University of Pannonia

PUBLIC PROCUREMENT REGULATION OF THE UNIVERSITY OF PANNONIA

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Having regard to the provisions in Section (1) of Article 27 of Act CXLIII of 2015 on Public Procurement (hereinafter referred to as "PPA")

The Public Procurement Regulation issued by the University of Pannonia (hereinafter referred to as: "University") on the basis of the University's Organisational and Operational Rules (hereinafter referred to as: "OOR"), Part I Organisational and Operational Rules of Procedure (hereinafter referred to as: "OORP") approved by the Senate of the University of Pannonia and adopted by the Foundation for the University of Pannonia acting as the operator exercising founders' and ownership rights (hereinafter referred to as: "Operator") and on the basis of the resolution by the Board of Trustees on the rules of procedure for adopting the regulations of the University of Pannonia by the Board of Trustees is as follows:

Chapter I

GENERAL PROVISIONS

1. §

Regulation Purpose

(1) The purpose of this Regulation is to ensure sensible and efficient use of public funds and public accountability. In order to establish conditions of fair competition, the Regulation defines the division of tasks in the preparation, conduct and internal control of public procurement procedures launched by the University as the Contracting Authority, the tasks and responsibilities of persons and entities acting on behalf of the Contracting Authority or involved in the procedure, and the procedures for the conduct and documentation of public procurement procedures.

(2) The University, as the Contracting Authority (hereinafter referred to as the "Contracting Authority') shall comply with and enforce the provisions of Act CXLIII of 2015 on Public Procurement (hereinafter referred to as the 'PPA') in the course of the public procurement procedures it conducts, in accordance with the following:

a) In public procurement procedures, the Contracting Authorities shall ensure and economic operators shall respect fairness, transparency and the public nature of competition.

b) The Contracting Authority shall ensure equal opportunities and equal treatment for economic operators.

c) In the course of public procurement procedures, the Contracting Authority and the economic operators shall act in compliance with the principle of good faith and fair dealing. The abuse of rights is prohibited.

d) The respect of the principle of effective and responsible management shall be a primary consideration for the Contracting Authorities when using public funds.

e) In the course of public procurement procedures, national treatment shall be given to economic operators established in the European Union as well as to goods of Community origin.

f) Moreover, public procurement procedures shall be conducted in Hungarian language, however, the Contracting Authority may allow – but may not require – the use of another language besides the Hungarian.

2. §

Scope of the Regulation

(1) The personal scope of the Regulation includes:

a) persons or entities acting on behalf of the Contracting Authority in public procurement procedures, the associates of such entities and external experts called upon to participate in the preparation and conduct of the procurement procedure on the Contracting Authority's side; and
b) persons involved in the preparation of the decision and in internal control of public procurement.

(2) The material scope of the Regulation includes:

a) supplies, works, works concessions, service contracts and service concessions with a value above the EU thresholds set out in the PPA,

b) supplies, works, works concessions, service contracts and service concessions with a value above the national thresholds set out in the PPA,
c) procurement of national priority products, goods and services covered by centralised public procurement, and subject to voluntary participation in the centralised public procurement system, regardless of the value,
d) procurements below the public procurement thresholds, for which the contracting authority applies the provisions of the PPA.

(3) For the purposes of this Regulation, the terms defined in the Definitions of the PPA and their definitions shall apply.

Chapter II

ENTITIES AND PERSONS ACTING ON BEHALF OF THE CONTRACTING AUTHORITY OR INVOLVED IN THE PROCEDURE

3. §

General Rules

(1) Persons participating in the public procurement procedure are obliged to comply with and enforce the provisions of the PPA, related legislation and this Regulation in order to ensure the lawfulness of the public procurement procedure.

(2) The liability of persons acting on behalf of the Contracting Authority in connection with a public procurement procedure shall be governed by the provisions of this Regulation.

(3) When exercising certain rights and perform certain obligations in the public procurement procedure, external person or entities involved in the preparation and conduct of public procurement procedures shall be liable under civil law for compliance with the provisions of the PPA and its implementing decrees and this Regulation.

(4) The conflict of interest rules applicable to the tenderers in public procurement proceedings are governed by the provisions of the PPA, whereby persons participating in the procedure, including the procurement service provider and its employees, must sign a declaration of conflict of interest, and if the person concerned participates in several processes linked to the public procurement procedure (preparation of the procedure, evaluation of tenders and requests to participate, decision on the outcome of the procedure), the person must make the declaration for each of these processes before their actual participation takes place. If a conflict of interest or a risk of a conflict of interest arises in relation to a person after the declaration has been made, the person concerned must

declare it in writing without delay and simultaneously suspend their participation in the procedure concerned.

(5) Where there is any conflict of interest or even suspicion of a conflict of interest in a given procedure, the Contracting Authority must examine how the conflict of interest has affected the principles of fair competition and equal treatment in the procedure concerned and must take all measures necessary to eliminate the conflict of interest and restore the lawfulness of the procedure.

4. §

The Senate

(1) The Senate, as the governing body of the University, by virtue of this Regulation authorises the Chancellor of the University to take decisions related to the operation of the institution and falling under the responsibility of the Contracting Authority during the preparation, conduct of public procurement procedures and performance of public procurement contracts.

5. §

The Rector

(1) The Rector is the primary leader and representative of the University, responsible for its academic governance. The Rector shall act and decide in all matters which are not referred to the competence of any other person or body by law, the Deed of Foundation, the OORP or the Collective Agreement. As provided for in the regulation of management powers, the Rector signs off on the proposal initiating the tendering procedure and signs the contract to be concluded with the successful tenderer.

6. §

The Chancellor

(1) The Chancellor is responsible for the management of the Contracting Authority's procurement activities. In this capacity, the Chancellor,

through the Department of Legal Affairs and Procurement, manages and supervises public procurement procedures and acts as a decision-maker in public procurement procedures.

(2) The Chancellor's responsibilities and powers in relation to public procurement include in particular:
   a) the appointment of the Chairman and members of the Public Procurement Committee,
   b) approval of the Rules of Procedure for the Public Procurement Committee,
   c) appointing the members of the Evaluation Committee who will participate in the procedure,
   d) signing the preparatory documents (distribution of responsibilities, declaration of estimated value and budget) during the preparation of the public procurement procedure,
   e) taking care of the tasks related to the functioning of the Public Procurement Committee,
   f) approving the annual public procurement plan and any amendments thereto,
   g) taking the decision to launch a public procurement procedure,
   h) taking the necessary interim and final decisions in public procurement procedures launched by the Contracting Authority,
   i) signing of the contract with the successful tenderer and, if necessary, the amendments to the contract,
   j) taking the decision on amending contracts concluded in the framework of public procurement procedures,
   k) deciding on legal representation in the event of an appeal,
   l) deciding on whether to proceed with the public procurement procedure if the decision of the Contracting Authority is annulled by the Public Procurement Arbitration Board, and
   m) performing the tasks set out in this Regulation.

7. §

The Director of Legal Affairs and Procurement

(1) The University's legal and procurement functions are carried out by the Director of Legal Affairs and Procurement under the direction and supervision of the Chancellor.

(2) The responsibilities and powers of the Director of Legal Affairs and Procurement in relation to public procurement include in particular:

a) drawing up and submitting the Contracting Authority's procurement plan for the year to the Public Procurement Committee for its opinion and to the Chancellor for approval,
b) submitting the draft of the annual summarised prior information notice to the Public Procurement Committee for approval,
c) ensure the legality of public procurement procedures,
d) keeping constant contact with the accredited public procurement consultant or state public procurement consultant (hereinafter referred to as "appc/state public procurement consultant") involved in the various procedures,
e) taking care of the conduct of public procurement procedures in cooperation with the Public Procurement Committee and the Evaluation Committee,
f) legally countersigning the contract to be concluded with the successful tenderer,
g) ensuring that records of contracts concluded under public procurement procedures are kept and, if necessary, drawing up amendments to contracts concluded under public procurement procedures,
h) ensuring that data, information and documents required to be published in the Public Procurement Database (hereinafter referred to as: "PPD") operated by the Public Procurement Authority are submitted to the Public Procurement Authority,
i) taking care of the administration of the registration of the Contracting Authority,
j) in case of public procurement procedures financed with EU funds, initiating the verification of the public procurement documentation and ensuring that any missing information is supplied,
k) if the conditions set out in Government Decree No 63/2022 (28.II.) on measures to reduce the number of single-bid procurements are met, ensuring the preparation and publication of the action plan.

8. §

Public Procurement Committee,

(1) The University has an eight-member Public Procurement Committee to ensure that the aims set out in the PPA are met and the provisions of this

Regulation are complied with, and to supervise public procurement procedures and make recommendations to the decision-maker.

(2) The Chairman and the members of the Public Procurement Committee are appointed by the Chancellor for a fixed term of up to 4 years.

(3) The Public Procurement Committee's responsibility and powers include in particular:

a) issuing an opinion on the public procurement plan,
b) the adoption of the summarised prior information notice,
c) the authority to propose the specification of tasks arising from changes in the legislation on public procurement,
d) in public procurement procedures launched by the Contracting Authority, issuing an opinion on the notice launching the procedure, the documentation relating to the call for tenders and the draft contract,
e) proposing to the Chancellor to launch a public procurement procedure,
f) in public procurement procedures launched by the Contracting Authority, formulating a proposal for a decision on the outcome of the procedure and submitting it to the Chancellor.

(4) The detailed rules of operation of the Committee are set out in the Rules of Procedure for the Public Procurement Committee, which are drawn up by the Chairman of the Public Procurement Committee. The Public Procurement Committee takes its decisions in its meetings held in the presence of its member or by e-mail.

(5) The rules on the conflict of interest of the Chairman and members of the Public Procurement Committee shall be governed by 3 § (4) of this Regulation.

(6) The Chairman and members of the Public Procurement Committee shall immediately declare in writing to the Chancellor any conflict of interest and shall immediately terminate their participation in ongoing procedures. In the event of failure to declare a conflict of interest, the member of the Public Procurement Committee affected by the conflict of interest shall be dismissed from the committee. The dismissal shall be initiated by the Chairman or a member of the Public Procurement Committee to the Chancellor.

(7) The responsibility and powers of the Chairman of the Public Procurement Committee include:

a) chairing the meetings of the Committee (if attendance in person is required under the Rules of Procedure),
b) carrying out tasks relating to the functioning of the Committee between meetings of the Committee.

(8) The meetings of the Public Procurement Committee are convened by the public procurement officer of the Department of Legal Affairs and Procurement.

9. §

The Evaluation Committee

(1) The Chancellor, taking into account the recommendations of the Director of Legal Affairs and Procurement and the Director of Financial Affairs, shall appoint an Evaluation Committee of at least 6 members for each procurement procedure of the Contracting Authority to ensure the necessary procedural steps for the preparation, conduct and evaluation of the tenders submitted.

(2) The composition of the Evaluation Committee shall be determined in such a way as to ensure that during the procedure the following expertise are represented:

a) expertise in public procurement,
b) technical (professional) expertise (minimum 3 persons) in the area of the public procurement,
c) financial expertise, and
d) legal expertise.

(3) If the Contracting Authority deems it necessary for the subject matter of the contract, it will ensure the provision of other expertise in addition to the above by appointing a member of the Evaluation Committee.

(4) In each procedure, the members of the Evaluation Committee shall be appointed by the Chancellor from the following persons, taking into account the rules of responsibility laid down in the PPA in force:

a) the head of the organisational unit the public procurement is conducted for (technical/professional expertise),
b) the person responsible for the professional field of the organisational unit the public procurement is conducted for (technical/professional expertise),
c) the person responsible for the finances at the organisational unit the public procurement is conducted for,
d) the head of the organisational entity conducting the procedure,
e) the public procurement officer of the organisational entity conducting the procedure,
f) a person with legal qualifications providing legal expertise, if the procedure does not involve the use of an external procurement expert,
g) a university staff member with technical/professional expertise in the subject matter of the procurement or another person with technical/professional expertise who is mandated to participate in the evaluation committee.

(5) In case of a public procurement to be realised using subsidies, the composition of the Evaluation Committee shall be determined taking into account the provisions of the legislation on the rules for the use of the subsidy in question and the relevant Tender Guidelines.

(6) The Evaluation Committee's responsibilities and powers in relation to public procurement include in particular:
   a) drawing up the technical/professional chapter of the public procurement procedure,
   b) issuing its opinion on the information notice launching the procedure, the draft contract and the documentation,
   c) participating in the negotiations in case of a negotiated procedure,
   d) preliminary written evaluation of the tenders on the basis of a written evaluation proposal prepared by the accredited public procurement consultant or state public procurement consultant involved in the procedure,
   e) drafting/approving any request for supply of missing information, request for clarification and request for justification,
   f) replying with additional information, if applicable,
   g) preparing a detailed summary of the requests to participate and tenders,
   h) issuing an opinion on any proposal to amend the contracts concluded,

i) where justified, commissioning an external professional (technical) expert.

(7) The Evaluation Committee shall draw up its own rules of procedures, taking into account the provisions of the PPA and this Regulation.

(8) The Evaluation Committee takes its decisions by a simple majority of votes. Minutes shall be taken of the proceedings of the Evaluation Committee, including the evaluation sheets drawn up by each member containing their reasoning.

(9) Meetings of the Evaluation Committee are convened by the person in charge of the procurement procedure, who also ensures the technical arrangements for the meetings of the Evaluation Committee and the preparation of the minutes and other documents necessary for the operation of the Evaluation Committee. The meetings of the Evaluation Committee can be held in person or online.

(10) The call for online voting and its documentation shall be the responsibility of the person responsible for the public procurement procedure.

(11) The responsibilities of the members of the Evaluation Committee:

DESIGNATION OF THE AREA OF RESPONSIBILITY	**TASKS AND RESPONSIBILITIES**
	During preparation for the procedure: – issuing an opinion on the terms of payment, subject to the specific accounting rules for the subsidy, – certifying the availability of financial cover, – issuing an opinion on the financial and economic eligibility criteria, – issuing an opinion on the prepared documentation (notice, documentation, draft contract) from a financial perspective.

Financial expertise	**During the public procurement procedure, until the deadline for the submission of bids:** – answering questions on payment conditions and on financial and economic eligibility in the supplementary information, **if necessary,** proposing amendments to the payment terms included in the tender documentation.
	During the evaluation of tenders (requests to participate): – checking the compliance of tenders with the economic and financial eligibility criteria set out in the notice and the documentation, – drawing up an economic and financial evaluation sheet and a financial evaluation of tenders (e.g. compliance with payment, accounting and financial scheduling conditions), – if relevant, notifying if financial cover is insufficient, – certifying availability of the necessary additional cover before the announcement of the results of the procedure.
	In the case of EU funding, during the audit of the public procurement procedure: - answering questions on the conditions of payment, financial and economic eligibility and available funding during the insufficient data procedure.

	During the preliminary dispute resolution procedure and the legal remedy proceedings: - answering questions on the payment terms, financial and economic eligibility conditions of the preliminary dispute settlement.
Expertise (technical/professional) relevant to the subject matter of the public procurement	**During preparation for the procedure:** – defining technical content, – drawing up an indicative request for proposals, – requesting indicative bids, – checking technical and professional adequacy of the indicative bids received, – determining the estimated value on the basis of the indicative bids received or other objective methods (e.g. designer's cost estimate, analysis of previous contracts), – drawing up the technical specifications for public procurements, – checking that the necessary valid official or other authorisations are available for the procedure or that the necessary submissions have been made, – making technical and professional proposals on the terms and conditions of performing public procurement contracts and of the deadlines for performance, – giving a technical/professional opinion on the documentations prepared (call for tenders, tender documentation, draft contract), – finalising the technical content prepared on the basis of a proposal from the public procurement expert.

	During the public procurement procedure, until the deadline for the submission of bids: – answering technical and professional questions in connection with the supplementary information, – if necessary, proposing amendments to the technical content of the public procurement documentation.
	During the evaluation of tenders (requests to participate): – checking conformity of the technical and professional bid with the technical content of the call for tenders, identifying any missing information, discrepancies, invalid facts and data, – checking the compliance of tenders with the technical and professional eligibility requirements, – preparing decision proposals regarding the tenders from a technical/professional perspective (e.g.: technical evaluation sub-criteria), – defining the technical and professional content of a request for a justification for a disproportionately low price, – checking justifications provided for a disproportionately low price on the basis of technical/professional criteria,
	– verifying the existence and content of documents requested in the context of the professional tender, preparing written proposals for the decision-maker regarding the technical evaluation of tenders (e.g. validity, completeness, clarification of unclear content, request for clarification, need for requesting a justification for an issue and the appropriateness of such justification).

	In the case of EU funding, during the audit of the public procurement procedure: - answering questions on the technical and professional content and on the conformity of bids with the technical specifications during the insufficient data procedure, and on other technical or professional issues.
	During the preliminary dispute resolution procedure and the legal remedy proceedings: - answering questions on the technical and professional content of the preliminary dispute settlement.

Expertise in public procurement (appc/state public procurement consultant and public procurement officer of the Contracting Authority jointly)	**During preparation for the procedure:** – preparing the public procurement dossier (call for tender, documentation, draft contract, documents necessary for the launch of the tender – letter of appointment, liability, declarations) (appc/state public procurement consultant), – checking the documentation (public procurement officer).
	– coordinating the conduct of the public procurement procedure (appc/state public procurement consultant and public procurement officer jointly), – keeping contact with the appc/state public procurement consultant (public procurement officer)
	During the public procurement procedure, until the deadline for the submission of bids:

	– answering public procurement-related questions in connection with the supplementary information provided, (appc/state public procurement consultant), – informing the Evaluation Committee of the relevant legal provisions and related practices in the course of providing additional information (appc/state public procurement consultant), – if necessary, proposing amendments to the public procurement content of the tender documentation (appc/state public procurement consultant), – if necessary, extending the deadline for the submission of bids and carrying out the necessary administrative tasks in the EPPS system (appc/state public procurement consultant).
	During the evaluation of tenders (requests to participate): – verifying the existence and content of the documents requested in the context of the bids, checking their content (appc/state public procurement consultant), – preparing written proposals for the Evaluation Committee and the decision-maker regarding the evaluation of tenders (e.g. validity, completeness, clarification of unclear content, request for clarification, need for requesting justification) (appc/state public procurement consultant and public procurement officer), – participating in the work of the Evaluation Committee (appc/state public procurement consultant and public procurement officer), – carrying out the necessary procedural steps during the evaluation, e.g.: request for missing documents, request for information, request for an extension of

	the validity of bids (appc/state public procurement consultant), – preparing the conclusion of the contract (appc/state public procurement consultant and public procurement officer).
	In the case of EU funding, during the audit of the public procurement procedure: – carrying out the audit, – answering questions on the technical and professional content, the conformity of bids with the public procurement process during the insufficient data procedure and issues in connection with the public procurement law and the usual procedures, – informing the members of the Evaluation Committee of the legislation and practices related to the call for resolving discrepancies, – sending the signed public procurement contract to the appc/ state public procurement consultant (public procurement officer), – sending the signed public procurement contract for verification via the EPTK system.
	During the preliminary dispute resolution procedure: – answering the public procurement-related questions of the preliminary dispute settlement (appc), – informing the Evaluation Committee of the relevant legal provisions and related practices in connection with the preliminary dispute resolution procedure (appc/state public procurement consultant),

	– if necessary, taking procedural steps (appc/state public procurement consultant), – if necessary, extending the deadline for the submission of bids and carrying out the necessary administrative tasks in the EPPS system (appc/state public procurement consultant).
Legal expertise	**During preparation for the procedure:** – giving an opinion on the legal aspects of the contract to be concluded on the basis of the public procurement procedure, – providing legal expertise in the preparation and conduct of the procedure as a member of the Evaluation Committee, – taking a position on legal issues.
	During the public procurement procedure, until the deadline for the submission of bids: - answering the non-technical and non-professional legal questions in connection with the supplementary information provided, - if necessary, proposing amendments to the public procurement documentation.
	During the evaluation of tenders: – taking a position on legal issues, – if necessary, examining the possibility of amending the contract and drawing up the necessary documents, – approving from a legal perspective the final version of the contract to be concluded on the basis of the public procurement procedure.
	In the case of EU funding, during the audit of the public procurement procedure:

	- answering questions on the non-technical and non-professional legal content during the insufficient data procedure.
	During the preliminary dispute resolution procedure and the legal remedy proceedings: - answering non-technical and non-professional legal questions.

(12) The provision of public procurement expertise is primarily the task of the appc/state public procurement consultant, whereas the Contracting Authority's public procurement officer shall provide support for the work of the appc/state public procurement consultant, taking the Contracting Authority's operational specificities into account.

(13) Based on the above, the Contracting Authority's public procurement officer is responsible for coordinating the work of the Evaluation Committee, meeting and enforcing deadlines, checking the completeness of the opinions and proposals received by the Evaluation Committee and forwarding the opinions and proposals of the members of the Evaluation Committee of the Contracting Authority to the appc/state public procurement consultant.

10. §

The Accredited Public Procurement Consultant (appc) or State Public Procurement Consultant

(1) In order to ensure lawfulness of the public procurement procedure in a more efficient manner, an accredited public procurement consultant or state public procurement consultant responsible for conducting the procedure – except for construction investment projects – may be used.

(2) Only a state public procurement consultant may be engaged for the conduct of a public procurement procedure for construction investment projects.

(3) A person may be appointed as an accredited public procurement consultant or a state public procurement consultant who is registered in the register of accredited public procurement consultants or state public procurement consultants held by the Public Procurement Authority.

(4) The accredited public procurement consultant's or state public procurement consultant's responsibilities include in particular:
   a) recording the data and documents specified in the PPA and relevant government decree in the Electronic Public Procurement System (hereinafter referred to as 'EPPS') to be used compulsorily for the conduct of public procurement procedures,
   b) providing ongoing assistance to the person responsible for the public procurement procedure and the Evaluation Committee in the preparation of the procedure,
   c) drawing up and sending to the Evaluation Committee for their opinion the notice for participation/tender, call for tender, draft contract and documentation,
   d) performing the necessary procedural acts during the participation/tender submission period and document them in and outside the EPPS in accordance with the provisions of the PPA,
   e) providing the Evaluation Committee with the request to participate/tenders submitted and the documents relating to their evaluation,
   f) preparing, on the basis of the opinion of the Evaluation Committee, the request for supply of missing information, request for clarification, the notification of the tenderers on the correction of a calculation error,
   g) preparing the necessary notifications of the decisions taken by the Contracting Authority,
   h) preparing the documentation of the decision proposal for closing the procedure, the summary and all the documents required by the PPA relating to the decision proposal,
   i) arranging for the announcement of the result of the procedure,
   j) informing the Contracting Authority of the legal remedy procedure, representing the Contracting Authority in the procedure before the Public Procurement Arbitration Board with full powers of representation – by virtue of a separate ad hoc power of attorney,
   k) in case of a public procurement realised using subsidies, while carrying out the tasks listed in points (b) to (i), ensuring that the public procurement obligations laid down in the legislation governing the use of the subsidy applicable to said procurement are fulfilled, in particular

the obligation of carrying out audits or reviewing public procurement contracts;

l) responding, from the aspects of public procurements, to any requests for supply of missing information in the context of the accounting of the public procurement procedures carried out by using external funds,

m) issuing an opinion on any contract amendment proposal from a public procurement perspective,

n) drawing up the notices stipulated in the PPA for the relevant procedure and ensuring that they are sent to the Public Procurement Authority and published in accordance with the PPA.

(5) The tasks and scope of responsibility of the accredited public procurement consultant or state public procurement consultant shall be set out in detail in the written agency contract concluded for the performance of the task. The agency contract shall include in particular the tasks set out in 10. § (4) of this Regulation.

11. §

The Public Procurement Officer

(1) The Contracting Authority shall designate the person responsible for the coordination of the procedure, the observance of deadlines and the ensuring of the legality of the procurement procedure in each of its public procurement procedures from among its staff members, holding a qualification as public procurement officer/Master of Laws in public procurement, at the Department of Legal Affairs and Procurement (hereinafter referred to as “public procurement officer”).

(2) The public procurement officer is responsible for coordinating the activities of the persons and entities involved in the preparation and conduct of the procurement procedure.

(3) The Public Procurement Officer’s responsibilities include in particular:

a) coordinating the preparation of a given public procurement procedure,

b) assisting the initiating organisational unit in the determination of the estimated value of the public procurement, verifying the determination of the estimated value on the basis of the available documents,
c) examining the conditions for the mandatory use of prior market consultation,
d) obtaining the relevant data and technical specifications from the organisational unit initiating the public procurement procedure for the preparation of the notice launching the procedure and the documentation, coordinating the definition of criteria for exclusion, eligibility and the contract terms, checking the eligibility criteria and exclusion criteria established,
e) liaising with the accredited public procurement consultant or state public procurement consultant involved in the procedure,
f) contributing to the preparation of additional information,
g) participating in certain procedural acts,
h) participation in the activities of the Evaluation Committee,
i) based on the evaluation sheets of the members of the Evaluation Committee and the minutes of the Evaluation Committee meeting, preparing, in cooperation with the appc/state public procurement consultant, the decision proposal for closing the procedure on the basis of the proposal of the Evaluation Committee,
j) in the event of initiation of a legal remedy procedure, informing the Chancellor and the Director of Legal Affairs and Procurement about the content of the legal remedy procedure,
k) participation in the preparation of contracts and contract amendments,
l) continuous monitoring of the performance of the contract (public procurement) until the performance of the contract, taking measures for the performance of compensation, and
m) performing the tasks stipulated in 10. § (4) of this Regulation, if no accredited public procurement consultant or state public procurement consultant is involved in the procedure.

12. §

Persons Participating in the Professional Preparation of the Procedure

(1) When establishing the estimated value during the professional preparation of the procedure, the provisions of Section 28 of the PPA must be observed. It is the task of the person responsible for the professional preparation of the procedure to obtain the necessary documents (e.g. requesting indicative bids) to support the estimated value.

13. §

Registration in the EPPS and Superuser

(1) Public procurement procedures are conducted in the EPPS system. Entities that are to be considered Contracting Authorities are obliged to register in the EPPS and conduct public procurement procedures in the EPPS.

(2) The registration data of the University are as follows:

- Email: kozbeszerzes@uni-pannon.hu
- Telephone number: +36-30/709-8260

(3) The representative, who is authorised to act in the name of the University with full powers without limitation, i.e. the so-called organisational superuser, is appointed by the Chancellor by virtue of a Power of Attorney.

(4) With this role, the user can perform the following activities: modification of the University's data, maintenance of the privileges of the University's registered users, i.e. assign or remove roles from them, even set different roles for the user for each procedure, and creating a new public procurement procedure, creating a new tender, editing (creating, modifying, publishing) a public procurement plan. The exclusive right of a person in an organisational superuser role is to assign individual persons to the procedure, to the University, and to make statements with regard to the University in the EPPS.

(5) The public procurement officer will ensure that members of the Evaluation

Committee have access to the public procurement documents by sending these to them. Where an accredited public procurement consultant or state public procurement consultant is appointed to conduct the procedure, they will be granted access by the person in the organisational superuser role, which will include, as a minimum, the creation, drafting and performance of the procedural steps (public procurement procedure management role). Where a public procurement procedure requires the involvement of an accredited public procurement consultant or state public procurement consultant, the accredited public procurement consultant or state public procurement consultant must be granted the right to countersign documents (the countersignatory role of an accredited public procurement consultant or state public procurement consultant).

(6) Authorisation for tasks of a Contracting Authority, which are to be carried out by the University in the EPPS, may also be granted to the public procurement consultant.

(7) The person or entity initiating registration in the EPPS acknowledges that by virtue of the registration and with regard to the processing of personal data stored in the EPPS the operator of EPPS acquires the right to process personal data relating to the initiator in accordance with the applicable legislation in force. Registered natural and legal persons are obliged to record any changes to their data in the system without delay, but at the latest by a date that ensures that their current data is always available in an ongoing public procurement procedure.

(8) The Public Procurement Authority, the Hungarian Competition Authority and the body authorised by law to monitor the procedure in question, as well as the Public Procurement Arbitration Board and the court proceeding in case of a request for review or an ex officio initiative, may consult the documents relating to the public procurement procedure in the EPPS. The University is obliged to provide electronic access to documents related to public procurement at the request of the Public Procurement Authority or other body authorised by law, and the superuser must be informed of such request promptly.

Chapter III

PLANNING, PREPARATION AND CONDUCT OF PUBLIC PROCUREMENT PROCEDURES

14. §

Planning of Public Procurement Procedures

(1) At the beginning of each budgetary year, by 31 March at the latest, the Contracting Authority must prepare an annual overall public procurement plan (hereinafter referred to as "public procurement plan"). The public procurement plan shall not entail any obligation to carry out the public procurement procedures included therein. The annual public procurement plan, which must be published in the EPPS, must contain data on the planned public procurement procedures, in particular the following data:

a) the subject matter of the public procurement,
b) the planed quantity of goods or services to be procured,
c) rules of procedure governing public procurement,
d) the type of planned procedures,
e) the planned date of initiating procedures,
f) the expected date of performance of the contract.

(2) The organisational units/project managers of the University, together with the annual procurement planning, provide data on the public procurements planned for the current year in the software created for this purpose. The designated employee of the Department of Legal Affairs and Procurement shall initiate a consultation with the organisational unit and project manager about the planned public procurement procedures in order to prepare the public procurement plan to be published in the EPPS and furnish it with the necessary data.

(3) The Department of Legal Affairs and Procurement shall, when drawing up the public procurement plan, act and determine the procedure in accordance with the provisions of the PPA concerning the prohibition of

subdivision of procedures.

(4) The public procurement plan and its amendments during the year are sent by the Director of Legal Affairs and Procurement to the Public Procurement Committee for their opinion.

(5) The public procurement plan must be amended in case of unforeseen needs. Reasons must be provided for an amendment. The preparation, proposal and adoption of an amendment are governed by the rules applicable to the adoption of a public procurement plan.

(6) In order to ensure compliance with the provisions of the PPA concerning the prohibition of subdivision of projects, the person responsible for the project or the project manager must always consult the organisational unit responsible for public procurement with regard to the cost plan of projects won by the Contracting Authority.

15.§

Preparation and Conduct of the Public Procurement Procedure

(1) Persons or entities acting on behalf of the Contracting Authority or involved in the procedure must have the appropriate public procurement, legal and financial expertise in the field of the subject matter of the public procurement, for the preparation of the public procurement procedure, the notice initiating the procedure and the documents, the evaluation of tenders and for the conduct of the entire procedure.

(2) The head or the project manager of the organisational unit concerned must initiate the procedure in writing at the Department of Legal Affairs and Procurement. The proposal submitted through the website of the Contracting Authority must include information on the following:
   a) the subject matter and quantity of the public procurement,
   b) the estimated value,
   c) the availability of financial cover and an indication of the source of the funds from which the purchase will be made,
   d) whether the public procurement is included in the annual public procurement plan, and if not, the reasons why it was not included, and
   e) members of the Evaluation Committee with technical/professional expertise in the subject matter of the public procurement procedure.

(3) On the basis of the information provided, the Rector and the Chancellor authorise the preparation of the public procurement procedure, after consulting a public procurement consultant if necessary.
(4) The Director of Legal Affairs and Procurement appoints the public procurement officer for the procedure. The public procurement officer will contact the Director of the Directorate of Economic Affairs by e-mail in order to appoint a person with financial expertise to participate in the Evaluation Committee.

(5) The public procurement officer in the procedure shall ensure that an accredited public procurement consultant or state public procurement consultant is selected to participate as a member in the Evaluation Committee in order to provide public procurement expertise in the procedure.
(6) The members of the Evaluation Committee are appointed by the Chancellor, as decision-maker. The duties of the members of the Evaluation Committee are set out in the distribution of responsibilities.

(7) The head of the initiating organisational unit or the person with professional responsibility designated by them must take part in conducting the procedure and cooperate with the person designated as responsible for the public procurement procedure throughout the procedure.

(8) The preparation of the public procurement procedure is the responsibility of the Evaluation Committee.

(9) The Contracting Authority is required to carry out prior market consultation using the EPPS before launching an open or restricted procedure for public procurement with an estimated value above the EU threshold in accordance with the provisions of the Government Decree No 63/2022. (II.28.) (hereinafter referred to as 'government decree', if the notice launching the public procurement procedure does not stipulate a reason for declaring the procedure unsuccessful pursuant to Section 75(2)e) of the PPA, and the subject matter of the public procurement, in respect of which the proportion of single-bid public procurements in the main category of the Common Procurement Vocabulary (hereinafter referred to as 'CPV'), in the calendar year specified in the Government Decree, exceeded 30%, taking into account public procurements where the

estimated value was equal to or above the EU threshold, and the percentage of successful public procurements in a given main CPV-category exceeded 2% of the total number of successful public procurements.

The list of single-bid public procurements by code of main categories of CPV is available among the documents of the Department of Legal Affairs and Procurement on the website www.uni-pannon.hu.

(10) The Chancellor shall decide in writing to open the procedure on the basis of a proposal from the Public Procurement Committee.

(11) The Evaluation Committee shall work according to a timetable drawn up during the preparation of the public procurement procedure.

(12) It is the responsibility of the public procurement officer, in cooperation with the other members of the Evaluation Committee, to answer questions received in the EPPS. If an accredited public procurement consultant or state public procurement consultant is engaged to take part in the procedure, they must cooperate with the public procurement officer in answering questions.

(13) For the opening of submitted tenders, the provisions of the PPA and of the Decree on the EPPS shall apply mutatis mutandis.

(14) In case of a negotiated procedure, the negotiations with the bidders will be conducted by an accredited public procurement consultant or state public procurement consultant in charge of the procedure. The public procurement officer and the accredited public procurement consultant or state public procurement consultant in charge of the procedure will be assisted by the members of the Evaluation Committee as expert contributors during the negotiation.

(15) The Evaluation Committee, on the basis of a written evaluation proposal carried out by the person responsible for the public procurement procedure or the accredited public procurement consultant or state public procurement consultant involved in the procedure, carries out an evaluation of the requests to participate/tenders, which evaluation they record in writing. The Evaluation Committee shall determine and approve the content of the request for supply of missing information, the request

for clarification, the request for justification and the notification on the correction of a calculation error.

(16) Following the expiry of the deadline for the supply of missing information, the Evaluation Committee shall decide if further supply of missing information or further request for clarification is necessary, or the stage of supplying missing information is to be closed. After the completion of the stage of supplying missing information, the public procurement officer forwards the documents of the procedure together with a decision proposal for closing the procedure.

16. §

Announcement and Publication of the Result of the Procedure, Conclusion of the Contract

(1) The successful tenderer will be the one who has submitted a valid tender with the most favourable conditions in the light of the evaluation criteria set out in the notice launching the public procurement procedure and in the documentation.

(2) The decision to close the procedure is taken by the Chancellor on the basis of the opinion of the Evaluation Committee and the recommendation of the Public Procurement Committee.

(3) If the decision closing the procedure differs from the decision proposed by the Commission, the Chancellor must state in writing the detailed reasons for this.

(4) The result of the procedure is announced after the relevant decision has been taken, in accordance with the provisions of the PPA.

(5) On the basis of the successful public procurement procedure, the contract, after signed off approval from a legal perspective by the Department of Legal Affairs and Procurement, is executed by its signature by the Chancellor and the Rector and simultaneous countersignature by Finance.

Chapter IV

DOCUMENTATION AND CONTROL OF PUBLIC PROCUREMENT, PUBLIC NATURE OF THE PROCEDURE

17. §

Documentation of the Public Procurement Procedure

(1) Unless otherwise provided by the decree on the EPPS or other legislation, written communication in connection with the public procurement procedure, as regulated by the PPA or its implementing decree, is conducted electronically via the electronic public procurement system serving as the central public procurement register, facilitating the electronic conduct of public procurements and being operated by Új Világ Nonprofit Szolgáltató Kft. in accordance with the decree on the EPPS. The Contracting Authority shall retain the data in the EPPS and all documents created in the course of the preparation and conduct of the public procurement procedure for a period of at least five years following the closure of the procedure [37 § (2) of the PPA] and all documents created in relation to the performance of the contract for a period of at least five years following the performance of the contract. If a procedure has been launched to seek legal remedy in connection with the public procurement, the documents shall be kept until the expiry of the term for challenging the decision or, in case of an administrative proceeding, until the final conclusion of the administrative proceeding, but at least for five years.

(2) In case of construction works, the member of the Evaluation Committee with technical/professional expertise in the subject matter of the public procurement and employed by the Contracting Authority is responsible for monitoring the construction log and, in case of an entry for the use of a subcontractor, for informing the public procurement officer of the subcontractor and the details known from the construction log.

(3) The files relating to the public procurement procedures subject to this Regulation shall be filed, archived and, after the closure of the public procurement procedure, the complete documentation be kept by the

organisational unit responsible for carrying out the tasks related to the public procurement. The head of the organisational unit, or the person designated by them, shall be responsible for the safekeeping of the files.

(4) The handling of documents generated during the public procurement procedure is governed by the University's regulation on document management.

18. §

Control of Public Procurement Procedures

(1) Where an audit of public procurement documents is required by law, it shall be initiated by the public procurement officer and the accredited public procurement consultant or state public procurement consultant.

(2) It is the responsibility of the Evaluation Committee to respond to any questions related to missing documentation during the audits.

(3) During any external audits at the Contracting Authority, the persons participating in the procedure on behalf of the Contracting Authority shall cooperate with the organisations carrying out the external audit.

19. §

Public Nature of the Procedure

(1) The University publishes data, information and notices relating to its public procurement procedures on its website.

(2) The Director of Legal Affairs and Procurement shall ensure the publication of the data required by law relating to contracts, contract amendments and the performance of contracts in the public electronic contract register (hereinafter referred to as ‘CoRe’) operated by the Public Procurement Authority via the EPPS and in the EPPS.

(3) The above data reporting should be done in the EPPS, which automatically transmits the data without any changes to CoRe immediately upon uploading.

(4) The Contracting Authority must publish the following in the EPPS:
   a) the public procurement plan and amendments thereof, without any delay after approval;
   b) a summary of the comments received during the prior market consultation, the Contracting Authority's position on the comments and of any substantive changes to the documents made in response to the comments on the prior market consultation platform of the EPPS;
   c) the data concerning preliminary dispute settlement pursuant to Section 80(2) of the PPA, without any delay after the receipt of the preliminary dispute settlement application;
   d) the summary concerning the requests to participate and the evaluation of tenders, concurrent with their dispatch to the candidates or the tenderers;
   e) the documents specified in Section 103(6) and Section 115(7) of the PPA.

Chapter V

IMPLEMENTING PROVISIONS

20. §

(1) This Public Procurement Regulation of the University of Pannonia was deliberated by the Senate at its meeting on the 28th November 2024 and adopted by Resolution No. 241/2024. (XI. 28.).

(2) The Regulation shall enter into force on 16th December 2024.

(3) Simultaneously to this Regulation entering into force, the Public Procurement Regulation adopted by Senate Resolution No. 238/2022. (XII. 8.) shall cease to have effect.

Chapter VI

TRANSITIONAL AND FINAL PROVISIONS

21. §

(1) The provisions of the Regulation shall apply to public procurement procedures launched after the Regulation enters into force.

(2) Provisions of 3. § (4) and (5) of this Regulation shall apply to public procurement procedures launched after 11 October 2022.

(3) Public procurement procedures ongoing on the date of entry into force of the Regulation shall be conducted on the basis of the Regulation in force on the date when the public procurement procedures were launched.

(4) In matters not regulated in this Regulation, the provisions of the PPA, the decree on the EPPS and other legislation applicable to the public procurement procedure in question, as well as the provisions of the OOR shall apply.

Place and date: Veszprém, 28th November 2024

Dr. János Abonyi
Rector

Zsolt Csillag
Chancellor

On behalf of the Foundation for the University of Pannonia, acting as Operator, approved by:

Place and date: Veszprém, 13th December 2024

Dr. Péter Bartus
Director of Operations