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OF CYPRUS

12(I) of 2006.

**THE COORDINATION OF PROCEDURES
FOR THE AWARD OF PUBLIC WORKS CONTRACTS,
PUBLIC SUPPLY CONTRACTS AND PUBLIC SERVICE CONTRACTS
AND FOR RELATED MATTERS LAW, 2006**

Office of the Law Commissioner

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NOTE FOR THE READER

This publication of the Office of the Law Commissioner is an English translation of Law No. 12(I) of 2006 enacted in Greek.

However useful the English translation of the Law is in practice, it does not replace the original text of the Law since only the Greek text of the Law published in the Official Gazette of the Republic of Cyprus is authentic.

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**A LAW TO PROVIDE FOR THE COORDINATION
OF PROCEDURES FOR THE AWARD OF PUBLIC WORKS
CONTRACTS, PUBLIC SUPPLY CONTRACTS AND PUBLIC SERVICE
CONTRACTS AND FOR RELATED MATTERS**

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Number 12(I) of 2006

**A LAW TO PROVIDE FOR THE COORDINATION OF
PROCEDURES FOR THE AWARD OF PUBLIC WORKS
CONTRACTS, PUBLIC SUPPLY CONTRACTS AND PUBLIC
SERVICE CONTRACTS AND FOR RELATED
MATTERS LAW, 2006**

For the purposes of harmonization with the European Community act with title -

Official Journal of
the EU L134,
30.4.2004,
p.114

L333
20.12.2005,
p.28

«Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts», as amended by Commission Regulation (EC) No 2083/2005, of 19 December 2005, amending directives 2004/17/EC and 2004/18/EC of the European Parliament and of the Council, in respect of their application thresholds for the procedures for the award of public contracts,

The House of Representatives enacts as follows:

PART I – INTRODUCTORY PROVISIONS

CHAPTER I – INTERPRETATION AND GENERAL PRINCIPLES

Short title.

1. This Law may be cited as the Coordination of Procedures for the Award of Public Works Contracts, Public Supply Contracts and Public Service Contracts and for Related Matters Law, 2006.

Interpretation.

2. In this Law, unless the context otherwise requires –

«Agreement» means the Agreement on Government Procurement, concluded in the framework of the Uruguay Round

multilateral negotiations (1986 to 1994) and constitutes an integral part of the Agreement for the establishment of the World Trade Organization (WTO);

«a body governed by public law» means any body-

- (a) established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character,
- (b) having legal personality, and
- (c) financed, for the most part, by the State, regional or local authorities, or other bodies governed by public law, or subject to management supervision by the State or regional or local authorities or the bodies governed by public law, or having an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities, or by other bodies governed by public law,

Annex III. an indicative list of bodies and categories of bodies governed by public law, which fulfil the above mentioned criteria, is cited in Annex III. The Competent Authority of Public Procurement shall periodically notify the Commission of any changes effected to this list;

«candidate» means an economic operator who has sought an invitation to take part in a restricted or negotiated procedure or in a competitive dialogue.

«central purchasing body» means a contracting authority, which—

- (a) acquires supplies and/or services intended for contracting authorities, or

(b) awards public contracts or concludes framework agreements for works, supplies or services intended for contracting authorities;

«central products classification» or «CPC nomenclature (Central Product Classification)» means the International Products Classification of the United Nations;

«Commission» means the Commission of the European Community;

Official Journal
of the EU L340,
16.12.2002, p.1.

L329,
17.12.2003, p.1

«common procurement vocabulary» or «CPV nomenclature (Common Procurement Vocabulary)» means the reference nomenclature applicable to public contracts as adopted by Regulation (EC) No 2195/2002 of 5 November 2002 of the European Parliament and of the Council, on the Common Procurement Vocabulary (CPV) as last amended by Regulation (EC) No 2151/2003 of 16 December 2003, amending Regulation (EC) No 2195/2002 of the European Parliament and of the Council on the Common Procurement Vocabulary (CPV), ensuring equivalence with other existing nomenclatures:

Provided that, in the event of varying interpretations of the Annex I. scope of Part II of this Law, owing to possible differences between Annex II. the CPV and NACE nomenclatures listed in Annex I, or between the CPV and CPC (provisional version) nomenclatures listed in Annex II, the NACE or the CPC nomenclatures respectively shall prevail;

«common technical specification» means a technical specification laid down in accordance with a procedure recognised by the member states, for the purposes of a uniform application and which has been published in the Official Journal of the European Union;

«Competent Authority of Public Procurement» means the Treasury of the Republic;

«competitive dialogue» means a procedure in which any economic operator may request to participate and whereby the contracting authority conducts a dialogue with the candidates admitted to that procedure, with the aim of developing one or more suitable alternatives capable of meeting its requirements, and on the basis of which the candidates chosen are invited to tender;

«contracting authorities» means the State, regional or local authorities, bodies governed by public law and associations formed by one or more of such authorities or one or more of such bodies governed by public law;

«contractor» means any natural or legal person or public entity or group of such persons and/or bodies which offers the execution of activities and/or works;

«date», subject to the provisions of section 45, means the calendar date, unless otherwise defined in the tender documents;

«design contest» means the procedure which enables the contracting authorities to acquire, mainly in the fields of town and country planning, architecture and engineering or data processing, a plan or design selected by a jury after being put out to competition with or without the award of prizes;

«dynamic purchasing system» means a completely electronic process for making commonly used purchases, the characteristics of which, as generally available on the market, meet the requirements of the contracting authority. The process is limited in duration and open throughout its validity to any economic operator who satisfies the selection criteria and has submitted an indicative tender that complies with the specifications set in the tender documents;

«economic operator» means a supplier or/and a contractor, or/and a service provider;

«economic year» means the 12 month period, for which the contracting authority prepares its annual accounts;

«electronic auction» means a repetitive process involving an electronic device for the presentation of new prices, revised downwards, and/or new values concerning certain elements of tenders, which occurs after an initial full evaluation of the tenders, enabling them to be ranked using automatic evaluation methods:

Provided that, certain service contracts and certain works contracts having as their subject-matter intellectual performances, such as the design of works, may not be the object of electronic auctions;

«electronic means» means using electronic equipment for the processing (including digital compression) and storage of data which is transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means;

«European technical approval» means a favourable technical assessment of the fitness for use of a product for a particular purpose, based on the fulfilment of the essential requirements for building works, by means of the inherent characteristics of the product and the defined conditions of application and use, and shall be issued by an approval body designated for this purpose by the member state;

«essential requirements» means requirements relating to safety, health and certain other aspects in the general interest, which the construction works must meet;

«framework-agreement» means an agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged;

«in writing» means any expression of words or figures which can be read, reproduced and subsequently communicated. It may include information which is transmitted and stored by electronic means;

«negotiated procedure» means the procedure whereby the contracting authorities consult the economic operators of their choice and negotiate the terms of contract with one or more of these;

«network termination point» means all physical connections and their technical access specifications which form the public telecommunications network and are necessary for access to, and efficient communication through, that public network;

Official Journal of
the EU L293,
24.10.1990, p.1
L6,10.1.2002, p.3.

«nomenclature NACE (Nomenclature statistique des Activités économiques dans la Communauté Européenne)» means the statistic nomenclature of economic activities in the European Community, laid down by the Council Regulation (EEC) No 3037/90 of 9 October 1990, on the statistical classification of economic activities in the European Community, as last amended by Regulation (EC) No 29/2002 of 19 December 2001, amending Council Regulation (EEC) No 3037/90 of 9 October 1990, on the statistical classification of economic activities in the European Community;

«member state» means any state being a member of the European Union;

«open procedure» means the procedure whereby any interested economic operator may submit a tender;

«public contracts» means contracts for pecuniary interest concluded in writing between one or more economic operators and one or more contracting authorities and having as their object the

execution of works, the supply of products or the provision of services within the meaning of this Law;

«public service contracts» means the public contracts other than works or supply contracts having as their object the supply of services referred to in Annex II:

Provided that a public contract having as its object–

Annex II. (a) both products and services, referred to in Annex II, if the value of the specific services exceeds that of the products covered by the contract;

Annex II.
Annex I. (b) services referred to in Annex II including activities referred to in Annex I that are only incidental to the principle object of the contract,

shall also considered to be a public service contract;

«public supply contracts» means the public contracts other than those referred to in the interpretation of the term «public works contracts», having as their object the purchase, lease, rental or hire purchase, with or without option to buy, of products:

Provided that, a public contract having as its object the supply of products and as an incidental matter, sitting and installation operations, shall be considered to be a public supply contract;

«public telecommunications network» means the public telecommunications infrastructure which enables signals to be conveyed between defined network termination points by wire, by microwave, by optical means or by other electromagnetic means;

«public telecommunications services» means telecommunications services the provision of which the Republic has specifically assigned, in particular, to one or more telecommunications entities;

«public works concession» is a contract of the same type as a public works contract except for the fact that the consideration for the works to be carried out consists either solely in the right to exploit the work or in this right together with payment;

«public works concessionaire» means the person who has signed a public works concession with a contracting authority;

«public works contracts» means public contracts having as their object either the execution, or both the design and execution, of works
Annex I. related to one of the activities within the meaning of Annex I or a work, or the realisation, by whatever means, of a work corresponding to the requirements specified by the contracting authority;

Official Journal of
the EU L124,
8.6.1971, p.1.

«Regulation (EEC, Euratom) No 1182/71» means the Council Regulation (EEC, Euratom) No 1182/71 of 3 June 1971, determining the rules applicable to periods, dates and time-limits;

«restricted procedure» means the procedure in which any economic operator may request to participate and whereby only those economic operators invited by the contracting authority may submit a tender;

«service concession» is a contract of the same type as a public service contract except for the fact that the consideration for the provision of services consists either solely in the right to exploit the service or in this right together with payment;

«service provider» means any natural or legal person or public body or group of such persons and/or bodies which offers service provision on the market;

«standard» means a technical specification approved by a recognised standardising body for repeated or continuous application, compliance with which is not compulsory and which falls in one of the following categories:

- (a) international standard, a standard approved by an international standards organisation and made available to the general public;
- (b) European standard, a standard approved by a European standard organisation and made available to the general public;
- (c) national standard, a standard approved by a national standards organisation and made available to the general public;

«supplier» means any natural or legal person or public entity or group of such persons and/or bodies which offers products on the market;

«technical reference» means any product produced by European standardisation bodies, other than official standards, according to procedures adopted for the development of market needs;

«technical specifications» means-

- (a) in the case of public works contracts, means the totality of the technical requirements contained in particular in the tender documents, defining the characteristics required of a material, product or supply, enabling a material, a product or a supply to be described in a manner such that it fulfils the use for which it is intended by the contracting authority. These technical characteristics shall include levels of environmental performance, design for all requirements including accessibility for disabled persons and conformity assessment, performance, safety or dimensions, including the procedures concerning quality assurance, terminology, symbols, testing and test

methods, packaging, marking and labelling and production processes and methods. They shall also include rules relating to design and costing, the test, inspection and acceptance conditions for works, methods or techniques of construction and all other technical conditions which the contracting authority is in a position to prescribe, under general or specific regulations, in relation to the finished works and to the materials or parts which they involve;

- (b) in the case of public supply or service contracts, means requirements contained in particular in the tender documents defining the required characteristics of a product or a service, such as quality levels, environmental performance levels, design for all requirements, including accessibility for disabled persons, and conformity assessment, performance, use of the product, safety or dimensions, including requirements relevant to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking and labelling, user instructions, production processes and methods and conformity assessment procedures;

«telecommunications services» means services the provision of which consists wholly or partly in the transmission and routing of signals on the public telecommunications network by means of telecommunications processes, with the exception of broadcasting and television;

«tenderer» means an economic operator who has submitted a tender;

«third country» means a country which is not a member state;

«Treaty» means the Treaty Establishing the European Community;

«work» means the outcome of building or civil engineering works taken as a whole which is sufficient of itself to fulfil an economic or technical function.

Principles of awarding contracts.

3. Contracting authorities shall treat economic operators equally and non-discriminatorily and shall act in a transparent way.

Granting of special or exclusive rights: non-discrimination clause.

4. Where a contracting authority grants special or exclusive rights to carry out a public service activity to an entity other than such a contracting authority, the act by which that right is granted shall provide that, in respect of the supply contracts which it awards to third parties as part of its activities, the entity concerned must comply with the principle of non-discrimination on the basis of nationality.

Confidentiality.

5. Without prejudice to the provisions of this Law, in particular those concerning the obligations relating to the advertising of awarded contracts and to the information to candidates and tenderers set out in sections 40 and 47, respectively, the contracting authority shall not disclose information forwarded to it by economic operators which they have designated as confidential. Such information includes, in particular, technical or trade secrets and the confidential aspects of tenders.

CHAPTER II – GENERAL PROVISIONS

Eligible for participation.

6. Candidates or tenderers who, under the law of the member state in which they are established, have the right to participate in a public procurement, shall not be rejected by the contracting authorities solely on the ground that under the legislation in force in the Republic they would be required to be either natural or legal persons:

Provided that, in the case of public works contracts and public service contracts, as well as public supply contracts covering in addition works and/or siting and installation services, legal persons may be required by the contracting authorities to indicate in their request to participate or in their tender, the names and professional qualifications of the persons to be responsible for the performance of the specific contract.

Joint ventures.

7. Groups of economic operators may submit tenders or put themselves forward as candidates. In order to submit a tender or a request to participate, these groups may not be required to assume a specific legal form:

Provided that, the contracting authorities may oblige the joint venture which has been selected to assume a specific legal form when it has been awarded the contract, to the extent that this change is necessary for the satisfactory performance of the contract.

Conditions relating to agreements concluded within the framework of the World Trade Organization.

8. During the procedure for the award of public contracts, contracting authorities shall apply in their relations with the economic operators of the other member states, conditions as favourable as those which they grant to the economic operators of third countries in the implementation of the agreement.

PART II – PROCEDURES FOR THE AWARD OF PUBLIC CONTRACTS

CHAPTER I – SCOPE OF APPLICATION

Section 1 – Contracts falling within the scope of application of Part II

General rule.

9. This Part shall apply to public contracts, which are not excluded from the scope of application of this Law under the provisions of sections 11 to 17, and which have a value exclusive of Value-Added

Tax (hereinafter referred to as the «V.A.T»), estimated to be equal to or greater than the thresholds defined in section 19.

Defence
procurement.

10. Without prejudice to Article 296 of the Treaty, this Part shall apply to public contracts awarded by contracting authorities in the field of defence.

Section 2 – Contracts excluded from the scope of application of the Law

Secret contracts
or contracts
requiring special
security
measures.

11. The Council of Ministers may, if it deems expedient, to exempt from the application of this Law, public contracts which it declares to be secret or the execution of which must be accompanied, by special security measures, in accordance with the legislative, regulatory or administrative provisions in force in the Republic, or when the protection of the essential interests of the Republic, so requires.

Contracts
awarded
pursuant to
international
rules.

12. This Law shall not apply to public contracts governed by different procedural rules and awarded –

- (a) pursuant to an international agreement concluded in conformity with the Treaty, between the Republic and one or more third countries, and covering works, supplies or services, intended for the joint implementation or exploitation of a work or project by the signatory states. The Competent Authority of Public Procurement shall communicate any such agreement to the Commission;
- (b) pursuant to a concluded international agreement relating to the stationing of troops and concerning the undertakings in the Republic or a third country;
- (c) pursuant to the particular procedure of an international organization.

Contracts awarded in the water, energy, transport and postal services sectors.

11(l) of 2006.

13. This Law shall not apply–

- (a) to public contracts which, within the framework of the Coordination of Procedures for the Award of Public Contracts, in the Water, Energy, Transport and Postal Services Sectors Law, 2006, are awarded by contracting authorities, exercising one or more of the activities referred to in sections 9 to 13 of the said Law, and which are concluded in respect of these activities:

Provided that, this Law shall apply to contracts awarded by contracting authorities exercising one or more of the activities referred to in section 12 of the Coordination of Procedures for the Award of Public Contracts in the Water, Energy, Transport and Postal Services Sectors Law, 2006 and awarded in respect of these activities, in so far as the said section comes into force pursuant to the provisions of section 76 of the same Law;

- (b) to public contracts exempted from the scope of application of the Law referred to it in paragraph (a) by virtue of sub-section (2) of section 11 and sections 18, 25, and 28 of the same Law.

Specific exclusions in the field of telecommunications.

14. This Law shall not apply to public contracts for the principal purpose of permitting the contracting authorities to provide or exploit public telecommunications networks or to provide to the public one or more telecommunications services.

Specific exclusions.

15. This Law shall not apply to public service contracts for-

- (a) the acquisition or rental, by whatever financial means, of land, existing buildings or other immovable property or concerning rights thereon, except financial service contracts concluded at the same time as, before or after the contract of acquisition or rental, in whatever form;
- (b) the acquisition, development, production or co-production of programme material intended for broadcasting by broadcasters and contracts for broadcasting time;
- (c) arbitration and conciliation services;
- (d) financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments, in particular transactions by the contracting authorities to raise money or capital, and services provided by central banks;
- (e) employment contracts;
- (f) research and development services other than those where the benefits accrue exclusively to the contracting authority for its use in the conduct of its own affairs, on condition that the service provided is wholly remunerated by the contracting authority.

Service concessions.

16. Without prejudice to the application of section 4, this Law shall not apply to service concessions.

Public service contracts awarded on the basis of an exclusive right.

17. This Law shall not apply to public service contracts awarded by a contracting authority to another contracting authority or to an association of contracting authorities on the basis of an exclusive right conferred upon them pursuant to any published legislative, regulatory or administrative provisions, provided that these provisions are compatible with the Treaty.

Section 3 – Special arrangement

Reserved
contracts.

18. The Council of Ministers may reserve the right to participate in public contract award procedure to sheltered workshops or provide for such contracts to be performed in the context of sheltered employment programmes where most of the employees concerned are handicapped persons who, by reason of the nature or the seriousness of their disabilities, cannot carry on occupations under normal conditions. The contract notice shall make reference to this provision.

Section 4 – Estimated value of contract

Thresholds.

19.-(1) Subject to the provisions of section 9, this Part shall apply to public contracts the estimated value of which, net of V.A.T. is equal to, or exceeds, the following thresholds as they are prescribed in section 92:

(a) EUR 137.000, for public supply and service contracts, other than those covered by subparagraph (iii) of paragraph (b), awarded by contracting authorities, which are listed as central government authorities in Annex IV:

Annex IV.

Provided that, in the case of public supply contracts awarded by the contracting authorities in question, operating in the field of defence, the above-mentioned threshold shall apply only to public contracts involving products covered by Annex V.

Annex V.

EUR 211.000–

(b) (i) for public supply and service contracts awarded by contracting authorities, other than those listed in Annex IV,

Annex IV.

Annex IV. (ii) for public supply contracts awarded by contracting authorities which are listed in Annex IV and operate in the field of defence, where these contracts involve products not covered by Annex V,

Annex V. (iii) for public service contracts awarded by any contracting authority in respect of the services listed in category 8 of Annex IIA, category 5 telecommunications services of the same Annex, the positions of which in the CPV are equivalent to CPC reference Nos 7524, 7525 and 7526 and/or the services listed in Annex II B.

Annex II A.

Annex II B.

(c) EUR 5.278.000, for public works contracts.

(2) The Competent Authority of Public Procurement shall inform the contracting authorities of the equivalent amount in pounds of the amount in Euros of the thresholds referred to in subsection (1), the duration of the validity of the exchange rate and of any relevant change made by the competent institutional organs of the European Union.

Subsidised contracts.

20.—(1) This Part shall apply to the awarding of -

(a) works contracts which are directly subsidised by contracting authorities by more than 50% and the estimated value of which, net of V.A.T., is equal to or greater than EUR 5.278.000 when these contracts involve-

Annex I. (i) civil engineering activities within the meaning of Annex I;

(ii) building works for hospitals, facilities intended for sports, recreation and leisure, school and university

buildings and buildings used for administrative purposes;

- (b) service contracts which are directly subsidised by contracting authorities by more than 50% and the estimated value of which, net of V.A.T., is equal to or greater than EUR 211.000 and which are connected with a works contract within the meaning of subparagraphs (i) and (ii) of paragraph (a).

(2) Contracting authorities awarding such subsidies from state or community funds shall ensure that the person eligible for subsidisation complies with the provisions of this Part or comply with the provisions of this Part, where they themselves conclude these contracts for and on behalf of the person eligible for subsidisation.

Methods for calculating the estimated value.

21.-(1) The calculation of the estimated value of a public contract shall be based on the total amount to be paid, net of V.A.T., as estimated in advance by the contracting authority. This calculation shall take account of the estimated total amount including any optional rights or any renewals of the contract. Where the contracting authority provides for prizes or payments to candidates or tenderers, it shall take them into account calculating the estimated value of the contract.

(2) The calculation of the estimated value of a contract must be valid at the moment at which the contract notice is sent, as provided for in subsection (1) of section 39 or, in cases where such notice is not required, at the moment at which the contracting authority commences the contract awarding procedure.

(3) (a) No public contract plan shall be allowed to be sub-divided into several lots for the purpose of avoiding application of the provisions of this Part.

(b) the choice of the method of calculation of the estimated value of a public contract should not be made with the intention of avoiding application of the provisions of this Part.

(4) For the calculation of the estimated value of public works contracts, the cost of the works, as well as the total estimated value of any supplies necessary for the execution of the works and made available to the contractor by the contracting authorities shall be taken into account.

(5) (a) Where a proposed work or purchase of services may result in contracts being awarded at the same time in the form of separate lots, account shall be taken of the total estimated value of all such lots. Where the aggregate value of the lots is equal to, or exceeds, the value laid down in section 19, as revised for the time being according to the provisions of section 92, the provisions of this Part shall apply to the awarding of each lot:

Provided that, the contracting authorities may waive such application regarding lots the pre-estimated value of which, net of V.A.T., is less than EUR 80.000, for services, or EUR 1.000.000, for works, provided that the aggregate value of those lots does not exceed 20% of the total aggregate value of the lots as a whole;

(b) Where a proposal for the acquisition of similar supplies may result in contracts being awarded at the same time in the form of separate lots account shall be taken of the total estimated value of all such lots, in the application of the provisions of paragraphs (a) and (b) of subsection (1) of section 19. Where the aggregate value of the lots is equal to, or exceeds, the threshold laid down in section 19, as

revised for the time being according to the provisions of section 92, the provisions of this Part shall apply to the awarding of each lot:

Provided that, the contracting authorities may waive such application in respect of lots the estimated value of which, net of V.A.T., is less than EUR 80.000 and on condition that the aggregate cost of those lots does not exceed 20% of the aggregate value of the lots as a whole.

(6) With regard to public supply contracts relating to the leasing, hire, rental or hire purchase of products, the value to be taken as a basis for calculating the estimated contract value shall be as follows-

- (a) in the case of fixed-term public contracts, if that term is less than or equal to twelve (12) months, the total estimated value for the term of the contract or, if the term of the contract is greater than twelve (12) months, the total value of the contract, including the estimated residual value;
- (b) in the case of public contracts without a fixed term or the term of which cannot be defined, the monthly value multiplied by 48.

(7) In the case of public supply or service contracts, which are regular in nature or which are intended to be renewed within a given period, the calculation of the estimated contract value shall be based on the following-

- (a) either the total actual value of the successive contracts of the same type awarded over the preceding twelve (12) months or financial year adjusted, if possible, to take account of the changes in quantity or value which would occur in the course of the twelve (12) months following the initial contract;

(b) or the total estimated value of the successive contracts awarded during the twelve months following the first delivery, or during the financial year, if that is longer than twelve (12) months.

(8) With regard to public service contracts the value to be taken as a basis for calculating the estimated contract shall, where appropriate, be the following:

(a) For the following types of services:

(i) insurance services – the premium payable and other forms of remuneration;

(ii) banking and other financial services – the fees, commissions, interests and other forms of remuneration;

(iii) design contracts – fees, commission payable and other forms of remuneration;

(b) for service contracts which do not indicate a total price-

(i) in the case of fixed-term contracts if that term is less than or equal to 48 months, the total estimated value for the whole term of the contract;

(ii) in the case of contracts without a fixed term or with a term greater than 48 months, the monthly value multiplied by 48.

(9) With regard to framework agreements and dynamic purchasing systems, the value to be taken into account shall be the maximum estimated value, net of V.A.T., of all the contracts envisaged for the total term of the framework agreement or the dynamic purchasing system.

CHAPTER II – RULES APPLICABLE TO PUBLIC SERVICE CONTRACTS

Service contracts listed in Annex IIA. Annex II A.

22. Contracts which have as their object services listed in Annex II A shall be awarded in accordance with sections 25 to 34, 36 to 44 and 46 to 61.

Service contracts listed in Annex II B. Annex II B.

23. Contracts which have as their object services listed in Annex II B shall be subject solely to section 25 and section 40.

Mixed contracts including services listed in Annex IIA and services listed in Annex IIB.

24. Contracts which have as their object services listed both in Annex II A and in Annex II B shall be awarded in accordance with sections 25 to 34, 36 to 44 and 46 to 61, where the value of the services listed in Annex II A is greater than the value of the services listed in Annex II B. In other cases, contracts shall be awarded in accordance with section 25 and section 40.

Annex IIA. Annex IIB.

CHAPTER III – RULES GOVERNING TENDER DOCUMENTS

Technical specifications.

25.-(1) The technical specifications, as defined in section 2, shall be set out in the contract documents or in the contract notice or in additional documents. Whenever necessary, these technical specifications should be defined so as to take into account accessibility criteria for people with disabilities or design for all users.

(2) Technical specifications shall afford equal access for tenderers and not have the effect of creating unjustified obstacles to the opening up of public procurement to competition.

(3) Without prejudice to the legislation in force in the Republic relating to technical rules and provided this legislation is compatible with Community law, the technical specifications shall be formulated-

- (a) either by reference to technical specifications defined in section 2 and, in order of preference, to national standards transposing European standards, European technical approvals, common technical specifications, international standards, other technical reference systems established by the European standardisation bodies or - when these do not exist - to Cyprus standards, Cyprus technical approvals or Cyprus technical specifications relating to the design, calculation and execution of the works and use of the products. Each reference shall be accompanied by the words «or equivalent»;
- (b) or in terms of performance or functional requirements, which may include environmental characteristics, and which are sufficiently precise to allow tenderers to determine the subject-matter of the contract and to allow contracting authorities to award the contract;
- (c) or in terms of performance or functional requirements as mentioned in paragraph (b), with reference to the specifications in paragraph (a) as a means of presuming conformity with such performance or functional requirements;
- (d) or by referring to the specifications mentioned in paragraph (a) for certain characteristics, and by referring to the performance or functional requirements mentioned in paragraph (b) for certain other characteristics.

(4) Where contracting authorities make use of the option of referring to the specifications mentioned in subsection (3), paragraph (a), they cannot reject a tender on the grounds that the products and services tendered for do not comply with the

specifications to which they have referred, once the tenderer proves in his tender to the satisfaction of the contracting authority, by whatever appropriate means, that the solutions which he proposes satisfy, in an equivalent manner, the requirements defined by the technical specifications.

An appropriate means might be constituted by a technical dossier of the manufacturer or a test report from a recognised body.

(5) Where contracting authorities use the option laid down in subsection (3) to prescribe in terms of performance or functional requirements, they may not reject a tender for works, products or services which comply with a national standard transposing a European standard, with a European technical approval, a common technical specification, an international standard or a technical reference system established by a European standardisation body, if these specifications cover the performance or functional requirements which they have laid down. In his tender, the tenderer must prove to the satisfaction of the contracting authority and by any appropriate means that the work, product or service in compliance with the standard meets the performance or functional requirements of the contracting authority.

An appropriate means might be constituted by a technical dossier of the manufacturer or a test report from a recognised body.

(6) Where contracting authorities lay down environmental characteristics in terms of performance or functional requirements as referred to in subsection 3, paragraph (b) they may use the detailed specifications, or, if necessary, parts thereof, as defined by European or (multi-) national eco-labels, or by and any other eco-label, provided that-

- (a) those detailed specifications are appropriate to define the characteristics of the supplies or services that are the object of the contract,
- (b) the requirements for the label are drawn up on the basis of scientific information,
- (c) the eco-labels are adopted using a procedure in which all stakeholders, such as government bodies, consumers, manufacturers, distributors and environmental organisations can participate,
- (d) the eco-labels are accessible to all interested parties:

Provided that, the contracting authorities may indicate that the products and services bearing the eco-label are presumed to comply with the technical specifications laid down in the tender documents. In these cases, they must accept any other appropriate means of proof, such as a technical dossier of the manufacturer or a test report from a recognised body.

(7) For the purposes of this section, «recognised bodies» means test laboratories, calibration laboratories, inspection bodies and certification bodies which comply with applicable national standards transposing European standards. The contracting authorities shall accept the certificates from recognised bodies established in other member states.

(8) Unless justified by the subject-matter of the contract, technical specifications shall not refer to a specific make or source, or a particular process, or to trade marks, patents, types or a specific origin or production with the effect of favouring or eliminating certain undertakings or certain products. Such reference shall be permitted on an exceptional basis, where a sufficiently precise and intelligible

description of the subject-matter of the contract pursuant to subsections (3) and (4) is not possible. Such reference shall be accompanied by the words «or equivalent».

Variants.

26.-(1) Where the criterion for award is that of the most economically advantageous tender, contracting authorities may authorise tenderers to submit variants.

(2) Contracting authorities shall indicate in the contract notice whether or not they authorise variants. Variants shall not be authorised without this indication.

(3) Contracting authorities authorising variants shall state in the tender documents the minimum requirements to be met by them, as well as any requirements for their presentation.

(4) Only variants meeting the minimum requirements laid down by these contracting authorities shall be taken into consideration.

(5) In procedures for awarding public supply or service contracts, contracting authorities which have authorised variants according to subsections (1) to (4), may not reject a variant on the sole ground that it would, if successful, lead to either a service contract rather than a public supply contract or a supply contract rather than a public service contract.

Subcontracting.

27. In the tender documents, the contracting authorities may ask the tenderer to indicate in his tender any share of the contract he may intend to subcontract to third parties as well as the subcontractors whom he proposes:

Provided that this indication shall be without prejudice to the question of the principal economic operator's liability.

Conditions for performance of contracts.

28. Contracting authorities may lay down special conditions relating to the performance of a contract, provided that these conditions are compatible with Community law and are indicated in the contract notice or in the tender documents. The conditions governing the performance of a contract may, in particular, concern social and environmental considerations.

Obligations relating to taxes, environmental protection, employment protection provisions and working conditions.

29.-(1) Contracting authorities may state in the tender documents, the body or bodies from which the candidates or tenderers may obtain the appropriate information on the obligations relating to taxes, to environmental protection, to the employment protection provisions and to the working conditions which are in force in the Republic, region or locality in which the works are to be carried out or the services are to be provided and which shall be applicable to the works carried out on site or to the services provided during the performance of the contract.

(2) The contracting authority which supplies the information referred to in subsection (1), shall request the tenderers to indicate that they have taken into account, when drawing up their tender, of the obligations relating to employment protection provisions and the working conditions which are in force in the place where the contracts are to be executed:

Provided that, this subsection shall be without prejudice to the application of the provisions of section 61 concerning the examination of abnormally low tenders.

CHAPTER IV – PROCEDURES FOR THE AWARD OF PUBLIC CONTACTS

Use of open, restricted and negotiated procedure and of

30. In awarding their public contracts, contracting authorities shall apply the open or restricted procedure, as defined in section 2.

competitive
dialogue.

Subject to the specific conditions provided for in section 31, contracting authorities may award their public contracts by means of the competitive dialogue. In the specific cases and circumstances referred to expressly in sections 32 and 33, contracting authorities may apply a negotiated procedure, with or without publication of the contract notice.

Competitive
dialogue.

31.-(1) In the case of particularly complex contracts, contracting authorities may make use of the procedure of competitive dialogue, in accordance with this section, provided they consider that the use of the open or the restricted procedure will not allow the award of the contract. In such case, the public contract shall be awarded on the sole basis of the award criterion of the most economically advantageous tender:

Provided that, for the purpose of applying the competitive dialogue procedure, a public contract shall be considered «particularly complex», provided the contracting authorities-

(a) are not objectively in a position to specify, according to the provisions of paragraphs (b) or (c) or (d) of subsection (3) of section 25, the technical means which could satisfy their needs and targets, and/or

(b) are not objectively in a position to specify the legal and/or financing organisation of a project.

(2) Contracting authorities shall publish a contract notice setting out their needs and requirements, which they shall define in the notice and/or in a descriptive document.

(3) Contracting authorities shall open, with the candidates selected in accordance with the provisions of sections 50 to 58, a dialogue the aim of which shall be to identify and define the means

best suited to satisfying their needs. They may discuss all aspects of the contract with the selected candidates during this dialogue:

Provided that, during this dialogue, contracting authorities shall ensure equality of treatment among all candidates and, in particular, they shall not provide information in a discriminatory manner which may give some tenderers an advantage over others:

Provided further that, contracting authorities may not reveal to the other participants solutions proposed or other confidential information communicated by a candidate participating in the dialogue, without his consent.

(4) Contracting authorities may provide for the procedure to take place in successive stages in order to reduce the number of solutions to be discussed during the dialogue stage by applying the award criteria set in the contract notice or the descriptive document. The use of this possibility shall be stated in the contract notice or the descriptive document.

(5) The contracting authorities shall continue such dialogue until they can identify, the solution or solutions if necessary, after comparing them which are capable of meeting their needs.

(6) (a) Having declared that the dialogue is concluded and having so informed the participants, contracting authorities shall ask them to submit their final tenders on the basis of the solution or solutions presented and specified during the dialogue. These tenders shall contain all the elements required and necessary for the performance of the project.

(b) At the request of the contracting authority, these tenders may be clarified, specified and fine-tuned:

Provided that such clarification, specification, fine-tuning or additional information may not involve changes to the basic features of the tender or the call for tender, variations in which are likely to distort competition or have a discriminatory effect.

(7) Contracting authorities shall assess the tenders received on the basis of the award criteria laid down in the contract notice or the descriptive document and shall choose the most economically advantageous tender in accordance with section 59. At the request of the contracting authority, the tenderer identified as having submitted the most economically advantageous tender may be asked to clarify aspects of the tender or confirm commitments contained in the tender provided this does not have the effect of modifying substantial aspects of the tender or of the call for tender and does not risk distorting competition or causing discrimination.

(8) The contracting authorities may provide for the award of prizes or payments to the participants in the dialogue.

Cases justifying use of the negotiated procedure with prior publication of the contract notice.

32.-(1) Contracting authorities may award public contracts by negotiated procedure, after publication of a contract notice, in the following cases:

- (a) in the event of irregular tenders or the submission of tenders which are unacceptable according to the provisions of sections 6, 7, 26, 27 and 29 and to those of Chapter VI, of this Part, in response to an open or restricted procedure or a competitive dialogue on condition that the original terms of the contract are not substantially altered:

Provided that, contracting authorities need not publish a contract notice, where they include in the negotiated

procedure only the tenderers which satisfy the criteria of sections 51 to 58 and which, during the prior open or restricted procedure or competitive dialogue, have submitted tenders in accordance with the formal requirements of the tendering procedure;

(b) in exceptional cases, when the nature of the works, supplies, or services or the risks attaching thereto do not permit prior overall pricing;

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(c) in the case of services, inter alia services within category 6 of Annex IIA, and intellectual services such as services involving the design of works, insofar as the nature of the services to be provided is such that contract specifications cannot be specified with sufficient precision to permit the award of the contract by selection of the best tender, according to the rules governing open or restricted procedures;

(d) in respect of public works contracts, for works which are performed solely for purposes of research, testing or development and not with the aim of ensuring profitability or recovering research and development costs.

(2) In the cases referred to in subsection (1), contracting authorities shall negotiate with tenderers the tenders submitted by them, in order to adapt them to the requirements contained in the contract notice, the tender documents and the additional documents, if any, and to seek out the best tender in accordance with subsection (1) of section 59.

(3) During the negotiations, contracting authorities shall ensure the equal treatment of all tenderers and, in particular, they shall not provide information in a discriminatory manner which may give some tenderers an advantage over others.

(4) Contracting authorities may provide for the negotiated procedure to take place in successive stages, in order to reduce the number of tenders to be negotiated by applying the award criteria in the contract notice or the tender documents. The contract notice or the tender documents shall indicate whether recourse has been had to this option.

Cases justifying use of the negotiated procedure without publication of the contract notice.

33. Contracting authorities may award public contracts by a negotiated procedure, without prior publication of a contract notice, in the following cases:

(a) for public works contracts, public supply contracts and public service contracts-

(i) when no tenders or no suitable tenders or no applications have been submitted in response to an open procedure or a restricted procedure, provided that the initial conditions of contract are not substantially altered and on condition that a report is sent to the Commission, through the Competent Authority of Public Procurement, if it so requests;

(ii) when, for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, the contract may be awarded only to a particular economic operator;

(iii) insofar as is strictly necessary when, for reasons of extreme urgency brought about by events unforeseeable by the contracting authorities in question, the time-limit for the open, restricted or negotiated procedures with publication of a contract notice as referred to in section 32, cannot be complied with, provided that the circumstances

invoked to justify extreme urgency must not in any event be attributable to the contracting authority;

(b) for public supply contracts-

(i) when the products involved are manufactured purely for the purpose of research, experimentation, study or development:

Provided that, this paragraph does not apply to quantity production to establish commercial viability or to recover research and development costs;

(ii) for additional deliveries by the original supplier which are intended either as a partial replacement of normal supplies or installations or as the extension of existing supplies or installations where a change of supplier would oblige the contracting authority to acquire material having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance. The length of such contracts as well as that of recurrent contracts may not, as a general rule, exceed three years;

(iii) for supplies quoted and purchased on a commodity market;

(iv) for the purchase of products on particularly advantageous terms, from either a supplier which is definitively winding up its business activities, or the receivers or liquidators of a bankruptcy, an arrangement with creditors, or a similar procedure provided for under national, legislative or regulatory provisions;

(c) for public service contracts, when the contract concerned follows a design contest which is provided in Chapter VIII of this Part and must, under the applicable rules, be awarded to the successful candidate or to one of the successful candidates. In the latter case, all successful candidates must be invited to participate in the negotiations;

(d) for public works contracts and public service contracts-

(i) for additional works or services not included in the project initially considered or in the original contract but which have, through unforeseen circumstances, become necessary for the performance of the works or supply of services described therein, on condition that the award is made to the economic operator performing such works or providing such services:

(aa) when such additional works or services cannot be technically or economically separated from the original contract without major inconvenience to the contracting authorities; or

(bb) when such works or services, although separable from the performance of the original contract, are strictly necessary for its completion:

Provided that, the aggregate value of contracts awarded for additional works or services may not exceed 50% of the amount of the initial contract;

(ii) for new works or services consisting in the repetition of similar works or services entrusted to the economic operator to whom the same contracting

authorities awarded an original contract, provided that such works or services are in conformity with a basic project for which the initial contract was awarded according to the open or restricted procedure:

Provided that, the possible use of the procedure provided for under this section should be stated in the first contract notice and the contracting authorities shall have to take into consideration, for the application of section 19, the total estimated cost for the continuation of the works or services:

Provided further that, this procedure may be used only during the three years following the conclusion of the original contract.

Framework agreements.

34.-(1) Subject to the provisions of this section, contracting authorities may conclude framework agreements provided that this possibility is provided by regulations made by the Council of Ministers by virtue of this Law and in accordance with the conditions laid down in these regulations.

(2) For the purposes of concluding a framework agreement, contracting authorities shall follow the rules of procedure referred to in this Part for all phases up to the award of contracts based on that framework agreement. The parties to the framework agreement shall be chosen by applying the award criteria set in accordance with section 59.

(3) Contracts which are based on a framework agreement shall be awarded in accordance with the procedures laid down in subsections (6) and (7). Those procedures may be applied only between the contracting authorities and the economic operators

originally parties to the framework agreement. When awarding contracts based on a framework agreement, the parties may under no circumstances make substantial amendments to the terms laid down in that framework agreement, in particular in the case referred to in subsection (6).

(4) The term of a framework agreement may not exceed four years, save in exceptional cases duly justified, in particular by the subject of the framework agreement.

(5) Contracting authorities may not use framework agreements improperly or in such a way as to prevent, restrict or distort competition.

(6) Where a framework agreement is concluded with a single economic operator, contracts based on that agreement shall be awarded according to the terms laid down in the framework agreement. For the award of those contracts, contracting authorities may consult the operator party to the framework agreement in writing, requesting it to supplement its tender as necessary.

(7) Where a framework agreement is concluded with several economic operators, the latter must be at least three in number, insofar as there is a sufficient number of economic operators to satisfy the selection criteria and/or of admissible tenders which meet the award criteria. Contracts based on framework agreements concluded with several economic operators may be awarded either-

- (a) by application of the terms laid down in the framework agreement without reopening competition;
- (b) where, not all the terms are laid down in the framework agreement and, when the parties are again in competition on the basis of the same and, if necessary, more precisely

formulated terms, and, where appropriate, other terms referred to in the tender documents of the framework agreement, in accordance with the following procedure:

- (i) for every contract to be awarded, contracting authorities shall consult in writing the economic operators capable of performing the contract;
- (ii) contracting authorities shall fix a time-limit which is sufficiently long to allow tenders for each specific contract to be submitted, taking into account factors such as the complexity of the subject-matter of the contract and the time needed to send in tenders;
- (iii) tenders shall be submitted in writing, and their content shall remain confidential until the stipulated time-limit for reply has expired;
- (iv) contracting authorities shall award each contract to the tenderer who has submitted the best tender on the basis of the award criteria set out in the tender documents of the framework agreement.

Public contracts and framework agreements concluded by the central purchasing authorities.

35.-(1) Contracting authorities shall acquire works, supplies and/or services by applying to a central purchasing authority.

(2) Contracting authorities which acquire works, supplies and/or services by applying to a central purchasing authority, shall be deemed to have complied with this Part, as long as it is has been adhered by the said central purchasing authority.

Dynamic purchasing systems.

36.-(1) Subject to the provisions of this section, contracting authorities may use dynamic purchasing systems for the award of

public contracts on the basis of Regulations made by the Council of Ministers by virtue of this Law.

(2) In order to set up a dynamic purchasing system, contracting authorities shall follow the rules of the open procedure in all its phases up to the award of the contracts to be concluded within the framework of this system. All the tenderers satisfying the selection criteria and having submitted an indicative tender which complies with the tender documents and any possible additional documents shall be admitted to the system. The indicative tenders may be improved at any time provided that they continue to comply with the tender documents. With a view to setting up the dynamic purchasing system and to the award of public contracts within the framework of such a system, contracting authorities shall use solely electronic means in accordance with section 48, subsections (2) to (5).

(3) For the purposes of setting up the dynamic purchasing system, contracting authorities shall-

- (a) publish a contract notice clarifying that a dynamic purchasing system is involved;
- (b) indicate in the tender documents, amongst other matters, the nature of the purchases envisaged under that system as well as all the necessary information concerning this system, the electronic equipment used and the technical connection arrangements and specifications;
- (c) offer by electronic means, on publication of the notice and up to the expiry of the system unrestricted, direct and full access to the tender documents and to any additional documents and shall indicate in the notice the internet address at which such documents may be consulted.

(4) Contracting authorities shall give any economic operator, throughout the entire period of the dynamic purchasing system, the possibility of submitting an indicative tender and of being admitted to the system under the conditions referred to in subsection (2). The contracting authorities shall complete evaluation within a maximum time-limit of fifteen (15) days, from the date of submission of the indicative tender. The evaluation period may be extended, provided that no invitation to tender is issued in the meantime. The contracting authorities shall inform the tenderer at the earliest possible opportunity of its admittance to the dynamic purchasing system or of the rejection of its indicative tender.

(5) Each specific contract must be the subject of an invitation to tender. Before the said competition, contracting authorities shall publish a simplified contract notice inviting all interested economic operators to submit an indicative tender, in accordance with sub-section (4), within a time-limit of at least fifteen (15) days starting from the date of dispatch of the simplified notice. Contracting authorities may not proceed with tendering until they have completed the evaluation of all the indicative tenders received by that deadline.

(6) Contracting authorities shall invite all tenderers admitted to the system to submit a tender for each specific contract to be awarded under the system. To that end they shall set a time-limit for the submission of tenders. The contracting authorities shall award the contract to the tenderer who submitted the best tender on the basis of the award criteria set out in the contract notice for the establishment of the dynamic purchasing system. Those criteria may, if appropriate, be defined in the above-mentioned invitation.

(7) The duration of a dynamic purchasing system may not exceed four years, except in duly justified exceptional cases. Contracting authorities may not resort to this system to prevent, restrict or distort competition:

Provided that, no charges may be billed to interested economic operators or to parties to the system.

Particular rules on subsidised housing schemes. **37.**-(1) In the case of public contracts relating to the design and construction of a subsidised housing scheme the size and complexity of which, and the estimated duration of the work involved require that planning be based from the outset on close collaboration within a team comprising representatives of the contracting authorities, experts and the contractor to be responsible for carrying out the works, a special award procedure may be adopted for selecting the contractor most suitable for integration into the team.

(2) Contracting authorities shall include in the contract notice as accurate as possible a description of the works to be carried out so as to enable interested contractors to form a valid idea of the project to be executed. Contracting authorities shall, according to the qualitative selection criteria referred to in sections 51 to 58, set out in such a contract notice, the personal, technical, economic and financial conditions to be fulfilled by candidates. Where such a procedure is adopted contracting authorities shall apply sections 3, 38 to 41, 43, 44, 47 to 49 and 51 to 58.

CHAPTER V – RULES ON ADVERTISING AND TRANSPARENCY

Section 1 – Publication of notices

Prior information notice. Annex VII. **38.**-(1) Contracting authorities shall make known, by means of a prior information notice, published by the Commission or by themselves on their "buyer profile", as referred to in subparagraph (b) of paragraph (2) of Annex VII-

(a) where supplies are concerned, the pre-estimated total value of the contracts or the framework agreements by product area which they intend to award over the following twelve (12) months, where the total estimated value, taking

into account sections 19 and 21, is equal to or greater than EUR 750.000, as revised for the time being according to section 92. The product area shall be established by the contracting authorities by reference to the CPV nomenclature;

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(b) where services are concerned, the pre-estimated total value of the contracts or the framework agreements, in each of the categories of services listed in Annex IIA, which they intend to award over the following twelve (12) months, where such total estimated value, taking into account the provisions of sections 19 and 21, is equal to or greater than EUR 750.000, as revised for the time being according to section 92;

(c) where works are concerned, the essential characteristics of the contracts or the framework agreements which they intend to award over the following twelve (12) months, the estimated value of which is equal to or greater than the threshold referred to in section 19, as amended for the time being according to section 92, taking into account section 21.

(2) The prior information notices referred to in paragraphs (a) and (b) of subsection (1), shall be sent to the Commission or published on the «buyer profile» as soon as possible, after the beginning of the budgetary year. The prior information notice referred to in paragraph (c) of subsection (1), shall be sent to the Commission or published on the «buyer profile» as soon as possible after the decision approving the planning of the works contracts or the framework agreements that the contracting authorities intend to award.

(3) Contracting authorities which publish the prior information notice on the «buyer profile», shall send the Commission, electronically, a

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notice in which they announce the publication of the prior information notice on the «buyer profile» in accordance with the format and communication details which are indicated in paragraph (3) of Annex VII. The publication of preliminary notices referred to in paragraphs (a), (b) and (c) of subsection (1) shall be compulsory only in cases where the contracting authorities exercise their right to decrease the time-limits for the receipt of tenders in accordance with subsection (4) of section 43:

Provided that, this section shall not apply to negotiated procedures without the prior publication of a contract notice.

Contract notice.

39.-(1) Contracting authorities which wish to award a public contract or a framework agreement by open, restricted or, under the conditions laid down in section 32, negotiated procedure with the publication of a contract notice or, under the conditions laid down in section 31, a competitive dialogue, shall make known their intention by means of a contract notice.

(2) (a) Contracting authorities which wish to set up a dynamic purchasing system, shall make known their intention by means of a contract notice;

(b) Contracting authorities which wish to award a public contract based on a dynamic purchasing system shall make known their intention by means of a simplified contract notice.

Contract award notice.

40.-(1) Contracting authorities which have awarded a public contract or concluded a framework agreement shall send a notice of the results of the award procedure not later than 48 days after the award of the contract or the conclusion of the framework agreement. In the case of framework agreements concluded in accordance with section 34, the contracting authorities are not bound to send a notice of the results of the award procedure for each contract based on that framework agreement.

(2) Contracting authorities shall send a notice to the Commission with the results of the award of contracts based on a dynamic purchasing system within 48 days of the award of each contract:

Provided that, the contracting authorities may group such notices on a quarterly basis and in that case, they shall send to the Commission the grouped notices within 48 days of the end of each quarter.

Annex II B. (3) In the case of public contracts for services listed in Annex II B, the contracting authorities shall indicate in the notice whether they agree to its publication.

(4) Certain information on the contract award or the conclusion of the framework agreement may be withheld from publication, where release of such information would impede law enforcement, or otherwise be contrary to the public interest, would harm the legitimate commercial interests of economic operators, public or private, or might prejudice fair competition between them.

Form and manner of publication of notices.
Annex VI A. **41.**-(1) Notices shall include the information mentioned in Annex VI A and, where appropriate, any other information deemed useful by the contracting authority in the format of standard forms adopted by the Commission.

Annex VII. (2) Notices sent by contracting authorities to the Commission shall be sent either by electronic means in accordance with the format and procedures for transmission indicated in Annex VII, paragraph (3), or by other means. In the event of recourse to the accelerated procedure set out in subsection (8) of section 43, notices must be sent either by fax or by electronic means, in accordance with the format and procedures for transmission indicated in paragraph (3) of Annex VII. Notices shall be published in accordance with the technical characteristics for publication set out in paragraphs (1) (a) and (b) of Annex VII.

Annex VII.

(3) Notices drawn up and transmitted by electronic means in accordance with the format and procedures for transmission indicated in paragraph (3) of Annex VII, shall be published in the Official Journal of the European Union, not later than five (5) days after they are sent. Notices which are not transmitted by electronic means in accordance with the format and procedures for transmission indicated in paragraph (3) of Annex VII, shall be published not later than twelve (12) days after they are sent, or in the case of accelerated procedure referred to in section 43, subsection (8), not later than five (5) days after they are sent.

Annex VII.

(4) Notices shall be published in full in the Official Journal of the European Union (Issue S) and in the Tenders Electronic Data Bank (Tenders Electronic Daily, TED), in an official language of the Community as chosen by the contracting authority. The original language version shall constitute the sole authentic text. A summary of the important elements of each notice shall be published by the Commission in the other official languages. The costs of publication of such notices by the Commission shall be borne by the European Union.

(5) Contracting authorities shall publish those notices in the Official Gazette of the Republic, and may publish them in the local press.

(6) Notices and their contents may not be published in the Official Gazette of the Republic and in the local press before the date on which they are sent to the Commission. Notices published in the Official Gazette of the Republic and in the local press shall not contain information other than that contained in the notices dispatched to the Commission or published on a «buyer profile» in accordance with subsection (1) of section 38 and shall mention the date of dispatch of the notice to the Commission or its publication on

the «buyer profile». Prior information notices may not be published on a «buyer profile» before the dispatch to the Commission of the notice of their publication in that form, and they shall mention the date of that dispatch.

Annex VII.

(7) The content of notices not sent by electronic means in accordance with the format and procedures for transmission indicated in paragraph 3 Annex VII, shall be limited to approximately 650 words.

(8) Contracting authorities must be able to supply proof of the date on which notices are dispatched.

(9) The Commission shall give the contracting authority confirmation of the publication of the information sent, mentioning the date of that publication. Such confirmation shall constitute proof of publication.

Non-mandatory publication.

42. Contracting authorities may publish in accordance with section 41 notices of public contracts which are not subject to the publication requirement laid down in this Part.

Section 2 – Time-limits

Time-limits for receipt of requests to participate and for receipt of tenders.

43.-(1) When fixing the time-limits for the receipt of requests to participate and for receipt of tenders, contracting authorities shall take into account in particular of the complexity of the contract and the time required for drawing up tenders, without prejudice to the minimum time-limits set by this section.

(2) In the case of open procedures, the minimum time-limit for the receipt of tenders shall be fifty-two (52) days from the date on which the contract notice is sent.

(3)(a) In the case of restricted procedures, negotiated procedures with publication of a contract notice referred to in section 32 and the competitive dialogue, the minimum time-limit for receipt of requests to participate shall be 37 days from the date on which the contract notice is sent;

(b) in the case of restricted procedures, the minimum time-limit shall be forty (40) days from the date on which the invitation is sent.

(4) When contracting authorities have published a prior information notice, the minimum time-limit for the receipt of tenders referred to in subsection (2) and in subsection (3)(b) may, as a general rule, be shortened to thirty-six (36) days, but, under no circumstances, to less than twenty-two (22) days. The time-limit shall run from the date on which the contract notice was sent in open procedures, and from the date on which the invitation to tender was sent in restricted procedures. The shortened time-limits referred to above shall be permitted, provided that the prior information notice has included all the information required for the contract notice in Annex VI A, insofar as that information is available at the time the notice is published and that the prior information notice was sent for publication between a minimum period of fifty-two (52) days and a maximum twelve (12) months before the date on which the contract notice was sent.

(5) Where notices are drawn up and transmitted by electronic means in accordance with the format and procedures for transmission indicated in paragraph (3) of Annex VII, the time limits for the receipt of tenders referred to in subsections (2) and (4) in open procedures, and the time-limit for the receipt of the requests to participate referred to in paragraph (a) of subsection (3), in restricted and negotiated procedures and the competitive dialogue, may be shortened by seven (7) days.

(6) The time-limits for receipt of tenders referred to in subsection (2) and paragraph (b) of subsection (3) may be reduced by five days, when the contracting authority offers, unrestricted and full direct access by electronic means to the tender documents and any supplementary documents from the date of publication of the notice, Annex VII. in accordance with Annex VII, specifying in the text of the notice the internet address at which this documentation is accessible. This reduction may be added to that referred to in subsection (5).

(7) If, for whatever reason, the tender documents and the supporting documents or additional information although requested in good time, are not supplied within the time-limits specified in sections 44 and 46, or where tenders can be made only after a visit to the site or after on-the-spot inspection of the documents supporting the tender documents, the time-limits for the receipt of tenders shall be extended so that all interested economic operators may be aware of all information needed to produce tenders.

(8) In the case of restricted procedure and negotiated procedure with publication of a contract notice referred to in section 32, where urgency renders impracticable the time-limits laid down in this section the contracting authorities may fix-

- Annex VII.
- (a) a time-limit for the receipt of requests to participate, which may not be less than fifteen (15) days from the date on which the contract notice was sent or less than ten (10) days if the notice was sent by electronic means in accordance with the format and procedure for sending notices indicated in paragraph (3) of Annex VII;
 - (b) in the case of restricted procedure, a time-limit for the receipt of tenders which shall not be less than ten (10) days from the date of dispatch of the invitation to tender.

Open procedure.
Tender documents and additional information.

44.-(1) In open procedure, when contracting authorities do not offer unrestricted, direct and full access by electronic means in accordance with subsection (6) of section 43, to the tender documents and any supplementary documents, these documents shall be sent to economic operators within six (6) days from receipt of the request to participate, provided that the request was made in good time before the deadline for the submission of tenders.

(2) Provided that it has been requested in good time, additional information relating to the tender documents and any supplementary documents shall be supplied by the contracting authorities or competent services not later than six (6) days before the deadline for the submission of tenders.

Calculation of time-limits.

45. For the calculation of the time-limits referred to in this Part, Regulation (EEC, Euratom) no. 1182/71 shall apply.

Section 3 – Information content and means of transmission

Invitation to submit a tender, participate in the dialogue or negotiate.

46.-(1) In restricted procedure, competitive dialogue and negotiated procedure with publication of a contract notice within the meaning of section 32, contracting authorities shall simultaneously and in writing invite the selected candidates to submit their tenders or to negotiate or, in the case of a competitive dialogue, to take part in the dialogue.

(2) The invitation referred to in subsection (1) shall include either:

- (a) a copy of the tender documents or of the descriptive document and any supplementary documents;
- (b) a reference to accessing the tender documents and the other documents referred to in the first indent, when they are made directly available by electronic means in accordance with subsection (6) of section 43.

(3) Where a competent service other than the contracting authority responsible for the award procedure has at its disposal the tender documents, the descriptive document and/or any supplementary documents, the invitation referred to in subsection (1) shall state the address of the service from which those tender documents, that descriptive document and those documents maybe requested and, if appropriate, the deadline for requesting such documents and the sum payable for obtaining them and any payment procedures. The competent services shall send these documents to the economic operators immediately upon receipt of the request.

(4) The additional information on the tender documents, the descriptive document or the supplementary documents shall be sent by the contracting authorities or the competent services not less than six (6) days before the deadline fixed for the receipt of tenders, provided that it is requested in good time. In case of an accelerated restricted or negotiated procedure, the time-limit shall be four (4) days.

(5) (a) The invitation to submit a tender, to participate in the dialogue or to negotiate referred to in subsection (1) shall contain at least-

(i) a reference to the contract notice published;

(ii) the deadline for the receipt of the tenders, the address to which the tenders must be sent and the language or the languages in which the tenders must be drawn up:

Provided that, in the case of contracts awarded according to the rules of section 31, the information provided for in this subparagraph shall not appear

in the invitation to participate in the dialogue but it shall appear in the invitation to submit a tender;

- (iii) a reference to any possible adjoining documents either in support of verifiable declarations by the tenderer in accordance with section 50, or to supplement the information referred to in the same section, under the same conditions laid down in sections 53 and 54;
- (iv) the relevant weighting criteria for the award of the contract, or where appropriate, the descending order of importance for such criteria if they are not given in the contract notice, the tender documents or the descriptive document.

(b) In the case of competitive dialogue the invitation to submit a tender shall contain also the date and the address set for the start of consultation as well as the language or the languages used.

Informing candidates and tenderers.

47.-(1) Contracting authorities shall, as soon as possible, inform in writing, and upon request, candidates and tenderers of decisions taken concerning the conclusion of a framework-agreement, the award of the contract or admittance to a dynamic purchasing system, including the grounds for any decision not to conclude a framework-agreement or award a contract for which there has been a call for competition and to recommence the procedure or implement a dynamic purchasing system.

(2) Upon a written request from the party concerned, the contracting authorities shall notify within fifteen (15) days at the latest from the receipt of the request-

- (a) any rejected candidate of the reasons for the rejection of his application;

- (b) any rejected tenderer, of the reasons for the rejection of his tender, and for the cases referred to in subsections (4) and (5) of section 25, the reasons for their decision of non-equivalence or their decision that the works, supplies or services do not meet the performance or functional requirements;
- (c) any tenderer who has submitted an admissible tender, of the characteristics and relative advantages of the tender selected as well as the name of the contractor or the contracting parties to the framework-agreement.

(3) Contracting authorities may decide to withhold certain information referred to in subsection (1) regarding the award of contracts, the conclusion of framework-agreements or admittance to a dynamic purchasing system where the release of such information would impede law enforcement, would otherwise be contrary to the public interest, would prejudice the legitimate commercial interests of economic operators, whether public or private, or might prejudice the conditions of fair competition between them.

Section 4 – Communication

Rules
applicable to
communication.

48.-(1) All communication and information exchange referred to in this Law may be carried out by post, by fax, by electronic means, in accordance with subsections (4) and (5), by telephone in the cases and circumstances specified in subsection (6) or by a combination of these means, according to the choice of the contracting authority.

(2) The means of communication chosen must be generally available and thus not restrict economic operators' access to the tendering procedure.

(3) Communication, the exchange and storage of information shall be carried out in such a way as to ensure that the integrity of data and the confidentiality of tenders and requests to participate are protected and that the contracting authorities examine the content of tenders and requests to participate only after the time-limit set for submitting them has expired.

(4) The tools to be used for communicating by electronic means, as well as their technical characteristics, must be non-discriminatory and generally available to the public and compatible with the information and communication technology products in general use.

(5) The following rules are applicable to devices for the electronic transmission and receipt of tenders and to devices of electronic receipt of requests to participate:

(a) Information regarding the specifications necessary for the electronic submission of tenders and requests to participate, including encryption, shall be available to interested parties. Moreover, the devices for the electronic receipt of tenders and requests to participate shall conform to the requirements of Annex IX.

Annex IX.

(b) Subject to the provisions of subsection (1) of this section it may be required that the electronic tenders must be accompanied by an advanced electronic signature in accordance with subsection (1) of section 4 of the Legal Framework for Electronic Signatures Law, 2004.

188(I) of 2004.

(c) The Council of Ministers may introduce accreditation schemes aiming at enhanced levels of certification service provision for the said devices.

(d) Tenderers or candidates shall undertake to submit, before expiry of the time-limit laid down for submission of

tenders or requests to participate, the documents, certificates, affirmations or declarations referred to in sections 51 to 56 and in section 58, if they do not exist in electronic format.

(6) The following rules shall apply to the transmission of requests to participate:

- (a) Requests to participate in procedures for the award of public contracts may be made in writing or by telephone.
- (b) Where requests to participate are made by telephone, a written confirmation must be sent before expiry of the time-limit set for their receipt.
- (c) Contracting authorities may require that requests for participation made by fax must be confirmed by post or by electronic means, where this is necessary for the purposes of legal proof. Any such requirement, together with the time-limit for sending confirmation must be stated by the contracting authority in the contract notice.

Section 5 – Reports

Content of reports.

49.-(1) For every contract, every framework-agreement and every establishment of a dynamic purchasing system, the contracting authorities shall draw up a report, which shall include at least the following-

- (a) the name and address of the contracting authority, the subject-matter and value of the contract, framework-agreement or dynamic purchasing system;
- (b) the name of the successful candidates or tenderers and the reasons for their selection;

- (c) the name of the candidates or tenderers rejected and the reasons for their rejection;
- (d) the reasons for the rejection of tenders found to be abnormally low;
- (e) the name of the successful tenderer and the reasons why his tender was selected, and if known, the share of the contract or framework-agreement, which the contractor intends to subcontract to third parties;
- (f) for negotiated procedures, the circumstances referred to in sections 32 and 33 which justify the use of these procedures;
- (g) as far as the competitive dialogue is concerned, the circumstances as laid down in section 31 justifying the use of this procedure;
- (h) if necessary, the reasons why the contracting authority has decided not to award a contract or a framework agreement or to establish a dynamic purchasing system.

(2) The contracting authorities shall take appropriate steps to document the progress of award procedures conducted by electronic means. The report, or at least the main features of it, shall be communicated through the Competent Authority of Public Procurement to the Commission if it so requests.

CHAPTER VI – CONDUCT OF THE PROCEDURE FOR THE AWARD OF PUBLIC CONTRACTS

Section 1 - General Rule

Verification of the suitability, choice of participants and award of contracts.

50.-(1) Contracts shall be awarded on the basis of the criteria laid down in sections 59 and 61 taking into account section 26, after the suitability of the economic operators not excluded in accordance with sections 51 and 52, has been checked by contracting

authorities. The verification of the suitability shall be carried out by contracting authorities in accordance with the criteria of economic and financial standing, of professional and technical knowledge or ability referred to in sections 53 to 58 and, where appropriate, with the non-discriminatory rules and criteria referred to in subsection (3).

(2) The contracting authorities may require candidates and tenderers to meet minimum capacity levels in accordance with sections 53 and 54. The extent of the information referred to in sections 53 and 54 and the minimum levels of ability required for a specific contract must be related and proportionate to the subject-matter of the contract. These minimum levels shall be indicated in the contract notice.

(3) In restricted procedure, negotiated procedure with publication of a contract notice and in the competitive dialogue procedure, contracting authorities may limit the number of suitable candidates they will invite to tender, to negotiate or to conduct a dialogue with, provided a sufficient number of suitable candidates is available. For the selection of candidates the following shall apply:

- (a) The contracting authorities shall indicate in the contract notice the objective and non-discriminatory criteria or rules they intend to apply, the minimum number of candidates they intend to invite and, where appropriate, the maximum number.
- (b) In the restricted procedure, the minimum number of suitable candidates invited shall be five. In the negotiated procedure with publication of a contract notice and the competitive dialogue procedure, the minimum number of candidates shall be three. In any case, however, the number of the candidates invited shall be sufficient to ensure genuine competition.

(c) The contracting authorities shall invite a number of candidates at least equal to the minimum number of candidates set in advance. Where the number of candidates meeting the selection criteria and the minimum levels of ability is below the minimum number, the contracting authority may continue the procedure by inviting the candidate or the candidates fulfilling the required capabilities. The contracting authority may not include in this procedure other economic operators who did not request to participate or candidates who do not have the required capabilities.

(4) Where the contracting authorities exercise the option of reducing the number of solutions to be discussed or of tenders to be negotiated as provided for in subsection (4) of section 31 and in subsection 32, they shall do so by applying the award criteria stated in the contract notice, the tender documents or the descriptive document. In the final stage, the number should be such as to ensure genuine competition in so far as there is adequate number of suitable tenders, solutions or candidates.

Section 2 - Criteria for qualitative selection

Personal situation of the candidate or tenderer.

51.-(1) Any candidate or tenderer who has been the subject of conviction by final judgment known to the contracting authority for one or more of the reasons listed below shall be excluded from participation in a public contract:

Official Journal of the EU: L351, 21.12.1998, p.1.

(a) participation in a criminal organisation, as defined in section 2, paragraph (1) of Council Joint Action 98/773/JHA;

Official Journal of the EU: C195, 25.6.1997, p.1.
Official Journal of the EU: L358, 22.12.1998, p.2.

(b) corruption, as defined in section 3 of the Council Act of 26 May 1997 and section 3, paragraph (1) of Council Joint Action 98/742/JHA respectively;

Official Journal of
the EU: C316,
27.11.1995, p.48.

(c) fraud within the meaning of Article 1 of the Convention relating to the protection of the financial interests of the European Communities;

Official Journal of
the EU: L166,
26.6.1991, p.77.
Official Journal of
the EU: L344,
28.12.2001, p.76.

(d) money laundering as defined in Article 1 of Council Directive 91/308/EEC of 10 June 1991, on prevention of the use of the financial system for the purpose of money laundering, as amended by Directive 2001/97/EC of the European Parliament and of the Council:

Provided that, for the purposes of the application of this subsection, the contracting authorities shall, where appropriate, ask candidates or tenderers to supply the documents referred to in subsection (3) and may, where they have doubts concerning the personal situation of the said candidates/tenderers, apply to the competent authorities to obtain any information they consider necessary on the personal situation of the candidates or tenderers concerned. Where the information concerns a candidate or tenderer established in a member state other than that of the contracting authority, the contracting authority may seek the cooperation of the competent authorities of the member state where the candidate or tenderer is established. According to the legislation of the member state where the candidates or tenderers are established, such requests shall relate to legal and/or natural persons, including, if appropriate, company directors or any person having powers of representation, decision or control in respect of the candidate or the tenderer:

Provided further that, the contracting authorities may provide for a derogation from the obligation of subsection (1) for overriding requirements in the general interest.

(2) Any economic operator may be excluded from participation in a contract who-

- (a) is bankrupt or is being wound up, whose affairs are being administered by the Court, who has entered into an arrangement with creditors, or who has suspended business activities or is in any analogous situation arising from a similar procedure under national laws and regulations;
- (b) is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding up or administration by the court or of an arrangement with creditors or of any other similar proceedings under national laws and regulations;
- (c) has been convicted of an offence concerning his professional conduct by a judgment which has the force of *res judicata*;
- (d) has been guilty of grave professional misconduct proven by any means which the contracting authorities can demonstrate;
- (e) has not fulfilled his obligations relating to the payment of social security contributions in accordance with the laws of the country in which he is established or with those of the Republic;
- (f) has not fulfilled his obligations relating to the payment of taxes in accordance with the laws of the country in

which he is established or with those of the Republic;

- (g) has not supplied the information required under this Section or has made serious false statements in supplying such information.

(3) Contracting authorities shall accept the following as sufficient evidence that none of the cases referred to in subsection (1) and paragraphs (a), (b), (c), (e) and (g) of subsection (2) applies to the economic operator-

- (a) as regards subsection (1) and paragraphs (a), (b) and (c) of subsection (2), the production of an extract from the "judicial record" or, failing that, of an equivalent document issued by a competent judicial or administrative authority in the country of origin or the country whence that person comes showing that these requirements have been met;
- (b) as regards paragraphs (e) and (f), of subsection (2), a certificate issued by the competent authority in the member state concerned:

Provided that, where the member state in question does not issue such documents or certificates, or where these do not cover all the cases specified in subsection (1) and paragraphs (a), (b) and (c) of subsection (2), they may be replaced by a declaration on oath or, in member states where there is no provision for declarations on oath, by a solemn declaration made by the person concerned before a competent judicial or administrative authority, a notary or a competent professional body, in the country of origin or in the country whence that person comes.

- (4) The Competent Authority of Public Procurement shall cause

for the Commission and the other member states to be informed as to which authorities and organisations have jurisdiction in the Republic to issue the documents, certificates or declarations referred to in subsection (3). Such notification shall be without prejudice to data protection law. The Authority itself shall inform the contracting authorities of the Republic as to which authorities and organisations of the member states have, respectively, jurisdiction to issue the said documents, other certificates or declarations.

Suitability to pursue the professional activity.
Annex VIIIA.
Annex VIIIB.
Annex VIIIC.

52.-(1) Any economic operator wishing to take part in a public contract may be requested to prove his enrolment in a professional or trade register or to provide a similar declaration on oath or a certificate as described in Annex VIIIA for public works contracts, in Annex VIIIB for public supply contracts and in Annex VIIIC for public service contracts in accordance with the conditions provided for in the member state in which he is established.

(2) In procedures for the award of public service contracts, in so far as candidates or tenderers have to possess a particular authorisation or to be members of a particular organisation in order to be able to perform in their country of origin the service concerned, the contracting authority may require them to prove that they hold such authorisation or membership.

Economic and financial standing.

53. Proof of the economic operator's economic and financial standing may, as a rule, be furnished by one or more of the following references:

(a) Appropriate statements from banks or, where appropriate, evidence of relevant professional risk indemnity insurance;

(b) balance sheets or extracts therefrom, where publication

of the balance sheets is required under the law of the country in which the economic operator is established;

- (c) a statement of the undertaking's overall turnover and, where appropriate, of turnover in the area covered by the contract for the maximum of the last three financial years available, depending on the date on which the economic operator was set up or the economic operator started trading, as far as the information on these turnovers is available.

(2) An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities regardless of the legal nature of the links which it has with them. It must in that case, prove to the contracting authority that it will have at its disposal the necessary resources.

(3) Under the same conditions, a group of economic operators according to the provisions of section 7 may rely on the capacities of the participants in the group or of other entities.

(4) Contracting authorities shall specify in the contract notice or in the invitation to tender, which of the reference or references mentioned in subsection (1) they have chosen and also which other references must be submitted.

(5) If, for any valid reason, the economic operator is unable to provide the references requested by the contracting authority, he may prove his economic and financial standing by any other document which the contracting authority considers appropriate.

Technical and/or professional ability.

54.-(1) The technical and/or professional abilities of the economic operators shall be assessed and examined in accordance with subsections (2) and (3).

(2) Evidence of the technical abilities of the economic operators

may be furnished by one or more of the following means depending on the nature, quantity or importance and use of the works, supplies or services:

(a)(i) a list of the works carried out over the past five years, accompanied by certificates of satisfactory execution for the most important works. These certificates shall indicate the value, date and site of execution of the works and shall specify whether they were carried out in accordance with the technical rules in each case and properly completed. Where appropriate, the competent authority shall submit these certificates direct to the contracting authority;

(ii) a list of the principal deliveries effected or the main services provided in the past three years with reference to the sums, dates and recipients, whether public or private. Evidence of deliveries and services provided shall be given-

(A) where the recipient is a contracting authority, in the form of certificates issued or countersigned by the competent authority;

(B) where the recipient was a private purchaser by the purchaser's certification or, failing this, simply by a declaration by the economic operator;

(b) an indication of the technical staff or the technical services whether or not belonging directly to the economic operator's undertaking, especially those responsible for quality control and, in the case of public works contracts, those the recipient will have at its disposal for the execution of the work;

- (c) a description of the technical facilities and measures used by the supplier or service provider for ensuring quality and the undertaking's study and research facilities;
- (d) where the products or services to be supplied are complex or, exceptionally, are required for a special purpose, a check carried out by the contracting authority or on its behalf by a competent official body of the country in which the supplier or service provider is established, subject to that body's agreement. This check concerns the production capacities of the supplier or the technical skills of the service provider and, if it is deemed necessary, the study and research facilities it has at its disposal as well as the quality control measures it will operate;
- (e) the educational and professional qualifications of the service provider or contractor and/or those of the managerial staff of the undertaking, and, in particular, those of the person or persons responsible for providing the services or managing the works;
- (f) for public works contracts and public services contracts, and only in appropriate cases, an indication of the environmental management measures that the economic operator will be able to apply when performing the contract;
- (g) a statement of the average annual manpower of the service provider or contractor and the number of managerial staff of the undertaking for the last three years;

- (h) a statement of the machinery, installations and technical equipment available to the service provider or the contractor for carrying out the contract;
- (i) an indication of the proportion of the contract which the services provider intends possibly to subcontract;
- (j) with regard to the products to be supplied-
 - (i) samples, descriptions and/or photographs, the authenticity of which must be certified if the contracting authority so requests;
 - (ii) certificates issued by official institutes or official quality control services of recognized competence attesting the conformity of products clearly identified by references to specifications or standards.

(3) An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities regardless of the legal nature of the links which it has with them. It must in that case prove to the contracting authority that it will have at its disposal the necessary resources for the execution of the contract.

(4) Under the same conditions a group of economic operators as referred to in section 7 may rely on the abilities of participants in the group or in other entities.

(5) In procedures for awarding public contracts having as their object supplies requiring sitting or installation work, the provision of services and/or the execution of works, the ability of economic operators to provide the service or to execute the installation or the work may be evaluated in particular with regard to their skills, efficiency, experience and reliability.

(6) The contracting authority shall specify, in the notice or in the invitation to tender, which references under subsection (2) it wishes to receive.

Quality assurance standards.

55. Should they require the production of certificates drawn up by independent bodies attesting the compliance of the economic operator with certain quality assurance standards, contracting authorities shall refer to quality assurance systems based on the relevant Cyprus standards series CYS EN ISO 9000 and certified by bodies conforming to the Cyprus standards series CYS EN ISO 45000 concerning certification. Contracting authorities shall recognise equivalent certificates from bodies established in other member states and shall also accept other evidence of equivalent quality assurance measures from economic operators.

Environmental management standards.

56. Should contracting authorities in the cases referred to in paragraph (f) of subsection (2) of section 54, require the production of certificates drawn up by independent bodies attesting the compliance of the economic operator with certain environmental management standards, they shall refer to the Community Eco-Management and Audit Scheme (EMAS) or to environmental management standards based on corresponding European or international standards concerning certification. The contracting authorities shall recognise equivalent certificates from bodies established in other member states and shall also accept other evidence of equivalent environmental management measures from economic operators.

Additional documentation and information.

57. The contracting authority may invite economic operators to supplement or clarify the certificates and documents submitted pursuant to sections 51 to 56.

Official lists of approved economic operators and certification by bodies established under public or private law.

58.-(1) (a) For the purposes of applying this Part the Competent Authority of Public Procurement may provide for the drawing up of the official lists of approved contractors, suppliers or service providers or certification by certification bodies established in public or private law.

(b) In case of drawing up of an official list, the Competent Authority of Public Procurement shall adapt the conditions for registration on these lists and for the issue of certificates by certification bodies, to the provisions of subsection (1) and paragraphs (a) to (d) and (g) of subsection (2) of section 51, section 52, subsections (1), (4) and (5) of section 53, subsections (1),(2) (5) and (6) of section 54, section 55 and, where appropriate, section 56.

(c) The Competent Authority of Public Procurement shall also adapt the conditions of registration on the lists in subsection (2) of section 53 and subsection (3) of section 54, as regards applications submitted by economic operators belonging to a group and claiming resources made available to them by the other companies in the group. In such case, these operators must prove to the Competent Authority of Public Procurement or to the certification bodies that they will have these resources at their disposal throughout the period of validity of the certificate attesting to their being registered in the official list and that throughout the same period the said companies continue to fulfil the qualitative selection requirements laid down in the sections referred to in paragraph (b) above on which operators rely for their registration.

(2) Economic operators registered on the official lists or having a certificate may, for each contract, submit to the contracting authorities a certificate of registration issued by the Competent Authority of Public Procurement or the certificate issued by the competent certification body. The certificates shall state the

references which enabled them to be registered in the list/or to obtain certification and also the classification given in that official list.

(3) Certified registration on official lists by the Competent Authority of Public Procurement or a certificate issued by the certification body shall, for the purposes of the contracting authorities of the other member states, constitute, evidence of suitability except as regards subsection(1) and paragraphs (a) to (d) and (g) of subsection (2) of section 51, section 52, paragraphs (b) and (c) of subsection (1) of section 53 and paragraphs (a)(i),(b),(e),(g) and (h) of subsection (2) of section 54, in the case of contractors, paragraphs (a)(ii), (b), (c), (d) and (i) of subsection (2) of section 54, in the case of suppliers and paragraphs (a)(ii) and (c) to (i) of subsection (2) of section 54, in the case of service providers.

(4) Information which can be deduced from registration on official lists or certification may not be questioned without justification. With regard to the payment of social security contributions and taxes and fees, an additional certificate may be required of any economic operator whenever a contract is offered:

Provided that, the contracting authorities of other member states shall apply subsection (3) and subsection (4) only in favour of economic operators of the Republic.

(5) For any registration of economic operators of other member states in an official list or for their certification by the bodies referred to in subsection (1), no further proof and statements can be required other than those requested of national economic operators and, in any event, only those provided for under sections 51 to 55 and, where appropriate, section 56:

Provided that, economic operators from other member states may not be obliged to undergo such registration or certification in

order to participate in a public contract of the Republic. The contracting authorities shall recognise equivalent certificates from bodies established in other member states. The contracting authorities shall also accept other equivalent means of proof.

(6) Economic operators may ask at any time to be registered in an official list or for a certificate to be issued. They must be informed within a reasonably short period of time of the decision of the authority drawing up the list or of the competent certification body.

(7) The certification bodies referred to in subsection (1) shall be bodies complying with European certification standards.

(8) In relation to official lists drawn up, the Competent Authority of Public Procurement shall inform the other member states and the Commission of the address of the body to which applications for registration should be sent.

Section 3 - Award of the contract

Contract award criteria.

59.-(1) Without prejudice to the legislative, regulatory or administrative provisions applicable in the Republic concerning the remuneration of certain services, the criteria on which the contracting authorities shall base the award of public contracts shall be the following:

- (a) When the award is made to the tender most economically advantageous from the point of view of the contracting authority, various criteria linked to the subject-matter of the specific public contract, for example, quality, price, technical merit, aesthetic and functional characteristics, environmental characteristics, running costs, cost-effectiveness, after-sales service and technical assistance, delivery date and delivery period or period of completion, or

(b) the lowest price only.

(2) Without prejudice to subsection (3), in the case provided for in paragraph (a) of subsection (1), the contracting authority shall specify in the contract notice or, in the tender documents or, in the case of a competitive dialogue, in the descriptive document, the relative weighting which it gives to each of the criteria chosen to determine the most economically advantageous tender. Those weightings can be expressed by providing for a range with an appropriate maximum spread.

(3) Where, in the opinion of the contracting authority, weighting is not possible for demonstrable reasons, the contracting authority shall indicate in the contract notice or contract documents or, in the case of a competitive dialogue, in the descriptive document, the criteria in descending order of importance.

Use of electronic auctions.

60.-(1) Subject to the provisions of this section, contracting authorities may use electronic auctions for the award of contracts on the basis of Regulations made by the Council of Ministers.

(2) In open, restricted or negotiated procedure in the case referred to in paragraph (a) of subsection (1) of section 32, the contracting authorities may decide that the award of a public contract, shall be preceded by an electronic auction when the contract specifications can be established with precision. In the same circumstances, an electronic auction may be held on the reopening of competition among the parties to a framework-agreement as provided for in paragraph (b) of subsection (7) of section 34 and on the opening for competition of contracts to be awarded within the framework of the dynamic purchasing system provided for in section 36.

(3) The electronic auction shall be based-

- (a) either solely on prices, when the contract is awarded to the lowest price;
- (b) or on prices and/or on the new values of the features of the tenders indicated in the tender documents when the contract is awarded to the most economically advantageous tender.

(4) Before proceeding with an electronic auction, contracting authorities shall state that fact in the contract notice. The contract documents shall include, inter alia, the following information:

- (a) the features, the values of which will be the subject of electronic auction provided that the said features are quantifiable in a manner that can be expressed in figures or percentages;
- (b) any limits on the values which may be submitted as they result from the specifications relating to the subject of the contract;
- (c) the information which will be made available to tenderers in the course of the electronic auction and, where appropriate, when it will be made available to them;
- (d) the relevant information concerning the electronic auction process;
- (e) the conditions under which the tenderers may submit their tenders, and in particular, the minimum differences which will, where appropriate, be required when submitting their tenders;
- (f) the relevant information concerning the electronic equipment used and the arrangements and technical specifications for connection.

(5) Before proceeding with an electronic auction, contracting authorities shall make a full initial evaluation of the tenders in accordance with the selected award criterion/criteria set and with the weighting fixed for them. All tenderers who have submitted admissible tenders shall be invited simultaneously by electronic means to submit new prices and/or new values. The invitation shall contain all relevant information concerning individual connection to the electronic equipment being used and shall state the date and time of the start of the electronic auction. The electronic auction may take place in various successive phases. The electronic auction may not start sooner than two (2) working days after the date on which the invitations are sent out.

(6) When the contract is to be awarded on the basis of the most economically advantageous tender-

- (a) the invitation shall be accompanied by the outcome of a full evaluation of the relevant tenderer made in accordance with the weighting provided for in subsection (2) of section 59; and
- (b) the invitation shall also state the mathematical formula to be used in the electronic auction to determine rerankings on the basis of the new prices and/or new values submitted. That formula shall incorporate the relevant weighting of all the criteria fixed to determine the most economically advantageous tender as indicated in the contract notice or in the tender documents. For that purpose any ranges shall, however, be reduced beforehand to a specific value;
- (c) where variants are authorised a separate formula shall be provided for each variant.

(7) Throughout each phase of an electronic auction, the contracting authorities shall be in continuous communication with all tenderers to whom they communicate directly at least the information which enables them to ascertain their relative rankings at any moment. They may also communicate other information concerning other prices or values submitted provided that this is stated in the tender documents. They may also, at any time, announce the number of participants during any phase of the auction:

Provided that, in no case the contracting authorities may disclose the identity of the tenderers during the conduct of the various phases of an electronic auction.

(8) Contracting authorities shall close an electronic auction in one or more of the following manners:

- (a) in the invitation to take part in the auction, they shall indicate the date and time of completion of the procedure fixed in advance;
- (b) when they receive no more new prices or new values which meet the requirements concerning minimum differences. In such case, the contracting authorities shall state in the invitation to take part in the auction, the time which they will allow to elapse after receiving the last submission before they close the electronic auction;
- (c) when the number of phases of the auction, fixed in the invitation to take part in the auction, has been completed;
- (d) when the contracting authorities have decided to close an electronic auction in accordance with paragraph (c), possibly in combination with paragraph (b), the invitation to take part in the auction shall indicate the timetable for each phase of the auction.

(9) After closing an electronic auction contracting authorities shall award the contract in accordance with section 59, on the basis of the results of the electronic auction.

(10) Contracting authorities may not have improper recourse to electronic auction nor may they use it in such a way as to prevent, limit or distort competition or to change the subject-matter of the contract as put up for tender in the published contract notice and defined in the tender documents.

Abnormally low tenders.

61.—(1) If, for a given contract, a tender appears to be abnormally low in relation to its subject, the contracting authority shall, before it may reject such tender, request in writing details of the constituent elements of the tender which it considers relevant. These details may relate in particular to-

- (a) the economics of the construction method, the manufacturing process or the services provided;
- (b) the technical solutions chosen and/or any exceptionally favourable conditions available to the tenderer for the execution of the work, for the supply of goods or the provision of services;
- (c) the originality of the work, supplies or services proposed by the tenderer;
- (d) compliance with the provisions relating to employment protection and working conditions in force at the place of the execution of the contract;
- (e) the possible granting of state aid to the tenderer.

(2) The contracting authority shall verify, those constituent elements, by consulting the tenderer taking account of the evidence supplied.

(3) Where the contracting authority establishes that a tender is abnormally low because the tenderer has obtained state aid, the tender can be rejected solely on that ground, only after consultation, with the tenderer, and if the tenderer is unable to prove, within a sufficient time- limit fixed by the contracting authority, that the aid in question was granted legally. Where the contracting authority rejects a tender in these circumstances, it shall inform, through the Competent Authority of Public Procurement, the Commission of that fact.

CHAPTER VII – RULES APPLICABLE TO THE FIELD OF PUBLIC WORK CONCESSIONS

Section 1 – General provisions

Scope of application of Chapter VII.

62. This Chapter shall apply to all public work concession contracts concluded by the contracting authorities where the value of these contracts is equal to or greater than EUR 5.278.000, as revised for the time being according to the provisions of section 92. The value shall be calculated in accordance with the rules applicable to public works contracts defined in section 21.

Exclusions from the scope of application of Chapter VII.

63. This Chapter shall not apply to public works concession contracts, which are awarded–

- (a) in respect of public works contracts, in the cases of sections 11, 12 and 14;
- (b) by contracting authorities exercising one or more of the activities referred to in sections 9 to 13 of the Coordination of the Procedures for the Award of Public Contracts in the Water, Energy, Transport and Postal Services Sectors Law, 2006, where those concessions are awarded for carrying out those activities:

Provided that, this Chapter shall apply to public work concession contracts awarded by the contracting authorities carrying out one or more of the activities referred to in section 12 of the Coordination of the Procedures for the Award of Public Contracts in the Water, Energy, Transport and Postal Services Sectors Law, 2006 and awarded for those activities until the coming into force of the said section in accordance with the provisions of section 76 of the same Law.

Publication of the notice concerning public works concessions.

64.-(1) Contracting authorities which wish to award a public work concession contract shall make known their intention by means of a relevant notice.

Annex VIC.

(2) Notices of public works concessions shall contain the information referred to in Annex VIC and, where appropriate, any other information deemed necessary by the contracting authority, in accordance with the standard forms approved by the Commission.

(3) These notices shall be published in accordance with sections (2) to (9) of section 41.

(4) Section 42 on the voluntary publication of notices shall also apply.

Time-limit.

65. When contracting authorities resort to a public works concession, the time-limit for the presentation of applications for the concession shall not be less than fifty-two (52) days from the date of dispatch of the notice, except in the case referred to in subsection (5) of section 43. Subsection (7) of section 43 shall also apply.

Subcontracting.

66. The contracting authority may either-

(a) require the concessionaire to award contracts representing a minimum of 30% of the total value of the

works for which the concession contract is to be awarded, to third parties, providing at the same time the option for candidates to increase the said percentage. This minimum percentage shall be specified in the concession contract, or

- (b) request the candidates for concession contracts to specify in their tenders the percentage, if any, of the total value of the work for which the concession contract is to be awarded and which they intend to assign to third parties.

Awarding of additional works to the concessionaire.

67.-(1) This Part shall not apply to additional works not included in the concession project initially considered or in the initial contract and which have, through unforeseen circumstances, become necessary for the performance of the work described therein, which the contracting authority has awarded to the concessionaire, on condition that the award is made to the economic operator performing such work–

- (a) When such additional works cannot be technically or economically separated from the initial contract without major inconvenience to the contracting authorities, or
- (b) when such works, although separable from the performance of the initial contract, are strictly necessary for its completion.

(2) The aggregate value of contracts awarded for additional works should not exceed 50 % of the original works concession contract.

Section 2 – Rules on contracts awarded by concessionaires which are contracting authorities

Applicable rules.

68. Where the concessionaire is a contracting authority, it shall comply with the provisions laid down in this Part as regards the

award of public works contracts in the case of works to be carried out by third parties.

Section 3 – Rules applicable to contracts awarded by concessionaires which are not contracting authorities

Advertising rules: threshold and exceptions.

69.-(1) When awarding works contracts to third parties, the public works concessionaires which are not contracting authorities apply the advertising rules defined in section 70, where the value of such contracts is equal to or greater than the amount of EUR 5.278.000, as revised for the time being according to the provisions of section 92. The value of contracts shall be calculated in accordance with the rules applicable for public works contracts laid down in section 21:

Provided that, advertising shall not be required when a public works contract satisfies the conditions of application of the cases listed in section 33.

(2) (a) Groups of undertakings which have been formed to obtain the concession or undertakings related to them shall not be considered third parties.

(b) For the purposes of paragraph (a), «related undertaking» shall mean any undertaking over which the concessionaire can exert a dominant influence, whether directly or indirectly, or any undertaking, which can exert a dominant influence on the concessionaire or which, as the concessionaire, is subject to the dominant influence of another undertaking, as a result of ownership, financial participation or the rules which govern it. A dominant influence on the part of an undertaking is presumed when, directly or indirectly, in relation to another undertaking it-

(i) holds a majority of the undertaking's subscribed capital, or

(ii) controls a majority of the votes attached to the shares issued by the undertaking, or

(iii) can appoint more than half of the members of the undertaking's administrative, management or supervisory body.

(c) The exhaustive list of the connected undertakings shall be included in the application for the concession. That list shall be brought up to date following any subsequent changes in the relationship between the undertakings.

Publication of the notice.

70.-(1) Works concessionaires which are not contracting authorities and which wish to award a work contract to third parties shall make known their intention by way of a notice.

Annex VIC.

(2) Notices shall contain the information referred to in Annex VIC and, where appropriate, any other information deemed necessary by the public works concessionaire, in accordance with the standard form adopted by the Commission.

(3) The notice shall be published in accordance with section 41, subsections (2) to (9).

(4) Section 42 on the voluntary publication of notices shall also apply.

Time-limits for the receipt of requests to participate and receipt of tenders.

71. In works contracts awarded by public works contract concessionaires which are not contracting authorities, the time-limit for the receipt of requests to participate, fixed by the concessionaires shall not be less than thirty-seven (37) days from the date on which the contract notice was dispatched and the time-limit for the receipt of tenders, not less than forty (40) days from the date on which the contract notice or the invitation to tender was dispatched. The provisions of subsections (5), (6) and (7) of section 43 shall also apply.

**CHAPTER VIII – RULES APPLICABLE TO DESIGN CONTESTS
IN THE FIELD OF SERVICES**

General provisions.

72.-(1) The rules for the organization of a design contest shall be in conformity with sections 72 to 80 and shall be communicated to those interested in participating in the design contest.

(2) The admission of participants to design contests shall not be limited–

(a) to the territory or part of the territory of the Republic;

(b) on the grounds that, under the law of the Republic, the participants would be required to be either natural or legal persons.

Scope of application of Chapter VIII.

73.-(1) This Chapter shall apply to–

(a) design contests organized as part of a procedure leading to the award of a public service contract;

(b) design contests with participation prizes and/or payments to participants.

(2) In accordance with this Chapter, design contests shall be organized by–

Annex IV.

(a) contracting authorities which are listed as central government authorities in Annex IV, starting from a threshold equal to or greater than EUR 137.000, as revised for the time being in accordance with the provisions of section 92;

Annex IV.

(b) contracting authorities not listed in Annex IV, starting from a threshold equal to or greater than EUR 211.000, as revised for the time being in accordance with the provisions of section 92;

Annex IIA. (c) by all the contracting authorities, starting from a threshold equal to or greater than EUR 211.000 as revised for the time being in accordance with the provisions of section 92, where contests concern services in category 8 of Annex IIA, category 5 telecommunications services, the positions of which in the CPV nomenclature are equivalent to reference Nos CPC 7524, 7525 and 7526 and/or services listed in Annex IIB.

(3)(a) In the cases referred to in paragraph (a) of subsection (1), «threshold» means the estimated value, net of VAT, of the public services contract including any possible participation prizes and/or payments to participants.

(b) In the cases referred to in paragraph (b) of subsection (1), «threshold» means the total amount of the said prizes and payments including the estimated value, net of VAT, of the public services contract which might subsequently be concluded under paragraph (c) of section 33 if the contracting authority does not exclude such an award in the contest notice.

Exclusions from the scope of application of Chapter VIII.

74.-(1) This Chapter shall not apply to–

(a) design contests in the field of services within the meaning of the Coordination of Procedures for the Award of Public Contracts in the Water, Energy, Transport and Postal Services Sectors Law, 2006, which are organized by contracting authorities exercising one or more of the activities referred to in sections 9 to 13 of the said Law and are organized for the pursuit of such activities:

Provided that, this Law shall apply to design contests in the field of services awarded by contracting authorities carrying out one or more of the activities referred to in

section 12 of the Coordination of the Procedures for the Award of Public Contracts in the Fields of Water, Energy, Transport and Postal Services Sectors Law, 2006, in respect of those activities until the coming into force of the said section in accordance with the provisions of section 76 of the same Law;

(b) design contests excluded from the scope of application of the Coordination of the Procedures for the Award of Public Contracts in the Water, Energy, Transport and Postal Services Sectors Law, 2006;

(c) design contests which are organized in the same cases as those referred to in sections 11, 12 and 14 of this Law for public service contracts.

Notices.

75.-(1) Contracting authorities which wish to carry out a design contest shall make known their intention, by means of a contest notice.

(2) Contracting authorities which have held a design contest shall send a notice of the results of the contest in accordance with section 41 and must be able to prove the date of dispatch. If this notice would impede law enforcement, be contrary to the public interest, prejudice the legitimate commercial interests of undertakings, whether public or private, or might prejudice fair competition between service providers, such information in respect of the award of the design contests need not be published.

(3) Section 42 concerning the voluntary publication of the contract notices shall also apply to design contests.

Form and manner of publication of notices of design contests.
Annex VID.

76.-(1) The notices referred to in section 75 shall contain the information referred to in Annex VID, with the standard model notices adopted by the Commission.

(2) The notices shall be published in accordance with subsections (2) to (8) of section 41.

Means of communication.

77.-(1) Subsections (1), (2) and (4) of section 48 shall apply to all communications relating to contests.

(2) Communications, exchanges and the storage of information shall be such as to ensure that the integrity and the confidentiality of all information communicated by the participants in design contests are preserved and that the jury ascertains the contents of plans and projects only after the expiry of the time-limit for their submission.

(3) The following rules shall apply to devices for the electronic receipt of plans and projects:

(a) The information relating to the necessary specifications for the presentation of plans and projects by electronic means, including encryption shall be available to the parties concerned. In addition, the devices for the electronic receipt of plans and projects should be compatible with the requirements of Annex IX.

Annex IX.

(b) The Council of Ministers may introduce a mechanism for accreditation intended to improve the level of the certification service provided for such devices.

Selection of competitors.

78. Where design contests are restricted to a limited number of participants, the contracting authorities shall lay down clear and non-discriminatory selection criteria. In any event, the number of the candidates invited to participate in design contests shall be sufficient to ensure genuine competition.

Composition of the jury.

79. The jury shall be composed exclusively of natural persons who are independent of the participants in the contest. Where a particular

professional qualification is required from participants in a contest, at least a third of the members of the jury shall have that qualification or an equivalent qualification.

Decisions of the jury.

80.-(1) The jury:

(a) shall be autonomous in the taking of a decision or the expression of a view;

(b) shall examine the plans and projects submitted by the candidates anonymously and solely on the basis of the criteria indicated in the contest notice;

(c) shall record its ranking of projects in a report, signed by its members, made according to the merits of each project as well as its remarks and any points which may need clarification.

(2) Anonymity must be observed until the jury has reached its opinion or decision.

(3) Candidates may be invited, if need be, to answer questions which the jury has recorded in the minutes to clarify any aspects of the projects.

(4) Complete minutes shall be drawn up of the dialogue between jury members and candidates.

**PART III – PROCEDURES FOR THE AWARD OF PUBLIC
CONTRACTS THE ESTIMATED VALUE OF WHICH IS LESS
THAN THE THRESHOLDS SPECIFIED IN SECTION 19**

Public contracts the estimated value of which is less than the thresholds.

81. In respect of public contracts which are not excluded from the scope of application of this Law under the provisions of sections 11 to 17 and the estimated value of which, net of VAT, is less than the thresholds provided for in section 19, Part II shall apply, mutatis mutandis, with the exception of the following provisions:

- (a) Section 33(a)(i) as to the obligation to inform the Commission;
- (b) section 39 (preliminary notice);
- (c) section 40 (contract award notice);
- (d) section 41 (use of model notices, publication etc.);
- (e) section 43, except subsection (7) (time-limits);
- (f) section 49(2), as to the condition for forwarding the relevant report to the Commission at its request;
- (g) section 64(2) and (3) (concession model);
- (h) section 65 (time-limit for concession);
- (i) section 70(2) and (3) (publication of concession);
- (j) section 71 (time-limits);
- (k) section 75 (2) (notice of design contest);
- (l) section 76 (drawing up, publication etc.).

Notices. **82.** With the exception of the cases referred to in section 84 and subject to the provisions of section 39 for contracts falling within this Part, contracting authorities shall publish a contest notice in the Official Gazette of the Republic and may also publish it in the local press in accordance with the format of Annex X.

Annex X.

Time-limits. **83.**-(1) In open procedure, the time-limit for submission of tenders fixed by the contracting authorities, shall not be less than fourteen (14) days from the date of publication of the notice in the Official Gazette of the Republic.

(2) (a) In restricted procedure, the time-limit for receipt of requests to participate fixed by the contracting authorities shall not be less

than ten (10) days from the date of publication of the notice in the Official Gazette of the Republic.

(b) The contracting authorities shall simultaneously and in writing invite also the selected candidates to submit their tenders. In the invitation, the contracting authorities shall indicate the time-limit for the submission of tenders which shall not be less than fourteen (14) days from the date of dispatch of the relevant invitation. The invitation shall be accompanied by the contract documents and the relevant supporting documents.

(3) In public works concession contracts, the time-limit for submission of applications, fixed by the contracting authorities, shall not be less than twenty-eight (28) days from the date of publication of the notice in the Official Gazette of the Republic.

(4) In design contests the time-limit for submission of designs fixed by the contracting authorities shall not be less than the time-limits fixed, as the case may be, in subsections (1) and (2) above.

Simple
procedures.

84.-(1) For public contracts the estimated value of which, net of VAT, does not exceed–

- (a) 1,708 euros,* the contracting authority may directly award the contract without following any of the tendering procedures provided for in this Law;
- (b) 8,543 euros,* the contracting authority may ask for the submission of written or oral tenders from a restricted, according to its opinion, number of economic operators;
- (c) 85,430 euros,* or the thresholds specified in section 19 in the case of public supply and service contracts and 854,300 euros* in the case of public works contracts,

*PI 312/2007 issued pursuant to section 9 (1) of the Adoption of the Euro Law, 2007 (L.33 (I)/2007, as amended)

intended to cover needs outside the territory of the Republic, the contracting authority may award the public contract without prior publication of a contract notice, on the following basis:

- (i) The contracting authority shall prepare the necessary contract documents which shall be sent, where this is feasible, to at least four economic operators of its choice. The dispatch of the contract documents to less than four economic operators should be adequately reasoned.
- (ii) The period for the submission of tenders shall not be less than seven (7) days from the date of dispatch of the relevant invitation.
- (iii) The tenders shall be submitted to the address of the contracting authority by the specified date and time referred to in the invitation to tender.

(2) No contract may be split up with the intention of enabling the application of the provisions of this section.

(3) Each contracting authority shall submit every three months to the Competent Authority of Public Procurement by a notice to the Audit Office of the Republic, a list of all the contracts awarded in accordance with this section.

PART IV – OFFENCES

Offences.

85.–(1) Any person who communicates to any other person any information, written or oral, which has come to his knowledge during the exercise of his duties or in the execution of the powers conferred upon him under this Law, shall be guilty of an offence unless such

disclosure is made—

- (a) in relation to the proper performance of his or that other person's duties under this Law or on the express direction of the competent authority;
- (b) in relation to the investigation of any criminal offence or for the purposes of any proceedings before any Court.

(2) Any person, other than the person referred to in subsection (1), who without lawful authority communicates or obtains any information related to a procedure for the award of a public contract shall be guilty of an offence.

(3) Any person who, without lawful authority either himself or through any other person or on behalf of any other person, seeks or attempts—

- (a) to obtain or extract from any person referred to in subsection (1) any information which ought not be disclosed or communicated according to the provisions therein; or
- (b) to influence the judgment or decision, final or otherwise, of any authority, body or committee or a member thereof or any person or official, in the exercise of the duties or powers conferred upon them under this Law, in relation to any procedure, examination, clarification, assessment evaluation, or anything done related to a procedure for the award of a public contract,

shall be guilty of an offence.

(4) A person who is guilty of an offence under any of the provisions of subsections (1), (2) and (3), shall be liable, upon conviction, to imprisonment for a period not exceeding two years or

to a fine not exceeding 3.417 euros* or to both such penalties.

(5) No criminal prosecution for an offence by virtue of this section shall be instituted, except only with the approval of the Attorney-General of the Republic.

PART V – FINAL PROVISIONS

Statistical obligations.

86. The contracting authorities shall forward to the Competent Authority of Public Procurement, not later than 31 July each year, a separate statistical report in relation to the public supply, services and works contracts awarded by them in the preceding year. The Competent Authority of Public Procurement shall forward to the Commission not later than 31 October of each year, a separate statistical report in relation to the public works contracts, the public supply contracts and the public service contracts awarded by the contracting authorities during the preceding year, which it prepares according to section 87.

Content of statistical report. Annex IV.

87.-(1) (a) For each contracting authority included in Annex IV, the statistical report shall specify at least–

(i) the number and value of contracts awarded and covered by Part II of this Law;

(ii) the number and total value of contracts awarded pursuant to derogations to the Agreement.

(b) To the extent possible, the particulars provided for in subparagraph (i) of paragraph (a) shall be distributed depending on–

(i) the procedures used for the award of public

* PI 312/2007 issued pursuant to section 9(1) of the Adoption of the Euro Law, 2007 (L.33(I)/2007, as amended)

contracts;

Annex I.
Annex II.

(ii) the type of contract (the works contained in Annex I, category of products or services contained in Annex II and identified using the CPV nomenclature) within the framework of each one of the procedures which have been used;

(iii) the nationality of the economic operator to which the contract has been awarded.

(c) If the contracts were awarded according to the negotiated procedure, the particulars referred to in subparagraph (i) of paragraph (a) of subsection (1) shall also be sub-divided in accordance with the circumstances referred to in sections 32 and 33 and shall specify the number and value of contracts awarded to each member state and third country of origin of the contractors.

Annex IV.

(2) For each category of contracting authorities, except those included in Annex IV, the statistical report shall specify at least–

(a) The number and value of public contracts which have been awarded, sub-divided according to the provisions of paragraph (b) of subsection (1);

(b) the total value of the contracts awarded under the derogations to the Agreement.

(3) The statistical report shall specify any other information required on the basis of the Agreement.

(4) The Competent Authority of Public Procurement may ask for the submission of additional information.

Powers of the
Competent

88. The Competent Authority of Public Procurement has the

Authority of
Public
Procurement.

powers–

- (a) to carry out checks upon the contracting authorities with a view to ensuring compliance with the provisions of this Law and the regulations made thereunder;
- (b) to issue circulars for the better implementation of this Law and the regulations made thereunder;
- (c) to communicate to the contracting authorities the notices of the Commission;
- (d) to compile and submit the necessary statistical information to the Commission at such times as prescribed by this Law.

Regulations.

89.-(1) The Council of Ministers may make regulations to be published in the Official Gazette of the Republic prescribing any matter which is required or may be prescribed and generally for the better carrying into effect of the provisions of this Law.

(2) In particular, and without prejudice to the generality of subsection (1), any such regulations may provide for all or any of the following matters:

- (a) the establishment and operation of competent organs to handle contests;
- (b) the administrative arrangements required for the application of the procedures provided for in this Law;
- (c) the regulation of special procedures referred to in the Law such as the award of contracts by electronic means and under framework-agreements.

(3) Regulations made in accordance with this Law shall be laid before the House of Representatives, which has the power to approve or reject them within sixty days from such laying. If the House of Representatives approves the regulations or if the period of sixty days expires, the Regulations shall be published in the Official Gazette of the Republic and shall come into force as from such publication.

Hierarchical recourse against an act or decision of a contracting authority.

90. Any interested person, having or having had an interest in obtaining a particular public contract the estimated value of which exceeds 85.430 euros,* net of VAT, and who has suffered or may suffer damage by an act or decision of a contracting authority, prior to the conclusion of the contract and which contravenes any provision of this Law, may file a hierarchical recourse to the Tenders Review Authority in accordance with the provisions of the Coordination of the Procedures of Appeal in the Public Procurement Sector Law.

Orders.
Annexes.

91. The Competent Authority of Public Procurement may, by an order, to be published in the Official Gazette of the Republic, amend the Annexes to this Law.

Revision of the thresholds.

92.–(1) The thresholds referred to in sections 19, 20, 21, 38, 62, 69 and 73 of this Law shall apply, as the corresponding thresholds specified in Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, are revised for the time being, provided that those thresholds are revised by the Commission by a Community Regulation issued under article 78 of the same Directive.

* PI 312/2007, issued pursuant to section 9(1) of the Adoption of the Euro Law, 2007 (L.33(I)/2007 as amended)

(2) The Competent Authority of Public Procurement shall inform the contracting authorities about the revision for the time being of the thresholds specified in Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts made according to those prescribed in subsection (1).

Entry into force of this Law. **93.**-(1) With the exception of section 90, this Law shall come into force upon its publication in the Official Gazette of the Republic.

(2) Section 90 shall come into force as from the date of the coming into force of the Coordination of the Appeal Procedures in the Public Procurement Law.

Repeal.
101(I) of 2003
23(I) of 2004
181(I) of 2004.

94. Upon the date of the coming into force of this Law, the Award of Contracts (Supply, Works and Services) Laws, 2003 to (No. 2), 2004 shall be repealed:

Provided that, the provisions of Part IV of the laws in question shall remain in force until the date of the coming into force of section 90 of this Law.

Transitional provisions.

95.-(1) Without prejudice to the validity of any acts or procedures done on the basis of the regime in force prior to the coming into force of this Law, pending procedures for the award of public contracts, which commenced but were not concluded on the coming into force of this Law, shall be referred and concluded, as far as possible, in accordance with the provisions of this Law:

Provided that, the application of this Law to pending procedures cannot result in the exclusion of any economic operator or in depriving him of any right which he acquired or would have acquired

pursuant to the regime in force prior to the coming into force of this Law.

(2) Until the issue of regulations under this Law, the regulations in force on the date of the coming into force of this Law shall apply, as the case may be, and in so far as they are not inconsistent with the provisions of this Law.

ANNEX I

(Sections 2, 20 and 87)

LIST OF ACTIVITIES WHICH CONCERN PUBLIC
WORKS CONTRACTS⁽¹⁾

NACE ⁽¹⁾					
Section F			Constructions		CPV Code
Division	Group	Class	Subject	Notes	
45			Construction	The division includes: Construction of new buildings, restoration and common repairs	45000000
	45.1		Site preparation		45100000
		45.11	Demolition and wrecking of buildings; earth moving	This class includes: - demolition of buildings and other structures - clearing of building sites - earth moving: excavation, landfill, leveling and grading of construction sites, trench digging, rock removal, blasting etc. - site preparation for mining: - overburden removal and other development and preparation of mineral properties and sites This class includes also: - building sites drainage - drainage of agricultural or forestry land	45110000
		45.12	Test drilling and boring	This class includes: - test drilling, test boring and core sampling for construction, geophysical, geological or similar purposes. This class excludes: - drilling of production oil or gas wells, see 11.20 - water well drilling, see 45.25 - shaft sinking, see 45.25 - oil and gas field exploration, geophysical, geological, and seismic surveying, see 74.20	45120000
	45.2		Building of complete constructions or parts thereof; civil engineering		45200000

⁽¹⁾ In the event of any difference of dissenting interpretation between the CPV and the NACE, the NACE nomenclature shall apply

NACE ¹					
Section F			Constructions		CPV Code
Division	Group	Class	Subject	Notes	
		45.21	General construction of buildings and civil engineering works	<p>This class includes:</p> <ul style="list-style-type: none"> - Construction of all types of buildings - Construction of civil engineering constructions: - Bridges (including those for elevated highways, viaducts tunnels and subways - long-distance pipelines, communication and power lines ancillary urban works - assembly and erection of prefabricated constructions on the site. <p>This class excludes:</p> <ul style="list-style-type: none"> - service activities incidental to oil and gas extraction, see 11.20 - erection of complete prefabricated constructions from self manufactured parts not of concrete, see divisions 20, 26 and 28 - construction work other than buildings, for stadiums, swimming pools, gymnasiums, tennis courts, golf courses and other sports installations, see 45.23 - building installation, see 45.3 - building completion, see 45.4 - architectural and engineering activities, see 74.20 - project management for construction, see 74.20 	45210000
		45.22	Erection of roof covering and frames	<p>This class includes:</p> <ul style="list-style-type: none"> - erection of roofs - roof covering - waterproofing 	45220000
		45.23	Construction of highways, roads, airfields and sports facilities	<p>This class includes:</p> <ul style="list-style-type: none"> - construction of highways, streets, roads, other vehicular and pedestrian ways - construction of railways - construction of airfield runways - construction work (other than buildings), for stadiums, swimming pools, gymnasiums, tennis courts, golf courses and other sports installations - painting of markings on road surfaces and car parks <p>This class excludes:</p> <ul style="list-style-type: none"> - preliminary earth moving, see 45.11 	45230000

¹ In the event of any difference of dissenting interpretation between the CPV and the NACE, the NACE nomenclature shall apply

NACE ¹					
Section F			Constructions		CPV Code
Division	Group	Class	Subject	Notes	
		45.24	Construction of water projects	This class includes construction of: -waterways, harbour and river works, pleasure ports (marinas), locks, etc - dams and dykes - dredging - subsurface work	45240000
		45.25	Other construction work involving special trades	This class includes: construction activities specializing in one aspect common to different kinds of structures, requiring specialized skill or equipment: - construction of foundations, including pile driving - water well drilling and construction, shaft sinking - erection of non-self-manufactured steel elements - steel bending - bricklaying and stone setting - scaffolds and work platform erecting and dismantling including renting of scaffolds and work platforms - erection of chimneys and industrial ovens. This class excludes: - renting of scaffolds without erection and dismantling, see 71.32	45250000
	45.3		Building installation		45300000
		45.31	Installation of electrical wiring and fittings	This class includes: installation in buildings and other construction projects of: - electrical wiring and fittings - telecommunications systems - electrical heating systems - residential antennas and aerials - fire alarms - burglar alarm systems - lifts and escalators, -lightning conductors, etc.	45310000

¹ In the event of any difference of dissenting interpretation between the CPV and the NACE, the NACE nomenclature shall apply

NACE ¹					
Section F			Constructions		CPV Code
Division	Group	Class	Subject	Notes	
		45.32	Insulation work activities	This class includes: - installation in buildings or other construction projects of thermal, sound or vibration insulation This class excludes: - water proofing, see 45.22	45320000
		45.33	Plumbing	This class includes: installation in buildings and other construction projects of: - plumbing and sanitary equipment - gas fittings - heating, ventilation, refrigeration or air conditioning equipment and ducts sprinkler systems This class excludes: - installation and repair or electrical heating systems, see 45.31	45330000
		45.34	Other building installation	This class includes: - installation of illumination and signalling systems for roads, railways, airports and harbours - installation in buildings or other construction projects of fittings and fixtures n.e.c.	45340000
	45.4		Building completion		45400000
		45.41	Plastering	This class includes: - application in buildings or other construction projects of interior and exterior plaster or stucco, including related lathing materials	45410000
		45.42	Joinery installation	This class includes: - installation of non self-manufactured doors, windows, door and window frames, fitted kitchens, staircases, shop fittings and the like, of wood and other materials - interior completion such as ceilings, wooden wall coverings movable partitions, etc. This class excludes: -laying of parquet and other wood floor coverings,, see 45.43	45420000

¹ In the event of any difference of dissenting interpretation between the CPV and the NACE, the NACE nomenclature shall apply

NACE ⁽¹⁾					
Section F			Constructions		CPV Code
Division	Group	Class	Subject	Notes	
		45.43	Floor and wall covering	<p>This class includes:</p> <p>laying, tiling, hanging or fitting in buildings or other construction projects of:</p> <ul style="list-style-type: none"> - ceramic, concrete or cut stone wall or floor tiles -parquet and other wood floor coverings - carpets and linoleum floor coverings including of rubber or plastic - terrazzo, marble, granite or slate floor or wall coverings - wall paper 	45430000
		45.44	Painting and glazing	<p>This class includes:</p> <ul style="list-style-type: none"> - interior and exterior painting of buildings - painting of civil engineering structures - installation of glass, mirrors etc. - this class excludes - installation of windows, see 45.42 	45440000
		45.45	Other building completion.	<p>This class includes:</p> <ul style="list-style-type: none"> - installation of private swimming pools - steam cleaning, sand blasting and similar activities for building exteriors - other building completion and finishing work n.e.c. <p>This class excludes:</p> <ul style="list-style-type: none"> - interior cleaning of buildings and other structures, see 74.70 	45450000
	45.5		Renting of construction and demolition equipment with operator		45500000
		45.50	Renting of instruction or demolition equipment with operator	<p>This class excludes:</p> <ul style="list-style-type: none"> - renting of construction or demolition machinery and equipment without operator, see 71.32 	45410000

⁽¹⁾ Council Regulation (EEC) No 3037/90, of 9 October 1990, on the statistical classification of economic activities in the European Community (OJ L 293 of 24.10.1990, p. 1); regulation as amended by Commission Regulation (EEC) No 761/93 of 24 March 1993 (OJL 83 of 3.4.1993, p. 1)

ANNEX II**(Sections 2 and 87)****SERVICES REFERRED TO IN SECTION 2, IN THE INTERPRETATION
OF THE TERM “PUBLIC SERVICE CONTRACTS”****ANNEX II A¹****(Sections 19, 22, 24, 32, 38 and 73)**

Category No	Name of services	CPC⁽¹⁾ Reference No	CPV Reference No
1	Maintenance and repair services	6112, 6122, 633, 886	From 50100000 to 50982000 (except 50310000 to 50324200 and 50116510-9, 50190000-3, 50229000-6, 50243000-0)
2	Land transport services ⁽²⁾ including armoured car services and courier services of rapid transmission of documents or small parcels, except transport of mail		From 60112000-6 to 60129300-1 (except 60121000 to 60121600, 60122200-1, 60122230-0), and from 64120000-3 to 64121200-2
3	Air transport service: of passengers and freight, except transport of mail		From 62100000-3 to 62300000-5 (except 62121000-6, 62121000-7)
4	Transport of mail by land ⁽²⁾ and by air		From 60122200-1, 60122230-0 62121000-6, 62121000-7
5	Telecommunications services		From 64200000-8 to 64228200-2, 72318000-7, and from 72530000-9 to 72532000-3
6	Financial services (a) insurance services (b) banking and investment services ⁽³⁾	ex. 81, 812, 814	From 66100000-1 to 88430000-3 and from 67110000-1 to 67262000-1 ⁽³⁾
7	Computer and related services	84	From 50300000-8 to 50324200-4, from 72100000-6 to 72591000-4 (except 72318000-7 and from 72530000-9 to 72532000-3)
8	Research and development services ⁽⁴⁾	85	From 73000000-2 to 73300000-5 (except 73200000-4, 73210000-7, 7322000-0)
9	Accounting, auditing and book keeping services	862	From 74121000-3 to 74121250-0
10	Market research and public opinion polling services	864	From 74130000-9 to 74133000-0, and 74423100-1, 74423110-4
11	Management consulting services ⁽⁵⁾ and related	865, 866	From 73200000-4 to 73220000-0, from 74140000-2 to

¹ In the event of any difference of interpretation between the CPV and the CPC, the CPC nomenclature shall apply.

Category No	Name of services	CPC ⁽¹⁾ Reference No	CPV Reference No
	services		74150000-5 (except 74142200-8), and 74420000-9, 74421000-6, 74423000-0, 74423200-2, 74423210-5, 74871000-5, 93620000-0
12	Architectural services, engineering services and integrated engineering services, urban planning and landscape engineering services, related scientific and technical consulting services, technical testing and analysis services	867	From 74200000-1 to 74276400-8, and from 74310000-5 to 74323100-0, and 74874000-6.
13	Advertising services	871	From 74400000-3 to 74422000-3 (except 74420000-9 and 74421000-6)
14	Building cleaning services and property management services	874, 82201 to 82206	From 70300000-4 to 70340000-6, and from 74710000-9 to 74780000-4
15	Publishing and printing services on a fee or contract basis	88442	From 78000000-7 to 78400000-1
16	Sewage and refuse disposal services, sanitation and similar services	94	From 90100000-8 to 90320000-6, and 50190000-3, 50229000-6, 50243000-0.

⁽¹⁾ CPC nomenclature (provisional version) used to define the scope of Directive 92/50/EEC

⁽²⁾ Except for rail transport services covered by category 18.

⁽³⁾ Except financial services in connection with the issue, purchase, sale and transfer of securities or other financial instruments as well as central bank services. Also excluded, services involving the acquisition or lease, by whatever financial procedures of land, existing buildings or other immovable property or concerning rights thereon; however, financial services supplied at the same time as before or after the purchase or lease contract, in any form, fall within the scope of application of this Law.

⁽⁴⁾ Except research and development services, excluding those where the benefits accrue exclusively to the contracting authority for its use in the conduct of its own affairs on condition that the service provided is wholly remunerated by the contracting authority.

⁽⁵⁾ Except arbitration and conciliation services.

ANNEX II B

(Sections 19, 23, 24, 40 and 73)

Category No	Subject	CPC Reference No	CPV Reference No
17	Hotel and restaurant services	64	From 55000000-0 to 55524000-9, and from 93400000-2 to 93411000-2.
18	Rail transport services	711	60111000-9, and from 60121000-2 to 60121600-8
19	Water transport services	72	From 61000000-5 to 61530000-9, and from 63370000-3 to 63372000-7.
20	Supporting and auxiliary transport services	74	62400000-6, 62440000-8, 62441000-5, 62450000-1, from 63000000-9 to 63600000-5 (except 63370000-3, 63371000-0, 633372000-7), and 74322000-2, 93610000-7.
21	Legal Services	861	From 74110000-3 to 74114000-1
22	Personnel placement and supply services ¹	872	From 74500000 to 74540000-6 (except 74511000-4 and from 95040000-5 to 95140000-5
23	Investigation and security services except armoured car services	873 (except 87304)	From 74600000 to 74620000-1
24	Educational and vocational education services	92	From 80100000-5 to 80430000-7
25	Social and health services	93	74511000-4 and from 85000000 to 86323000-9 (except 86321000-5 and 85322000-2)
26	Recreational, cultural and sporting services	96	From 74875000 to 74875200-5 and from 92000000 to 92622000-7 (except 92230000-2)
27	Other services ^{(1) 2}		

¹ Except employment contracts

² Except contracts for the acquisition, development, production, or co-production of programs by broadcasting organizations and contracts for broadcasting time.

ANNEX III
(Section 2)

**LIST¹ OF BODIES AND CATEGORIES OF BODIES GOVERNED BY
PUBLIC LAW AS REFERRED TO IN SECTION 2**

1. Cyprus Human Resource Development Authority
2. Cyprus State Fair Authority
3. Cyprus Radio Television Authority
4. Special Fund for Granting Allowance to Disabled Persons
5. Cooperative Societies Supervision and Development Authority
6. Cyprus Securities and Exchange Commission
7. Cyprus Rural Payments Organisation
8. Commissioner of Telecommunications and Postal Regulation
9. Supervisory Council
10. National Theater of Cyprus
11. Cyprus State Scholarships Foundation
12. Cyprus Genetics and Neurology Institute
13. Central Bank of Cyprus
14. Central Leave Fund
15. Central Agency for Equal Distribution of Burdens
16. Cyprus News Agency
17. Cyprus Sports Organisation
18. Cyprus Land Development Corporation
19. Cyprus Tourism Organisation
20. Bank of Cyprus Oncology Centre
21. Health Insurance Organisation
22. Agricultural Insurance Organisation
23. Cyprus Milk Industry Organisation
24. Youth Board of Cyprus

¹ The above list is indicative. The Law shall be compulsorily applied by all the bodies which fulfil the criteria for bodies governed by public law as defined in section 2 even if they are not included in the list.

25. Cyprus Housing Finance Organisation
26. University of Cyprus
27. Cyprus Broadcasting Corporation
28. Sewage Boards (Agia Napa, Larnaka, Limassol, Amathounta, Nicosia, Paralimni, Paphos)
29. Slaughter houses Boards
30. Vine Products Board
31. School Boards
32. National Guard Welfare Fund
33. Game Fund
34. Social Coherence Fund
35. Social Insurance Fund
36. Redundant Staff Fund Department
37. Cyprus Stock Exchange `

ANNEX IV
(Sections 19(1)¹ , 73(2) and 87(1),(2))

1. (a) Presidency and Presidential Palace
 (b) Office of the Coordinator for Harmonisation
2. Council of Ministers
3. House of Representatives
4. Judicial Service
5. Law Office
6. Audit Office
7. Public Service Commission
8. Educational Service Commission
9. Office of the Commissioner for Administration (Ombudsman)
10. Competition Protection Commission
11. Office of the Commissioner for Personal Character Data Protection
12. Office of the Commissioner for State Aid Control
13. Internal Audit Service
14. Tenders Review Authority
15. Cooperative Societies' Supervision and Development Authority
16. Planning Bureau
17. Treasury of the Republic
18. Ministry of Defence
19. (a) Ministry of Agriculture, Natural Resources and Environment
 - (b) Department of Agriculture
 - (c) Veterinary Services
 - (d) Forestry Department
 - (e) Water Development Department

¹ For the purposes of this Annex the term "central government authorities" means the authorities which are indicatively mentioned in this Annex and, to the extent that no corrections or amendments or modifications have been made, their successor entities.

- (f) Geological Survey Department
 - (g) Meteorological Service
 - (h) Land Consolidation Department
 - (i) Mines Service
 - (j) Agricultural Research Institute
 - (k) Department of Fisheries and Marine Research
20. (a) Ministry of Justice and Public Order
- (b) Police
 - (c) Cyprus Fire Service
 - (d) Prisons
21. (a) Ministry of Commerce, Industry and Tourism
- (b) Department of Registrar of Companies and Official Receiver
22. (a) Ministry of Labour and Social Insurance
- (b) Labour Department
 - (c) Social Insurance Services
 - (d) Social Welfare Services
 - (e) Productivity Centre
 - (f) Cyprus Higher Hotel Institute
 - (g) Higher Technical Institute
 - (h) Department of Labour Inspection
 - (i) Department of Labour Relations
23. (a) Ministry of the Interior
- (b) District Administrations
 - (c) Town Planning and Housing
 - (d) Civil Registry and Migration Department
 - (e) Lands and Surveys
 - (f) Press and Information Office
 - (g) Civil Defence
 - (i) Asylum Service
 - (j) Service for the Care and Rehabilitation of Displaced Persons
24. Ministry of Foreign Affairs

- 25. (a) Ministry of Finance
 - (b) Customs and Excise
 - (c) Inland Revenue Department
 - (d) Statistical Service
 - (e) Department of Government Purchases and Supply
 - (f) Department of Public Administration and Personnel
 - (g) Printing Office
 - (h) Department of Information Technology Services
- 26. Ministry of Education and Culture
- 27. (a) Ministry of Communications and Works
 - (b) Public Works Department
 - (c) Antiquities Department
 - (d) Civil Aviation Department
 - (e) Merchant Shipping Department
 - (f) Postal Services Department
 - (g) Road Transport Department
 - (h) Electrical and Mechanical Services Department
 - (i) Electronic Telecommunications Department
- 28. (a) Ministry of Health
 - (b) Pharmaceutical Services
 - (c) State General Laboratory
 - (d) Medical and Public Health Services
 - (e) Dental Services
 - (f) Mental Health Services

ANNEX V**LIST OF PRODUCTS REFERRED TO IN SECTION 19 WITH REGARD TO
CONTRACTS WHICH ARE CONCLUDED BY THE CONTRACTING
AUTHORITIES IN THE FIELD OF DEFENCE ¹**

Chapter 25: Salt, sulphur, earths and stone, plastering materials, lime and cement

Chapter 26: Metallic ores, slag and ash

Chapter 27: Mineral fuels, mineral oils and products of their distillation,
bituminous substances, mineral waxes

except:

ex 27.10: special engine fuels

Chapter 28: Inorganic chemicals, organic and inorganic compounds of precious
metals, of radioactive elements, of rare-earth metals and of isotopes

except :

ex 28.09: explosives

ex 28.13: explosives

ex 28.14: tear gas

ex 28.28: explosives

ex 28.32: explosives

ex 28.39: explosives

ex 28.50: toxic products

ex 28.51: toxic products

ex 28.54 explosives

Chapter 29: Organic chemicals

except :

ex 29.03 explosives

ex 29.04 explosives

ex 29.07 explosives

ex 29.08 explosives

ex 29.11 explosives

¹ The only authentic text for the purposes of this Law, is that within Annex I, point 3 of the Agreement.

ex 29.12 explosives
 ex 29.13 toxic products
 ex 29.14 toxic products
 ex 29 15 toxic products
 ex 29. 21 toxic products
 ex 29.22 toxic products
 ex 29.23 toxic products
 ex 29.26 explosives
 ex 29.27 toxic products
 ex 29.29 explosives

Chapter 30: Pharmaceutical products

Chapter 31: Fertilizers

Chapter 32: Tanning and dyeing extracts, tannings and their derivatives, dyes, colours, paints and varnishes, putty, fillers and stoppings, inks

Chapter 33: Essential oils and resinoids, perfumery, cosmetic or toilet preparations

Chapter 34: Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modelling pastes, and "dental waxes"

Chapter 35: Albuminoidal substances, glues, enzymes

Chapter 37: Photographic and cinematographic goods

Chapter 38: Miscellaneous chemical products

except:

ex 38.19 toxic products

Chapter 39: Artificial resins and plastic materials, celluloses esters and ethers, articles thereof

except:

ex 39.03 explosives

Chapter 40: Rubber, synthetic rubber, factice and articles thereof
except:

ex 40.11 bullet – proof tyres (except from Sweden)

Chapter 41: Raw hides and skins (other than furskins) and leather

Chapter 42: Articles of leather, saddlery and harness, travel goods, handbags and
similar containers, articles of animal gut

Chapter 43: Furskins and artificial fur, manufactures thereof

Chapter 44: Wood and articles of wood, wood charcoal

Chapter 45: Cork and articles of cork

Chapter 46: Manufactures of straw of esparto and of other plaiting materials, basket
ware and wickerwork

Chapter 47: Paper-making material

Chapter 48: Paper and paperboard, articles of paper pulp, of paper or of paperboard

Chapter 49: Bookshop goods and graphic arts products

Chapter 65: Headgear and parts thereof

Chapter 66: Umbrellas, sunshades, walking sticks, whips, riding-cromps and parts
thereof

Chapter 67: Prepared feathers and down and articles made of feathers or of down,
artificial flowers, articles of human hair

Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica and of
similar materials

Chapter 69: Ceramic products

Chapter 70: Glass and glassware

Chapter 71: Pearls, precious and semi-precious stones and similar stones, precious
metals, rolled precious metals and articles thereof; imitation jewellery

Chapter 73: Iron and steel and articles thereof

Chapter 74: Copper and articles thereof

Chapter 75: Nickel and articles thereof

Chapter 76: Aluminium and articles thereof

Chapter 77: Magnesium, beryllium and articles thereof

Chapter 78: Lead and articles thereof

Chapter 79: Zinc and articles thereof

Chapter 80: Tin and articles thereof

Chapter 81: Other base metals employed in metallurgy and articles thereof

Chapter 82: Tools, implements, cutlery, spoons and forks, of base metals

except:

ex : 82.05 tools

ex: 82.07 tools, parts

Chapter 83: Miscellaneous articles of base metal

Chapter 84: Boilers, machinery and mechanical appliances,

except:

ex 84.06: engines

ex 84.08 other propulsion engines

ex 84.45 : machinery

ex 84.53 : automatic data-processing machines

ex 84.55 : parts of machines under heading 84.53

ex 84.59: nuclear reactors

Chapter 85: Electrical machinery and equipment, parts thereof,

except:

ex 85.13: telecommunication equipment

ex 85.15: transmission apparatus

Chapter 86: Railway and tramway locomotives, rolling stock and parts thereof, railway and tramway tracks, fixtures and fittings, trafficking signalling equipment of all kinds, (not electrically powered) except:

ex 86.02 armoured locomotives, electric

ex 86.03 other armoured locomotives

ex 86.05: armoured wagons

ex 86.06: repair wagons

ex 86.07: wagons

Chapter: 87: Cars, vehicles, lifts, bicycles and other land transport vehicles

except:

ex 87.08: tanks and other armoured vehicles

ex 87.01: tractors

ex 87.02 military vehicles

ex 87.03: breakdown lorries

ex 87.09 motorcycles

ex 87.14 : trailers

Chapter 89: Ships, boats and floating structures,

except:

ex 89.01 warships

Chapter 90: Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments

except:

ex 90.05: binoculars

ex 90.13: miscellaneous instruments, lasers

ex 90.14: telemeters

ex 90.28: electrical and electronic measuring instruments

ex 90.11: microscopes

ex 90.17 : medical instruments

ex 90.18 : mechano-therapy appliances

ex 90.19 orthopaedic appliances

ex 90.20 : X-ray apparatus

Chapter 91: Manufacture of watches and clocks and parts thereof

Chapter 92: Musical instruments, sound recorders or reproducers, television image and sound recorders or reproducers, parts and accessories of such articles

Chapter 94: Furniture and parts thereof, bedding, mattresses, mattress supports, cushions and similar articles
except:
ex 94. 01A: aircraft seats

Chapter 95: Articles and manufactures of carving and moulding material

Chapter 96: Brooms, brushes, powder-puffs and sieves

Chapter 97: Toys for children and adults, recreation and sports goods

Chapter 98: Miscellaneous manufactured articles

ANNEX VI
INFORMATION TO BE INCLUDED IN NOTICES

ANNEX VIA
(Sections 41 and 43)

**INFORMATION WHICH MUST BE INCLUDED IN PUBLIC CONTRACT
NOTICES**

**NOTICE OF THE PUBLICATION OF A PRIOR INFORMATION NOTICE ON
A “BUYER PROFILE”**

1. Country of the contracting authority
2. Name of the contracting authority
3. Internet address of the “buyer profile” (URL)
4. CPV nomenclature reference No(s)

PRIOR INFORMATION NOTICE

1. The name, address, fax number, e-mail address of the contracting authority, and, if different, of the service from which additional information may be obtained and, in the case of works and services contracts, of the services, e.g. the relevant governmental website from which information can be obtained in connection with the general regulatory framework for taxes, environmental protection, employment protection and working conditions applicable at the place where the contract is to be performed.

2. Where appropriate, indicate whether a public contract may be awarded only to sheltered workshops or whether its execution is restricted to the framework of protected job programs.

3. In the case of public works contracts: the nature and extent of the works, the place of execution in the event the work is to be sub-divided into several lots, the essential characteristics of these lots in relation to the work; if available, an estimate, of the range of the cost of the proposed works, nomenclature reference No(s).

In the case of public supply contracts: the nature and quantity or value of the products to be supplied, nomenclature reference No(s).

In the case of public service contracts: the total value of the proposed purchases in each of the service categories of Annex II A, nomenclature reference No(s).

4. Estimated date for initiating the award procedures in respect of the conclusion of the contract or contracts or in the case of public service contracts by category.

5. Where appropriate, indicate whether a framework-agreement is involved.

6. Where appropriate, other information.

7. Date of dispatch of the notice or of dispatch of the notice of the publication of the prior information on the “buyer profile”.

8. Indicate whether the contract is covered by the Agreement.

CONTRACT NOTICE

Open procedures, restricted procedures, competitive dialogue, negotiated procedures.

1. Name, address, telephone and fax number, e-mail address of the contracting authority.

2. Where appropriate, indicate whether the public contract is restricted to sheltered workshops or whether its execution is restricted to the framework of protected job programs.

3. (a) The award procedure chosen;

(b) Where appropriate, the reasons for use of the accelerated procedure (in restricted and negotiated procedures);

(c) Where appropriate, indicate whether a framework agreement is involved;

(d) Where appropriate, indicate whether a dynamic purchasing system is involved;

(e) Where appropriate, the holding of an electronic auction [in the case of open, restricted or negotiated procedures, in the situation covered by section 32, sub-section (1) (a)]

4. Form of the contract.

5. Place of execution/performance of the works, place of delivery of products or of the provision of services.

6. (a) Public works contracts:

- nature and extent of the works, general nature of the work. Indication in particular of options concerning supplementary works, and if known, the provisional time-limit for recourse to these options as well as the number of possible renewals, if any. If the work or the contract is sub-divided into several lots, the size of the different lots, nomenclature reference number (s),
- information concerning the purpose of the work or the contract where the latter also involves the drawing up of projects,
- in the case of framework-agreements, indication also of the planned duration of the framework-agreement, the estimated total value of the works for the entire duration of the framework-agreement and, as far as possible, the value and the frequency of the contracts to be awarded.

(b) Public supply contracts

- nature of the products to be supplied, indicating in particular whether tenders are requested with a view to purchase, lease rental, hire or hire purchase or a combination of these, nomenclature reference number of the products to be supplied, indicating in particular options concerning supplementary purchases and, if known, the provisional time-limit for recourse to these options as well as the number of renewals, if any, Nomenclature reference number(s),
- in the case of repeated or renewable contracts within a given period, indicate also, if known, the time-limit for subsequent contracts for purchase of intended supplies,
- in the case of framework-agreements, indication also of the planned duration of the framework-agreement, the estimated total value of the supplies for the entire duration of the framework-agreement, and, as far as possible, the value and frequency of the contracts to be awarded.

(c) Public service contracts

- category and description of service, Nomenclature reference number(s), quantity of services to be provided. Indicate in particular options concerning supplementary purchases and, if known, the provisional time-limit for recourse to these options, as well as the number of renewals, if any. In the case of repeated or renewable contracts within the given period, an estimate of the time frame, if known, for subsequent public contracts for purchase of intended services.

In the case of framework-agreements, indication also of the planned duration of the framework-agreement, the estimated total value of the services for the entire duration of the framework-agreement and, as far as possible, the value and the frequency of the contracts to be awarded,

- indication of whether the execution of the service is reserved, by legislative, regulatory or administrative provisions to a particular profession.

Reference to the said legislative, regulatory or administrative provisions.

- indication of whether legal persons should indicate the names and professional qualifications of the staff to be responsible for the execution of the service.

7. If the contracts are sub-divided into lots, indication of the possibilities of tendering for one, for several and/or for all the lots.

8. Any time-limit for completion of works/supplies/services or duration of the works/supply/services contract. Where possible, any time-limit by which works will begin or any time-limit by which delivery of supplies or services will begin.

9. Admission or prohibition of variants.

10. Where applicable particular conditions to which the execution of the contract is subject.

11. In the case of open procedures:

(a) name, address, telephone and fax number as well as the e-mail address of the service from which contract documents and additional documents can be requested;

(b) where appropriate, time-limit for submission of such requests;

- (c) where appropriate, cost of and payment conditions for obtaining these documents.
12. (a) Time-limit for receipt of tenders or indicative tenders where a dynamic purchasing system is being used (open procedures);
- (b) time-limit for receipt of request to participate (restricted and negotiated procedures);
- (c) address where these have to be transmitted;
- (d) the language or languages in which they must be drawn up.
13. In the case of open procedures:
- (a) persons authorised to be present at the opening of tenders;
- (b) date, time and place for such opening;
14. Where appropriate, any deposit and guarantees required.
15. Main terms concerning financing and payment and/or references to the relevant regulatory provisions.
16. Where applicable, the legal form to be taken by the grouping of economic operators to whom the contract is to be awarded.
17. Selection criteria regarding the personal situation of economic operators that may lead to their exclusion, and required information proving that they do not fall within the cases justifying exclusion. Selection criteria and information concerning the personal status of the economic operator, information and any necessary formalities for assessment of the minimum economic and technical standards required of the economic operator or minimum levels of standards possibly required.
18. Where there is a framework agreement: the number and, where appropriate, proposed maximum number of economic operators who will be members of it, the duration of the framework agreement provided for, stating, if appropriate, the reasons for any duration exceeding four years.

19. In the case of a competitive dialogue and a negotiated procedure with the publication of a contract notice, indicate, if appropriate, recourse to a staged procedure in order gradually to reduce the number of the solutions to be discussed or tenders to be negotiated.
20. In the case of a restricted procedure, a competitive dialogue or a negotiated procedure with the publication of a contract notice, in the case when recourse is had to the option of reducing the number of candidates to be invited to submit tenders, to participate in the dialogue or to negotiate; minimum and, if appropriate, proposed maximum number of candidates and objective criteria to be used to choose that number of candidates.
21. Time-frame during which the tenderer must maintain its tender (open procedures).
22. Where appropriate, names and addresses of economic operators already selected by the contracting authority (negotiated procedures).
23. Criteria referred to in section 59 to be used for the award of the contract: «lowest price», or «most economically advantageous tender». Criteria representing the most economically advantageous tender and also the weighting of these criteria shall be mentioned if they are not included in the contract documents or, in the case of a competitive dialogue, in the descriptive document.
24. Name and address of the body responsible for the recourse procedures and, where appropriate, mediation procedures. Precise information concerning deadlines for filing the recourses or if need be, the name and address, telephone and fax number as well the e-mail address of the service from which this information may be obtained.
25. Date(s) of publication of the prior information notice in accordance with the technical specifications of publication indicated in Annex VII or statement that no such publication was made.
26. Date of dispatch of the notice.
27. Indicate whether the contract is covered by the Agreement.

SIMPLIFIED CONTRACT NOTICE FOR USE IN A DYNAMIC PURCHASING SYSTEM

- 1 .Country of contracting authority
- 2 .Name and e-mail address of contracting authority.
3. Publication reference of the contract notice for the dynamic purchasing system.
4. E-mail address where the contract documents and additional documents regarding the dynamic purchasing system are available.
5. Subject of contract: description by reference number(s) of "CPV" nomenclature and quantity or extent of the contract to be awarded.
6. Time-frame for submitting indicative tenders.

CONTRACT AWARD NOTICES

1. Name and address of the contracting authority.
2. Award procedures chosen. In the case of negotiated procedure without prior publication of the contract notice (section 30), justification.
3. Public works contracts: nature and extent of the contract, general characteristics of the work.

Public supply contracts: nature and quantity of products supplied, where appropriate, by the supplier, nomenclature reference number.

Public service contracts: category and description of the service, nomenclature reference number and quantity of services bought.
4. Date of contract award.
5. Contract award criteria.
6. Number of tenders received.
7. Name and address of the successful economic operators.

8. Price or range of prices (minimum/maximum) paid.
9. Value of the selected tender(s) or the highest and lowest tender which have been taken into consideration for the contract award.
10. Where appropriate, value and proportion of contract likely to be sub-contracted to third parties.
11. Date of publication of the contract notice in accordance with the technical specifications for publication which are included in Annex VII.
12. Date of dispatch of the notice.
13. Name and address of the body responsible for the recourse procedures and, where appropriate, mediation-procedures. Precise information concerning the deadline for filing the recourses or, if need be the name, address, telephone and fax number and also the e-mail address of the service from which this information may be obtained.

ANNEX VI B

INFORMATION WHICH MUST APPEAR IN PUBLIC WORKS CONCESSION NOTICES

1. Name, address, fax number and e-mail address of the contracting authority.
2. (a) Place of execution.
(b) Subject of the concession, nature and extent of the services.
3. (a) Time-limit for the submission of applications.
(b) Address to which they must be sent.
(c) Language or languages in which they must be written.
4. Personal, technical and financial conditions to be met by the candidates.
5. Criteria which will be applied in the award of the contract.
6. If appropriate, the minimum proportion of the works which will be contracted out to third parties.
7. Date of dispatch of the notice.
8. Name and address of the body responsible for the recourse procedures and, where appropriate, mediation procedures. Precise information as regards the time-limits for filing the recourses or if need be the name, address, telephone and fax number as well as the e-mail address of the service from which this information may be obtained.

ANNEX VI C
(Sections 64 and 70)

**INFORMATION WHICH MUST APPEAR IN WORKS CONTRACT NOTICES
OF CONCESSIONNAIRES WHO ARE NOT CONTRACTING AUTHORITIES**

1. (a) Place of execution.
(b) Nature and extent of the services, general characteristics of the works.
2. Any time-limit for completion imposed.
3. Name and address of the body from which the specifications and the additional documents may be requested.
4. (a) Time-limit for the receipt of applications to participate and/or the receipt of tenders.
(b) Address to which they must be sent.
(c) Language or languages in which they must be written.
5. Any deposits or guarantees required.
6. Economic and technical conditions to be met by the contractor.
7. Criteria which will be applied in the award of the contract.
9. Date of dispatch of the notice.

ANNEX VI D**(Section 76)****INFORMATION WHICH MUST APPEAR IN DESIGN CONTEST****NOTICES IN THE SERVICES SECTOR****CONTEST NOTICES**

1. Name, address, fax number, e-mail address of the contracting authority and the service from which the additional documents may be obtained.
2. Description of the project.
3. Type of contest: open or restricted.
4. In case of an open contest: final time-limit for the submission of projects.
5. In the case of a restricted contest:
 - (a) number of participants contemplated;
 - (b) name of the participants already selected , if any;
 - (c) criteria for the selection of participants;
 - (d) time-limit for the receipt of requests to participate.
6. If appropriate, indicate that the participation is restricted to a specified profession.
7. Criteria which will be applied in the evaluation of the projects.
8. Names of any members of the jury who have already been selected.
9. Indicate whether the decision of the jury is binding on the contracting authority.
10. Number and value of any prizes.
11. Payments to be made to all participants, if any.
12. Indicate whether any contracts following the contest will or will not be awarded to the prize winner/s of the contest.
13. Date of dispatch of the notice.

NOTICE OF THE RESULTS OF A CONTEST

1. Name, address, fax number or e-mail address of the contracting authority.
2. Description of the project.

3. Total number of participants.
4. Number of foreign participants.
5. Winner or winners of the contest.
6. Any prize(s).
7. Reference of the contest notice.
8. Date of dispatch of the notice.

ANNEX VII
(Sections 38, 41 and 43)
FEATURES CONCERNING PUBLICATION

1. Publication of notices and announcements

- (a) Notices and announcements referred to in sections 38, 39, 40, 64, 70 and 75 are sent by the contracting authorities to Office for Official Publications of the European Communities in the format required by Commission Directive 2001/78/EC of 13 September 2001, on the use of standard forms in the publication of public contract notices.¹ The prior information notices referred to in section 38, sub-section (1), published on a “buyer profile”, as provided in point 2(b), must also use that format, as well as the notice of such publication.
- (b) Notices and announcements referred to in sections 38, 39, 40, 64, 70 and 75 are published by the Office for Official Publications of the European Communities or by the contracting authorities in the case of a prior information notice published on a «buyer profile» in accordance with section 38, sub-section (1).
- In addition, contracting authorities may publish this information on the Internet on a «buyer profile» as referred to in point 2 (b).
- (c) The Office for Official Publications of the European Communities will give the contracting authority the confirmation of the publication of the information referred to in section 41, sub-section (9).

2. Publication of complementary or additional information

- (a) Contracting authorities are encouraged to publish the specifications and the additional documents in their entirety on the Internet.
- (b) The «buyer profile» may include prior information notices as referred to in section 38, sub-section (1), information on ongoing invitations to tender, scheduled purchases, contracts concluded, procedures cancelled as well as any useful general information, such as a contact point, a telephone and a fax number, a postal address and an e-mail address.

¹ OJL 285, 29.10.2001, p.1.

3. Format and details for sending notices electronically

The format and the details for sending notices electronically are accessible at the following internet address: «<http://simap.eu.int>».

ANNEX VIII

REGISTERS ⁽¹⁾

⁽¹⁾ For the purposes of section 52, «registers» means those listed in this Annex and, where changes have been made at national level, the registers which have replaced them.

ANNEX VIII A

PUBLIC WORKS CONTRACTS

The professional registers and corresponding declarations and certificates for each member state are:

- in Belgium: the "Registre du Commerce"/ "Handelsregister",
- in Denmark: the "Erhvervs-og Selskabsstyrelsen",
- in Germany the "Handelsregister" and the "Handwerksrolle",
- in Greece: the "Μητρώο Εργοληπτικών Επιχειρήσεων – ΜΕΕΠ of the Ministry for Environment, Town and Country Planning and Public Works (ΥΠΕΧΩΔΕ),
- in Spain: in the case of legal persons, the "Registro Oficial de Empresas Clasificadas del Ministerio de Hacienda",
- in France: the "Registre du commerce et des sociétés" and the "Repertoire des métiers",
- in Ireland: the contractor may be requested to provide a certificate from the Registrar of Companies or the Registrar of Friendly Societies or, if this is not the case, a certificate stating that the person concerned has declared on oath that he is engaged in the said profession in the country in which he is established, in a specific place and under a given business name,
- in Italy: the "Registro della Camera di commercio, industria, agricoltura e artigianato",
- in Luxembourg: the "Registre aux firmes" and the Role de la chambre des métiers",
- in the Netherlands: the "Handelsregister",

- in Austria: the “Firmenbuch”, the “Gewerberegister” and the “Mitgliederverzeichnisse der Landeskammern”,
- in Portugal: the “Instituto dos Mercados de Obras Publicas e Particulares e do Imobiliario” (IMOPPI),
- in Finland: the “Kaupparekisteri”/ “Handelsregistret”,
- in Sweden: “actiebolags-, handels- eller foreningsregistren”,
- in the United Kingdom: the contractor may be requested to provide a certificate from the Registrar of Companies or, if this is not the case, a certificate stating that the person concerned has declared on oath that he is engaged in the said profession in the country in which he is established in a specific place and under a given business name,
- in Cyprus: the contractor may be requested to provide a certificate from the Council for the Registration and Audit of Civil Engineering and Building Contractors pursuant to the Registration and Audit of Civil Engineering and Building Contractors Law, 2001 (L.29(I)/2001) as amended and/or substituted for the time being.

ANNEX VIII B
PUBLIC SUPPLY CONTRACTS

The relevant professional or trade registers and the corresponding declarations and certificates are:

- in Belgium: the “Registre du Commerce”, “Handelsregister”,
- in Denmark: the “Erhvervs-og Selskabsstyrelsen”,
- in Germany: the “Handelsregister” and “Handwerksrolle”,
- in Greece: the “Βιοτεχνικό ή Εμπορικό ή Βιομηχανικό Επιμελητήριο»
- in Spain: the “Registro Mercanti” or in the case of non-registered individuals, a certificate stating that the person concerned has declared on oath that he is engaged in the said profession,
- in France: the “Registre du commerce et des sociétés” and “Répertoire des métiers”,
- in Ireland: the supplier may be requested to provide a certificate from the Registrar of Companies or the Registrar of Friendly Societies that he is certified as incorporated or registered or, if he is not so certified, a certificate stating that the person concerned has declared on oath that he is engaged in the said profession in the country in which he is established, in a specific place under a given business name and under a specific trading name,
- in Italy: the “Registro della Camera di commercio, industria, agricoltura e artigianato” and “Registro delle Commissioni provinciali per l’ artigianato”,
- in Luxembourg: the “Registre aux firmes” and “Role de la chambre des métiers”,
- in the Netherlands: the “Handelsregister”,
- in Austria: the “Firmenbuch”, the “Gewerberegister” and the “Mitgliederverzeichnisse der Landeskammern”,
- in Portugal: the “Registro Nacional das Pessoas Colectivas”,
- in Finland: the “Kaupparekisteri”/ “Handelsregistret”,
- in Sweden: “actiebolags-, handels- eller foreningsregistren”,

- in the United Kingdom: the supplier may be requested to provide a certificate from the Registrar of Companies stating that he is certified as incorporated or registered or, if he is not so certified, a certificate stating that the person concerned has declared on oath that he is engaged in the said profession in the country in which he is established, in a specific place under a given business name and under a specific trading name,
- in Cyprus: the supplier may be requested to provide a certificate from the Registrar of Companies and the Official Receiver stating that he is certified as incorporated or registered or, if he is not so certified, a certificate stating that the person concerned has declared on oath that he is engaged in the said profession in a specific place and under a given business name.

ANNEX VIII C**PUBLIC SERVICE CONTRACTS**

The professional or trade registers or declarations or certificates are:

- in Belgium: the “Registre du Commerce/Handelsregister” and the “Ordres professionnels/Beroepsorden”,
- in Denmark: the “Erhvervs-og Selskabsstyrelsen”,
- in Germany: the “Handelsregister” the “Handwerksrolle”, the “Vereinsregister”, Partnerschaftsregister” and the “Mitgliedsverzeichnisse der Berufskammern der Lander”,
- in Greece: the service provider may be invited to provide a declaration on oath before a notary on the practice of the specific profession; in the cases provided for by the national legislation in force, for the provision of research services mentioned in Annex IA, the professional registers “Μητρώο Μελετητών” and “Μητρώο Γραφείων Μελετών“
- in Spain: in the case of legal persons, the “Registro Oficial de Empresas Clasificadas del Ministerio de Hacienda”,
- in France: the “Registre du commerce et des societes” and the “Répertoire des métiers”,
- in Ireland: the service provider may be requested to provide a certificate from the Registrar of Companies or the Registrar of Friendly Societies or, if he is not so certified, a certificate stating that the person concerned has declared on oath that he is engaged in the said profession in the country in which he is established, in a specific place and under a specific trading name,
- in Italy: the “Registro della Camera di commercio, industria, agricoltura e artigianato”, the “Registro delle commissioni provinciali per l’ artigianato” or the “Consiglio nazionale degli ordini professionali”,
- in Luxembourg: the “Registre aux firmes” and the “Role de la chambre des métiers”,
- in the Netherlands: the “Handelsregister”,

- in Austria: the “Firmenbuch”, the “Gewerberegister” and the “Mitgliederverzeichnisse der Landeskammern”.
- in Portugal: the “Registo nacional des Pessoas Colectivas”.
- in Finland: the “Kaupparekisteri” / “Handelsregistret”,
- in Sweden: “actiebolags-, handels-eller foreningsregistren”,
- in the United Kingdom: the service provider may be requested to provide a certificate from the “Registrar of Companies” or, if he is not so certified, a certificate stating that the person concerned has declared on oath that he is engaged in the said profession in the country in which is established, in a specific place and under a specific trading name,
- in Cyprus: the service provider may be requested to provide a certificate from the “Registrar of Companies and Official Receiver” (“Εφορο Εταιρειών και Επίσημο Παραλήπτη”) that he is certified as incorporated or registered or, if he is not so certified, a certificate stating that the person concerned has declared on oath that he is engaged in the said profession in a specific place and under a specific trading name.

ANNEX IX
(Sections 48 and 77)

**REQUIREMENTS RELATING TO DEVICES FOR THE ELECTRONIC
RECEIPT OF TENDERS, REQUESTS FOR PARTICIPATION
AND PLANS AND PROJECTS IN CONTESTS**

Devices for the electronic receipt of tenders, requests for participation and plans and projects must, at least, guarantee, through technical means and appropriate procedures, that:

- (a) electronic signatures relating to tenders, requests to participate and the forwarding of plans and projects comply with national provisions adopted pursuant to Directive 1999/93/EC;
- (b) the exact time and date of receipt of tenders, requests to participate and the submission of plans and projects can be determined precisely;
- (c) it may be reasonably ensured that, before the time-limits fixed in advance, no one can have access to data transmitted under the above requirements;
- (d) if that access prohibition is infringed, it may be reasonably ensured that the infringement is clearly detectable;
- (e) only authorized persons may set or change the dates for opening data received;
- (f) during the different stages of the contract award procedure or of the contest access to all data submitted, or to part thereof, must be possible only through simultaneous action by authorized persons;
- (g) simultaneous action by authorized persons must give access to data transmitted only after the prescribed date;
- (h) data received and opened in accordance with these requirements must remain accessible only to persons authorized to acquaint themselves therewith.

**ANNEX X
(Section 82)**

**CONTRACT NOTICE FOR PUBLIC CONTRACTS THE ESTIMATED
VALUE OF WHICH IS LOWER THAN THE THRESHOLDS PROVIDED FOR
IN PART II OF THE LAW**

Contract notices must be short and concise and shall include at least the following particulars:

- (a) the name of the contracting authority,
- (b) the code and/or serial number of the contest,
- (c) a brief description of the subject matter of the contract,
- (d) the address to which the economic operators concerned may apply for additional information and for clarifications on the contest notices,
- (e) the address to which the tenders must be forwarded or delivered,
- (f) the deadline (date and time) for submission of tenders.