

Public Procurement Office  
Publishing contract notices online in the Public Procurement Bulletin (BZP):  
<http://www.portal.uzp.gov.pl>

## CONTRACT NOTICE

**Mandatory item**

**Optional item**

### THE NOTICE INVOLVES:

A public contract  Setting up a dynamic purchasing system (DPS)   
The establishment of a framework agreement

## SECTION I: EMPLOYER

### I.1) NAME AND ADDRESS

Name: <b>Regional Water Management Authority in Wrocław</b>		
Postal address: <b>34 Norwida Str.</b>		
Town: <b>Wrocław</b>	Postal code: <b>50-950</b>	Province: <b>Lower Silesian</b>
Telephone: <b>071 33-78-943</b>	Fax: <b>071 328-50-48</b>	
Internet address of the contracting authority ( <i>if present</i> ): <b><a href="http://www.wroclaw.rzgw.gov.pl">www.wroclaw.rzgw.gov.pl</a></b>		
Internet address of the website containing information on the dynamic purchasing system ( <i>if applicable</i> ):		

### I.2) TYPE OF THE CONTRACTING AUTHORITY

<input type="checkbox"/> Central Government Administration	<input type="checkbox"/> Public university
<input type="checkbox"/> Local government administration	<input type="checkbox"/> Social and health insurance institution
<input type="checkbox"/> Self-government administration	<input type="checkbox"/> Independent public health care institution
<input type="checkbox"/> Body governed by public law	<input checked="" type="checkbox"/> Other ( <i>please specify</i> ): <b>Non-combined Government Administration</b>
<input type="checkbox"/> National control authority, legal protection authority, court or tribunal	

## SECTION II: OBJECT OF THE CONTRACT

### II.1) SPECIFICATION OF THE OBJECT OF THE CONTRACT

II.1.1) Title attributed to the contract by the contracting authority: <b>Construction of "Szalejów Górny" - a dry flood control reservoir on Bystrzyca Dusznicka River and Construction of "Krosnowice" - a dry flood control reservoir on Duna stream</b> Contract No 2A.2		
II.1.2) Type of contract		
Construction works <input checked="" type="checkbox"/>	Supplies <input type="checkbox"/>	Services <input type="checkbox"/>
II.1.3) <input type="checkbox"/> before instituting the contract awarding procedure, technical dialogue was conducted.		

**II.1.4) Specification of the object and the quantity or scope of the contract**

This characterisation is for informative purposes only and constitutes just a general anticipated description and scope of the contract.

The Government of the Republic of Poland has received financing from the World Bank toward the cost of the Odra – Vistula Flood Management Project, and it intends to apply part of the proceeds toward payments under the contract for construction of two mid-sized dry polders (“active protection”) to increase buffer capacity in the Nysa Kłodzka Valley for contract No 2.A2 Construction of "Szalejów Górny" - a dry flood control reservoir on Bystrzyca Dusznicka River and Construction of "Krosnowice" - a dry flood control reservoir on Duna Stream.

The contract will be funded through joint financing by the International Bank for Reconstruction and Development (IBRD) and the Council of Europe Development Bank (CEB) as well as through obtaining funds in the form of a grant from the European Union (EU) Cohesion Fund and Polish National Fund for Environmental Protection and Water Management. The Regional Water Management Authority in Wrocław intends to prequalify contractors and/or firms for Construction Of Dry Polders.

**II.1.5)**

it is anticipated to award complementary contracts (*applies to open procedure and restricted procedure*):  
no

**Specification of the object and the quantity or scope of complementary contracts**

**II.1.6) COMMON PROCUREMENT VOCABULARY (CPV)**

	Main vocabulary
Main object	45240000-1
Additional objects	45246400-7 45243600-8 45246000-3

**II.1.7) Are lot tenders accepted? (if applicable):**    yes     number of lots: \_\_\_\_\_ <sup>1)</sup>    no

**II.1.8) Are variants accepted? (if applicable):**    yes     no

**II.2) DURATION OF THE CONTRACT OR TIME-LIMIT FOR COMPLETION<sup>2)</sup>**

Time in months: **39 months** or days:

or

start date: / /  (dd/mm/yyyy) or completion date: / /  (dd/mm/yyyy)

**SECTION III: LEGAL, ECONOMIC, FINANCIAL AND TECHNICAL INFORMATION****III.1) DEPOSIT**

**Information on the deposit (if applicable):**

not applicable

**III.2) ADVANCE PAYMENTS**

it is anticipated to grant advance payments towards contract completion

**III.3) CONDITIONS FOR PARTICIPATION IN THE PROCEDURE AND DESCRIPTION OF THE ASSESSMENT METHOD OF FULFILLING THOSE CONDITIONS <sup>3)</sup>**

**III.3.1) Qualifications for performing a given activity or action, if law imposes an obligation to possess them**

Description of the assessment method of fulfilling this condition

not applicable

**III. 3.2) Knowledge and experience**

Description of the assessment method of fulfilling this condition

not applicable

**III.3.3) Technical potential**

Description of the assessment method of fulfilling this condition

not applicable

**III.3.4) Persons capable of completing the contract**

Description of the assessment method of fulfilling this condition

not applicable

**III.3.5) Economic and financial situation**

Description of the assessment method of fulfilling this condition

not applicable

**III.4) INFORMATION ABOUT STATEMENTS OR DOCUMENTS TO BE SUBMITTED BY CONTRACTORS TO CONFIRM FULFILLING THE CONDITIONS FOR PARTICIPATION IN THE PROCEDURE AND CONFIRM THAT THEY ARE NOT SUBJECT TO EXCLUSION UNDER ARTICLE 24 PAR. 1 OF THE ACT**

**III.4.1) In the scope of demonstrating that the contractor fulfils the conditions referred to in Article 22 Par. 1 of the Act, the following documents must be submitted beside the statement of fulfilling the conditions for participation:**

confirmation of possessing qualifications for performing a given activity or action, if law imposes an obligation to possess them - especially concessions, permits and licenses;

a list of construction works executed within the last five years prior to the submission deadline for tenders or requests to participate. If the business activity period is shorter, the list must concern that period and specify type, value, date and place of the works; moreover, the contractor must attach proofs of the most important works which demonstrate if the works were performed appropriately and according to the best construction practices as well as if they were completed correctly;

specification of construction works subject to the obligation of being listed by the contractor or confirmed by proof submission, including information about non-performed and inappropriately performed construction works

\_\_\_\_\_

\_\_\_\_\_

a list of main supplies and services which were provided or (for periodic and continuing services) have been provided within the last three years prior to the submission deadline for tenders or requests to participate. If the business activity period is shorter, the list must concern that period and specify their value, object, completion dates and entities to which they were provided; moreover, the contractor must attach proofs which demonstrate if they were or have been provided appropriately;

specification of supplies and services subject to the obligation of being listed by the contractor or confirmed by proof submission, including information about non-provided and inappropriately provided supplies and services

\_\_\_\_\_

\_\_\_\_\_

a list of tools, plant equipment and technical devices available to the contractor providing services or performing construction works in order to execute the contract, with information about the basis for using those resources;

description of technical devices and organisational-technical measures applied by the contractor providing supplies or services in order to ensure quality and description of the research and development backyard possessed by the contractor or being at the contractor's disposal;

a statement of the average annual employment of the contractor providing services or performing construction works as well as of the number of managing staff within the last three years prior to the submission deadline for tenders or requests to participate. If the business activity period is shorter, the statement must concern that period;

a list of persons who shall be able to participate in contract execution, especially those responsible for service provision, quality control or managing construction works, together with information about their professional qualifications, experience and education relevant for contract execution, the scope of activities to be performed by them and the basis for having those persons at the contractor's disposal;

a statement that the persons to participate in contract execution possess the required qualifications, if acts impose an obligation to possess such qualifications;

a financial statement in whole  in part  if it is subject to an examination by an expert auditor under accounting law, it must be accompanied by an opinion of the examined statement or its part. If the contractor is not obliged to prepare a financial statement, it must submit other documents specifying the works, liabilities and payments. The above documents must concern the period no longer than the last 3  2  1  fiscal year(s) (if the business activity period is shorter, they must concern that period);

a statement issued by a bank or a savings and credit union which confirms the amount of the contractor's possessed financial resources or credit solvency. It must be issued not earlier than 3 months prior to the submission deadline for tenders or requests to participate in the contract awarding procedure;

a paid insurance policy or (in case of its lack) another document confirming that the contractor possesses civil liability insurance in the scope of the conducted business activity related to the object of the contract.

**If the contractor refers to resources of other entities in order to demonstrate fulfilling the conditions for participation in the procedure (referred to in Article 22 Par. 1 Subpar. 4 of the act), the contractor must also submit the following documents concerning the entities whose resources shall be at the contractor's disposal:**

a financial statement in whole  in part  if it is subject to an examination by an expert auditor under accounting law, it must be accompanied by an opinion of the examined statement or its part. If the entity is not obliged to prepare a financial statement, the contractor must submit other documents specifying the entity's works, liabilities and payments. The above documents must concern the period no longer than the last 3  2  1  fiscal year(s) (if the business activity period is shorter, they must concern that period);

a statement issued by a bank or a savings and credit union which confirms the amount of the entity's possessed financial resources or credit solvency. It must be issued not earlier than 3 months prior to the submission deadline for tenders or requests to participate in the contract awarding procedure;

a paid insurance policy or (in case of its lack) another document confirming that the entity possesses civil liability insurance in the scope of the conducted business activity related to the object of the contract;  
other documents concerning the economic and financial situation:

other documents concerning the economic and financial situation:

**III.4.2) In the scope of confirming that the contractor is not subject to exclusion under Article 24 Par. 1 of the Act, the following documents must be submitted:**

a statement of the lack of grounds for exclusion;

a valid copy from a relevant register or the Central Registration and Information on Business (CEIDG), if separate provisions require an entry in a register or the CEIDG, in order to demonstrate the lack of grounds for exclusion under Article 24 Par. 1 Subpar. 2 of the Act. The copy must be issued not earlier than 6 months prior to the submission deadline for tenders or requests to participate in the contract awarding procedure;

a valid statement issued by the proper head of tax office confirming that the contractor is not behind with paying taxes or a statement that the contractor has been granted exemption, postponement, approval to pay the outstanding amounts in instalments or staying in full the execution of a decision of the proper authority as provided for by the law. The statement must be issued not earlier than 6 months prior to the submission deadline for tenders or requests to participate in the contract awarding procedure;

- a valid statement from the proper division of the Social Insurance Institution (ZUS) or the Agricultural Social Insurance Fund (KRUS) confirming that the contractor is not behind with paying social and health insurance contributions or a statement that the contractor has been granted exemption, postponement, approval to pay the outstanding amounts in instalments or staying in full the execution of a decision of the proper authority as provided for by the law. The statement must be issued not earlier than 3 months prior to the submission deadline for tenders or requests to participate in the contract awarding procedure;
- a valid statement from the National Criminal Register (KRK) in the scope specified in Article 24 Par. 1 Subpar. 4–8 of the Act, issued not earlier than 6 months prior to the submission deadline for tenders or requests to participate in the contract awarding procedure;
- a valid statement from the National Criminal Register (KRK) in the scope specified in Article 24 Par. 1 Subpar. 9 of the Act, issued not earlier than 6 months prior to the submission deadline for tenders or requests to participate in the contract awarding procedure;
- a valid statement from the National Criminal Register (KRK) in the scope specified in Article 24 Par. 1 Subpar. 10 and 11 of the Act, issued not earlier than 6 months prior to the submission deadline for tenders or requests to participate in the contract awarding procedure;
- If, in the demonstration of fulfilling the conditions for participation in the procedure, the contractor refers to resources of other entities which shall participate in executing a part of the contract, the contractor must also submit documents concerning those entities in the scope required for the contractor, which are specified in Subpar. III.4.2.

### **III.4.3) Documents of foreign entities**

**If the contractor's seat or place of residence is beyond the territory of the Republic of Poland, it must submit the following documents:**

**III.4.3.1) a document issued in the country where the contractor's seat or place of residence is located, which confirms that:**

- a procedure of the contractor's liquidation has not been instituted and it has not been declared bankrupt. The document must be issued not earlier than 6 months prior to the submission deadline for tenders or requests to participate in the contract awarding procedure;
- the contractor is not behind with paying taxes or social and health insurance contributions or a statement that it has been granted exemption, postponement, approval to pay the outstanding amounts in instalments or staying in full the execution of a decision of the proper authority as provided for by the law. The document must be issued not earlier than 3 months prior to the submission deadline for tenders or requests to participate in the contract awarding procedure;
- the contractor has not been banned from participation in the contract awarding procedure. The document must be issued not earlier than 6 months prior to the submission deadline for tenders or requests to participate in the contract awarding procedure.

### **III.4.3.2)**

- a statement issued by a court or administration authority relevant to the place of residence or the place of residence of the person whom the documents concern, in the scope specified in Article 24 Par. 1 Subpar. 4–8 of the Act. The statement must be issued not earlier than 6 months prior to the submission deadline for tenders or requests to participate in the contract awarding procedure;
- a statement issued by a court or administration authority relevant to the place of residence or the place of residence of the person whom the documents concern, in the scope specified in Article 24 Par. 1 Subpar. 10 and 11 of the Act. The statement must be issued not earlier than 6 months prior to the submission deadline for tenders or requests to participate in the contract awarding procedure.

### **III.4.4. Documents concerning membership in the same capital group**

- a list of entities being members of the same capital group as defined by the Act of February 16<sup>th</sup>, 2007 on competition and consumer protection or a statement that the contractor is not a member of a capital group.

**III.5) INFORMATION ABOUT DOCUMENTS CONFIRMING THAT THE OFFERED SUPPLIES, SERVICES OR CONSTRUCTION WORKS MEET SPECIFIED REQUIREMENTS**

**In the scope of confirming that the offered construction works, supplies or services meet specified requirements, the contractor must submit:**

- samples, descriptions or photographs of products to be delivered; their authenticity must be confirmed by the contractor on the contracting authority's request;
- a certificate issued by an independent entity entitled to conduct quality control, which confirms that the delivered products meet the requirements of specified standards or technical specifications;
- a certificate issued by an independent entity dealing with confirming compliance of the contractor's actions with quality standards, if the contracting authorities refer to quality assurance systems based on relevant European standards;
- a certificate issued by an independent entity dealing with confirming compliance of the contractor's actions with European environmental management standards, if the contracting authorities indicate environmental management means to be applied by the contractor during the execution of the contract for construction works or service provision, referring to the Eco-Management and Audit Scheme (EMAS) or environmental management standards based on European or international standards certified by entities acting based on the European Union law or European or international certification standards;
- other documents \_\_\_\_\_

**III.6) OTHER DOCUMENTS**

**Other documents not listed in Clause III.4) or III.5)**  
not applicable

**III.7)**

**the possibility of participation in the contract awarding procedure is limited only for contractors whose more than 50% of employees are disabled persons** – the contractor must submit a statement that it employs more than 50% of disabled persons as defined by the provisions concerning professional and social rehabilitation and employment of disabled persons or by relevant provisions of member states of the European Union or the European Economic Area, if the contractor's seat or place of residence is located in those countries.

**SECTION IV: PROCEDURE**

**IV.1) THE CONTRACT AWARDING MODE**

**IV.1.1) The contract awarding mode**

Open procedure  Restricted procedure

Negotiations with notice  Competitive dialogue

Electronic auction

**IV.1.2) The anticipated number of contractors who will be invited to participate**  
*(restricted procedure, negotiations with notice, competitive dialogue)*

The number of contractors **6**

**Description of the selection method of contractors who will be invited to submit tenders if the number of contractors fulfilling the conditions of participation in the procedure is bigger than specified in the contract notice**

not applicable

#### IV. 2) TENDER ASSESSMENT CRITERIA

##### IV.2.1) Tender assessment criteria <sup>3)</sup>

Lowest price  X

or

Price and other criteria related to the object of the contract

Criteria	Importance <sup>4)</sup>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

##### IV.2.2)

An electronic auction will be conducted NO

address of the website on which it will be conducted: \_\_\_\_\_

#### IV. 3) CHANGES TO THE AGREEMENT

It is anticipated to introduce significant changes to the provisions of the concluded agreement in relation to the content of the tender on the basis of which the contractor will be selected.

NO

#### IV.4) ADMINISTRATIVE INFORMATION

IV.4.1) Address of the website on which terms of reference are available (if applicable): not applicable

The terms of reference can be accessed on the following website:

IV.4.2) Description of the contracting authority's needs and requirements specified in the way allowing the contractors to prepare themselves to participate in competitive dialogue or information about the way of obtaining that description (if applicable): not applicable

IV.4.3) Information about the value of awards for contractors who, during the competitive dialogue, present solutions constituting the basis for tender submission, if the contracting party plans to give awards:

not applicable

IV.4.4) Submission deadline for requests to participate in the procedure or tenders (if applicable):

Date: **15/01/2016**

Time: **1:00 p.m.**

Place: Regional Water Management Authority in Wroclaw, 34 Norwida Steet, 50-950 Wroclaw

**IV.4.5) Offer validity**

Till:   /   /     (dd/mm/yyyy)

or

period in days: **90 days** (of the tender submission deadline)

**IV.4.6) Address of the website on which an electronic auction will be conducted (if applicable):** not applicable

**IV.4.7) Address of the website on which the description of the object of the contract in the electronic auction is available (if applicable):** not applicable

**IV.4.8) Requirements concerning registration and identification of contractors in the electronic auction, including technical requirements of IT devices (if applicable):** not applicable

**IV.4.9) Method of conducting the electronic auction, including specification of minimal bid increments (if applicable):** not applicable

**IV.4.10) Information about the number and duration of stages in the electronic auction (if applicable):** not applicable

**One-stage auction**  **duration:** \_\_\_\_\_

**Multi-stage auction**

<b>stage no.</b>	<b>stage duration</b>
_____	_____
_____	_____
_____	_____

**Contractors who do not submit new bid increments shall be qualified for the next stage.**

**IV.4.11) Submission deadline for requests to participate in the electronic auction (if applicable):** not applicable

Date:   /   /     (dd/mm/yyyy)

Time: \_\_\_\_\_

Place: \_\_\_\_\_

**IV.4.12) Electronic auction opening date (if applicable):** not applicable

**IV.4.13) Electronic auction closing date and conditions of closing (if applicable):** not applicable

**IV.4.14) Requirements concerning the agreement performance bond (applies to electronic auction):** not applicable

**IV.4.15) Provisions significant to the parties that shall be introduced in the content of the concluded agreement on the public contract (applies to electronic auction):** not applicable

**IV.4.16) Additional information, including those concerning financing the project/programme with European Union funds (if applicable):**

**Due to the impossible publication of non-standard notification in the Public Procurement Bulletin, the Employer – in accordance with information received from the Public Procurement Office – clarifies that:**

**a) information published in items no. II.1.4), II.1.6), II.1.7), III.2), III.7), IV.3), IV.4.17) shall not be taken into consideration (they cannot be applied for this procurement or cannot be determined on this stage of proceeding),**



**b) information published in items no. II.2), IV.1.2), IV.2.1), IV 4.5 shall not be taken into consideration; proper information for this items is as follows:**

- **item no. II.2): the procurement time is not determined on this stage of proceeding,**
- **item no. IV.1.2): the number of Contractors, which would be invited to participate in proceedings, is not limited,**
- **item no. IV.2.1): the bid assessment criteria are not determined on this stage of proceeding,**
- **item no. IV.4.5): the bid validity time is not determined on this stage of proceeding.**

The Government of the Republic of Poland has received financing from the World Bank toward the cost of the Odra – Vistula Flood Management Project, and it intends to apply part of the proceeds toward payments under the contract for construction of two mid-sized dry polders (“active protection”) to increase buffer capacity in the Nysa Kłodzka Valley for contract No 2.A2 Construction of "Szalejów Górny" - a dry flood control reservoir on Bystrzyca Dusznicka River and Construction of "Krosnowice" - a dry flood control reservoir on Duna Stream.

The contract will be funded through joint financing by the International Bank for Reconstruction and Development (IBRD) and the Council of Europe Development Bank (CEB) as well as through obtaining funds in the form of a grant from the European Union (EU) Cohesion Fund and Polish National Fund for Environmental Protection and Water Management.

The Regional Water Management Authority in Wrocław intends to prequalify contractors and/or firms for Construction Of Dry Polders. It is expected that invitations to bid will be made in May 2016.

This invitation to bidding has been preceded with a general notification on bid for this project, which was published in Development Business no. WB3345-07/15 dated 07/23/2015.

Prequalification will be conducted through the procedures as specified in the World Bank’s Guidelines: Procurement under IBRD Loans and IDA Credits, (current edition), and is open to all eligible bidders as defined in the guidelines.

Interested eligible bidders may obtain further information, and inspect the prequalification documents during office hours from 07:00 to 15:00 hours, at the Regional Water Management Authority in Wrocław, Poland at the address below:

34 Norwida Str.  
City: Wrocław  
ZIP Code: 50-950.

A complete set of prequalification documents in English and/or Polish may be purchased by interested bidders upon the submission of a written application to the address below and upon payment of a nonrefundable fee of 17,30 PLN (say: seventeen 30/100 PLN) – for a copy of the documents in one language. The payment must be made via direct deposit to the following bank account:

Narodowy Bank Polski Oddział Okręgowy we Wrocławiu  
No. 45 1010 1674 0040 3722 3100 0000  
The document will be sent by a courier at the Applicant’s expense.

Applications for prequalification should be submitted in clearly marked envelopes and delivered to the address below by 1:00 p.m. on 15th of January 2016 and be clearly marked “Application to prequalify for Odra Vistula Flood Management Project ID P147460 - Construction of "Szalejów Górny" - a dry flood control reservoir on Bystrzyca Dusznicka River and Construction of "Krosnowice" - a dry flood control reservoir on Duna Stream. Contract no. OVFMP-2A.2/2015”.

The Employer reserves the right to accept or reject late applications.

Regional Water Management Authority in Wrocław, Poland  
Mr. Andrzej Guściora, Project Officer, Chief Specialist  
34 Norwida Str.  
City: Wrocław  
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Web site: [www.wroclaw.rzgw.gov.pl](http://www.wroclaw.rzgw.gov.pl)

**IV.4.17) Is it anticipated to cancel the contract awarding procedure if the funds from the budget of the European Union and non-refundable funds from the aid granted by the member states of the European Free Trade Association (EFTA), which were planned to finance the contract in whole or in part, are not granted?**

Yes  No

- 
- 1) If the provisions concerning contract duration, completion deadline or tender assessment criteria are different for each part of the contract, the contracting authority fills in Appendix I.
  - 2) Clause II.2 does not have to be filled in if different provisions are anticipated for a part of the contract.
  - 3) Clause IV.2.1 does not have to be filled in if different provisions are anticipated for a part of the contract.
  - 4) Concerning the competitive dialogue: if contract complexity prevents establishing the importance of the tender assessment criteria at this stage, the contracting authority lists the tender assessment criteria from the most important to the least important one.