

DOCUMENTATION

LIBRARY AND INFORMATION CENTRE OF THE HUNGARIAN ACADEMY OF SCIENCES

**TO A PUBLIC PROCUREMENT TENDER ON THE
"SUBSCRIPTION FOR THE ACCESS TO THE VISUAL HISTORY ARCHIVE OF USC SHOAH FOUNDATION"**

2018

PREAMBLE

You are reading the Tender Documentation on the “*Subscription for the Access to the Visual History Archive of USC Shoah Foundation*” 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, 14th April, 2018

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 (l) 795-1400

Fax: +36 (l) 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>

	<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 USD.

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

Visual History Archive of USC Shoah Foundation

The Visual History Archive is USC Shoah Foundation's online portal that allows users to search through and view more than 55,000 video testimonies of survivors and witnesses of genocide. Initially a repository of Holocaust testimony, the Archive has expanded significantly to include survivor and witness testimony from four other genocidal events: the Armenian Genocide (1915-1923), the Nanjing Massacre (1937), the Genocide Against the Tutsi in Rwanda (1994) and the Guatemalan Genocide (1978-1996). Each collection in the Visual History Archive adds context for the others, providing multiple pathways to learn from the eyewitnesses of history across time, locations, cultures and social-political circumstances.

The testimonies are average a little over two hours each in length and had been conducted in 63 countries and 41 languages. The database offers 1335 Hungarian testimonies and thousands of interviews related to Hungary.

The vast majority of the testimonies contain a complete personal history of life before, during, and after the interviewee's firsthand experience with genocide.

The Visual History Archive is digitized, fully searchable via indexed keywords, and hyperlinked to the minute. With more than 115,000 hours of testimony stored in the Archive, indexing technology is essential for enabling users to pinpoint topics of interest.

Indexing allows students, teachers, professors, researchers and others around the world to retrieve entire testimonies or search for specific sections within testimonies through a set of more than 65,400 keywords and phrases, 1.86 million names, and 719,000 images; each testimony is indexed by a native speaker.

1	Bács-Kiskun Megyei Katona József Könyvtár	Katona József Library of Bács-Kiskun County
2	Balassi Bálint Megyei Könyvtár	Balassi Bálint County Library
3	Békés Megyei Könyvtár	The Municipal Library of Bekes County
4	Berzsenyi Dániel Megyei és Városi Könyvtár	Berzsenyi Dániel Library
5	Bródy Sándor Megyei és Városi Könyvtár	Bródy Sándor County and City Library
6	Budapesti Történelmi Múzeum	Budapest History Museum
7	Csorba Győző Könyvtár	Csorba Győző Library
8	Deák Ferenc Megyei és Városi Könyvtár	Deák Ferenc County and Town Library
9	Debreceni Egyetem	University of Debrecen
10	Dr. Kovács Pál Megyei Könyvtár és Közösségi Tér	Dr. Kovács Pál County Library
11	Eötvös Károly Megyei Könyvtár	Eötvös Károly County Library
12	Eötvös Loránd Tudományegyetem	Eötvös Loránd University
13	Eszterházy Károly Egyetem	Eszterhazy Karoly University
14	Evangélikus Hittudományi Egyetem	Lutheran Theological University
15	Fórum Kisebbségkutató Intézet	Fórum Minority Research Institute
16	Fővárosi Szabó Ervin Könyvtár	Metropolitan Ervin Szabó Library
17	Hamvas Béla Pest Megyei Könyvtár	Pest County Library
18	HM Hadtörténelmi Intézet és Múzeum Hadtörténelmi Könyvtár	Ministry of Defence Library of Military History
19	II. Rákóczi Ferenc Megyei és Városi Könyvtár	Ferenc II. Rákóczi County and City Library
20	József Attila Megyei és Városi Könyvtár	József Attila County and City Library
21	Károli Gáspár Református Egyetem	Károli Gáspár University of the Reformed Church in Hungary
22	Közép- és Kelet-európai Történelem és Társadalom Kutatásáért Közalapítvány	Research Institute of Central and East European History and Society
23	Magyar Nemzeti Múzeum	Hungarian National Museum
24	Méliusz Juhász Péter Könyvtár	Méliusz Juhász Péter Library

25	Moholy-Nagy Művészeti Egyetem	Moholy-Nagy University of Art and Design
26	Móricz Zsigmond Megyei és Városi Könyvtár	Zsigmond Móricz County and City Library
27	MTA Könyvtár és Információs Központ	Library and Information Centre of the Hungarian Academy of Sciences
28	Nemzeti Közszolgálati Egyetem	National University of Public Service
29	Országos Rabbiképző – Zsidó Egyetem	Jewish Theological Seminary - University of Jewish Studies, Hungary
30	Országos Széchényi Könyvtár	National Széchényi Library, Budapest, Hungary
31	Pázmány Péter Katolikus Egyetem	Pázmány Péter Catholic University
32	Pécsi Tudományegyetem	University of Pécs
33	Sapientia Erdélyi Magyar Tudományegyetem	Sapientia Hungarian University of Transylvania
34	Somogyi Károly Városi és Megyei Könyvtár	Somogyi Library
35	Szegedi Tudományegyetem	University of Szeged
36	Színház- és Filmművészeti Egyetem	University of Theatre and Film Arts
37	Takáts Gyula Megyei és Városi Könyvtár	Takáts Gyula Regional and Urban Library
38	Tolna Megyei Illyés Gyula Könyvtár	Illyés Gyula County Library
39	Versegly Ferenc Könyvtár és Közművelődési Intézmény	Versegly Ferenc Library and Cultural Institute
40	Vörösmarty Mihály Könyvtár	Vörösmarty Mihály Library

SAMPLE STATEMENTS

Appendix 1

READING SHEET

**FOR THE PUBLIC PROCUREMENT PROCEDURE ON THE
“Subscription for the Access to the Visual History Archive of USC Shoah Foundation”**

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>,- USD
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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 the Visual History Archive of USC Shoah Foundation*”

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 the Visual History Archive of USC Shoah Foundation*”, **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.

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.

<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>	
<p>Designation of the competent authority(-ies) if applicable:</p>	

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.

<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>	
<p>Designation of the competent authority if applicable:</p>	

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.

<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>	
<p>Designation of the competent authority if applicable:</p>	

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.

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.

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 definitively or by a binding court ruling subject to PPA § 165 (2) f) for a duration determined by the Arbitration Board's definitive decision – or in case of an administrative action challenging such Arbitration Board decision – by the court in a binding ruling.

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:	

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.

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:

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.

<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.

<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 the Visual History Archive of USC Shoah Foundation*”, **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 point 38 sub-points a)-b) or d) of Act LIII of 2017 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 point 38 sub-points a)-b) or d) of Act LIII of 2017 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:

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

Date [...]

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 Article 3 point 38 sub-points a)-b) or d) of the Act LIII of 2017 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;

d) in case of foundations a natural person is

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

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

dc) 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.

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

(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 the Visual History Archive of USC Shoah Foundation*", **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)