

The Polish language version is binding on all parties involved:

<https://aquapark.lodz.pl/bip/zamowienia-publiczne/ogloszenie-o-dialogu-technicznym/>

ANNOUNCEMENT OF THE TECHNICAL DIALOGUE

CONTRACTING AUTHORITY'S NAME AND ADDRESS:

Aqua Park Lodz Limited Liability Company

al. Unii Lubelskiej 4,

94-208 Łódź

KRS: 0000196146,

NIP: 727-261-66-58,

REGION: 47323046900000

Contact person:

Mr Andrzej Pirek

Note: All correspondence addressed to the Contracting Authority shall be marked with a note: “Technical dialogue preceding the procedure for the award of concession for construction works entitled: “Development of a hotel facility on the real estate of Aqua Park Lodz Limited Liability Company in the form of concession for construction works”.

I. LEGAL BASIS

Technical Dialogue (hereinafter referred to as "**Dialogue**") shall be carried out on the basis of Articles 31a-31c of the Act of 29 January 2004. Public Procurement Law¹ and in accordance with the "*Terms of Reference for conducting technical dialogue*", published on the Contracting Authority's website.

II. PURPOSE AND OBJECT OF THE TECHNICAL DIALOGUE

The purpose of the Dialogue is to obtain information necessary for the Contracting Authority to prepare concession documents, including a description of the object of the contract, specify the value of the concession contract and specify the terms and conditions of the contract for the execution of the project (hereinafter referred to as the "**Project**" or "**Investment**") consisting in the development of a hotel facility on a real estate owned by the Contracting Authority, which will be implemented in the form of

¹ Act of 29 January 2004. Public Procurement Law (Journal of Laws of 2019, item 1843 – i.e.)

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concession for construction works, pursuant to the provisions of the Act of 21 October 2016 on the concession contract for works or services².

Preparing for the implementation of the above-mentioned Project, the Contracting Authority:

1. is considering development of the property constituting the registered plot of land No. 44/13 and 44/14 (Land and Mortgage Register No. LD1M/00178206/6), of which it is the owner, for the purposes of development with a hotel facility,
2. assumes that the Project will have the functional characteristics specified in Annex 3 "Description of the planned investment",
3. expects that the Project will result in development of infrastructure of the land property and investments in the development of the hotel facility,
4. envisages making the real estate available on the basis of a lease agreement for the period of execution of the Investment and its operational use,
5. assumes that the total cost of implementing the Project will be borne by the concessionaire,
6. does not consider financial participation in the Project,
7. expects that after the completion of the Investment and the period of its exploitation, the real estate will be returned to the Contracting Authority with the developments, in a non-deteriorated condition, taking into account its wear and tear due to proper use,
8. assumes that the concessionaire's remuneration will only be the income from the activity conducted on the leased property.

In the course of the Dialogue, the Contracting Authority shall be entitled to restrict or extend the scope of the object of Dialogue to issues of its choice, if in its opinion this will enable obtaining all relevant information for the planned proceedings for the award of concession for construction works.

III. APPLICATION FOR PARTICIPATION IN THE TECHNICAL DIALOGUE

1. The Dialogue procedure shall be limited to entities with experience in the field:
 - a. design of hotel investments,
 - b. execution of an hotel investment projects,

² Act of 21 October 2016 on the Concession Agreement for Works or Services (Journal of Laws of 2019, item 1528 - i.e.)

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- c. managing hotel facilities.
2. The Contracting Authority shall not limit the number of entities to be admitted and invited to participate in the Dialogue.
3. Parties interested in participating in the Dialogue, fulfilling the requirements set out in this Announcement submit *"Application to participate in the technical dialogue"* in accordance with the specimen attached as Annex 1 to this Announcement (**"Application"**) together with other documents indicated in this Announcement. The Application shall include a declaration of the entity interested in participating in the Dialogue that it fulfils the conditions set out in point III.1 above.
4. Applicants for participation in the Dialogue must demonstrate that they have appropriate experience in the field indicated in point III.1. by presenting a document confirming compliance with the above-mentioned condition, including a reference letter or other credible certificate of execution of at least one project in the field of design or execution of an hotel investment project or management of at least one hotel facility.
5. The parties interested in taking part in the Dialogue are obliged to attach documents confirming that the Signatories are authorised to represent the entity or entities interested in taking part in the Dialogue. Documents drawn up in a foreign language must be submitted together with their translation into Polish.
6. Applications to participate in the technical dialogue should be submitted:
 - a. by e-mail to the following address:

dialog.techniczny@aquapark.lodz.pl

The topic of the email should be as follows:

"Application for participation in the technical dialogue preceding the procedure for the award of concession for public works entitled: "Construction of a hotel facility on the real estate of Aqua Park Lodz Limited Liability Company as a concession for public works"

- b. in writing to the address:

Mr Andrzej Pirek

President of the Management Board

Aqua Park Lodz Sp. z o.o. with its registered office in Lodz at al. Unii Lubelskiej 4, 94-208 Lodz

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The envelope should be labelled as follows: "Application for admission to the technical dialogue preceding the procedure for the award of concession for construction works entitled: *"Development of a hotel facility on the real estate of Aqua Park Lodz Limited Liability Company as a concession for construction works"*.

- c. in person, at the Contracting Authority's registered office with the application of the form as indicated in letter b.
7. The deadline for submission of applications is **22 November 2019 at 1 p.m.** The date of receipt of the application by the Contracting Authority shall be decisive.
8. The Contracting Authority is not obliged to invite entities who submit the Application to participate in the Dialogue after the deadline.

IV. DIALOGUE RULES

1. The Dialogue shall be conducted in accordance with the provisions of the Public Procurement Law and the provisions of the *"Terms of Reference for the technical dialogue"* published on the Ordering Party's website.
2. Participation in the technical dialogue shall be conditional upon submission of the Application for participation in the technical dialogue referred to in point III.3 of this Announcement together with the documents referred to in points III.4 and III.5 of this Announcement.
3. The Ordering Party shall invite to participate in the Dialogue parties who meet the condition of experience referred to in point III.1 of this Announcement.
4. The invitation to participate in the Dialogue shall be sent to the e-mail address indicated in the Application to participate in the technical dialogue.
5. The technical dialogue shall be carried out in Polish. Documents prepared in languages other than Polish should be supplemented with translations into Polish.
6. The dialogue shall be of a public nature, subject to §3.6 of the *"Terms of Reference for the technical dialogue"*.

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7. The technical dialogue shall be conducted in the form of separate meetings between the Contracting Authority's representatives and each of the participants of the Dialogue.
8. The Dialogue is scheduled to end on **15 January 2020 at 5 p.m.**
9. The Contracting Authority reserves the right to terminate the Dialogue before the aforementioned date if its goal has been achieved or if the Contracting Authority decides that it is not reasonable to continue the Dialogue. The Ordering Party shall not be obliged to provide justification for its decision.
10. The Ordering Party shall immediately inform about the termination of Dialogue by placing information on its website, and in the case of termination of Dialogue after inviting selected Participants to participate in Dialogue also by providing information to Participants.

V. CONCLUDING REMARKS

1. This announcement does not constitute an invitation to submit an offer within the meaning of Article 66 of the Civil Code³, an announcement of a contract pursuant to the Act of January 29, 2004. public procurement law or the announcement of the procedure to conclude an agreement pursuant to the Act of 21 October 2016 on the concession contract for works or services.
2. Participation in the Dialogue is not a precondition for applying for any future public procurement contract or concession for works or services, for the announcement of which information obtained in this procedure may be used.
3. Participant's accession to the Dialogue is equivalent to granting unconditional consent for the Contracting Authority to use the provided information in the content of future concession documents.
4. The Contracting Authority shall not bear the costs of participation of participants in the Dialogue.
5. Any letters, documents, studies, opinions, etc. provided to the Contracting Authority shall remain at the Contracting Authority's disposal and shall not be returned after the end of Dialogue.

³ Act of 23 April 1964 Civil Code (Journal of Laws of 2019, item 1145 - i.e.).

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6. Any letters, documents, studies, opinions, etc. submitted by the participants as part of the Dialogue, apart from the documents which the participants have restricted as business secrets, shall be disclosed at the request of the interested party in accordance with the Act on Access to Public Information⁴.
7. The Contracting Authority shall not disclose information constituting a business secret within the meaning of the provisions on combating unfair competition⁵ if the interested party, not later than before the information is provided, expressly stipulates that the information provided constitutes business secrets and cannot be disclosed to other entities.

Annexes to the Announcement:

Annex No 1 - Application to participate in the technical dialogue

Annex No. 2 - Rules of Procedure for Conducting the Technical Dialogue

Annex No. 3 - Description of the planned investment

Annex No. 4 - Map for design purposes presenting the location of the plot of land to be developed

⁴ Act of 6 September 2001 on access to public information (Journal of Laws of 2019, item 1429 - i.e.)

⁵ Act of 16 April 1993 on counteracting unfair competition (Journal of Laws of 2019, item 1010 - i.e.)