

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of procedures for the award of public works contracts, public supply contracts and public service contracts (repealed)

TITLE II

RULES ON PUBLIC CONTRACTS

CHAPTER VII

Conduct of the procedure

Section 3

Award of the contract

Article 55

Abnormally low tenders

1 If, for a given contract, tenders appear to be abnormally low in relation to the goods, works or services, the contracting authority shall, before it may reject those tenders, request in writing details of the constituent elements of the tender which it considers relevant.

Those 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 the goods or 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 where the work, service or supply is to be performed;
- e the possibility of the tenderer obtaining State aid.

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

3 Where a contracting authority establishes that a tender is abnormally low because the tenderer has obtained State aid, the tender can be rejected on that ground alone only after consultation with the tenderer where the latter 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 the Commission of that fact.