and Fourth Part of PPA when they can be applied in this present procurement process. Tender Announcer is not acting according to Article 122 in PPA.

Contract notice and documentation starting this procedure:

2. Tenderers shall submit their offers upon the invitation to tender and the documentation. They might find information about the documentation in points IV.2.1.1.-IV.2.1.3

Modification and cancellation of the limit for submission tender, the invitation to tender and the documentation

3. a) The Tender Announcer shall have the right to extend the time limit for submission of tenders in the course of the procedure on one or more occasions, but the time limits may not be shortened. The modified time limit will be published in a notice.

b) Tender Announcer may modify the criteria indicated in the invitation to tender and in the documentation with a published announcement until the expiry of time limit for submission of tenders. In this case Tender Announcer will prolong the time limit for submission of tenders in the extent necessary for the appropriate tendering, except the original time limit for submission of tenders is enough for the appropriate tendering.

c) If only the documentation is modified and the time limit to submit tenders does not need to be prolonged, Tender Announcer will not publish an announcement about the modification, but he will inform the economic operators who have received the documentation about the modified elements of the documentation directly in written form. Tender Announcer also provides direct information about what should be considered if there is contradiction in the documentation or if there is contradiction between the contract notice and the documentation. If, as a result of this the contract notice needs to be modified point b) shall be applied.

4. The Tender Announcer may withdraw the contract notice launching the procedure with a published announcement until the expiry of the time limit for the submission of tenders.

5. Tender Announcer shall inform the economic operators who have proven to have received the documentation about the modification of the time limit for submitting tenders, about modifications of the documentation and /or the contract notice launching the procedure and about the withdraws of the contract notice launching the procedure simultaneously and in a written form.

Additional information

6. Any economic operator being potential tenderer may ask the Tender Announcer for additional information in writing in order to the appropriate tender, about the content of the contract notice launching the procedure or about the content of the documentation, within

reasonable time before the expiration date of the time limit for submission of tenders.

If the additional information will not be asked in reasonable time, Tender Announcer shall not be obliged to give an answer. Tender Announcer does not consider as reasonable time, if the request for additional information will be submitted one day before the time limit for submission of tenders or on the previous day after the official working hours.

The Tender Announcer may extend the time limit for submission of tenders in order to provide the requested additional information without publication of an announcement by informing all the known tenderers simultaneously and in writing.

Tender Announcer provides additional information in written form to all known tenderers.

Suitability, grounds for exclusion

7. a) In the course of the public procurement procedures economic operators who meet the minimum requirements (suitability criteria) established by the Tender Announcer in relation to the technical and professional requirements and who are not subject to any grounds for exclusion detailed in this present contract notice may submit a tender. The lack of the grounds for exclusion and the suitability shall be certified in the tender according to points III.2.1 – III.2.3 and according to tender documentation.

b).By examination of the compliance with the minimum requirements (suitability criteria) Article 55 Section 5-6 of PPA shall be applied.

c).A previous contract, performance of which was already concluded by the economic operator, will be qualified as reference.

Regulations on the tenders and on the opening of tenders

8. The tender shall be drawn up and submitted by the tenderer in compliance with the requirements for the contents and form set out in the contract notice and in the documentation.

9. Tenders shall contain in particular the following:

a) The tender shall contain the explicit statement of the tenderer concerning the conditions set out in the contract notice, the conclusion and performance of the contract and the requested consideration.

b) The tenderer shall make a statement whether it qualifies as a micro, small or medium-sized enterprise according to the Act on Small and Medium-sized Enterprises and the Support Provided to Such Enterprises (Article 60 Section 5 of PPA)

c) The reading sheet, which contains the name and address of the tenderer, furthermore the quantifiable data which will be evaluated according the evaluation criteria (sub-criteria)

d) The tenderer's statement on the name of the subcontractors intended to be employed, the parts and percentage of the public procurement for the performance of which the indicated subcontractors will contribute.

Procedure proceedings after opening the tenders, invalidity

10. The Tender Announcer ensures the possibility of supplying missing information under the same conditions for all tenderers (pursuant to Art. 67 of PPA) and it shall request information from the tenderers for the purpose of clarifying the content of ambiguous statements, declarations, certificates included in the tenders. The request for supply of missing information or provision of information shall be sent by the Tender Announcer directly to the tenderers informing about this fact at the same time all the other tenderers and setting the time limit, and in the case of request for the supply of missing information, providing for the information to be supplied.

11. The Tender Announcer will request for another supply of missing information if he perceives any missing information not mentioned in the previous requests. Until the deadline for submitting the missing information the tenderer may also supply missing information for which the Tender Announcer did not send out request.

12. Submitting missing information may aim only completion of the offer to meet the stipulations of the tender notice, the documentation or the legal regulations. If Article 26 of PPA has not been observed correctly so far and an economic operator was previously indicated as subcontractor he can be classified as joint tenderer until the deadline for supplementing missing information. However, it is not possible

a) to involve new tenders (joint tenderers) in the procedure

b) to modify data which can change offer elements which can influence the evaluation sub-criteria

13. The Tender Announcer will check if the submitted information meets the requirements drawn up in point 11. In case of breach of the stipulations of Point 12 or if the tenderer fails to submit the required information or fails to submit it until the stipulated deadline, only the original counterpart(s) of the offer can be taken into consideration during the evaluation of the tender

14. If the Tender Announcer perceives in the tender a calculation error affecting the result of the evaluation, this error is corrected by the Tender Announcer. All tenderers shall be advised in writing of the correction of the calculation error simultaneously.

15. The Tender Announcer will check the validity of the tenders concerning Points 16. a)-e) and chooses the tenderers submitting valid tenders, then chooses the tenderer giving the most favourable offer. If the consideration in the most favourable tender exceeds the coverage or if a further question emerges on the basis of the submitted tenders which makes the negotiation necessary, the Tender Announcer may initiate a negotiation.

16. The tender shall be deemed invalid if

- a) it is submitted after the expiry of the time-limit to submit tenders;
- b) the tenderer or its subcontractor or the entity contributing to the certification of sustainability indicated in the tender does not fulfil the conflict of interest criteria detailed in Article 24 of PPA
- c) the tenderer or its subcontractor or the entity contributing to the certification of sustainability has been excluded from the procedure;
- d) the tenderer does not comply with the suitability conditions required for performing the contract;
- e) the tender does not comply in any other way with the conditions stipulated in the contract notice, the invitation to tender and the documentation and by law, with the exception of. Formal requirements for tenders set out by the Tender Announcer in the documentation.

17. a) The Tender Announcer will exclude tenderers, subcontractors or entities verifying suitability if they fall under the grounds for exclusion or if the ground for exclusion emerged during the present procedure.

b) The Tender Announcer may exclude tenderers for whom national treatment shall not necessarily be applied pursuant to Art 2 Section (5) of PPA

18. If the Tender Announcer holds negotiation he will decide on the invalidity of the tenders pursuant to points 16. a)-e)

Choosing the most favourable tender and the next most favourable tender:

19. The Tender Announcer will evaluate admissible and valid tenders (in given case validity can be stated on the negotiation) pursuant to the evaluation criteria defined in IV.2.1. The tender will be awarded to the tenderer who submits his offer with the lowest compensation.

20. a) The Tender Announcer will evaluate tenders within the shortest possible time, i.e. during a time period so that the tenderers can be informed about the decision closing the tender within the validity period.

b) Before the end of the validity period the Tender Announcer may ask the tenderers to lengthen the validity of their tenders till a definite date and time. If a tenderer does not react before the deadline given by the Tender Announcer the Tender Announcer will consider this as the validity of his tender is lengthened till the indicated date. If a tenderer does not keep his tender it will be ignored in the further course of the procedure

Lack of success of the public procurement process:

21. The procedure shall be deemed unsuccessful if:

- a) No tenders are submitted;
- b) Only invalid tenders are submitted;
- c) None of the tenderers, not even the tenderer submitting the most economically advantageous tender, meets the requirements for financial cover available to the Tender Announcer;
- d) After initiation of the procurement procedure an unpredictable event occurs, as a result of which the Tender Announcer will be unable to contracting or performance, therefore

Tender Announcer declares the procedure unsuccessful) The Tender Announcer decides to invalidate the procedure due to action by a tenderer that materially damages the correctness of the procedure or the interests of the other tenderers or candidates;

f) In the case the validity period expires for all submitted tenders, the Tender Announcer does not evaluate the tenders and neither of the tenderers maintain their tender;

g) The Public Procurement Arbitration Board annuls a decision by the Tender Announcer and after the closing decision about the illegal procedure will be annulled, the legality of the procedure can not be restored with making a legal decision;

Tender Announcer provides written information about the cause according to Point d) to all tenderers.

Information about the Tender Announcer's decisions:

22. a) Tender Announcer will prepare a written summary by finishing the evaluating of the tenders according to the sample in the particular legal provision about the result of the procedure. This summary contains the invalid tenders and the reason for invalidation, which will be sent simultaneously to all tenderers by fax or electronic means.

b) Tender Announcer (beside the summary detailed in point a) will inform the tenderer in a written form about the exclusion, about being deemed unsuitable for performing the contract and the classification of their tender as invalid on any other grounds, as well as of the relevant reasons thereof in detail, as quickly as possible after the decision to this effect, but within three business days at the latest, if the sending of the summary upon point a) is due within three business days after the sending of the decision about the invalidity.

Preliminary dispute settlement and correction of the summary

23. The Tender Announcer or before the tendering anyone (any organisation) who has received the documentation, may initiate a preliminary dispute settlement within 3 business days after having knowledge of the illegal event, if it considers that the written summary or any procedural act of the Tender Announcer or any other document made during the contract award procedure. For initiating the preliminary dispute the applicant shall state the points of the written summary deemed unlawful, or other document, or procedural action furthermore his recommendations, remarks and the data and facts and supporting his opinion and he shall also refer to the documents – if any – supporting such data and facts. The preliminary dispute settlement application shall be dispatched to the Tender Announcer by fax or electronic means. Tender Announcer will evaluate this as soon as possible and informs the candidates – and the other tenderers – about his standpoint and where applicable about the necessary measurements and decisions for repairing the infringement by the means identical to that of the submission.

If Tender Announcer acknowledges that there has been an infringement, he can decide to order public procurement procedure actions, and if necessary, also to repeat the procedure actions already completed, if this way the infringement could be remedied. If Tender Announcer rejects the preliminary dispute settlement request he shall not conclude the Contract in any case before the end of a period of 5 days following the date of his answer

even if the validity period pursuant to Article 124 (6) of PPA expired.

24. Tender Announcer may modify on one occasion the written summary concerning the evaluation of Tenders, if necessary, retract the communication on invalidity, furthermore rescind the contract already concluded within twenty days from the dispatch of the written summary to the Tenderers or, terminate the contract immediately, should he observe after the sending of the results that the result (or lack of success) was unlawful and the modification provides legal remedy thereto.

Tender Announcer shall send the modified written summary to all Tenderers at the same time, by fax or email, without delay.

In case of detecting any clerical error (change of names, misspelled names, numeric errors, miscount or any other similar error) in the written summary concerning the Tenders or the requests to participate, the Tender Announcer may correct it at or without request. Tender Announcer shall send the corrected written summary to all Tenderers at the same time, not later than ten days after the sending of the results of the procedure.

Public nature of tenders and confidentiality

25. a) Tenderers may prohibit the release of documents containing business secrets, which are included separately in their tender or explanation of the consideration considered to be abnormally low. The documents containing business secrets shall be prepared in a way that they shall not contain elements detailed in points b) and c).

b) Tenderers may not prohibit disclosing his name, address (seat, residence) and any facts, information, solution or data (hereinafter jointly: data) which will be evaluated under the evaluation criteria, but they may prohibit disclosing pieces of information and basic data (especially priced budget) which do not fall in the scope of point c).

c) The disclosure of data subject to data supply and information obligation specified in a separate act of legislation pertaining to data of public interest and data publicised in the public interest may not be restricted or prohibited by invoking business secrecy. The provision excluding the assignment of the contract concluded pursuant to a contract award procedure shall not be regarded as a business secret.

d) After sending the summary concerning the evaluation of tenders the disclosure of such data that are covered by points b), c) may not be restricted or prohibited by invoking business secrecy. In consideration of this, the tenderer may ask to inspect those parts of the tender of another tenderer which do not qualify business secret. In the course of the inspection, notes may be taken on the contents of the documents. Access to documents shall be provided during office hours, on the day suggested by the entity asking for access.

e) If a tenderer submitting an admissible tender, does not take the opportunity according to point d) on his request Tender Announcer shall provide information regarding the features of the winning tender and its advantages over the tender submitted by him within five business days from receiving the request, taking into consideration the winning tenderer's interests regarding business secrecy.

B) Other information needed for tender submission

a) Joint Tenderers are asked to submit the declaration according to the documentation.

b) The following documents shall be attached in order to justify the right to represent the

Tenderer:

Specimen signatures from any person signing any documents in the Tender, in case of any Tenderer, or pursuant to Procedure Order point 8.b) justifying suitability representing the economic entity, and authorisation from the person entitled to signature. Tender Announcer will check the right of signing person for representing Tenderer on the basis of the extract on www.e-ceggyzek.hu, for this purpose Tenderer shall provide the trade registration number. Tenderer shall submit the declaration according to the documentation if copy of company register does not exist in the state where the company is seated or if the company does not subject to Ctv. (Act on public data of companies - Hungary) or the power for representation cannot be checked for other reason in records kept according to Article 36 (5) of PPA.

c) ca) Tenderer is allowed to submit the documents in simple copies in the public procurement procedure

cb) The Tender shall be submitted in Hungarian language. In case of any document in other foreign language a responsible translation shall be attached pursuant to Article 36 (3) of PPA, or instead, a certified Hungarian translation may be attached (pursuant to Article 7 (4) or Article 28 (17) of Act C. of 2001 on recognition of foreign diplomas and certificates).

d) The tender shall contain the detailed price offer as specified in the documentation.

e) The price shall include all costs for the full performance of the task.

C) Other information linked to this procedure

1. Tender Announcer shall inform the Tenderers about the results of the procedure or the lack of success of the procedure and shall send all Tenderers the summary on the tenders' evaluation at the same time by fax or email, pursuant to Article 77 of PPA.

2. Tenders can be submitted by post or by personal delivery on workdays from Monday to Friday, from 8.00 until 14.00 at BKV Zrt. Headquarters (1072 Budapest, Akácfa u. 15.), 3rd floor, office B303B. On the day of deadline for Tender submission personal delivery is possible at the same location, by the time specified at point IV.2.2. Tender Announcer considers the Tenders submitted by post arrived by deadline only if those are received by Tender Announcer at the specified location for receipt of Tenders, by the deadline for Tender submission at the latest. Tenderer shall take any liability if the Tender or any connected postal package gets lost.

3. Pursuant to Article 40 (1) Tenderer shall indicate in his Tender the following:

a.) a.) that part (those parts) of public procurement for which he intends to employ any subcontractor.

b.) the subcontractors whose contribution in performance of the public procurement is more than the value of 10 % of the concerned parts and the percentage of each subcontractor in performance of the public procurement.

4. In case of an ongoing procedure for registration of modification, Tenderer shall attach to his Tender the claim for registering the modification submitted to Court of Registry and the confirmation of its receipt sent by Court of Registry.

5. Tender Announcer, shall conclude the Contract only with the winner of the procedure pursuant to Article 124 (4) of PPA or if the winner steps back, with the Tenderer who has been declared in the evaluation of the procedure as the next more favourable Tenderer company/person if (s)he has been indicated in the summary about the evaluation of Tenders.

6. Tender Announcer has set the conditions about the financial, economic, technical and professional suitability in points III.2.2 and III.2.3 of the Invitation to Tender and their methods of certification stricter compared to the Register of Qualified Tenderers.

7. According to Article 54 of PPA the tenderer shall manage to obtain appropriate information on the obligations relating to the employee protection provisions, and to the working conditions which are in force at the site of implementation and which shall be met during the performance of the contract.

8. The tenderer shall make a statement whether it qualifies as a micro, small or medium-sized enterprise according to the Act on Small and Medium-sized Enterprises and the Support Provided to Such Enterprises, according to Act 60 Section 5 of PPA.

9. Identification of the procedure by Tender Announcer: BKV Zrt. TB-303/15