

**Contract Award Procedure no.: ZP-18/FRSE/2014**

**AWARDING ENTITY:  
Foundation for the Development of the Education System  
ul. Mokotowska 43, 00-551 Warsaw**

**SPECIFICATION  
OF ESSENTIAL TERMS AND CONDITIONS  
(SETC)**

*concerning the public contract award procedure:*

**The accreditation of organisations from countries of Eastern Partnership (Armenia, Azerbaijan, Georgia, Belarus, Moldova, Ukraine) and the Russian Federation applying for the status of European Voluntary Service (EVS) accredited organisations**

**The contract is funded by education programmes of the European Union administered by FRSE**

**The SETC has been approved by**

**Tomasz Bratek,  
an employee of the Awarding Entity who has been entrusted  
by the Head of the Awarding Entity with actions reserved for him**

**Warsaw, dated 28 February 2014**

**1. NAME AND ADDRESS OF AWARDING ENTITY**

Foundation for the Development of the Education System  
ul. Mokotowska 43, 00-551 Warsaw  
www: [bip.frse.org.pl](http://bip.frse.org.pl), e-mail: [dzp@frse.org.pl](mailto:dzp@frse.org.pl).

**2. PROCEDURE FOR AWARDING THE CONTRACT**

Procedure for awarding a contract under open tendering with value above EUR 14,000 and below the value stipulated pursuant to art. 11 clause 8 of the act of 29 January 2004 Public Procurement Law (consolidated text in O.J. of 2013, item 907, as amended, hereinafter referred to as **PPL**).

**3. DESCRIPTION OF SUBJECT-MATTER OF CONTRACT**

- 3.1. The subject-matter of the contract shall be the provision of a service consisting in the accreditation of organisations from the countries of Eastern Partnership and Russian Federation applying for the status of European Voluntary Service (EVS) accredited organisations divided into Lots:
  - 3.1.1. Lot 1 – selection of the first accreditor providing the accreditation service in the countries of EP and in Russia,
  - 3.1.2. Lot 2 – selection of the second accreditor providing the accreditation service in the countries of EP and in Russia,
  - 3.1.3. Lot 3 – selection of the third accreditor providing the accreditation service in the countries of EP and in Russia,
  - 3.1.4. Lot 4 – selection of the fourth accreditor providing the accreditation service in the countries of EP and in Russia,
  - 3.1.5. Lot 5 – selection of the fifth accreditor providing the accreditation service in the countries of EP and in Russia,
  - 3.1.6. Lot 6 – selection of the sixth accreditor providing the accreditation service in the countries of EP and in Russia,
  - 3.1.7. Lot 7 – selection of the seventh accreditor providing the accreditation service in the countries of EP and in Russia,
  - 3.1.8. Lot 8 – selection of the eighth accreditor providing the accreditation service in the countries of EP and in Russia,
  - 3.1.9. Lot 9 – selection of the ninth accreditor providing the accreditation service in the countries of EP and in Russia
  - 3.1.10. Lot 10 – selection of the tenth accreditor providing the accreditation service in the countries of EP and in Russia,
  - 3.1.11. Lot 11 – selection of the eleventh accreditor providing the accreditation service in the countries of EP and in Russia,
  - 3.1.12. Lot 12 – selection of the twelfth accreditor providing the accreditation service in the countries of EP and in Russia,
  - 3.1.13. Lot 13 – selection of the thirteenth accreditor providing the accreditation service in the countries of EP and in Russia,
  - 3.1.14. Lot 14 – selection of the fourteenth accreditor providing the accreditation service in the countries of EP and in Russia,
  - 3.1.15. Lot 15 – selection of the fifteenth accreditor providing the accreditation service in the countries of EP and in Russia,
  - 3.1.16. Lot 16 – selection of the sixteenth accreditor providing the accreditation service in the countries of EP and in Russia,
  - 3.1.17. Lot 17 – selection of the seventeenth accreditor providing the accreditation service in the countries of EP and in Russia,
  - 3.1.18. Lot 18 – selection of the eighteenth accreditor providing the accreditation service in the

- countries of EP and in Russia,
- 3.1.19. Lot 19 – selection of the nineteenth accreditor providing the accreditation service in the countries of EP and in Russia,
- 3.1.20. Lot 20 – selection of the twentieth accreditor providing the accreditation service in the countries of EP and in Russia,
- 3.1.21. Lot 21 – selection of the twenty first accreditor providing the accreditation service in the countries of EP and in Russia,
- 3.1.22. Lot 22 – selection of the twenty second accreditor providing the accreditation service in the countries of EP and in Russia,
- 3.1.23. Lot 23 – selection of the twenty third accreditor providing the accreditation service in the countries of EP and in Russia,
- 3.1.24. Lot 24 – selection of the twenty fourth accreditor providing the accreditation service in the countries of EP and in Russia.
- 3.2. Description of the subject-matter of contract has been stipulated in Appendix no. 1, 1A, 1B, 1C to the Specification of Essential Terms of Contract (SETC) and in Essential Terms of Contract as stipulated in Appendix no. 2 to the Specification of Essential Terms of Contract.
- 3.3. CPV Code: 79410000 8 – General management consultancy services, 79421100 5 - Project supervision services other than for construction work.

#### **4. TENDERS FOR LOTS**

- 4.1. The Awarding Entity shall permit tenders for lots.
- 4.1.1. Lot 1– selection of the first accreditor providing the accreditation service in the countries of EP and in Russia,
- 4.1.2. Lot 2 – selection of the second accreditor providing the accreditation service in the countries of EP and in Russia,
- 4.1.3. Lot 3 – selection of the third accreditor providing the accreditation service in the countries of EP and in Russia,
- 4.1.4. Lot 4 – selection of the fourth accreditor providing the accreditation service in the countries of EP and in Russia,
- 4.1.5. Lot 5 – selection of the fifth accreditor providing the accreditation service in the countries of EP and in Russia,
- 4.1.6. Lot 6 – selection of the sixth accreditor providing the accreditation service in the countries of EP and in Russia,
- 4.1.7. Lot 7 – selection of the seventh accreditor providing the accreditation service in the countries of EP and in Russia,
- 4.1.8. Lot 8 – selection of the eighth accreditor providing the accreditation service in the countries of EP and in Russia,
- 4.1.9. Lot 9 – selection of the ninth accreditor providing the accreditation service in the countries of EP and in Russia
- 4.1.10. Lot 10 – selection of the tenth accreditor providing the accreditation service in the countries of EP and in Russia,
- 4.1.11. Lot 11 – selection of the eleventh accreditor providing the accreditation service in the countries of EP and in Russia,
- 4.1.12. Lot 12 – selection of the twelfths accreditor providing the accreditation service in the countries of EP and in Russia,
- 4.1.13. Lot 13 – selection of the thirteenth accreditor providing the accreditation service in the countries of EP and in Russia,
- 4.1.14. Lot 14 – selection of the fourteenth accreditor providing the accreditation service in the countries of EP and in Russia,

- 4.1.15. Lot 15 – selection of the fifteenth accreditor providing the accreditation service in the countries of EP and in Russia,
- 4.1.16. Lot 16 – selection of the sixteenth accreditor providing the accreditation service in the countries of EP and in Russia,
- 4.1.17. Lot 17 – selection of the seventeenth accreditor providing the accreditation service in the countries of EP and in Russia,
- 4.1.18. Lot 18 – selection of the eighteenth accreditor providing the accreditation service in the countries of EP and in Russia,
- 4.1.19. Lot 19 – selection of the nineteenth accreditor providing the accreditation service in the countries of EP and in Russia,
- 4.1.20. Lot 20 – selection of the twentieth accreditor providing the accreditation service in the countries of EP and in Russia,
- 4.1.21. Lot 21 – selection of the twenty first accreditor providing the accreditation service in the countries of EP and in Russia,
- 4.1.22. Lot 22 – selection of the twenty second accreditor providing the accreditation service in the countries of EP and in Russia,
- 4.1.23. Lot 23 – selection of the twenty third accreditor providing the accreditation service in the countries of EP and in Russia,
- 4.1.24. Lot 24 – selection of the twenty fourth accreditor providing the accreditation service in the countries of EP and in Russia.

## **5. SUPPLEMENTARY CONTRACTS**

The Awarding Entity shall not envisage the award of a supplementary contract.

## **6. VARIANTS**

The Awarding Entity shall not allow for the submission of variants.

## **7. CONTRACT EXECUTION DATE**

Contract execution dates: 14.04.2014 – 31.12.2015

## **8. CONDITIONS OF PARTICIPATING IN THE PROCEDURE AND A DESCRIPTION OF THE METHOD USED FOR THE EVALUATION OF THE FULFILMENT OF THOSE CONDITIONS**

- 8.1. Economic Operators who have not been excluded on the strength of Article 24 of the Public Procurement Law may apply for the contract.
- 8.2. Economic Operators who meet the conditions specified in Article 22 paragraph 1 of the Public Procurement Law are eligible to compete for the contract, namely these concerning:
  - 8.2.1. the authorisations to perform specific activities or actions, if such authorisations are required by law,
    - 8.2.1.1. The Awarding Entity shall not specify a description of the way of performing the evaluation of the fulfilment of this condition.
  - 8.2.2. the possession of knowledge and experience,
    - 8.2.2.1. The Awarding Entity shall not specify a description of the way of performing the evaluation of the fulfilment of this condition.
  - 8.2.3. the possession of appropriate technical potential and personnel capable of executing the contract;
    - 8.2.3.1. The Awarding Entity shall deem the above mentioned condition fulfilled if the Economic Operator demonstrates that:
      - 8.2.3.1.1. For lots from 1 to 22 – the Economic Operator has at its disposal a person capable

to execute the contract who:

- a) within the past two years has performed (independently or with another person) at least five quality assessments of accreditation applications in the scope of international voluntary service projects for young people under the age of 30,
- b) within the past two years has conducted (independently or with another person) consultation exercises for public or non-public institutions applying for accreditations or grants for the implementation of projects involving youth work in the area of non-formal education,
- c) within the past two years has prepared (independently or with another person) at least five reports on visits and accreditations of public sector- and non-governmental institutions,
- d) within the past six years has implemented at least three international projects for young people under 30 years of age, acting as a coordinator, mentor or a person otherwise involved in the implementation of a project or who has conducted as an instructor (independently or with another instructor) international training for young persons under 30 years of age,
- e) is proficient in oral and written English at least at C1 level.

8.2.3.1.2. For lots from 1 to 16 – the Economic Operator has at its disposal a person capable to execute the contract, who:

- a) is proficient in oral and written Russian at least at B2 level

8.2.3.1.3. For lot 23 – the Economic Operator has at its disposal a person capable of executing the contract, who:

- a) within the past two years has performed (independently or with another person) at least five quality assessments of grant applications in the scope of international voluntary service projects and projects in the scope of youth work;
- b) within the past two years has implemented at least three international projects for young persons under 30 years of age, acting as a coordinator, mentor or a person otherwise involved in the implementation of a project;
- c) within the past two years has conducted as an instructor (independently or with another instructor) at least three training sessions on the evaluation and quality management of projects;
- d) within the past five years, has worked (also as an apprentice or volunteer) outside of his/her country for a period of at least 6 months;
- e) is proficient in oral and written English and two languages of the Eastern Partnership region and Russia (Azeri, Belarusian, Georgian, Armenian, Russian, Romanian, Ukrainian) at least at C1 level.

8.2.3.1.4. For lot 24 – the Economic Operator has at its disposal a person capable of executing the contract, who:

- a) within the past two years has implemented at least fifteen international projects for young people under 30 years of age, acting as a coordinator or a person supporting a project;
- b) within the past two years has worked for at least one month (also as an apprentice or volunteer) outside his/her country;
- c) within the past two years has conducted (independently or with another person) consultation exercises for non-public and public institutions applying for accreditation or grants for the implementation of projects involving youth work in the scope of non-formal education;
- d) is proficient in oral and written English and Russian at least at C1 level.

8.2.4. Fulfil the conditions concerning economic and financial standing.

8.2.4.1. The Awarding Entity shall not specify a description of the way of performing the evaluation of the fulfilment of this condition.

8.3. In the case of Economic Operators making a joint application for the contract, the

- condition specified in Article 24 of the Public Procurement Law must be fulfilled by each and every Economic Operator, however, the conditions specified in point 22 of the Public Procurement Law must be fulfilled by at least one Economic Operator or all of the Economic Operators.
- 8.4. The Economic Operator may rely on knowledge and experience, technical potential, personnel capable of executing the contract or the financial abilities of other entities, regardless of the legal nature of relations with such entities.
  - 8.5. The evaluation of the fulfilment of conditions shall be based on the documents and declarations that have been presented by the Economic Operator, in accordance with the „fulfils – does not fulfil” standard.
  - 8.6. On the strength of Article 24 paragraph 1 and 2 of the Public Procurement Law the Awarding Entity shall exclude from the procedure those tenderers who fail to indicate having fulfilled the conditions for participating in the procedure.
- 9. DECLARATIONS AND DOCUMENTS TO BE DELIVERED BY THE ECONOMIC OPERATOR TO CONFIRM THE FULFILMENT OF THE CONDITIONS FOR PARTICIPATING IN THE PROCEDURE AND TO CONFIRM SPECIFIC REQUIREMENTS CONCERNING THE SUBJECT MATTER OF THE CONTRACT**
- 9.1. To confirm non-excludability on the strength of Article 24 paragraph 1 of the Public Procurement Law the following documents shall have to be presented :
    - 9.1.1. declaration of the lack of grounds for exclusion **Annex no. 4 to SETC**;
    - 9.1.2. In the case of doubts as to the contents of a document submitted by an Economic Operator whose seat or place of residence is outside the territory of the Republic of Poland, the Awarding Entity may approach the competent organs of the country of residence of that person or of the country where the Economic Operator has his seat or place of residence, for indispensable information relating to the submitted document.
  - 9.2. In order to confirm the fulfilment of the conditions on the strength of Article 22 paragraph 1 of the Public Procurement Law the following has to be submitted:
    - 9.2.1. declaration of the fulfilment of eligibility conditions in Annex no. 4 to SETC;
    - 9.2.2. a list of persons who will participate in the execution of the contract, together with information about their professional qualifications, experience and education, indispensable for the execution of the contract, and about the scope of tasks performed by them, as well as information about the grounds for having these persons at the disposal in accordance with the template set out in **Annex no. 6**
  - 9.3. In the scope of confirming non-excludability on the strength of Article 24 paragraph 2 point 5 of the Public Procurement Law – a list of entities belonging to the same capital group of the Awarding Entity or information that the Awarding Entity does not belong to the capital group in Annex no. 5 to SETC,
  - 9.4. To confirm that the contract subject matter (services) offered comply with specific requirements, the Economic Operator shall submit:
    - 9.4.1. A Europass CV containing a mention of that **professional** and educational experience which is consistent with the profile expected by FRSE. **Annex no. 7 to SETC**.
  - 9.5. The Economic Operator is under the obligation to demonstrate, not later than on the day of tender submission, the fulfilment of conditions specified in Article 22 paragraph 1 of the Public Procurement Law and the lack of grounds for exclusion following failure to fulfil the requirements of Article 24 paragraph 1 of the Public Procurement Law.
  - 9.6. In the case where the Economic Operator relies on knowledge and experience, technical potential, personnel capable of executing the contract or on the financial abilities of other entities, regardless of the legal nature of its relations with such entities, the

Economic Operator is required to prove to the Awarding Entity that he will have at his disposal the resources necessary to execute the contract, in particular by presenting a written commitment of those entities whereby they undertake to put the necessary resources at the Economic Operator's disposal for the time of their use in the execution of the contract; in order to evaluate whether or not the Economic Operator will have other entities' resources at his disposal to a degree indispensable for the proper execution of the contract and to evaluate whether the relations between the Economic Operator and these entities guarantee real access to their resources, the Awarding Entity may require documents relating to the scope of available resources, the way of their exploitation, the nature of relations to bind the Economic Operator and other entity, the scope and participation of the other entity in the execution of the contract.

- 9.7. Documents (declarations): the originals of the declaration of non-excludability on the strength of Article 24 paragraph 1 of the Public Procurement Law, declaration of fulfilling the conditions under Article 22 paragraph 1 of the Public Procurement Law, list of entities linked by capital and a commitment of a third party shall be submitted. The remaining documents shall be submitted as original or authenticated copies certified by the Economic Operator.
- 9.8. If, for a justified reason, the Economic Operator is unable to present documents regarding financial and economic standing as required by the Contracting Authority, the Economic Operator may present another document which sufficiently confirms the fulfilment of the condition described by the Contracting Authority.
- 9.9. The Awarding Entity may demand the original or a copy certified by a notary public only when the document copy that has been submitted is illegible or there are doubts as to its authenticity.
- 9.10. Joint Economic Operators lodge an authorisation on the strength of Article 23 paragraph 2 of the Public Procurement Law.
- 9.11. The evaluation of the fulfilment of the conditions and the grounds for excluding an Economic Operator shall be performed by the Awarding Entity on the basis of submitted documents and declarations.

## **10. INFORMATION ON THE MANNER OF COMMUNICATION BETWEEN THE AWARDING ENTITY AND ECONOMIC OPERATORS AS WELL AS ON SUBMITTING DECLARATIONS AND DOCUMENTS, INDICATION OF PERSONS AUTHORISED TO COMMUNICATE WITH ECONOMIC OPERATORS**

- 10.1. The contract award procedure shall be conducted in writing. The Awarding Entity allows for and prefers online communication using e-mail addresses.
  - 10.1.1. The Contracting Authority's website address: **bip.frse.org.pl**
  - 10.1.2. The Contracting Authority's e-mail address: **dzp@frse.org.pl**
- 10.2. If the Awarding Entity or Economic Operator e-mail declarations, applications, notifications and information, each party shall immediately confirm their receipt at the request of the other party.
- 10.3. Should there be no confirmation of message receipt from an Economic Operator, it shall be presumed that a message posted by the Awarding Entity to the last known e-mail address or fax number given by the Economic Operator was delivered in a way enabling an Economic Operator to familiarise himself with the message.
- 10.4. In justified cases the Awarding Entity may, at any time before the closure of tender submission, change the contents of the specification of essential terms of the contract. Amendments made in this way shall be immediately communicated to all Economic Operators to whom SETC were submitted and the Awarding Entity shall post this

information on its website.

- 10.5. Persons authorised to communicate with Economic Operators are:
  - 10.5.1. in matters relating to the contract award procedure: **Slawa Malinowska**, [dzp@frse.org.pl](mailto:dzp@frse.org.pl),
  - 10.5.2. in matters relating to the subject matter of the contract: **Malgorzata Pawlowska**, [dzp@frse.org.pl](mailto:dzp@frse.org.pl)
- 10.6. The Awarding Entity's hours of business are from 8.00AM to 4.00PM from Monday to Friday.

## **11. REQUIREMENTS CONCERNING DEPOSITS**

- 11.1. The Awarding Entity shall require no deposit.

## **12. PERIOD OVER WHICH ECONOMIC OPERATORS ARE BOUND BY THEIR TENDER**

- 12.1. Economic Operators shall remain bound by their tenders for a period of **30 days**.
- 12.2. The period, over which economic operators are bound by their tender, shall commence with the expiry of the time limit for tender submission.

## **13. DESCRIPTION OF THE MANNER OF TENDER PREPARATION**

- 13.1. Tenders shall be drawn up in writing in accordance with the tender form template constituting Annex no. 3 to SETC.
- 13.2. Tenders are to be accompanied by documents described in Chapter 9 of SETC and specified in Annex no. 3 to SETC.
- 13.3. All enclosures to tenders should be arranged in the order specified in the tender form.
- 13.4. The Awarding Entity shall require that the contents of a tender be explicit and present no alternative proposals.
- 13.5. The tender and all enclosures thereto shall be drawn up in Polish or English and typed, computer-typed or handwritten legibly in permanent ink.
- 13.6. Authorisation to sign the tender shall be enclosed with the tender unless it is apparent from the documents enclosed with the tender. The authorisation (power of attorney) is to be presented as an original copy or a copy authenticated by a notary public.
- 13.7. Any amendments to the tender shall be made in a legible way, signed by a person authorised to represent the Economic Operator and dated.
- 13.8. All copies of all documents enclosed with the tender shall be certified by the Economic Operator as complying with the original.
- 13.9. When submitting a tender, an Economic Operator may reserve information constituting a business secret contained in the tender, within the meaning of the provisions concerning the combating of unfair competition. The reservation not to disclose information shall be done by lodging a two-part tender whose parts are described as the „public part of the tender” and as the „classified part of the tender”. All pages of the „classified part of the tender” and the „public part of the tender” shall be numbered. The Economic Operator must disclose information regarding the price, time limit for contract execution, period of guarantee and terms of payment contained in the tender.
- 13.10. Offers shall be submitted in a packaging that is: opaque, closed, addressed, marked with the name given to the contract and the procedure number. It shall also contain the name and address of the Economic Operator and his telephone numbers. The envelope shall be marked in the following way: **Tender for the provision of EVS accreditation services for organisations from countries of Eastern Partnership and Russia, divided into lots. Do not open before 24.03.2014, 10.15AM.****
- 13.11. An Economic Operator may amend or withdraw his tender before the time limit for



tender submission expires; notifications of amendments or withdrawal of a tender must be submitted in the form and way envisaged for tenders, however, its packaging shall be additionally marked „amendment” or „withdrawal”. Each amendment or withdrawal of a tender necessitates a document stating that the person signing the amendment or withdrawal is authorised to represent the Economic Operator.

- 13.12. Any costs related with the preparation of tenders shall be borne by Economic Operators.
- 13.13. The Awarding Entity shall not reimburse costs of participating in the contract award procedure.

#### **14. DATE AND PLACE OF TENDER SUBMISSION AND OPENING**

- 14.1. Tenders shall be submitted to the address of the Awarding Entity: Fundacja Rozwoju Systemu Edukacji, ul. Mokotowska 43, 00-551 Warszawa pok. 408 (IV piętro) by **24.03.2014, 10.00AM**.
- 14.2. Tenders submitted after that time limit shall be returned.
- 14.3. The Awarding Entity may extend the time limit for tender submission on the strength of Article 38 paragraph 6 of the Public Procurement Law.
- 14.4. The opening of submitted tenders shall take place at the seat of the Awarding Entity: room 607, on **24.03.2014 at 10.15AM**.
- 14.5. Tenders shall be opened in public.
- 14.6. Immediately before the opening of tenders the Awarding Entity shall disclose the amount that it intends to allocate to finance the contract.
- 14.7. In the course of the opening of tenders (public part of the procedure) the Awarding Entity shall disclose information referred to in Article 86 paragraph 4 of the Public Procurement Law, that is: the (company) name and address of the Economic Operator and the time limit for contract execution, period of guarantee and terms of payment contained in the tender.

#### **15. DESCRIPTION OF THE METHOD OF PRICE CALCULATION**

- 15.1. An Economic Operator shall be obliged to calculate the tender price on the basis of a description of the contract subject matter, including all costs linked to the execution of the contract in accordance with the specification and agreement.
- 15.2. The Awarding Entity shall allocate a maximum gross amount of EUR 100 for the accreditation of one organisation.
- 15.3. The tender price shall be quoted in EUR and rounded up to two decimal places.

#### **16. DESCRIPTION OF CRITERIA TO BE APPLIED IN TENDER SELECTION BY THE AWARDING ENTITY TOGETHER WITH THE SPECIFICATION OF THE IMPORTANCE OF THESE CRITERIA AND THE METHOD OF TENDER EVALUATION.**

- 16.1. Tender evaluation criteria that the Awarding Entity shall be guided by in the selection of the most advantageous tender:
- 16.2. Criterion I: Price - 100%  
Point scale: 0-100

$$\text{Number of points } (x_1) = \frac{\text{Lowest price}}{\text{Examined price}} \times 100$$

- 16.3. The tender that shall score the largest number of points under the “price” criterion shall be deemed the most advantageous one.
- 16.4. The Awarding Entity shall award the contract to an Economic Operator whose tender complies with all the requirements specified in the Law and in SETC and which has been selected as the most advantageous one on the basis of the above selection criterion.

## **17. PERFORMANCE BONDS**

- 17.1. The Awarding Entity shall demand no performance bonds.

## **18. INFORMATION ON FORMALITIES TO BE SETTLED FOLLOWING THE SELECTION OF A TENDER IN ORDER TO CONCLUDE A PUBLIC PROCUREMENT CONTRACT**

- 18.1. Immediately after the selection of the most advantageous tender, the Awarding Entity shall simultaneously notify the Economic Operators who have submitted tenders, of:
  - 18.1.1. the selection of the most advantageous tender, quoting the (company) name or the first name and surname, seat or the address of residence and the address of the Economic Operator whose tender has been selected, reasons for the selection, or the (company) names or the first names and surnames, seats or places of residence and addresses of Economic Operators who have submitted tenders, and points scored by the tenders under each criterion and the total number of scored points;
  - 18.1.2. Economic Operators whose tenders have been rejected, giving formal and legal reasons;
  - 18.1.3. Economic Operators excluded from the contract award procedure, giving formal and legal reasons;
  - 18.1.4. The time limit specified in accordance with Article 94 of the Public Procurement Law, after which public procurement contracts may be concluded.
- 18.2. If the Economic Operator whose tender has been selected, avoids concluding the contract, the Awarding Entity may select the second best tender from the remaining tenders without their re-evaluation and re-examination, unless the preconditions for declaring the procedure invalid, referred to in Article 93 paragraph 1, occur.
- 18.3. In the notification of the selection of the most advantageous offer, the Awarding Entity shall inform the Economic Operator about the date and time of contract conclusion. When signing the contract persons representing the Economic Operator should possess documents confirming their authorisation to sign the contract, unless such authorisation is apparent from the documents that accompany the tender.

## **19. ESSENTIAL TERMS OF THE CONTRACT**

- 19.1. The Essential Terms of the Contract shall be specified in Annex 2 to SETC.

## **20. INFORMATION ABOUT LEGAL REMEDIES**

- 20.1. The Economic Operator or another entity who has or had interest in being awarded the contract or has suffered or may suffer harm as a result of the violation of the provision of the Public Procurement Law by the Awarding Entity, shall be entitled to legal protection measures in accordance with the principles specified in Chapter VI of the Public Procurement Law.

## **21. FINAL PROVISIONS**

- 21.1. The procedure shall be conducted in Polish and English.

- 21.2. The Awarding Entity shall have no intention of concluding a framework agreement.
- 21.3. The Awarding Entity shall not envisage the selection of the most advantageous offer by way of an electronic auction.
- 21.4. The Awarding Entity shall not envisage reimbursement of costs of participating in the procedure.
- 21.5. The Awarding Entity shall not envisage settlements in foreign currencies.
- 21.6. The Awarding Entity shall not envisage the application of requirements referred to in Article 29 paragraph 4 point 1 of the Public Procurement Law.
- 21.7. The Awarding Entity shall demand that the Economic Operator indicate in the tender the part of the contract which shall be entrusted to subcontractors.
- 21.8. In all matters not regulated by this specification the provisions of the Public Procurement Law and of the Civil Code shall apply.

## 22. LIST OF ANNEXES

- 22.1. Any and all annexes to the Specification of Essential Terms of Contract shall constitute an integral part hereof.

<b>Item</b>	<b>Neex no.</b>	<b><u>Annex Title</u></b>
1.	Annex no. 1	Description of the subject-matter of the contract
2.	Annex no. 1A	Detailed rules of cooperation
3.	Annex no. 1B	EVS Accreditation Guidelines
4.	Annex no. 2	Essential Terms of Contract
5.	Annex no. 3	Tender Form Template
6.	Annex no. 4	Template of declarations on the fulfilment of eligibility conditions and lack of grounds for exclusion from the procedure
7.	Annex no. 5	Template of declaration on affiliation or non-affiliation with a capital group
8.	Annex no. 6	List of persons capable of performing the contract
9.	Annex no. 7	Europass CV Form

