**REGULATIONS FOR CONDUCTING PRELIMINARY MARKET CONSULTATIONS,**

the subject of which is

**delivery and replacement of a generator at the Municipal Waste Thermal Transformation Plant (ZTPOK) in Bydgoszcz, 22 Ernst Peterson Street.**

**§ 1**

**Scope of application of the Regulations**

The Regulations specify the rules for running by the Purchasing Party - Intermunicipal Waste Disposal Complex ProNatura Sp. z o. o.

a preliminary market consultations in Bydgoszcz.

**§ 2**

**Definitions**

* Whenever used:
* PPL Act – shall be understood as the Act of September 11, 2019, Public Procurement Law;
* Preliminary Market Consultations – shall be understood as preliminary/initial market consultations

(hereinafter also referred to as "Consultations") regulated by the provisions of Art. 84 of the Public Procurement Law;

* Announcement - shall be understood as the announcement regarding Preliminary Market Consultations;
* Procurement award procedure – shall be understood as the planned procedure

for the award of a public contract for the delivery and replacement (installation) of a generator at the Municipal Waste Thermal Transformation Plant (ZTPOK) in Bydgoszcz at 22 Ernst Peterson Str. (hereinafter also referred to as the "Proceedings");

* Regulations - shall be understood as the regulations for conducting Preliminary Market Consultations;
* Participant - shall be understood as an entity participating in the Preliminary Market Consultations conducted by the Purchasing Party.

**§ 3**

**General Provisions**

* The decision to conduct Preliminary Market Consultations on behalf of the Purchasing Party is made by the Purchasing Party's Manager.
* All activities serving as part of the Preliminary Market Consultations referred to in these Regulations are performed on behalf of and for the benefit of the Purchasing Party by persons designated for this purpose by the Purchasing Party's Manager.
* Conducting Preliminary Market Consultations does not oblige the Purchasing Party to initiate public procurement proceedings to which these Consultations were applicable.
* Preliminary Market Consultations are conducted in a way that ensures compliance with the principles of transparency, fair competition and equal treatment of potential Contractors.
* Preliminary Market Consultations are conducted in Polish, and in the case of foreign Participants' participation, in English.
* Preliminary Market Consultations are public. The Purchasing Party will not disclose, during or after the Consultations, information constituting a trade secret within the meaning of the Act on Combating Unfair Competition, if the Participant, no later than when providing the information to the Purchasing Party, stipulated that the information provided constitutes a business secret and cannot be made available to other entities.

**§ 4**

**Purpose and subject of the Consultation**

* The purpose of Preliminary Market Consultations is for the Purchasing Party to obtain information to the extent necessary to prepare the procurement procedure and to inform Contractors about its plans and requirements regarding this order.
* The subject of the Consultation may be in particular:
* obtaining information of a technical, organizational, economic and legal nature in the scope related to:
* description of the subject of the planned purchase order;
* the possibility of dividing the order into parts depending on the specific nature of the order;
* estimation of the value of the order;
* conditions of participation in the proceedings;
* essential provisions of the public procurement contract;
* informing the Contractors about the Employer's requirements regarding the planned Procedure;
* information related to the execution of the order and its costs in accordance with the needs of the Purchasing Party;
* collecting other information used to draft/collect documentation of the planned Procedure.

During the Consultations, the Purchasing Party is entitled to limit or extend the scope of the subject of the Consultations to selected issues, provided that in their opinion such decision will allow to obtain all relevant information for the planned procurement procedure.

**§ 5**

**Initiation of Consultations**

* Consultations are initiated on the date of posting the Consultation Notice on the Purchasing Party's website purchasing platform: [https://platformazakupowa.pl/transakcja/928548](http://?)
* In the Consultation Notice, the Purchasing Party indicates in particular:
* the purpose of conducting the Consultations;
* basic requirements for admission to the Consultations;
* date, place and method of submitting an application to participate in the Consultations;
* method of communicating with Participants.

**§ 6**

**Organization of Consultations**

* The Purchasing Party may invite Participants (persons or entities) who submit a properly prepared Application to participate in the Consultations. When inviting a person or an entity to participate in the Consultations, the Purchasing Party will take into account the realization of the purpose of conducting the Consultations and ensuring their effectiveness.
* In justified cases, the Purchasing Party may invite entities that submit an application to participate in the Consultations after the specified deadline to participate in the Consultations.
* The entity interested in participating in the Consultations should send the Purchasing Party an application to participate in the Consultations within the deadline specified in the Announcement. In the Announcement, the Purchasing Party has to specify the form of application to participate in the Consultations.
* The Purchasing Party communicates with the Participants by means of correspondence sent to the e-mail address provided by the Participant in the application. Each party, at the request of the other, immediately confirms the receipt of the correspondence.
* The Purchasing Party may also, regardless of placing the Notice on its website, inform selected entities of their intention to conduct Consultations. For this purpose, the Purchasing Party may, in particular, send information about the intention to conduct Consultations in written or electronic form to selected entities.
* Failure to participate in the Consultations does not limit the rights and does not act to the detriment of potential contractors in the planned public procurement procedures.

**§ 7**

**Method of conducting Consultations**

* The form of the Consultation is decided by the Purchasing Party in the Announcement or in the invitation to Consultation addressed to the Participants.
* The Purchasing Party is not obliged to conduct Consultations in a specific form with all Participants and may decide on different forms of Consultations with different Participants, depending on the substantive content of the positions presented by the Participants in connection with the Consultations, respecting the principles of transparency, fair competition and equal treatment of Participants.
* Consultations may take the form of:
* exchange of correspondence in electronic form;
* videoconference with Participants (using videoconference applications such as MS Teams);
* direct consultations at the Purchasing Party's headquarters.
* The Purchasing Party may decide to conduct Consultations using any or all of the above-mentioned forms of communication. The Purchasing Party may at any time resign from conducting a Consultation with a selected Participant if it considers that the information provided by the Participant is not useful to achieve the purpose of the Consultation..
* During the Consultations, the Purchasing Party may use advice from experts, public authorities or contractors. This advice may be used in planning, preparing or conducting the procurement procedure, provided that it does not distort competition or violate the principles of equal treatment of contractors and transparency.
* Entities advising the Purchasing Party are obliged to maintain confidentiality under the terms set out in these Regulations.

**§ 8**

**Finalizing Consultations**

* The consultations will last until the end of time specified in the Announcement. In justified cases, the Purchasing Party allows for the extension of the duration of the Consultations, about which it will inform the Consultations Participants.
* If the Purchasing Party decides to initiate public procurement proceedings preceded by Consultations, it will include information about their completion in the documentation of the proceedings. At the same time, the Purchasing Party will take the necessary measures to ensure that the participation of Participants in the planned public procurement procedure will not distort competition.
* The Purchasing Party will immediately inform about the end of the Consultations by posting information on its website, and in the event of the finalization of the Consultations, after inviting selected Participants to participate in the Consultations, as well as providing information to the Participants.

**§ 9**

**Consultation Protocol**

* The Purchasing Party shall draft a protocol from the Consultations, containing at the minimum:
* information about the Consultations;
* information about entities that participated in the Consultations;
* information about the potential impact of the Consultations on the planning, preparation or conduct of the Proceedings.
* The protocol and its annexes are public, subject to the information referred to in § 3 section 6 of the Regulations.
* Correspondence, protocols, letters, studies, opinions and other documents related to the Consultations remain at the disposal of the Purchasing Party and are not subject to return after the end of the Consultations. The Purchasing Party may return to the Participant, at his/her request, samples, equipment or other materials provided in the matter of the Consultations.

**§ 10**

**Costs and appeals**

* Each Consultations participant is responsible for all costs incurred in connection with preparation for and participation in the Consultations.
* Consultations Participants are not entitled to any claims regarding the Preliminary Market Consultations against the Purchasing Party, in particular for reimbursement of the costs of preparation for and participation in the Consultations.
* Participants of the Consultations and other entities within the scope of the Consultations are not entitled to legal protection measures specified in the Public Procurement Law.

**§ 11**

**Personal Data**

If the Purchasing Party obtains personal data in connection with conducting the Consultations, it is obliged to comply with the provisions on the protection of personal data, in particular those resulting from the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection natural persons in connection with the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) and the provisions of the Act of 10 May 2018 on the protection of personal data.

**§ 12**

**Entry into force of the Regulations**

The Regulations enter into force after their signing, upon publication on the Purchasing Party's website.

**Signed and consented by:**

**/-/Konrad Mikołajski- Chairman of the board**

**/-/Jarosław Bańkowski- Vice-chairman of the board**