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ON THE RULES OF PUBLIC PROCUREMENT		

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Preamble

In order to ensure the efficient use of public funds as well as its transparency and public accountability, and to ensure fair competition in the course of public purchases, the Presidential Committee of the Corvinus University of Budapest (hereinafter: University, or the Contracting Authority) has adopted the present Provisions of the Presidential Committee on Procurement (hereinafter: Provisions) pursuant to Section 27(1) of Act CXLIII of 2015 on Public Procurement (hereinafter referred to as “Kbt” under the Hungarian abbreviation), as well as Section 11(3) g) of the Organisational and Operational Procedures constituting Volume I. of the Rules of Organisation and Operation (ROO) of the University.

I. GENERAL PART

Purpose of the Provisions, Principles


1. §

- (1) The purpose of the present Provisions is for the University to outline the institutional rules and responsibilities for procurement procedures (preliminary actions and preparations, the internal control regime), the responsibilities of the persons, entities involved in the procedure and acting on behalf of the University as well as the system of documentation in accordance with the relevant rules of the Kbt.
- (2) The principles governing public procurement include publicity, fair and transparent competition, equal opportunities, proportionality, equal treatment and national treatment. In the course of the public procurement procedure, the University and economic operators shall proceed in accordance with the requirement of good faith and fairness, and without any abuse of rights. When using public funds, the University shall proceed bearing in mind the principle of efficient and prudent management.
- (3) The Provisions shall be interpreted in accordance with the Kbt, taking into account the principles of the Kbt. In the event of any discrepancy between the Provisions and the Kbt, the provisions of the Kbt. shall prevail.

Related regulatory documents

2. §

- (1) Related legislation and regulatory documents:
 - a) Act CXLIII of 2015 on Public Procurement (hereinafter Kbt)
 - b) Gvt. Decree 424/2017 (19 December) on the detailed provisions of electronic public procurement
 - c) Gvt. Decree No. 256/2021. (18 May) on the rules of using the subsidies of certain EU funds in the 2021-2027 programming period

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- d) Gvt. Decree 272/2014 (5 November) on the Rules of the Use of Funds from Certain European Union Funds in the 2014–2020 Programming Period
- e) Gvt. Decree 310/2015 (28 October) on the rules governing design contest procedures
- f) Gvt. Decree 321/2015 (30 October) on the way of certifying suitability and the non-existence of the grounds for exclusion, as well as the definition of public procurement technical specifications in contract award procedures
- g) Gvt. Decree 322/2015. (30 October) on the detailed public procurement rules of public works contracts and the related design and engineering services
- h) Decree of the Minister of the Prime Minister’s Office No. 44/2015. (2 November) on the rules of dispatch, control and publication of public procurement and design contest notices and on standard forms and their content and on the annual statistical summary
- i) Gvt. Decree 257/2018 (18 December) on accredited public procurement consultancy
- j) pAct CCIV of 2011 on National Higher Education (hereinafter: Nftv)
- k) Act CLII of 2007 on the obligation of declaration of personal wealth (hereinafter: Vnytv.),


In case of voluntary adhesion:

- l) Gvt. Decree 168/2004 (25 May) on the centralised public procurement system and the responsibilities and powers of central purchasing body,
- m) Gvt. Decree 247/2014 (1 October) on the National Communications Authority and the centralised public procurement system of government communication procurements
- n) Gvt. Decree 301/2018. (27 December) on the National Communications and Information Technology Council, the Digital Government Agency Private Limited Company and the centralised public procurement system of government IT procurements

Scope of the Provisions

3. §

- (1) Subjective scope of the Provisions: The substantive scope of the Provisions shall extend to persons acting on behalf of the University as Contracting Authority and involved in its procurement procedures, persons with employment or another legal relationship aimed at work with the University, entities and all those who participate in the preparation and conduct of the public procurement procedure.
- (2) Material scope of the Provisions: Extends to the procurement of supplies, services, concessions for services, works and concessions for works for pecuniary interest as well as design contests implemented from national or European Union sources, which are subject to the obligation to conduct a public procurement procedure under the Kbt, the estimated value of which at the start of the public procurement or design contest - taking into account

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the obligation of aggregation - reaches or exceeds the public procurement threshold established for the given year.

- (3) In matters not covered by the Provisions, the provisions of the relevant legislation shall apply. In the event of any discrepancy between the provisions of the law and of these Provisions, the provisions of the law shall prevail.

Definitions

4. §

- (1) For the purposes of these Provisions:
- a) *Contracting Authority*: Corvinus University of Budapest
 - b) *Public procurement*: procurement by the contracting authority whose estimated value, calculated in accordance with the rules of the Kbt, reaches or exceeds the public procurement thresholds at the time of the commencement of the procurement and whose conduct is governed by the rules of the Kbt.
 - c) *Organisational unit in charge*: the organisational unit that uses the object of the procurement and initiates its procurement;
 - d) *Public procurement initiation document*: a document containing the procurement request (including its object, quantity, delivery date, technical description or specification) defined by the head of the organisational unit initiating the procurement procedure (person making the commitment) and sent to the organisational unit conducting the procurement procedure.
 - e) *Decision-maker*: the Chancellor, or the person authorised by him/her, who signs the documents falling within his/her competence defined in these Provisions and takes the decisions in the procurement procedure.
 - f) *Jury*: a body of at least three members with professional, procurement, legal and financial expertise in the subject matter of the public procurement, whose task is to assess, evaluate the tenders and to propose a decision.
 - g) *External contracted agent*: a person or entity entrusted with the conduct of public procurement procedures on a permanent or ad hoc basis, which provides purchasing expertise through its procurement expert during the procurement procedure.
 - h) *EKR*: Single Electronic Public Procurement System; shall mean the central public procurement register and information system in support of carrying out public procurement procedures electronically.
 - i) *DKR*: Digital Public Procurement System
 - j) *DKÜ*: Digital Government Agency Plc.
 - k) *KEF*: General Directorate of Public Procurement and Supply
 - l) *NKOH*: National Communications Office


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- m) *Estimated value*: The estimated value of a (public) procurement shall be construed as the total consideration generally requested or offered in a given market for the object thereof - exclusive of value added tax, calculated in accordance with Sections 17-20 of the Kbt - at the time of commencement of the award procedure. Where the tender notice calls for any form of option, the amount of consideration shall include the value of such option as well. Where any tolerance is allowed with regard to the quantity, the maximum quantity fixed in the contract should be taken into consideration in determining the estimated value.
- n) *Prohibition of division into lots (aggregation)*: Section 19(1)-(2) of the Kbt stipulates that a procurement shall not be subdivided with the effect of preventing it from falling within the scope of public procurement or from applying the stricter EU procedures. Division into lots means when the contracting authority carries out a single public procurement with several contracts, taking their value into account separately when establishing the estimated value and thus not applying the Kbt or not carrying out each procurement procedure according to the procedural rules applicable according to the higher value.
- o) *Intermediate decision*: Decisions taken in the course of the procedure to determine the invalidity of a request to participate or an offer, which are not part of the final decision.

Conflict of interest and confidentiality rules

5. §

- (1) Pursuant to Section 25 of the Kbt, the Contracting Authority shall take appropriate measures to the extent deemed necessary to prevent, identify and take remedial actions, as appropriate, to avoid conflicts of interest and the development of situations which might prejudice fair competition.
- a) *Conflict of interest*: There is a conflict of interest where any person on behalf of the Contracting Authority, including the procurement service provider and its employees, who is involved in the conduct or preparation of the procedure or who may influence the outcome of the procedure, has, directly or indirectly, a financial, economic or other personal interest which may be considered to affect the impartial and objective exercise of his/her functions.
- b) *Confidentiality*: Persons involved in the public procurement procedures of the Contracting Authority, whether they are directly delegated by the Contracting Authority or acting under a civil law contract, shall keep all information, facts and circumstances of which they become aware in the course of their work and shall disclose such information only in the cases and in the manner provided for by law.
- (2) A person acting on behalf of the contracting authority, or involved by the contracting authority for carrying out activities connected to the procedure or in the relevant preparatory work shall provide a written statement to report the existence of any

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circumstance that might lead to any conflict of interest. If that person is involved in several stages of the public procurement procedure (preparation of the procurement procedure, assessment of tenders and requests to participate, decision on the result of the procurement procedure), the above-specified statement shall be provided in connection with all such stages. If a conflict of interest or risk of conflict of interest arises after the declaration has been made, the person concerned must immediately notify the Contracting Authority (the staff member of Economic Law, Procurement and Labour Law Services -hereinafter ELPLLS - with purchasing expertise).

PLANNING AND IMPLEMENTING PUBLIC PROCUREMENT PROCEDURES

Planning public procurement

6. §

- (1) According to the mandatory provisions of the Kbt, the Contracting Authority shall prepare a summarised annual plan at the beginning of the fiscal year, by 31 March at the latest, outlining all purchases planned for the given year. A public procurement procedure may be launched before a public procurement programme is drawn up for the year in question, but must be duly indicated in the programme. The public procurement programme may be amended, and any amendments must be entered in the programme without delay, stating the reasons for the amendment.
- (2) The procurement programme shall be drawn up by Economic Law, Procurement, Labour Law Services on the basis of data provided by the organisational units requesting the procurement.
- (3) To prepare the procurement programme
 - a) at the beginning of each year, ELPLLS survey the procurement needs of the University's organisational units, within the framework of which the request for information (identifying the scope of the requested data) is sent to the heads of the relevant organisational units by 15 February of the year in question at the latest, providing a reasonable deadline for the provision of information and based on the received requests, for the preparation of the procurement programme before the statutory deadline.
 - b) The heads of organisational unit requesting the procurement, as well as the head of the organisational unit overseeing the grant in the case of applications submitted for grants, or the project manager in the case of successful grants, must send the data sheets containing the object, quantity, estimated net value and expected date of the procurement to ELPLLS **by 1 March of the year in question.**
 - c) Once the data sheets have been collated, ELPLLS prepare a procurement programme for the University as a whole. The procurement programme will define the subject matter, the planned timetable and the procedures for each procurement, taking into account the prohibition on division into lots.

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- (4) The public procurement programme must be adopted and published on the University's website at the place specified in the Kbt by **31 March** each year at the latest. The procurement programme (and any amendments) must be retained for 5 years. Procurement programmes shall be made public. Whereas ELPLLS are responsible for its the preparation, sending and recording on the EKR platform, the Chancellor decides on its acceptance.
- (5) The procurement programme does not imply the obligation to carry out the procedures for the procurements specified therein, but if, for reasons unforeseen by the University, a procurement need arises which is not included in the already published procurement programme or which is altered compared to what is recorded in the procurement programme, ELPLLS shall, after the approval of the new procurement need by the Chancellor, amend the procurement programme and ensure its publication in the same manner as the original programme. ELPLLS may then conduct the procedure in accordance with the present Provisions.

Initiating public procurement procedures

7. §


- (1) A public procurement procedure may only be initiated by the requesting organisational unit (hereinafter referred to as: Tender Initiation Form) by completing the *Public Procurement Procedure Initiation Form* with the data and the associated documents (eg. in particular the technical specifications) required for the launch of the public procurement procedure, having it signed by the person entering into the commitment and sending it to ELPLLS. The respective funds may only be registered once the public procurement procedure is launched.
- (2) ELPLLS shall carry out a prohibition of division into lots test based on the estimated value, then the Head of ELPLLS decides on the need to conduct the procurement through a public procurement procedure and the type of the procedure required, in consultation with the procurement expert.
- (3) The decision to launch a public procurement procedure is taken by the Chancellor in the form of a resolution, after obtaining the prior authorisation of the Presidential Committee in the case of procurements above the thresholds set out in the OOP. The jury shall be appointed simultaneously with such decision.

Preparing public procurement procedures

Persons involved in public procurement procedures


8. §

- (1) Persons and bodies taking part in the preparation of public procurement procedures, in the drafting of the call and the procurement documents, as well as during the assessment of tenders and at any phase of the procedure on behalf of the contracting authority shall

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have adequate professional qualifications in purchasing, legal issues and finances consistent with the subject-matter of the procedure.

- (2) The persons involved in the procurement procedure are appointed by the Chancellor by means of a letter of engagement.
- (3) On the side of the Contracting Authority, the participants in public procurement procedures are the following persons or bodies:
 - a) the person initiating the procurement or the person or persons designated by the head of the organisational unit initiating the procurement (expertise in the subject matter of the procurement),
 - b) the person responsible for preparing, conducting, administering and documenting the public procurement procedure and ensuring compliance with public procurement rules (qualification in purchasing),
 - c) a person with legal expertise (legal expertise),
 - d) a person with financial expertise (financial expertise),
 - e) Intermediate decision-maker,
 - f) Decision-maker,
 - g) other persons, bodies or experts involved in the procedure by the Contracting Authority to provide the necessary expertise (where applicable).
- (4) The preparation of public procurement procedures in accordance with the law and with these Provisions (preparation of the call launching the procedure and the procurement documents) is carried out by ELPLLS, if necessary with the assistance of an external procurement expert, by the organisational unit professionally responsible for the object of the procurement and by the person in charge of financial expertise.
- (5) In the case of subsidised procurement, the project leader must provide information to ELPLLS on the planned procurements and the deadlines in the grant contract during project preparation/budgeting. The person in charge of the professional aspects of the grant project or the person delegated by him/her will participate in the preparation of the procurement procedure as desk officer with appropriate expertise in the subject matter of the public procurement.
- (6) He/she shall participate in the preparatory work as the responsible professional desk officer within the meaning of Subsection (1), having the appropriate expertise in the object of the public procurement and shall prepare the technical documentation (including the terms of reference and the technical specifications/design documentation and the budget/detailed offer for the object of the public procurement) forming part of the procurement documents.
- (7) The involved procurement expert - if applicable, an external contractor - and the member of the jury with purchasing expertise (hereinafter referred to as the "procurement expert") , in cooperation with the member of the jury with legal expertise , draws up the preparatory documents (parts of the preparatory documents) for the procedure on the basis of the

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technical specifications prepared by the professional desk officer (tender dossier, draft contract, contract notice/invitation to participate/invitation to tender (hereinafter collectively referred to as "call"), letter of engagement, declarations of conflict of interest and confidentiality, certificate of security, certificate of estimated value).

- (8) The procedure may be launched if:
- a) the certificate of security drawn up by the procurement expert involved is signed by the person entering into the commitment and the financial countersigner, registered by Finance, and the amount of funding is committed in advance,
 - b) the Head of ELPLLS or, in his/her absence, the member of the jury with legal expertise, approves the contract notice/invitation to participate/invitation to tender and the procurement documents, and
 - c) the Decision-maker shall decide to launch the public procurement procedure in accordance with the responsibilities set out in Section 9.

Responsibilities, duties and powers of the participants in the preparation of and in the course of the procedure and during performance


9. §

- (1) **Obligation to make a declaration**
- a) All persons acting in a decision-making or supervisory capacity in the procedure are subject to an obligation to declare their assets pursuant to Act CLII of 2007 on the obligation of declaration of personal wealth. The declaration must be made in accordance with the University regulations in force.
 - b) All persons acting on behalf of the Contracting Authority and involved by the Contracting Authority in activities related to the procedure or its preparation must declare conflicts of interest and confidentiality at the following stages of the procedure: the preparation of the procedure, the evaluation of tenders and requests to participate, the decision on the outcome of the procurement procedure.
 - c) If the person required to make a declaration does not comply with the obligation to make a declaration, he or she may not participate in the procedure.
- (2) *Head of the initiating organisational unit/ professional leader of the project:* The head of the initiating organisational unit, or in the case of a grant, the professional leader of the project (hereinafter referred to as "the executive"), acting in accordance with the Provisions of the Presidential Committee on the rules on entering into commitments, concluding contracts and representation with the assistance of ELPLLS, shall act and be responsible as follows:
- a) communicates the annual procurement needs of the organisational unit no later than 1 March of each year, or, in the case of new needs arising from unforeseen sources, contracts or granted funding sources, immediately informs ELPLLS of the extent of

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the need and the due date of the procurement, thus allowing for the preparation or amendment of the university's procurement programme;

- b) initiates the procedure in time, in accordance with the timetable of the procurement programme, by means of the tender initiation document available on the intranet subpage of ELPLLS. With regard to the deadline (i.e. the date by which the initiative and the documentation must be submitted to ELPLLS in order for the procurement procedure to be completed and the contract to be awarded by the desired deadline, taking into account the statutory deadlines), the initiator must seek ELPLLS's opinion in advance and launch the initiative accordingly.
- c) if the head of the organisational unit is also the person entering into the commitment, he/she shall make a statement on the amount of the available funds. Given that the University has an annual budget, it must be stated that the funds required for contracts beyond one year must be budgeted by the organisational unit concerned for the following year(s);
- d) the executive appoints a professional desk officer/officers – usually the same as the member with the technical expertise proposed for the jury – who is responsible for liaising with the participants involved in the procurement procedure;
- e) the head of the organisational unit recommends a jury member with expertise in the object of the procurement, if different from the professional desk officer, who will participate in the jury's work and in the negotiation of the professional requirements with decision-making powers (where appropriate);
- f) **before the launch** of the public procurement procedure, he/she is responsible for:
 - ongoing cooperation with the public procurement expert involved and the member of the jury with legal expertise;
 - the fullest definition of the public procurement needs, the preparation of the technical specifications (if necessary with the assistance of experts);
 - the determination of the estimated value according to a method adopted in public procurement procedures and its documentation. ELPLLS provide information on the determination of the estimated value (in particular on the method, methodology and format). If the estimated value is determined on the basis of indicative offers, it is the responsibility and duty of the initiator to obtain them;
 - the provision of the data and information necessary for the preparation of the contract notice/invitation to participate/invitation to tender and for the compilation of the public procurement documents as well as for the content and approval of the technical and professional part of the documents;
 - the development the of technical-professional eligibility criteria and evaluation criteria in cooperation with the procurement expert;
 - the provisions relating to the performance of the contract to be concluded as a result of a public procurement procedure, the feasibility of the contract;
- g) during performance according to the signed contract, he/she is responsible for:

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- checking that the contract is actually performed in accordance with the contract;
- ongoing cooperation with the public procurement expert involved and the member of the jury with legal expertise;
- in the event of late, defective execution or non-performance, prompt documentation of the breach of contract and notification of ELPLLS as soon as possible;
- documentation of performance in accordance with university regulations and the grant contract, and fulfilment of data reporting and reporting obligations
- definition and substantiation of the professional grounds for any contract amendments, consultation with the partner on professional aspects;

(3) Decision-maker:

The decision-maker in public procurement procedures conducted by the University is the Chancellor of the University, who

- a) approves the annual procurement programme;
- b) decides to launch or withdraw a specific procurement procedure, where appropriate, following a prior resolution by the PC;
- c) approves the participation of the persons delegated to the procedure by signing the Letters of Engagement;
- d) in the course of the procedure, in the light of the opinion of ELPLLS, decides on declaring the procedure successful/unsuccessful and on the winner of the procedure, or, where appropriate, on the runner-up,
- e) is authorised to sign the contract in accordance with the Provisions of the Presidential Committee on the rules of entering into commitments and representation.


(4) Person entering into the commitment:

In the conduct of public procurement procedures, the right of entering into commitments is exercised by the person responsible for the commitments of the cost centre, who

- a) decides whether a commitment can be honoured when the public procurement procedure is launched,
- b) in accordance with the four eyes principle stipulated in the OOP, when jointly signing the public procurement contract, the Chancellor/President and the person entering into the commitment undertake to fulfil the obligations of the Contracting Authority included therein.
- c) Verifies the performance of the contract and reports to ELPLLS any non-compliance and claims for modifications, enforcement of warranty elements. Approves and certifies the contractual performance.

(5) Financial countersigner:

- a) examines the availability of financial funds for the proposed public procurement,

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- b) arranges for the transfer of fees incurred during the procedure, e.g. publication of notices, fees of the contracted procurement expert, if requested by ELPLLS,
 - c) where applicable, ensures the repayment of the financial guarantee, guarantee for defective performance,
- (6) Head of ELPLLS:
- a) approves the procurement programme and any intra-year amendments for the financial year and submits it to the Chancellor for final approval
 - b) is responsible for the proper conduct of public procurement procedures,
 - c) examines the need to carry out a procurement procedure for each procurement on the basis of the documents drawn up by the initiator of the procurement procedure (tender initiation form, technical specifications, etc.),
 - d) decides on the conduct of procedures by an external expert and the involvement of an external expert,
 - e) appoints a member of the jury with legal expertise,
 - f) approves the drawing up and, if necessary, modification of the call and the public procurement documents,
 - g) takes an intermediate decision on the basis of a proposal from the Jury,
 - h) makes a proposal to the Decision-maker on matters requiring an executive decision,
 - i) appoints the University's representative in the event of a review procedure arising in connection with a public procurement.

Jury


10. §

- (1) Responsibilities and procedures of the members of the Jury:
- a) The Contracting Authority shall establish a Jury of at least three members to assess and evaluate the tenders/requests to participate, where necessary after remedying deficiencies, supplying information, submitting an explanation - the members of which shall be appointed by the Decision-maker on the basis of a proposal from the Head of ELPLLS.
 - b) The Jury has no decision-making powers of its own, but prepares a proposal for a decision and a written expert opinion for the Decision-maker or Intermediate Decision-maker involved in the procedure.
 - c) Voting members of the Jury: persons with adequate professional qualifications in purchasing, legal issues and finances consistent with the subject-matter of the procedure.
 - d) The Decision-maker cannot be a member of the Jury.




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- e) The members of the Jury must declare in writing that they have no conflict of interest as defined in the Kbt and that they will keep any secrets of which they become aware during the procurement procedure. The member of the jury must declare any conflict of interest immediately and terminate his/her participation in the procedure immediately.
 - f) The quorum of the Jury is reached when at least 3 of its members with voting rights are present.
 - g) The Jury decides by simple majority. In the event of a tie, the Chair of the Jury shall have a casting vote.
 - h) The public procurement expert shall draw up minutes of the proceedings of the Jury, including, where appropriate, the reasoned opinions of the members.
- (2) The duties and responsibilities of the member of the Jury with a qualification in purchasing:
- a) makes a proposal for the applicable rules and procedures and the type of procedure on the basis of the estimated value,
 - b) draws up the call, the procurement documents, defines the eligibility and evaluation criteria and coordinates with the members of the jury and the professional desk officer. Finalises the call and the procurement document on the basis of the proposal and the opinion of the Jury,
 - c) ensures that the letter of engagement, the conflict of interest and confidentiality declarations of the persons acting on behalf of the Contracting Authority in the procurement procedure are prepared and signed,
 - d) takes care of the information, database management and documentation tasks associated with the procedure,
 - e) In procedures (co-)financed by the European Union, he/she sends the documents for quality control in accordance with the legislation in force,
 - f) carries out an on-the-spot inspection and consultation, and draws up a report on the fulfilment of these tasks,
 - g) receives and responds to requests for additional information,
 - h) draws up a request for correcting deficiencies, a request for information or a request for correcting a calculation error,
 - i) organises negotiations, participates in the negotiation round(s) of public procurement,
 - j) organises the work of the Jury and the evaluation of tenders,
 - k) checks that no grounds for exclusion apply to the Tenderer/Candidate Tenderer,
 - l) prepares the decision proposal (intermediate decision proposal) and submits it for approval to the Decision-maker (Intermediate Decision-maker). He/she sends a


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summary immediately after the adoption of the decision, but no later than three working days after the decision is approved,

- m) contributes to the draft public procurement contract prepared by a member of the Jury with a professional qualification in legal issues,
 - n) draws up and publishes a notice of the results of the award procedure and, where appropriate, publishes a notice of contract amendment,
 - o) records, retains and files in the registry the documents of public procurement procedures until the deadline prescribed in the Kbt and as a publicity measure, ensures the publication and availability of data and information on the official online platform of the University in accordance with the Provisions,
 - p) provides the supervisory body with the data relating to the public procurement, prepares the documents necessary for the University to formulate its position in the event of a request for pre-contractual remedies, and compiles the documents of the procedure with an itemised list of documents in the event of the initiation of a review procedure and sends (hands over) them to the Public Procurement Arbitration Board within the deadline.
- (3) The duties and responsibilities of the external contracted procurement expert acting as agent:
- a) performs his/her duties in accordance with the engagement contract in force between the University and it,
 - b) where such an agent is used, the tasks of the member of the Jury with professional qualifications in purchasing issues set out in Subsection (2) and in legal issues set out in Subsection (5) may be modified,
 - c) in the course of his/her activities, shall countersign the contract notice/invitation to participate/invitation to tender and the procurement documents, the report(s) on the opening of tenders and the summary/summaries,
 - d) assumes responsibility for the professionalism of the procedure and compliance with the legislation on public procurement for the services he/she provides.
- (4) Duties and responsibilities of the Jury member with professional qualifications in finances:
- a) proposes financial and economic eligibility criteria,
 - b) assesses proposals/requests to participate from a financial point of view, declares the availability of funding, has the funding increased or indicates a lack of funding, if necessary,
 - c) is responsible for the professionalism of the procurement procedure from a financial point of view and its compliance with the applicable legislation.

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- (5) The duties and responsibilities of the Jury member with a professional qualification in legal issues:
- a) prepares the draft contract to be concluded following a public procurement procedure,
 - b) takes a position on legal issues,
 - c) carries out a legal evaluation of the offers/requests to participate,
 - d) participates in the work of the Jury as a legal expert,
 - e) if necessary, examines the possibility of amending the contract and draws up the necessary documents,
 - f) enforces the application of legal consequences in the event of lack of conformity in the performance of the contract,
 - g) is responsible for the professionalism of the procurement procedure from a legal point of view and its compliance with the applicable legislation,
 - h) takes a position on legal issues arising in the event of the performance or amendment of the contract concluded, prepares the necessary documents.
- (6) Duties and responsibilities of the member of the Jury with a professional qualification in the subject matter of the public procurement:
- a) prepares the technical documentation (including the terms of reference, the technical specifications and design documentation and the budget with regard to the subject matter of the given procurement) forming part of the public procurement documents, a proposal for the schedule and the deadlines for performance.
 - b) makes a proposal for the technical and professional eligibility criteria,
 - c) approves the technical content of the contract notice/invitation to participate/invitation to tender and the tender documents,
 - d) participates in the work of the Jury, in the on--the-spot inspections and consultations (if necessary),
 - e) participates in public procurement negotiations,
 - f) answers sector-specific questions when additional information is requested,
 - g) checks the presence and content of the documents requested in the context of the professional offer, prepares written proposals for the Jury regarding the sector-specific evaluation of the tenders (e.g. validity, correction of deficiencies, clarification the meaning of unclear content),
 - h) takes responsibility for the professional/sectoral/technical professionalism of the procurement procedure and its compliance with the applicable legislation.
 - i) in the case of the procedures laid down in the Kbt, recommends the economic operators to be invited to bid.

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Conducting public procurement procedures


11. §

- (1) Procurement procedures are conducted by ELPLLS through a procurement expert colleague or through the external contracted agent, in accordance with the provisions of the Kbt in force at any time and the relevant implementing regulations, depending on the subject matter and type of procurement.
- (2) The project leader or the person in charge of the professional aspects of the grant project shall inform ELPLLS whether the grant is financed by an EU indirect or direct aid. ELPLLS shall administer the procedure in the light of the information received, respecting the obligations related to the integrated monitoring system.
- (3) In the case of centralised public procurement procedures other than those listed in Subsection (1), which are available through voluntary adhesion, ELPLLS shall perform the actions in the system provided for under the relevant centralised framework agreement (DKÜ, KEF, NKOH).

Electronic public procurement system

12. §

- (1) The EKR is the central public procurement register and information system operated by the minister in charge of public contracts in support of carrying out public procurement procedures electronically. Public procurement and concession award procedures shall be conducted via an integrated system, EKR, operated by the minister in charge of public contracts. Unless otherwise provided for in the Kbt or in the legislation adopted on the basis of Kbt, electronic communication shall take place in the EKR.
- (2) If the public procurement procedure is conducted through this system, all persons participating in the procedure and involved by the contracting authority in the procedure must take into account the provisions of Gvt. Decree 424/2017(19 December) on the detailed provisions of electronic public procurement and the relevant provisions of the User Manual available on the web interface of the entity authorised to operate EKR (www.ekr.gov.hu). In the case of public procurement procedures conducted through the EKR, the actions set out in the present Provisions shall be implemented as defined in the Kbt and Gvt Decree 424/2017 (19 December).
- (3) Employees of the University who are involved in the conduct of public procurement procedures as part of their job or the external contracted agent are entitled to access the EKR for the given procedure. Registration is personalised, the same natural person can have one registration.
- (4) The Head of ELPLLS or an employee authorised by him/her may act as a full representative (hereinafter referred to as "organisational super user") on behalf of the University as Contracting Authority.

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- (5) A user with the role of organisational super user is obliged to record changes to the University's data in the EKR without delay, but at the latest by a date that ensures that ongoing procurement procedures display the current information.

Pre-contractual remedies, review procedure


13. §

- (1) If a Tenderer / Candidate Tenderer initiates a pre-contractual remedy or a review procedure in relation to any action of the procurement procedure initiated by the University or any document generated in the procurement procedure,
- the procurement expert shall immediately inform the Head of ELPLLS;
 - where the request for a precontractual remedy or the request for review concerns a legal or purchasing issue, the procurement expert prepares the response to the objections together with the member of the jury with legal expertise in the procedure, if necessary with the involvement of a member of the jury with appropriate professional qualification in the subject matter of the procurement;
 - the Contracting Authority's final response or defence is drawn up by the procurement expert and approved by the Head of ELPLLS.
- (2) If the approval of the Head of ELPLLS cannot be obtained within the time limit for reply laid down by law by reason of impediment, the Chancellor or the member of the Jury with legal expertise shall decide on the basis of information from the procurement expert involved.
- (3) In review procedures before the Közbeszerzési Döntőbizottság (Public Procurement Arbitration Board) representation by an accredited lead consultant for public contracts, bar association legal counsel or attorney is mandatory.

Procurement under the centralised purchasing system

14. §

- (1) The University is not subject to centralised public procurement.
- (2) In the case of voluntary adhesion, the University as Contracting Authority has the possibility to fulfil its procurement needs through a centralised procurement procedure, it being understood that in the case of procedures financed by EU funds, voluntary adhesion is not allowed for all framework agreements, the exceptions being provided for in the relevant Decree and the relevant framework agreement.
- (3) The decision on voluntary adhesion to centralised public procurement systems is taken by the Head of ELPLLS. When procedures are conducted under one of the framework agreements, the following shall apply:
- a) Under a centralised public procurement, ELPLLS are responsible for managing the reopening of competitions.


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- b) The procurement experts of ELPLLS shall monitor the expiry dates of current framework agreements. If the central purchasing body does not launch a new procedure for the procurement of the product scope/service concerned before the expiry of the framework agreements, a request for information is required to find out whether the framework agreement is likely to be extended. If it is foreseeable that (in the absence of a new procedure or extension) there will be no framework agreement in force for a period of time and the University does not have a contract concluded as a result of a public procurement procedure conducted under its own responsibility for the subject matter of the procurement, the organisational units known to have procurement needs should be informed to send their procurement needs to ELPLLS before the expiry of the framework agreements.
- c) Under the centralised purchasing system, procurement can be made
- without the reopening of competition,
 - with the reopening of competition.
- d) If the legislation in force allows for the procurement to be carried out without reopening competition in the context of centralised procurement, the Decision-maker shall, at the proposal of the Head of ELPLLS, decide on the procurement method to be used. Attention must be paid to the value of the object of the procurement, the urgency of the procurement, the administrative burden and the time needed to reopen the competition.
- e) Re-opening of competition
In the event of the reopening of a competition, ELPLLS shall conduct a public procurement procedure in accordance with the rules set out in the relevant framework agreement, as provided for in the present Provisions.
- f) Without reopening the competition (direct order)
If the procurement under the framework agreement concerned can be carried out by way of direct order, a public procurement procedure is not necessary.
In the case of a direct order, the initiating organisational unit shall send the purchase request and the detailed technical documentation to ELPLLS. A designated staff member of ELPLLS shall conduct the procedure related to the direct order in accordance with the rules set out in the framework agreement.

Documentation of public procurement procedures

15. §

- (1) All administrative obligations relating to the conduct of procurement procedures are the responsibility of ELPLLS.
- (2) The documents generated during the public procurement procedure must be prepared in accordance with the relevant provisions of the Kbt and the actions must be recorded in writing in accordance with the provisions of the Kbt.

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- (3) Disclosure requirements for the documents generated during the procedure are fulfilled by the public procurement expert involved.
- (4) Documents connected to the preparation and conduct of procurement procedures as well as all documents related to the performance of public contracts shall be retained for at least 5 years following the conclusion of the procedure. Where a review procedure has been opened in respect of a procurement procedure, the related documents shall be kept until the final conclusion of the review - in case of a judicial review, until the conclusion of the judicial review, for at least 5 years.

MISCELLANEOUS AND FINAL PROVISIONS

16. §

- (1) The present Provisions shall enter into force on 21 June 2024 and shall apply to procedures launched after its entry into force.
- (2) Persons and bodies involved in the preparation and implementation of the University's public procurement procedures are required to be aware of the provisions of the applicable legislation and these Provisions and to act with due diligence in the course of public procurement.
- (3) Matters not regulated herein shall be governed by the provisions of the Kbt and the relevant legislation.
- (4) With the entry into force of these Provisions, the Public Procurement Regulation adopted by the Board of Trustees under Resolution No. 3/2020 (30 January) shall be repealed.