

## **The Principles of Clarifications during the Phase of Tender Preparation in a Public Procurement Procedure**

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**Abstract :** A public procurement procedure starts with the publication of the contract notice and the tender documentation. The documentation provides bidders with general guidelines and rules governing the tender process. At this stage, the interested economic operators start to prepare their bid. During this process, they may encounter unclear elements that, if not clarified, may have a negative impact on the future bid with the ultimate sanction of exclusion. Until the opening of the bids, the potential bidders have the right to ask questions in order to clarify certain aspects of the tender documentation. In correlation, the contracting authorities have the obligation to answer these questions in a reasoned time and with clarity. In practice, the two conditions are not met due to a number of factors. This essay tries to outline the general principles regarding the clarifications during the phase of tender preparation. The provisions of the new directive on public procurement will be taken in consideration in this process in regard to the old directive.

**Keywords :** tender preparation, tender documentation, clarifications, contract notice

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