

DOCUMENTATION

LIBRARY AND INFORMATION CENTRE OF THE HUNGARIAN ACADEMY OF SCIENCES

**TO A PUBLIC PROCUREMENT TENDER ON THE
“SUBSCRIPTION FOR THE ACCESS TO DE GRUYTER JOURNALS ONLINE DATABASE (2018)”**

2017

PREAMBLE

You are reading the Tender Documentation on the “*Subscription for the Access to de Gruyter Journals online database (2018)*” with the Library and Information Centre of the Hungarian Academy of Sciences as Contracting Authority. The aim of this Documentation is to contribute to the submission of an adequate Tender, fulfilling the requirements of the Invitation to Tender and the Documentation.

Contracting Authority directs Tenderer’s attention to Articles 73-74 of Act CXLIII of 2015 on public procurement (hereinafter PPA), which invalidate those Tenders who fail to comply in any way with the law or conditions stipulated in the Invitation to Tender or the Documentation.

Budapest, 20 December, 2017

Yours Sincerely,

PUBLIC CONSULTING Kft.
represented by
Diána Kretter dr.
Managing Director

INVITATION TO TENDER

Contracting Authority has also sent the Invitation to Tender directly to the Tenderer. Contracting Authority directs Tenderer's attention to the fact that it is necessary to submit a valid Tender. All related information can be acquired from this Documentation and the Invitation to Tender, PPA and also from the related Government Decrees. If any element of the Documentation is not in line with the Invitation to Tender, the Invitation to Tender is normative. In case of any discrepancies between the English and Hungarian version of the public procurement documents, the Hungarian version shall prevail, except for the Draft Contract where this issue is expressly stipulated in each case.

GUIDE

ON THE PREPARATION, SUBMISSION AND EVALUATION OF A TENDER

I. DEFINITIONS

For disambiguation, Contracting Authority makes his definitions below available for Tenderers.

- 1) **Consultant:** this tender is processed by Public Consulting Kft.
Contact details of the Consultant:
 PUBLIC CONSULTING Kft.
 Accredited expert in public procurement: Diána Kretter dr., registration number: 00373
 Postal address: 1055 Budapest, Szalay u. 2. III. em. 2.
 Phone: +36704505971
 Fax: +3617002256
 Email: office@publicconsultingkft.hu
- 2) **PPA:** Act CXLIII of 2015 on public procurement
- 3) **Tax Act.:** Act XCII of 2003 on domestic tax regulations
- 4) **Official translation by Tenderer:** translation of documents prepared or enclosed by Tenderer which originally were not drafted in the language of the procedure with respect to PPA § 47 (2).
- 5) **Economic Operator:** definition pursuant to PPA § 3 (10).

II. GENERAL RULES

- 1) The submission of the Tender is at once accepting the regulation prescribed in the Invitation to Tender and the Documentation, especially but not exclusively in the technical specifications or contract terms.
- 2) The Documentation contains sample statements in order to facilitate the submission of adequate Tenders. Contracting Authority hereby informs Tenderers that using the samples is not mandatory, merely a set of guidelines.
- 3) The Tenders shall contain in particular the explicit statement of the Tenderer concerning the conditions set out in the contract notice or Invitation to Tender, the conclusion and performance of the contract and the requested consideration. In the Tender, the Tenderer shall make a statement determining its size as specified in Act XXXIV of 2004 on supporting small and medium-sized enterprises.
- 4) The language of the procedure and the Tender is Hungarian and/or English. Contracting Authority takes into consideration documents and deeds in Hungarian and/or English also translated to Hungarian and/or English during the assessment of the Tenders. Submission of a document drafted in a not specified language is acceptable with its faithful translation by the Tenderer. During the procedure the communication is in Hungarian and/or English, no other language shall be accepted.

Central European Time is authoritative for any deadlines set in the Invitation to Tender or Documentation.

III. INSTRUCTION WITH RESPECT TO PPA § 73 (5)

- 1) Contracting Authority informs Tenderer subject to PPA § 73 (5) as to the name of organisations which may provide Tenderer with information on requirements pursuant to PPA § 73 (4) which must be adhered to in the course of performance.
- 2) In consideration of the regulation above Contracting Authority provides the name of the bodies (authorities) from which a Tenderer may obtain the appropriate information:

National Public Health and Medical Officer Service (ÁNTSZ)

Head Office: 1097 Budapest, Albert Flórián út 2-6.

Postal address: 1437 Budapest, Pf. 839.

Phone: +36-1-476-1100

Fax: +36-1-476-1390

Website: www.antsz.hu

Ministry for National Economy, State Secretariat for Employment

1051 Budapest, József nádor tér 2-4

Postal address: 1369 Budapest Pf.: 481.

Phone: +36 (1) 795-1400

Fax: +36 (1) 318-2570

Website: www.kormany.hu

Hungarian Office for Mining and Geology

Head Office: 1145 Budapest, Columbus u. 17-23

Postal address: 1590 Budapest, Pf. 95

Phone: +36-1-301-2900

Fax: +36-1-301-2903

Website: www.mbfh.hu

National Tax and Customs Authority

Head Office: 1054 Budapest, Széchenyi u. 2.

Phone: +36- 1-428-5100

Fax: +36-1- 428-5382

Website: www.apenh.hu

Ministry for National Economy

H-1051 Budapest, József nádor tér 2-4.

Postal address: 1369 Budapest Pf.: 481.

Fax: +36-1-795-0716

Phone:

NGM (József nádor tér 2-4.): +36 1 795-1400

NGM (Kálmán Imre u. 2): +36 1 472-8000

NGM (Honvéd u. 13-15): +36 1 374-2700

Email: ugyfelszolgalat@ngm.gov.hu

Website: <http://www.kormany.hu/hu/nemzetgazdasagi-miniszterium/elerhetosegek>

Ministry of Agriculture

Head Office: 1055 Budapest, Kossuth Lajos tér 11.

Postal address: 1860 Budapest

Phone: 06-1-795-2000

Fax: 06-1-795-0200

Website: <http://www.kormany.hu/hu/foldmuvelesugyi-miniszterium/elerhetosegek>

Public Procurement Authority

Head Office: 1026 Budapest, Riadó utca 5.

Postal address: 1525. Pf. 166.

Phone: 06-1-882-8502

Tax: 06-1-882-8503

Website: <http://www.kozbeszerzes.hu/>

IV. COMPLETE AND ACCURATE COLLECTION OF THE DOCUMENTATION

The collector of the Documentation is responsible for checking the completeness of the Documentation when receiving it. It is beyond Contracting Authority's power to accept any objections with regard to the deficient receipt of such Documentation. Contracting Authority draws Tenderer's attention to that the

Documentation contains a GUIDE, a DRAFT CONTRACT, SAMPLE STATEMENTS and TECHNICAL SPECIFICATIONS drawn up by Contracting Authority.

V. AMENDMENT OF THE TENDER

- 1) Tenderers shall be bound by their Tender from the date of conclusion of the negotiations.
- 2) If Tenderers amend or withdraw their Tender after the date of conclusion of the negotiations (the expiry of the deadline for the submission of Final Tenders), it is deemed as an infringement of the binding offer period determined in PPA § 100 (4). The consequence of the infringement of the binding period is having the Tender declared invalid.

VI. SUPPLEMENTARY INFORMATION

- 1) Economic Operator may ask for supplementary information from Contracting Authority at the contact assigned in the Invitation to Tender in writing (handed personally or by post, fax or electronic means as specified in PPA § 41 (4)). The additional information shall be given not later than three days before the expiry of the deadline for submission of Tenders.
- 2) If the request for additional information has been submitted later than the third day preceding the deadline for sending the answer as set out above, Contracting Authority is not obliged to provide additional information.
- 3) The Economic Operators' propounded questions and Contracting Authority's additional information become part of the Documentation.

VII. DOCUMENTS THAT CONSTITUTE THE TENDER

- 1) With respect to PPA § 57 (1) b) Contracting Authority directs attention to the documents that are to be submitted in the Tender – as far as possible please enclose them in this order:

| Serial number | Denomination |
|--|--|
| 1. | <p>A Reading Sheet shall be enclosed which shall contain all the data under PPA § 68 (4) (name, address (registered office, home address), and those main quantifiable data which shall be evaluated according to the assessment criteria).</p> <p>The Tender shall contain the following details of the Tenderer:</p> <ul style="list-style-type: none"> ➤ Bank account number, ➤ Name of the representative, ➤ Name of the contact person, ➤ Phone number of the contact person, ➤ Email address of the contact person. ➤ Tenderer's tax number <p><i>Appendix 1</i></p> |
| 2. | <p>Tenderer shall make a statement pursuant to PPA § 66 (2) and (4) in its Tender. Contracting Authority requires Tenderer to submit the original copy of the statement as per PPA § 66 (2).</p> <p><i>Appendix 2</i></p> |
| Statements on the non-existence of grounds for exclusion: | |
| 3. | <p>No Economic Operator may participate in the procedure as Tenderer, or Sub-contractor, and may not contribute to the certification of suitability either who fall under any of the points defined in PPA § 62 (1) and (2).</p> <p>Due to the fact that the economic operator called for tender is not established in Hungary, therefore the non-existence of grounds for exclusion shall be certified pursuant to Sections 10, 12, and 14-15 of Government Decree 321/2015. (X. 30.).</p> <p>In case of Tenderers not established in Hungary they shall declare as regards grounds for exclusion pursuant to PPA § 62 (1) a)-g), and sub-point ka) of point k), as well as PPA § 62 (2) as to what kind of certifications are suitable to certify the non-existence of grounds for exclusion in the country in which they are established and as to what kind of authorities, organizations issue them. Such declaration is not suitable to certify the non-existence of</p> |

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|------------------------------|--|
| | <p>grounds for exclusion, but it identifies the means of certification. The Tender shall contain certifications of such authorities, organizations which provide truthful evidence as to the non-existence of grounds for exclusion.</p> <p>Subject to PPA § 100 (5) Contracting Authority requires that the certifications on the non-existence of grounds for exclusion shall be filed simultaneously with the submission of the tender.</p> <p><i>Appendix 3 and Appendix 6</i></p> |
| Additional documents: | |
| | |
| 4. | If Tenderer has any comments or amendment requests regarding the Technical Specifications or Draft Contract, please enclose them as specific suggestions in a text like manner (as far as possible on an electric data carrier, in an editable *.doc form with a track changes version). Also, please enclose your Licence Agreement in your Tender if applicable. (Enclosing comments and amendments are not mandatory.) |
| 5. | The Tender shall contain the sample signature countersigned by an attorney-at-law or the specimen signature of the person who is to sign the Tender documents on behalf of and representing the Tenderer. If the Tender is not signed by the duly authorized person (duly authorised representative in case of companies), then a power of attorney (proxy) shall also be enclosed. The power of attorney shall contain the sample signature of the person thus empowered by the duly authorized person or representative to sign the Tender. Contracting Authority uses the terms specimen signature / sample signature within the meaning of Section 9 (2) of Act V of 2006. If Tenderer does not fall under the scope of Act V of 2006, then a document which include the following shall be submitted: 1) name of Tenderer, 2) name of the representative, and 3) the grounds for representation (e.g. executive officer), 4) signature of the representative, and 5) bearing notarial authentication or is countersigned by an attorney. |
| 6. | If an amendment notification proceeding is in process, then the Tender shall contain the amendment notification submitted and the document in which the Court of Registration has confirmed the receipt of such amendment notification. |

- 2) With respect to the fact that Contracting Authority requires the paper-based submission of Tenders, statements in the Tender without signature have no legal effect, thus on the spaces indicated, the Tender shall be duly signed (or signed by the authorized person) in compliance with Act V of 2006.

VIII. LAYOUT REQUIREMENTS ABOUT THE COPIES OF THE TENDER

- 1) The Tender shall be submitted in 1 single copy on paper.
- 2) Binding, filing or stitching the sheets of the Tender is mandatory.
- 3) The Tender shall not contain any insertion, deletion or rewriting, except the correction made by the Tenderer. These corrections shall be indicated with the date and shall be duly signed by the authorized person.

IX. LAYOUT REQUIREMENTS ABOUT THE PACKAGING OF THE TENDER

- 4) The Tender shall be submitted in a sealed envelope, packet or box. The packaging shall be non-transparent and intact.

X. SUBMISSION OF THE TENDER

- 1) Tenders may be delivered in person or by postal service to the address below:

PUBLIC CONSULTING Kft.

Postal address:, 1055 Budapest, Szalay u. 2. III. em. 2.

Tenders shall be submitted on working days, from 10 a.m. to 5 on the day of the deadline for submission of Tenders from 9 a.m. to 12. noon.

- 2) Contracting Authority shall deem the Tender submitted in due time if the Tender is delivered prior to the expiry of the deadline, prior to the commencement of the Tender opening procedure.

XI. ASSESSMENT OF TENDERS

- 1) The assessment criteria shall be the lowest price subject to PPA § 76 (2) a) in respect of the reasons set out in the Invitation to Tender.
- 2) If in order to have a clear and intelligible description of the subject-matter of the public procurement Contracting Authority makes reference to a specific make or source, or a particular process specified in the Documentation, which characterize a given economic operator's products or services, or to a trademark, patent, activity, person, type or given origin or manufacturing process, such designation has only been made in view of a clear description of the subject-matter; a Tender may be submitted on the product/service defined in the Documentation or a subject that is equivalent thereto.
- 3) The total price shall contain all incurred taxes and social insurance rates, fees, etc., except VAT. The contract price shall cover every charge related to the contractual performance as well as to the technical specifications.
- 4) The contract price shall be set out on the Reading Sheet (Appendix 1) pursuant to PPA § 66 (5). The contract price shall be indicated in EUR.

XII. METHOD OF CONTRACTING

Contracting Authority will contact the winning Tenderer after the written summary has been sent to inform it about any further steps or information needed to conclude the contract.

TECHNICAL SPECIFICATIONS

de Gruyter Journals

De Gruyter is an independent academic publisher that can look back at a company history of over 260 years. Today it offers a great variety of digital products that are not available from any other sources. De Gruyter Journals is an online collection of peer-reviewed scientific journals covering all the fields including classical studies, history, law, linguistics, theology, sociology and many others. The high-quality journal portfolio offers more than 900 journals covering all areas of scientific research. Out of these journals more than 380 is available only for subscribed institutes.

95% of the journals are published in English, however some German-titles are also available in the collection. 163 of the journals have received an Impact Factor for 2016.

The database offers access to all volumes since 1995 for subscribers, and also free access for newly launched titles. Users can download, print and store contents for personal use. One can browse or search by titles of journals, subject, author, date etc.

The latest issues of journals are available online exclusively in this database.

Jogosult felhasználók listája 2018-ban / List of authorized users in 2018

de Gruyter Journals Complete Package

| # | 2018 | |
|---|-------------------------------|--------------------------|
| 1 | Eötvös Loránd Tudományegyetem | Eötvös Loránd University |

de Gruyter Journals Social Sciences and Humanities Package

| # | 2018 | |
|---|-------------------------------------|---|
| 1 | Károli Gáspár Református Egyetem | Károli Gáspár University of the Reformed Church in Hungary |
| 2 | MTA Könyvtár és Információs Központ | Library and Information Centre of the Hungarian Academy of Sciences |
| 3 | Evangelikus Hittudományi Egyetem | Lutheran Theological University |
| 4 | Pázmány Péter Katolikus Egyetem | Pázmány Péter Catholic University |
| 5 | Pünkösdi Teológiai Főiskola | Pentecostal Theological College |

SAMPLE STATEMENTS

Appendix 1

READING SHEET

**FOR THE PUBLIC PROCUREMENT PROCEDURE ON THE
“Subscription for the Access to de Gruyter Journals online database (2018)”**

Data of the Tenderer:

| | |
|------------------------------|--|
| Name: | |
| Seat: | |
| Representative: | |
| Tenderer's tax number | |

Data of the contact person¹:

| | |
|----------------------|--|
| Name: | |
| Phone number: | |
| Email: | |

The main quantifiable figures to be assessed according to the evaluation criteria:

| | |
|-------------------------|-------------|
| <i>Net total price:</i> |,- EUR |
|-------------------------|-------------|

Date [...]

 (company signature)

¹ If applicable, please indicate one information each line. Tenderer is responsible to give contact data to which informing is possible during the procedure.

Appendix 2

**STATEMENT
PURSUANT TO PPA § 66 (2) AND 66 (4)**

I, the undersigned, ... as the authorized representative of ..., as a Tenderer in the procedure launched by **Library and Information Centre of the Hungarian Academy of Sciences** as Contracting Authority on the “*Subscription for the Access to de Gruyter Journals online database (2018)*”

Tenderer,

I hereby declare that

- after examining the conditions of your Invitation to Tender and Documentation, we accept them and submit a Tender in accordance with the Invitation to Tender, Documentation and other documents issued during the procedure at a total price indicated on the reading sheet;
- in case of being winner Tenderer we conclude and perform the contract according to our Tender, the Invitation to Tender, Documentation and other documents issued during the procedure and engage ourselves to contract in accordance with the Invitation to Tender, Documentation and other documents issued during the procedure;

Furthermore I make a statement that Tenderer is:

- a) a **micro / small / medium-sized enterprise** according to Act XXXIV of 2004 on Small and Medium-sized Enterprises and the Support Provided to Such Enterprises.²
- b) **not falling within the law of** Act XXXIV of 2004 on Small and Medium-sized Enterprises and the Support Provided to Such Enterprises³

Dated [...]

(company signature)

² Please underline the statement that applies!

³ If the Tenderer does not fall within the law of Act XXXIV of 2004 on Small and Medium-sized Enterprises and the Support Provided to Such Enterprises, please underline this option.

Appendix 3

**TENDERER'S STATEMENT
ON THE METHOD OF CERTIFYING THE NON-EXISTENCE OF GROUNDS FOR EXCLUSION
IN CASE OF TENDERERS NOT ESTABLISHED IN HUNGARY ⁴**

I, the undersigned, as a Tenderer in the procedure launched by **Library and Information Centre of the Hungarian Academy of Sciences** as Contracting Authority on the "*Subscription for the Access to de Gruyter Journals online database (2018)*", **I make a statement**, that under the legal system of our country(name of the country) the non-existence of grounds for exclusion set out in PPA § 62 (1) a)-g), k) sub-point ka) and PPA § 62 (2) could be certified pursuant to Section 10 of Government Decree 321/2015. (X. 30.) by the following courts and authorities (listed as per each point):

1. PPA § 62 (1) a): No economic operator may qualify to enter this award process as Tenderer, Candidate, or Sub-contractor, and cannot certify suitability who has committed one of the following criminal offences, and has been convicted in a final court judgement within the past five years; such disqualification stands for the scope and duration of the criminal record until the legal consequences will have expired:

aa) participation in organised crime – including committing criminal offences as organised crime under Act IV of 1978 on the Criminal Code (hereinafter Act IV of 1978) and Act C of 2012 on the Criminal Code (hereinafter Criminal Code);

ab) bribery, abuse of a function, indirect corruption, international bribery, international indirect corruption, misappropriation, negligent use of funds under Act IV of 1978, as well as crimes related to corruption defined in Chapter XXVII of the Criminal Code, and misappropriation, or negligent use of funds under the Criminal Code;

ac) budget fraud, infringement of EC fiscal interests under Act IV of 1978, as well as budget fraud under the Criminal Code;

ad) acts of terrorism, and related abetting, aiding or attempt under Act IV of 1978 and the Criminal Code;

ae) money laundering under Act IV of 1978 and the Criminal Code, as well as terrorist financing under the Criminal Code;

af) human trafficking under Act IV of 1978 and the Criminal Code, and forced labour under the Criminal Code;

ag) agreement in restraint of competition in public procurement and Concession procedures under Act IV of 1978 and the Criminal Code;

ah) similar criminal offences as those listed in a)-g) above under the economic operator's personal law.

| | |
|--|--|
| Instrument issued by the competent judicial or administrative authority of economic operator's or person's Member State or country of settlement which certifies the meeting of said requirements: If the competent court or authority does not issue a summary sheet or certificate, or if these fail to cover every case listed under this point, Contracting Authority accepts Tenderer's Declaration under Oath, or if no such declaration is available in Tenderer's country, Tenderer's declaration signed by the competent court, authority, chamber or other professional association or certified by a civil law notary. | |
| Designation of the competent judicial or administrative authority if applicable: | |

2. PPA § 62 (1) b): No economic operator may qualify to enter this award process as Tenderer, Candidate, or Sub-contractor and cannot certify suitability who has failed to pay any mandatory tax, customs or social security fees over a period extending 1 year, except if its dues and related potential interest and penalty have been paid by the date of submission of tenders or application for participation, or it has been granted rescheduled payment.

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| Tenderer's certification issued by competent authorities of Tenderer's country of settlement, the | |
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⁴This statement shall be filled in according to Section 10 of Government Decree 321/2015. (X. 30).

Tenderers based outside Hungary shall make this statement and enclose the related documents on each Tenderer concerned separately.

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| <p>non-existence of grounds for exclusion in connection with public dues payable in Hungary shall also be verified by Contracting Authority in the database of taxpayers with no arrears in public dues under the Tax Act; if Tenderer is not included in the database, then a certificate of the competent tax and customs authority or a joint tax certificate under the Tax Act shall also be submitted; if the economic operator does not pursue any taxable activity in Hungary then the certificate of the National Tax and Customs Authority to this effect must be enclosed.</p> <p>If the competent court or authority does not issue a summary sheet or certificate, or if these fail to cover every case listed under this point, Contracting Authority accepts Tenderer's Declaration under Oath, or if no such declaration is available in Tenderer's country, Tenderer's declaration signed by the competent court, authority, chamber or other professional association or certified by a civil law notary.</p> | |
| Designation of the competent authority(-ies) if applicable: | |

3. PPA § 62 (1) c): No economic operator may qualify to enter this award process as Tenderer, Candidate, or Sub-contractor and cannot certify suitability who is under liquidation, under bankruptcy proceedings of whose corresponding court ruling has been publicly disclosed, under involuntary liquidation and a final court ruling is available, or if a similar procedure is in progress under the economic operator's personal law, or the person involved is under a similar position according to his personal law.

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| <p>Tenderer's certification issued by competent authorities of Tenderer's country of settlement:</p> <p>If the competent court or authority does not issue a summary sheet or certificate, or if these fail to cover every case listed under this point, Contracting Authority accepts Tenderer's Declaration under Oath, or if no such declaration is available in Tenderer's country, Tenderer's declaration signed by the competent court, authority, chamber or other professional association or certified by a civil law notary.</p> | |
| Designation of the competent authority if applicable: | |

4. PPA § 62 (1) d): No economic operator may qualify to enter this award process as Tenderer, Candidate, or Sub-contractor and cannot certify suitability who has discontinued business or has officially been called to do so.

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| <p>Tenderer's certification issued by competent authorities of Tenderer's country of settlement:</p> <p>If the competent court or authority does not issue a summary sheet or certificate, or if these fail to cover every case listed under this point, Contracting Authority accepts Tenderer's Declaration under Oath, or if no such declaration is available in Tenderer's country, Tenderer's declaration signed by the competent court, authority, chamber or other professional association or certified by a civil law notary.</p> | |
| Designation of the competent authority if applicable: | |

5. PPA § 62 (1) e)⁵: No economic operator may qualify to enter this award process as Tenderer, Candidate, or Sub-contractor and cannot certify suitability who has been convicted by a final court judgement within three preceding years for committing a criminal offence in relation to his economic or professional activity.

| | |
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| Instrument issued by the competent judicial or administrative authority of economic operator's or person's Member State or country of settlement which certifies the meeting of said requirements: If the competent court or authority does not issue a summary sheet or certificate, or if these fail to cover every case listed under this point, Contracting Authority accepts Tenderer's Declaration under Oath, or if no such declaration is available in Tenderer's country, Tenderer's declaration signed by the competent court, authority, chamber or other professional association or certified by a civil law notary. | |
| Designation of the competent judicial or administrative authority if applicable: | |

6. PPA § 62 (1) f): No economic operator may qualify to enter this award process as Tenderer, Candidate, or Sub-contractor and cannot certify suitability who has been restricted by a final court judgement in pursuing its activity subject to Section 5 (2) *b*) of Act CIV of 2001 on criminal measures which may be taken against legal persons or subject to Section 5 (2) *c*) or *g*) being more relevant in the given public procurement procedure; such operator shall be disqualified for the duration of the legal limitation, may it have been imposed by any court for a similar reason in a binding manner.

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| Instrument issued by the competent judicial or administrative authority of economic operator's or person's Member State or country of settlement which certifies the meeting of said requirements: If the competent court or authority does not issue a summary sheet or certificate, or if these fail to cover every case listed under this point, Contracting Authority accepts Tenderer's Declaration under Oath, or if no such declaration is available in Tenderer's country, Tenderer's declaration signed by the competent court, authority, chamber or other professional association or certified by a civil law notary. | |
| Designation of the competent judicial or administrative authority if applicable: | |

7. PPA § 62 (1) g): No economic operator may qualify to enter this award process as Tenderer, Candidate, or Sub-contractor and cannot certify suitability who has been banned from public procurement award procedures subject to PPA § 165 (2) *f*) for the duration determined by the Arbitration Board – or in case of a review of the decision of the Arbitration Board – by the court in a final ruling.

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| Tenderer's certification issued by competent authorities of Tenderer's country of settlement: If the competent court or authority does not issue a summary sheet or certificate, or if these fail to cover every case listed under this point, Contracting Authority accepts Tenderer's Declaration under Oath, or if no such declaration is available in Tenderer's country, Tenderer's declaration signed by the competent court, authority, chamber or other professional association or certified by a civil law notary. | |
| Designation of competent authority if applicable: | |

8. PPA § 62 (1) k) sub-point ka): No economic operator may qualify to enter this award process as Tenderer, Candidate, or Sub-contractor and cannot certify suitability who falls under one of the following:

⁵ Contracting authority shall investigate exclusion related to Hungarian public debt. As long as Tenderer remains unlisted in Hungarian registry, he is required to present a Tax and/or Customs Certificate.

ka) has tax payment obligation in a non-EU, non-EEC or non-OECD member state, in a country with no public procurement agreement with the World Trade Organisation or in any overseas country or territory referred to in Article 198 TFEU, or in any other country with an existing agreement with Hungary to prevent double taxation, or in any country with which the EU has a bilateral agreement in the area of public procurement.

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| <p>Fiscal domicile certificate issued by a competent authority of the country concerned: If the competent court or authority does not issue a summary sheet or certificate, or if these fail to cover every case listed under this point, Contracting Authority accepts Tenderer's Declaration under Oath, or if no such declaration is available in Tenderer's country, Tenderer's declaration signed by the competent court, authority, chamber or other professional association or certified by a civil law notary.</p> | |
| <p>Designation of competent authority if applicable:</p> | |

9. PPA § 62 (2): Neither may an economic operator qualify to enter this award process as Tenderer, Candidate, or Sub-contractor and cannot certify suitability

- a)* whose executive officer or member of its supervisory board, company director or single member of a company, or member of a similar managing or supervisory body under its personal law, or a person vested with similar discretionary powers as the foregoing under its personal law is a person who has been convicted by a binding decision in a criminal offence under PPA § 62 (1) *a)* within the previous 5 years, and the legal consequences of such criminal record have not yet expired, or
- b)* if the binding conviction within the previous 5 years – or if such period is shorter due to the relevant offence, then within the period when the legal consequences of such criminal record do not yet expire - for a criminal offence under PPA § 62 (1) *a)* was made against a person who was an executive officer or member of its supervisory board, company director or single member of a company, or member of a similar managing or supervisory body under its personal law, or a person vested with similar discretionary powers as the foregoing under its personal law at the time the criminal offence was committed.

| | |
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| <p>Instrument issued by the competent judicial or administrative authority of economic operator's or person's Member State or country of settlement which certifies the meeting of said requirements: If the competent court or authority does not issue a summary sheet or certificate, or if these fail to cover every case listed under this point, Contracting Authority accepts Tenderer's Declaration under Oath, or if no such declaration is available in Tenderer's country, Tenderer's declaration signed by the competent court, authority, chamber or other professional association or certified by a civil law notary.</p> | |
| <p>Designation of the competent judicial or administrative authority if applicable:</p> | |

Date [...]

(company signature)

**STATEMENT
ON THE GROUNDS FOR EXCLUSION
PURSUANT TO PPA § 62 (1) k) SUB-POINTS KB) AND KC)⁶**

As a Tenderer in the procedure launched by **Library and Information Centre of the Hungarian Academy of Sciences** as Contracting Authority on the “*Subscription for the Access to de Gruyter Journals online database (2018)*”, **I hereby declare** that the economic operator represented by me is not subject to the grounds for exclusion defined in the PPA § 62 (1) k) sub-point kb) it is

- not listed on an official stock exchange.
- listed on an official stock exchange.⁷

Considering that the economic operator represented by me *is not listed on an official stock exchange*, **I hereby declare** that

- the name and address of all **beneficial owners**⁸ specified in Article 3(r) sub-points ra)-rb) or rc)-rd) of Act CXXXVI of 2007 on the Prevention and Combating of Money Laundering and Terrorist Financing:

| Name | Permanent address |
|------|-------------------|
| | |
| | |

OR

- **The economic operator that I represent has no beneficial owner** as defined in Article 3(r) sub-points ra)-rb) or rc)-rd) of Act CXXXVI of 2007 on the Prevention and Combating of Money Laundering and Terrorist Financing.

According to PPA § 62 (1) k) sub-point kc) **I hereby declare** that⁹

- There is no legal person or a business organization having legal capacity under its personal law who owns directly or indirectly a share exceeding 25% or has the right to vote in the Tenderer I represent.
- the following entity(ies) owns directly or indirectly a share exceeding 25% or has the right to vote in the Tenderer I represent:

⁶ Tenderers shall make a statement as to themselves.

⁷ Please underline the statement that applies. Official stock exchange shall be interpreted as a “regulated market” within the meaning of Section 5 (1) 114 of Act CXX of 2001 on capital markets.

⁸ The notion of beneficial owner pursuant to Article 3(r) of the Act CXXXVI of 2007 on the Prevention and Combating of Money Laundering and Terrorist Financing:

a) a natural person who in a legal person or a business organization without legal personality directly - as set out in Section 8: 2 (4) of Act V of 2013 on the Civil Code (hereinafter: CC) - or indirectly disposes of voting rights or of a share exceeding 25%, provided such legal entity or business organization without legal personality is not listed on an official stock exchange which is under obligation to comply with disclosure requirements as per EC regulations or international regulations of a similar kind;

b) a natural person who has dominant influence as determined by CC Section 8: 2 (2) in a legal person or a business organization without legal personality;

c) a natural person on whose behalf a transaction order is executed;

d) in case of foundations a natural person is

1. the one who is beneficiary of the assets of the foundation exceeding 25% provided future beneficiaries have already been specified;

2. the one in whose interest the foundation has been formed, and is operated provided beneficiaries have not yet been determined, or

3. the one who is a member of the managing board of the foundation, or exercises dominant influence over the assets of the foundation exceeding 25%, and is entitled to act on behalf of the foundation; furthermore,

e) in default of a natural person specified as per a)-b) the executive officer of a legal person or a business organization without legal personality;

⁹ Underline the appropriate part or indicate the name of the organization.

The economic operator(s) above is/ are not subject to the ground for exclusion according to PPA § 62 (1) k) sub-point kc).

Date [...]

(company signature)

*Appendix 6***TENDERER'S STATEMENT ON THE GROUNDS FOR EXCLUSION
PURSUANT TO PPA § 62 (1) AND THE DECLARATION PURSUANT TO PPA § 67 (4) ¹⁰**

I, the undersigned, as the representative of, in the procedure launched by the **Library and Information Centre of the Hungarian Academy of Sciences** as Contracting Authority on the "*Subscription for the Access to de Gruyter Journals online database (2018)*", **I hereby declare** that Tenderer represented by me is not subject to any of the grounds for exclusion set out in PPA § 62 (1), and that Tenderer represented by me does not involve any Sub-contractors in the performance of the contract that would fall under the grounds for exclusion pursuant to PPA § 62.

Date [...]

(company signature)

¹⁰ It is recommended to make this declaration before a competent court, authority, chamber or other professional association or certified by a civil law notary in compliance with Section 10 (2) of Government Decree 321/2015. (X.30.).

DRAFT CONTRACTS
(in separate document)