

## **ANNEX 13. Most common irregularities in the field of awarding contracts**

1. The most common infringements in the area of awarding public contracts are related to the following:

- dividing or underrating the estimated value of the contract to avoid the application of law;
- conducting the public procurement procedure in the wrong manner (e.g., the award of contracts using non-competitive procedures where there are no grounds for applying such procedures; in the case of priority services, the application of the procedure dedicated to non-priority services);
- non-competitive description of the subject of the contract by the groundless indication of trademarks, patents or the origin of goods, without allowing the equivalent tender submission and description of equivalence;
- setting improper deadlines for the tender submission or illegal shortening of deadlines for the tender submission;
- determining improper conditions of participation in the public contract award procedure, leading to discrimination against contractors;
- determining the conditions of participation in the public contract award procedure that exceed the needs necessary to achieve the contract objectives;
- demanding that each consortium member meets the conditions for participation in the procedure;
- demanding the submission of documents not required by the regulations;
- demanding proof of experience in the execution of contracts co-financed by the EU or national funds where it is not necessary to confirm the contractor's abilities to execute the contract;
- non-compliance with the regulations on publishing the contract notice or any amendments thereto;
- illegal restriction of subcontracting;
- setting improper tender evaluation criteria;
- conducting the procedure in breach of the principle of transparency, fair competition and equal treatment of contractors;
- illegal modification to the content of the agreement concluded with the contractor.

2. The most common breaches in the area of awarding contracts in accordance with the Programme procurement requirements (**applies to the Polish project partners**) are:

- dividing or underrating the estimated value of the contract to circumvent the application of the Programme procurement requirements;
- failure to publish the announcement of the procurement;
- failure to set the evaluation criteria;
- awarding the contract to entities related in personal or capital terms;
- setting the proposal deadline in a way that prevents the preparation and submission of proposals;
- concluding the contract with an operator related in personal or capital terms (in cases where there is another potential contractor on the market);
- failure to publish the information about the selection of the proposal according to the requirements;
- concluding an oral agreement.