

LEGALINK QUESTIONNAIRE:

Public Procurement Law: Guidelines for contracts with public authorities

1. Does your legal system provide specific procedures for the award of contracts by contracting authorities?
2. Do the procedures for the award of contracts depend on the kind of goods, services etc. which are to be produced?
3. Do the procedures for the award of contracts and/or certain procedural regulations depend on the value of the goods, services etc. which are to be produced (thresholds) and if so, what are the thresholds?
4. In what way does the contracting authority have to inform the market about the intended procurement?
5. Does a potential bidder which is interested in the contract need to have a specific legal form, *e.g.*, corporation, to submit a tender?
6. Are bidders allowed to submit joint offers, *e.g.*, as general contractor and subcontractor or as bidding consortium?
7. Do potential bidders interested in the contract need to have a registered office or branch office in your country or is it possible to submit a tender for the contract directly from abroad?
8. If it is possible for foreign bidders to submit a bid for a contract to a contracting authority directly from abroad, does the foreign bidder have to consider certain additional aspects, such as having to provide certain additional supporting documents or whether domestic bidders receive preferences in the award of contracts?
9. Is a multinational bidding consortium allowed to submit a bid?
10. In which language do the tenders have to/can be submitted and which form is required, *e.g.*, written form, fax, e-mail or digital?
11. Are there any legal regulations governing the time within which bids have to/can be submitted to the contracting authority?
12. Can the bidders claim their costs for preparing their bid? If so what are the conditions for, and the maximum amount of reimbursement?
13. Are there any selection criteria set by law that bidders have to satisfy to in order to receive the award of a contract and can the contracting authority establish its own additional selection criteria?
14. Does your legal system provide legal protection against the proposed award of a contract to a competing bidder even before the contract with the competitor is actually awarded (primary legal protection)? If so please generally explain the proceedings. Is such a primary legal protection available to foreign bidders without any restriction?
15. If primary legal protection exists in your country, does it depend on certain conditions, *i.e.*,

certain thresholds or the kind of goods, services etc. to be procured? If so, what are the conditions?

16. If there is no primary legal protection, is there legal protection granted after the contract has been awarded, e.g., through damage claims etc. (secondary legal protection)? If so, what are the principal conditions which have to be presented to a court in order to receive a damage award?

17. Can your office

–give legal advice to foreign clients concern in the relevant formal conditions for preparing a proper bid, etc. and assist in the procurement procedure in your country?

–represent foreign clients seeking primary and secondary legal protection before all public offices/courts in your country?

–Please name a contact person within your office for questions of public procurement law!