SPECIFICATION OF ESSENTIAL TERMS OF THE CONTRACT (SIWZ)

The Oil and Gas Institute – National Research Institute in Krakow, ul. Lubicz 25 A, 31-503 Krakow, Poland, phone: +48 (12) 421-00-33, fax: +48 (12) 430-38-85, http://www.inig.pl, e-mail: office@inig.pl, named further as Ordering Party, is opening unlimited tender for the delivery 2-Ethylhexylnitrate for Oil and Gas Institute in Krakow

MODE OF PROCEDURE: UNLIMITED TENDER of value over 30.000 Euro.
Estimating the value of the order is made under art. 32 section 4 of Public Procurement Law.

Code according to Common Procurement Vocabulary (CPV code):
24.95.80.00-4 Chemical products for the oil and gas industry.

THE TENDER HAS BEEN ANNOUNCED:
- in the Public Procurement Bulletin on the website of the UZP portal – http://www.portal.uzp.gov.pl,
- on the website of the Ordering Party,
- on the board in the office of the Ordering Party.

INFORMATION CONCERNING THE TENDER:
1. Description of the subject of tender
the delivery 2-Ethylhexylnitrate, content min. 99.0% of the product for Oil and Gas Institute in Krakow.
Formula: C8H17ONO2
IUPAC name: 2-Ethylhexylnitrate
Name: 2-Ethylhexylnitrate ; nitric acid, 2-ethylhexyl ester ; 2-EHN

The delivery in the hung excise (delivery among tax compositions in the hung excise). EMCS (Excise Movement and Control System)

Quantity: 24 tonne (allowed +/- 2.5% due to technological loads).
Delivery room in tank truck in the quantity of the 24 tons
Transport conditions: DAP Krakow (ul. Łukasiewicza 1, 31-429 Kraków, Polska)

Additional requirements:
- The Orderer requires near the delivery: certificate of analysis for each product, the report by weight, the transport document, the document e-AD document safety data sheet in accordance with the Commission Regulation 453/WE/2010;
- Employer requires a statement by the Contractor to fulfill the obligations in accordance with the Regulation of the European Parliament and of the Council 1907/WE/2006 REACH registration number with the appropriate / pre-REACH.

The deadline of the realization of the object of the order: 15-19 July 2016 to call the Employer. Unloading of hours, from 7:00 am. to 02:00 pm

2. Does not perpetrate folding partial offers.
3. The Orderer does not anticipate placing an additional order.
4. The Orderer does not allow for submitting variant offers.
5. The Orderer does not anticipate:
• Concluding a frame agreement;
• Establishing a dynamic purchasing system;
• Choosing the most favorable offer by means of electronic auction;
• Depositing a security on due performance of the contract.

6. Conditions required from the Contractors
• The offer must be made in writing, in Polish or English, in the form ensuring full clarity of the text. The offer must be signed by a person authorized to represent the firm outside and to incur liabilities corresponding with the price of the offer. All the places in which the Contractor has made changes should be initialed by the person signing the offer.
• Pursuant to Article 9 of the Act Public Procurement Law, the Orderer agrees to submission of the offer and other documents in English.
• Does not allow for submitting variant offers.
• The Contractors competing for the order must satisfy the requirements of Article 22, Section 1 of Public Procurement Law, must not be excludable pursuant to Article 24, Sections 1 and Sections 2 of the Act, and must fulfill the conditions defined in this specification.
• The content of the offer has to contain passed on the Contractors of the specification of the essential terms of the contract answer.
• After the Contractor's responsibility to prove the fulfillment of all technical requirements and the effectiveness of the product offered. The offer must contain detailed technical documentation and data sheet raw material.
  • In addition, in order to check the technical requirements of the Contractor, on the written request of the Employer, to provide a sample of the product offered in the amount of 1 liter, within 24 hours of the written call the Employer. A specimen is subjected to examination by the Employer / utility tests the product produced by the Employer. If you do not review the offered product produced by the Contractor's product offer will be subject to rejection

7. Conditions for participation in the procedure
The Contractors competing for the order must fulfill the following conditions:
1) must have qualifications to perform a definite activity or work if legal regulations impose such obligation;
2) must have knowledge and experience;
3) must have appropriate technical potential and employees capable of fulfilling the order;
4) must fulfill the conditions regarding the economic and financial situation.

8. Description of the method to assess whether the above-mentioned conditions have been fulfilled
The assessment concerning the fulfillment of the conditions for Contractors’ participation in the procedure will be made on the basis of completeness and correctness of the presented statements and documents, demanded by the Orderer, as well as on the basis of the contents of these documents, according to the formula (fulfills/does not fulfill). The statements and documents will be examined in respect of formal and legal requirements, validity, as well as whether information contained therein confirms the fulfillment of the Orderer's requirements.

9. List of statements or documents to be submitted by the Contractors in order to confirm the fulfillment of the conditions for participation in the procedure.
A. To show that the Contractor fulfills the conditions specified in Article 22, Section 1 of the Act of January 29, 2004 – Public Procurement Law, the Orderer demands the following documents, on the basis of The decree Prime Minister from February 19, 2013 (Law Gazette, Clause 231) in the matter the kinds the documents, what The Orderer from The Contractors can demand, and forms these documents in which can be folded:
1) statement that The Contractors fulfills the conditions of the part in the conduct. The statement about fulfilling the conditions is contained in enclosure of Annex 2 to SIWZ

B. In order to show the lack of reasons for eliminating the Contractor from the bidding procedure in the circumstances specified in Article 24, Section 1 and Section 2 of the Act, The Orderer demands the following documents:
1) statement on the lack of reasons to be eliminated. This statement is contained of Annex 3 to SIWZ,
2) Updated copy of records from appropriate register or central business registry and information on conducted
business, if separate regulations require registration or entry in official records, in order to prove there are no grounds for exclusion, based on art. 24 section 1 item 2 of the act, **issued no more than 6 months before the deadline for submitting offers**, to be admitted to the Public Procurement procedure or submitting offers.

3) **Documents which prove affiliation to the same capital group:** Contractor’s declaration to prove there are no grounds for exclusion under art. 24 section 2 item 5 of Public Procurement Law – **Annex 4 to SIWZ**

All the above-mentioned documents may be presented as originals or photocopies, their conformity to the originals having been certified by a person/persons entitled to sign the offer, with the note “I hereby certify that this is a true copy of the original”.

This certification should be made in a way enabling the identification of the signature.

If the offer or certification concerning the conformity of the copies to the original documents are signed by a person not mentioned in the Contractor’s registration document, an appropriate authorization to represent the Contractor should be enclosed with the offer.

If the Tenderer’s main offices or place of residence is outside the territory of the Republic of Poland, instead of the described documents in point B.2), the Tenderer submits: a document/documents issued in the country in which his main offices are located or his place of residence to confirm that:

- the Tenderer is not in liquidation and no bankruptcy has been declared, **issued no more than 6 months before the deadline for submitting offers**;

If the place of residence or the country in which the Contractor is established or place of residence does not issue the documents referred to in point. B.2), replaced by a document containing a statement made before a notary, a competent judicial or administrative authority of a professional or economic appropriately domicile of the person or the country in which the Contractor is established or resident.

**C. In order to confirm that offered deliveries will satisfy the requirements described by the Contracting Entity**, the Contracting Entity demands to be supplied, apart from the submitted offer, with:

1) Detailed technical description of the offered product,( detailed documentation and technical data sheet given material) in Polish or English.

2) **A sample of the product offered in the amount of 1 liter at the written request of the Orderer**.

If the Contractor in the submitted offer gives the information the making up secrets of the enterprise in meaning of the Article 11 Clause 4 Act of April 16,1993 about fighting the dishonest competition (Law Gazette No. 47, Clause 211 with further amendments) – hereinafter referred to as the „law about fighting the dishonest competition“ - and he wants indicated information not to be subject to disclosing to a third party, he should make a statement of restriction of these information as a secret of the enterprise. The Contractor restriction can not concern information, which do not make up the secret of the enterprise in the understanding of the law about fighting the dishonest competition, how also to relate to performer (firm), his address names, and the offered price. You should enclose announcement about the restriction of information making up the secret of the enterprise to the offer.

**10. Requirements concerning the bid bond**

Employer does not provide bid bond

**11. How to make the offer and calculate the price**

- The offer must be made in writing, in **Polish or English**, in the form ensuring full clarity of the text. The offer must be signed by a person authorized to represent the firm outside and to incur liabilities corresponding with the price of the offer. All the places in which the Contractor has made changes should be initialed by the person signing the offer.

- **Pursuant to Article 9 of the Act, the Orderer agrees to submission of the offer and other documents in English.**

- The offer must be made according to **Annex no. 1 to SIWZ**:

**The offer must contain:**

- the name and address of Tenderer,
- detailed technical description of the offered product,
• total price of the offer (the price covering the whole of the specified and demanded subject of the order).

• The offer price must include all the costs affecting the price: deliveries to the seat Orderer in Krakow, the insurance in the time the transportation and all remaining costs necessary to pay for proper realization of the object of the order according to all requirements of SIWZ.

• The Contractor, by submitting the tender, shall inform the Orderer, whether selection of its tender will result in a tax obligation of the Orderer, by providing the name (type) of goods the supply of which will entail a tax obligation and shall specify their value without VAT.

• The Orderer, in order to ensure price bid comparability, will add VAT which it would be obliged to settle in accordance with Value Added Tax regulations.

• The offer price should be given in Polish zloty (PLN). It is also allowed to express the prices in EUR

• If the offer price is expressed, with the consent of the Orderer, in EUR, the Orderer, so as to compare the prices, will convert euro into zlotys, based on the mean NBP rate announced on the previous day of bid opening in this bidding procedure.

• The prices given are valid during the whole contractual period.

• The offer and all the Annexes must be signed by a person/ persons authorized to represent the Contractor, in accordance with the registration act, statutory requirements and legal regulations.

• If the offer and the Annexes are signed by the authorized representative of the Contractor, the appropriate legal grounds should be given.

• Corrections in the offer must be made legibly and signed by the authorized person.

• All the pages of the offer should be numbered, fastened together (stapled together) in a durable way, preventing the offer from getting incomplete.

• The content of the offer must correspond to the content and requirements defined in SIWZ.

• The offer has to be prepared in Polish or English, readable writing.

12. Criteria for offer evaluation
When selecting the best offer, the Orderer will be guided by the following criteria:

• the offer gross price (C): 95%

• contents 2-EHN in product(P): 5%

a) According to the criterion of the gross offer price:

\[
C = \frac{\text{price provided in the offer}}{\text{minimal price}} \times 95
\]

b) According to the criterion of contents 2-EHN in product (P):

For content 99.0% - 99.19% shall receive 0 points. the specified criterion
For content 99.2% - 99.49% shall receive 2 points. the specified criterion
For content 99.5% - 100% shall receive 5 points. the specified criterion

The second criterion will be assessed on the basis of the attached technical specifications or a statement of the content of 2-EHN in the product attached to the offer

The offer with the lowest price will be considered as the best offer (C+P).

13. Required deadline for executing the contract:
The deadline of the realization of the object of the order: 15-19 July 2016 to call the Employer. Unloading of hours, from 7:00 am. to 02:00 pm

14. The period of time the offer is binding: 30 days.
The period starts from the deadline for offer submission.

15. Place and deadline for offer submission
• The offer must be submitted at the registered address of the Institute – 31-503 Kraków, Lubicz Str. 25 A, Secretariat, room no. 113, 1st floor, by the date of July 14, 2016, by 12:00 p.m. in a closed envelope with a note: „Unlimited Tender for ……………………………………………………”

• If the offer is sent to the Contracting Entity by post or otherwise (e.g. by courier) – the effective date of offer submission will be the date of its delivery to the Contracting Entity’s registered office, and not the postal date stamp or the date of delivery order for the courier.

• Offers submitted after the deadline will not be considered and will be returned to Tenderer.

• All expenses related to preparing and submitting the offer shall be incurred by Tenderer.

16. Bid opening place and date
The opening of bids will be on July 14, 2016 at 12.15 p.m. at the seat of the Institute, second floor, room 107.

17. Persons authorized to communicate with Tenderers
Each Contractor has the right to ask the Orderer to explain the specification of the essential terms of the contract. The questions of the Contractors must be put in writing and sent to the address:

Instytut Nafty i Gazu – Państwowy Instytut Badawczy (The Oil and Gas Institute – National Research Institute)
ul. Lubicz 25 A, 31-503 Kraków
or fax. +48 12 430 38 85
or by electronic mail: przetargi@inig.pl

Each party, at the request of the other party, shall immediately confirm the receipt of the documents by fax or e-mail.

a) Information on technical matters is provided by:
Rafał Konieczny, telephone +48 12 617 75 53 from Monday to Friday, from 8.00 a.m. to 2.00 p.m., e-mail: konieczny@inig.pl

b) Information on procedural matters is provided by:
1) Monika Stachnik – e-mail: przetargi@inig.pl;
2) Elżbieta Turek – e-mail: przetargi@inig.pl;
3) Magdalena Szymanik – e-mail: przetargi@inig.pl;
4) Tomasz Kusia – e-mail: przetargi@inig.pl.

The Orderer shall immediately answer all the Contractors, pursuant to Article 38 of the Public Procurement Law, unless the question is submitted to the Orderer less than six days before the deadline for submission of bids or two days before the deadline for submission of bids – on condition that the application for explaining the content of the specification of the essential terms of the contract is submitted to the Orderer not later that the end of the day on which half of the time fixed for submission of bids passes.

The Orderer does not anticipate a meeting with the Contractors.

In the correspondence sent to the Orderer the reference number DZ 2710-31/16 should be given. Pursuant to Article 27 of the Public Procurement Law, in this bidding procedure all the statements, applications, notices and information shall be sent by both the Orderer and Contractors in writing, by fax or e-mail, to the above-mentioned address.

The Orderer will not give any oral or telephone information, explanations or answers to the questions asked to the Orderer concerning the matters which require that the written form be observed.

In special and duly justified cases the Orderer may, at any time before the end of the deadline for submission of bids, modify the content of the specification of the essential terms of the contract.

The thus-introduced changes or supplements shall be placed on the website http://www.inig.pl/zamowienia_pub.

All the supplements and settlements or changes, including date changes, as well as questions to the Contractors together with the explanations make the integral part of the specification of the essential terms of the contract and will be binding when submitting bids. The information on prolonging the time fixed for submission of bids, if it is necessary for introducing changes in the offers resulting from the modification, will be given by the Orderer on the website. All the rights and obligations of the Contractors as regards the dates fixed earlier will be subject to the new time limit.

18. Terms and conditions to be included in the contract
• The Orderer will sign a contract with the Tenderer who submits the best offer.
• The Orderer allows for the conclusion of the contract in English with selected foreign Tenderer.
• The Orderer shall inform the Tenderer of the place and date of signing the contract in a separate note.
• The Orderer contain the contract in the matter of the public order in the deadline: not shorter than 5 days for the day shadow information about the choice of the most profitable offer by fax or by e-mail.
• The Orderer may contain the contract in the matter of the public order in the shorter deadline than above mentioned, under open tendering only one tender was submitted or in the case of open tendering no economic operator was excluded.
• The contract will be concluded, considering the provisions and requirements resulting from the content of this specification and information and prices included in the offer – Annex no. 5 to SIWZ is the contract specimen.
• The Orderer doesn’t provide for granting advances to perform the contract.
• The Orderer allows the payment of the invoice in foreign currency: EUR
• The Orderer admits +/- 2,5% the differences in the quantity of delivered products from the regards of technological loadings.
• The Orderer perpetrates differences in the final accounts of the value of the excise duty in dependence from propriety of delivered products ((applies to domestic contractors).

19. Legal protection measures
With reference to the content of the announcement made to the Tenderers and also other persons, if their legal interest in obtaining the contract suffers or may suffer as a result of infringement of the Act by the Orderer, they are entitled to legal protection measures defined in Section VI of the act of PPL. The scope of activities which justify making an appeal is described in art. 180 of PPL.

20. Announcement of the results of tender
The results of the procedure will be announced in accordance with requirements of the PPL – all Tenderers who participate in the public procurement procedure will be informed in writing, on the website of the Oil and Gas Institute National Research Institute and in the place open to the public.

21. ANNEXES TO SIWZ
No. 1 The official offer form,
No. 2 Tenderers’s declaration under art. 22 section 1 of PPL,
No. 3 Tenderers’s declaration under art. 24 section 1 of PPL,
No. 4 Declaration of no grounds for exclusion under art. 24 section 2 item 5 of PPL (capital groups);
No. 5 Specimen of the contract.

..............................................................
..............................................................
..............................................................
..............................................................
..............................................................

approved – signature of the head of ordering unit

Krakow, date 06-07-2016
BID FORM

In reply to the announcement about the competitive bidding process for the delivery **2-Ethylhexylnitrate for Oil and Gas Institute in Krakow**

Contractor's name ..............................................................................................................................
Address .................................................................................................................................................
Telephone...............................................................................................................................................
Fax..........................................................................................................................................................
E-mail....................................................................................................................................................... 

We offer delivery of 24 tons **2-Ethylhexylnitrate** under the conditions described in the Terms of Reference

Trade name of the product offered: ...........................................................

Price netto for 1 tonne (1 000 kg) of the product: ....................... PLN / EUR / tonne
The value netto for 24 tons (24 000 kg) of product: ..................... PLN / EUR *
+ Applicable VAT rate and any other fees and taxes
The total gross value of the 24 tons (24 000 kg) of the product: .......... PLN / EUR *

In the case of an offer by the Contractor who is a foreign person not subject to tax in the Polish Republic, it is required to post this information along with the price given. Foreign Contractor gives only bid the net.

The delivery in the hung excise (delivery among tax compositions in the hung excise), EMCS (Excise Movement and Control System)

We will make the object of the order in the deadline ..............................................................................

Transport conditions: **DAP Krakow** (ul. Łukasiewicza 1, 31-429 Kraków, Polska)

**The offer price include all the costs affecting the price.**

We declare that the net prices without the excise duty in Euro are valid **during the whole contractual period.**

We declare that we acquainted ourselves with content SIWZ (in this example of the contract)and do not bring in to it restrictions.
We consider ourselves for connected the present offer by the period 30 days counted from the outflow of the deadline of folding offers.

The person entitled / the persons authorize to contacts from The Orderer in the matter of the realization of the present tender conduct is / are

................................................................. and / or the number of the telephone: ..............................
The Contractor, by submitting the tender, shall inform the Contracting Authority, whether selection of its tender will result in a tax obligation of the Contracting Authority (declaration below), by providing the name (type) of goods which is supplied will entail a tax obligation and shall specify their value without VAT.

☐ Selection of our tender will not result in a tax obligation of the Contracting Authority in accordance with Value Added Tax regulations.*)

or

☐ Selection of our tender will result in a tax obligation of the Contracting Authority in accordance with Value Added Tax regulations, therefore we provide the value without the VAT amount. Below you may find the name/type of the goods*)

Name/type of the goods:
..........................................................................................................................................................................................
..........................................................................................................................................................................................

Annexes to this offer form:
- Detailed technical description of the offered product,(detailed documentation and technical data sheet given material) in Polish or English.;
- Statement that The Contractor fulfils the conditions of the part in the conduct. The statement about fulfilling the conditions is contained in enclosure of Annex 2 to SIWZ;
- Statement on the lack of reasons to be eliminated. This statement is contained of Annex 3 to SIWZ;
- Documents which prove affiliation to the same capital group: Contractor’s declaration to prove there are no grounds for exclusion under art. 24 section 2 item 5 of Public Procurement Law – Annex 4 to
- Updated copy of records from appropriate register or central business registry and information on conducted business, if separate regulations require registration or entry in official records, in order to prove there are no grounds for exclusion, based on art. 24 section 1 item 2 of the act, issued no more than 6 months before the deadline for submitting offers, to be admitted to the Public Procurement procedure or submitting offers.
- ..............................................................................................................................;
- ..............................................................................................................................;
- ..............................................................................................................................;
- ..............................................................................................................................;

Locality ................................., date ....................... 2016

.............................................................
signature of the person/s authorized to represent the Tenderer

*) delete as appropriate
DECLARATION ON MEETING CONDITIONS TO PARTICIPATE IN PROCEDURE
UNDER ARTICLE 22 SECTION 1 PUBLIC PROCUREMENT LAW

CONTRACTOR’S NAME: ……………………………………………………………………………………………………………………………………………………

ADDRESS: …………………………………………………………………………………………………………………………………………………………………………

Making an offer in the procedure conducted as unlimited tender for: …………………………………………………………………………………………………………

I declare that:
we fulfill all conditions which result from article 22 section 1 the Act of 29 January, 2004 of Public Procurement Law, i.e. we meet the requirements concerning:

1) holding authorization to perform a specific business or activity, if the law imposes such an obligation,
2) having the appropriate knowledge and experience,
3) possessing proper technical potential and staff able to execute the order;
4) the economic and financial position.

Locality ……………………………., date …………………. 2016

……………………………………………………………………………………………………………………………………………………………………………………………

signature of the person/s authorized to represent the Contractor
DECLARATION ON NO GROUNDS FOR EXCLUSION
UNDER ARTICLE 24 SECTION 1 PUBLIC PROCUREMENT LAW

CONTRACTOR’S NAME: ...................................................................................................................................
ADDRESS: ...........................................................................................................................................................

Making an offer in the procedure conducted as unlimited tender for: ........................................................................
................................................................................................................................................................................

I declare there is no reason for excluding us from this public procurement procedure on the basis of conditions
described in article 24 section 1 of Public Procurement Law.

Locality ..........................................., date .............................. 2016

...........................................................................................................................
signature of the person's authorized to represent the Contractor
DECLARATION ON NO GROUNDS FOR EXCLUSION
UNDER ARTICLE 24 SECTION 2 ITEM 5 PUBLIC PROCUREMENT LAW

CONTRACTOR'S NAME: ........................................................................................................................................................................................................................................

ADDRESS: ........................................................................................................................................................................................................................................

Making an offer in the procedure conducted as unlimited tender for: ........................................................................................................................................................................................................................................

Inform

- do not belong to the group referred to in Art. 24 paragraph. 2, point 5 of the Public Procurement Law, within the meaning of the Act of 16 February 2007 on competition and consumer protection (Journal of Laws No. 50, item. 331, as amended. Amended.). *

- belong to a group, referred to in art. 24 paragraph. 2, point 5 of the Public Procurement Law, within the meaning of the Act of 16 February 2007 on competition and consumer protection (Journal of Laws No. 50, item. 331, as amended. Amended.), and put forward the attached list of entities belonging to the same group capital. *

Locality ..................................., date .......................... 2016

* cross off the unnecessary items

signature of the person/s authorized to represent the Contractor
CONTRACT TEMPLATE

executed on ............... 2016 in Krakow by and between:

Oil and Gas Institute – National Research Institute based in Krakow (31-503), ul. Lubicz 25 A, entered in the National Court Register under the number KRS 0000075478, represented by:
1. ...
2. ...
hereinafter the “Orderer” on the one hand,
and
................................., entered in ...................., represented by:
1. ...
hereinafter the “Contractor” on the other hand;
selected in a public procurement procedure conducted in the form of unlimited tender no. DZ 2710-28/16, hereinafter “Parties”.

The Contracting Authority hereby orders and the Contractor hereby accepts:

§1

The Contractor obliges himself to the delivery till ....... tons (...... kg) ......................... (the trade name) to Oil and Gas Institute – National Research Institute in Krakow, ul. Łukasiewicza 1, on the thing Orderer in deadlines and on definite conditions in the SIWZ and folded offer. The Contractor will enclose together with the delivery: certificate of analysis for each product, the report by weight, the transport document, the document e-AD safety data sheet in accordance with the Commission Regulation 453/WE/2010, a statement by the Contractor to fulfill the obligations in accordance with the Regulation of the European Parliament and of the Council 1907/WE/2006 REACH registration number with the appropriate / pre-REACH.

§2

1. The deadline of the realization of the object of the order: .................................. to call the Employer.
Unloading of hours, from 7:00 am. to 02:00 pm

§3

The Contractor declare that the net prices without the excise duty are valid during the whole contractual period.

§4

The Orderer will pay for the object of the contract, price passed in the Contractor’s offer to the folded offer according:
Price netto for 1 kg of the product: .......................... PLN/ EUR /kg
The value netto for … tons (… kg) of the product: .......................... PLN / EUR
+ Applicable VAT rate and any other fees and taxes
The total gross value of the … tons (… kg) of the product: .......................... PLN / EUR

The Orderer admits +/- 2,5% the differences in the quantity of delivered products from the regards of technological loadings.

§5

1. The conditions of the payment as follows:
• the deadline of the payment for realized orders (delivery of the batch of the product) by the Contractor on 30 days from the dates of the exposure of the invoice, paid by the transfer on the bank account indicated on the invoice;
• in the day of the accomplishment of the payment acknowledges the date of the acknowledgement of the Contractor’s bank bill the sum.
2. The Orderer will make payments in PLN or EUR according to the choice of the Contractor indicated on the sales invoice the consignment concerned. In the case of the invoice of sale in accordance with the stated price of the Contractor, expressed in EUR and PLN choice of payment, the amount will be converted into PLN according to the average exchange rate EUR published by NBP on the day preceding the sale of a batch of product.

3. In case of delay in delivery of the Contractor in the batch compared to the period referred to in § 2 point. e, The Contractor shall pay liquidated damages of 0.2% of the net value specified in the invoice for each day of delay. Liquidated damages will be calculated by deducting from the net value specified in the invoice.

4. In the event of injury in excess of the amount stipulated penalties Purchaser shall have the right to seek additional compensation or claim damages under the general rules for injury reasons other than those mentioned in point., 3.

5. For delay the payment of debts arising from the delivery of the batch invoice the Contractor is entitled to demand payment of statutory interest.

§6

1. The concluded contract shall be subject to the Polish law. The court jurisdiction shall be decided solely based on the location of the Orderer’s seat.

2. In the event of a substantial change of circumstances which causes that the execution of the contract is no longer in Orderer’s interest the Orderer may renounce a contract within a period of 10 days from the date on which these circumstances have revealed. In that case the Contractor in not entitled to claim for indemnity. The remuneration should be paid only for Product delivered before the renouncement.

3. In case of any dispute connected with the performance of this contract, the Parties shall undertake to exhaust the course of complaints procedure and amicable procedure.


5. The Contract is subject to jurisdiction of the Polish courts. Any disputes concerning the contract shall be settled by a competent court for the registered seat of the Orderer.

6. Cases not regulated herein shall be subject to the relevant provisions of the Civil Code and the Public Procurement Law along with relevant executive acts.

7. Without consent of the Orderer, the Contractor cannot transfer to third parties any rights and obligations hereunder.

8. This contract along with the appendix were drawn up in 2 identical counterparts: one for the Contractor and one for the Orderer.

The Contractor

The Orderer