

ANOUNCEMENT OF TECHNICAL DIALOGUE

I. AWARDING ENTITY:

VEOLIA ENERGIA POZNAŃ Spółka Akcyjna

61-016 Poznań

ul. Energetyczna 3,

KRS 0000020765, NIP: 777-00-00-755 REGON: 630956570

share capital of PLN 105 947 725.00,

II. CONTACT DETAILS OF THE AWARDING PARTY

VEOLIA ENERGIA POZNAŃ Spółka Akcyjna

61-016 Poznań

ul. Energetyczna 3,

Designated contact person:

Formal matters:

Agnieszka Bator

tel.: +48 61 861 35 25, mob.: +48 667 620 439

fax.: +48 61 861 46 44

e-mail: agnieszka.bator@veolia.com

Technical matters:

Szymon Szurkowski

tel: +48 61 821 10 28, mob: +48 667 626 258

e-mail: szymon.szurkowski@veolia.com

Jarosław Sadowski

mob: +48 667 620 565

e-mail: jaroslaw.sadowski@veolia.com

Veolia Energia Poznań S.A.

ul. Energetyczna 3

61-016 Poznań

Any correspondence addressed to the Awarding Party shall bear the following annotation:
‘technical dialogue related to the non-public procurement procedure for the delivery, assembly and commissioning of the mechanical and electrical part of the alternative fuel heat plant (including RDF and pre-RDF) with the capacity of 4 MWt’.

III. LEGAL BASIS

The technical dialogue shall be conducted in compliance with the following 'Rules of conducting the technical dialogue'.

IV. THE RULES OF CONDUCTING THE TECHNICAL DIALOGUE

§ 1

Definitions

Whenever this announcement refers to:

1. **Dialogue** - it shall mean the technical dialogue governed by these Rules,
2. **Announcement** - this shall be understood as the announcement of the Dialogue;
3. **Procedure** - it shall mean the planned non-public procurement procedure for the delivery, assembly and commissioning of the mechanical and electrical part of the alternative fuel heating plant (including RDF and Pre RDF) with the capacity of 4 MWt, in the extent specified during the Dialogue;
4. **Rules** - this shall be understood as the rules of conducting the Dialogue;
5. **Participant** - this shall mean an entity participating in the Dialogue conducted by the Awarding Party;
6. **Contractor** - this shall mean a natural person, a legal person or an organisational unit without legal personality that applies for the contract order, has submitted an offer or entered into an order agreement;
7. **Awarding Party** - this shall be understood as:

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8. **Order** - this shall be understood as a paid contract concluded between the Awarding Party and the Contractor selected in the Procedure, the subject of which are services, supplies or construction works.

§ 2

General rules

1. The rules define the manner and conditions under which the Dialogue is conducted by the Awarding Party.
2. The Contractor shall be selected during a separate Procedure.
3. The Dialogue shall be conducted in a manner that ensures the principles of transparency, fair competition and equal treatment of Participants and the solutions offered by them.
4. All activities referred to in these Rules shall be carried out in the name and on behalf of the Awarding Party by a person or persons designated by the Awarding Party for this purpose.

§ 3

The subject of the Dialogue

1. Prior to the initiation of the Procedure, the Awarding Party shall conduct a Dialogue, in which it requests:
 - 1) counselling, or
 - 2) obtaining information,which are to be used by the Awarding Party to prepare a description of the subject of the Order, terms of reference for the Order or to define the terms of the Order agreement.
2. The subject of the Dialogue may be in particular:
 - 1) technical, technological, legal, executive, organizational, commercial, economic and logistic issues related to the implementation of the Order in accordance with the needs of the Awarding Party;
 - 2) Estimation of the Order value;
 - 3) the latest, most advantageous, cheapest and best technical, technological, legal, executive, organisational, commercial, economic and logistic solutions in the field which is the subject of the Order.
 - 4) Collection of information used to prepare the documentation of the Order.

§ 4

Announcement

1. The Awarding Party shall publish the Announcement of the Dialogue and its subject on its website. The Awarding Party may also publish additional Announcements in a form of its choice.
2. In the Announcement, the Awarding Party indicates in particular:
 - 1) the subject and purpose of conducting the Dialogue;
 - 2) the scope of information to be obtained by the Contracting Party;
 - 3) the mode, date and place of submitting an application to participate in the Dialogue and the manner of communicating with the Participants;
 - 4) estimated duration of the Dialogue.
3. The Awarding Party may also, regardless of the publication of the Announcement on its website, inform the entities selected by the Awarding Party of its intention to conduct the Dialogue. For this purpose, the Awarding Party may in particular send information to selected entities about the intention to conduct the Dialogue in writing or electronically.
4. Failure to participate in the Dialogue does not limit the rights and does not act to the disadvantage of potential Contractors in the Procedure.
5. The Announcement and participation in the Dialogue do not oblige the Awarding Party to conduct the Procedure or to award the Order.

§ 5

Organization of the Dialogue

1. The Awarding Party shall invite such Participants to the Dialogue, who shall submit a correctly prepared application to participate in the Dialogue in Polish or English, together with any additional statements, positions or documents required by the Awarding Party, within the time limit and in the mode indicated in this Announcement,
2. In the Announcement, the Awarding Party shall specify a model application form for the participation in the Dialogue. The Participants invited to take part in the Dialogue will be informed about this fact by the Awarding Party in a manner that is specified in these Rules. The Awarding Party is not obliged to conduct the Dialogue in a specified form

with all Participants and may decide on different forms of Dialogue with different Participants, depending on the substantive content of the positions expressed by the Participants in connection with the Dialogue, respecting the principles of transparency, fair competition and equal treatment of Participants.

3. The Awarding Party shall communicate with the Participants by correspondence sent to the correspondence address, fax or e-mail address provided by the Participant. Confirmation of delivery of correspondence sent:
 - a. In writing (via postal operator) - shall be the confirmation of the delivery of correspondence to the addressee
 - b. by fax - shall be the report from its transmission
 - c. by e-mail - shall be the date indicated in the electronic confirmation of receiving correspondence, and in the absence of such confirmation, it is assumed that the delivery occurred within 3 days of the date of placing the correspondence in the Participant's IT system

§ 6

Activities within the framework of the Dialogue

1. In order to conduct the Dialogue, the Awarding Party may appoint a Commission. The dialogue shall be conducted in Polish or in English.
2. The Dialogue may be conducted in any form chosen by the Awarding Party which does not violate the principles of transparency, fair competition and equal treatment of Participants.
3. The form of the Dialogue is decided by the Awarding Party in the Announcement or in the invitation to the Dialogue addressed to the Participants.
4. The Dialogue may in particular take the form of:
 - a) an individual meeting with the Participants;
 - b) a group meeting with the Participants, with regard to a subject specified by the Awarding Party and in a manner and on dates specified by the Awarding Party.
5. The Awarding Party may also decide to conduct the Dialogue using selected or all of the above mentioned forms of communication.
6. The Awarding Party may at any time resign from conducting the Dialogue with the selected Participant, if it believes that the information provided by the Participant is not useful for achieving the purpose of the Dialogue.
7. During the Dialogue, the Awarding Party may use the assistance of experts and advisors with specialist knowledge necessary to conduct the Dialogue. Such persons are obliged to maintain confidentiality in accordance with the rules set out in section 10.
8. The Awarding Party may decide to extend the duration of the Dialogue beyond the time specified in the Announcement.
9. Costs related to the participation in the Dialogue shall be borne by the Participants. The costs of participation in the Dialogue shall not be reimbursed by the Awarding Party, even if, despite the Dialogue, no Procedure is started or any Order awarded. Participants shall not receive remuneration from the Awarding Party for the participation in the Dialogue.
10. During or after the Dialogue, the Awarding Party shall not disclose any information constituting a corporate secret within the meaning of Article 11(4) of the Act of 16 April 1993 on Combating Unfair Competition (i.e. Journal of Laws 2003 No. 153, item 1503 as amended), if the Participant, not later than together with the provision of information to the Ordering Party, stipulated that the information provided constitutes a corporate secret and must not be disclosed to other entities.

§ 7 End of the Dialogue

1. The Awarding Party shall decide on the termination of the Dialogue, but is not obliged to give reasons for its decision.
2. The Awarding Party shall immediately publish information about the termination of the Dialogue by posting the information on its website, and in the event of the termination of the Dialogue after inviting selected Participants to participate in the Dialogue, also by providing information to the Participants.
3. The Awarding Party shall draw up minutes from the Dialogue, containing at least:
 - 1) information on conducting the Dialogue;
 - 2) the entities that participated in the Dialogue;
 - 3) information on the potential impact of the Dialogue on the description of the subject of the Order, terms of reference for the Order or terms of the Order agreement.
4. The minutes together with the attachments shall be public, subject to § 6 section 10.
5. Correspondence, minutes, letters, studies, opinions and any other documents related to the Dialogue shall remain at the disposal of the Awarding Party and shall not be returned after the end of the Dialogue. The Awarding Party may return samples, equipment or other materials provided as part of the Dialogue to the Participant upon its request.

§ 8 Lack of appeal measures

In the course of the Dialogue, no appeal measures shall be available to the Participants or other entities.

§ 9 Effective date of the Rules

The Rules shall become effective as of the publication of the Announcement on the Awarding Party's website.

V. SUBJECT OF THE ORDER AND PURPOSE OF THE DIALOGUE

1. The Awarding Party shall announce a Technical Dialogue related to the non-public procurement procedure, the subject of which being **the delivery, assembly and commissioning of the mechanical and electrical part of the alternative fuel heat plant (including RDF and pre-RDF) with the capacity of 4 MWt.**
2. The aim of the Technical Dialogue is to obtain advice and information on **the delivery, assembly and commissioning of the mechanical and electrical part of the alternative fuel heat plant (including RDF and pre-RDF) with the capacity of 4 MWt.**

VI. CONDUCTING THE DIALOGUE

1. The technical dialogue shall be conducted in accordance with the provisions of Chapter IV of this Announcement.
2. In order to participate in the Technical Dialogue, an application, a model of which is attached as Appendix No. 1 to this Announcement, together with a document confirming

appropriate authorization to represent the applicant, must be submitted within the time limit specified in this Announcement.

3. The application referred to in item 2 should be accompanied by:
 - a) Brief information about the company of the Participant in the Dialogue,
 - b) A list of completed alternative fuel heat plants (including RDF and Pre-RDF),
4. The technical dialogue shall be conducted in Polish or English and shall be public, subject to the provisions of Chapter IV, § 6(10) of this Announcement. Documents prepared in languages other than Polish or English should be accompanied by translations into Polish.
5. The technical dialogue will be conducted in the form of electronic correspondence and individual or group meetings with the Participants.
6. The Technical Dialogue is expected to be conducted for 1 month.

VII. APPLICATION FOR THE PARTICIPATION IN THE TECHNICAL DIALOGUE

1. Entities interested in participating in the Technical Dialogue, who meet the requirements set out in this Announcement shall submit duly completed and signed applications for the participation in the Technical Dialogue (Attachment No. 1) together with the other documents indicated in this Announcement.
2. Applications can be submitted:
 - a) in person, at the Awarding Party's registered office;
 - b) via a postal operator,
 - c) by fax to +48 61 861 46 44
 - d) via e-mail to the e-mail address: agnieszka.bator@veolia.com.
3. Time limits for filing applications: 05.04.2019 the date of the receipt of the application by the Awarding Party shall be binding.
4. The Awarding Party is not obliged to admit to the Technical Dialogue such entities that will submit their application to participate in the Dialogue after the set deadline.

Członek Zarządu
Dyrektor ds. Rozwoju i Regionu

Ślawomir Jurecki

Poznań, 25.03.2019

Appendices:

1. Appendix 1 - Model Application for the participation in the Technical Dialogue,
2. Appendix 2 - A detailed description of the subject of the Technical Dialogue,

Appendix No. 1 - Model Application for the participation in the Technical Dialogue

Application for the participation in the Technical Dialogue

Acting on behalf of [xxx], in response to the Announcement of Technical Dialogue no. [xxx] dated [xxx], I hereby submit a notice of participation in the Technical Dialogue organised by [xxx], whose subject is **the delivery, assembly and commissioning of the mechanical and electrical part of the alternative fuel heat plant (including RDF and pre-RDF) with the capacity of 4 MWt.**

Applicant:

Name

Address

Tel fax e-mail

Details of the contact person authorised by the Applicant:

Name and surname

Function

Tel. fax e-mail

In connection with the Application for participation in the Technical Dialogue I declare that:

- 1) I am duly authorized to represent the Applicant, as proof of which I submit a document confirming my authorization;
- 2) I have read the Announcement of Technical Dialogue, in particular Chapter IV -THE RULES OF CONDUCTING THE TECHNICAL DIALOGUE and I accept its provisions in their entirety;
- 3) I hereby express my consent to the processing and storage of the information contained in this Announcement by [xxx] for the purposes of the Dialogue
- 4) I hereby grant an unconditional consent to the use of information provided during the Dialogue, including information constituting the subject of the Awarding Party's copyrights, for the purposes of conducting the Procedure, the subject of which is [xxx], including in particular for the purpose of preparing a description of the subject of the Order, terms of reference for the Order or defining the terms of the contract for the Order, subject to § 6 section 10 of Chapter IV of the Announcement of Technical Dialogue.

On behalf of the Awarding Party:

