

Regulation of the Prime Minister of 10 May 2011 on non- price mandatory tender evaluation criteria with respect to certain types of public contracts (Journal of Laws No. 96, item 559)

Pursuant to Article 91(8) of the Act of 29 January 2004 – Public Procurement Law (Journal of Laws No. 223, item 1655 as amended), it is decreed as follows:

§ 1

The Regulation lays down non- price mandatory tender evaluation criteria with respect to public contracts for the purchase of vehicles of categories M and N, referred to in Annex 1 to the Regulation of Minister of Infrastructure of 24 October 2005 on type approval of vehicles and trailers (Journal of Laws No. 238, item 2010, of 2006, No. 205, item 1512 and of 2008 No. 29, item 166), except for special use vehicles, hereinafter referred to as "vehicles of categories M and N".

§ 2

The Regulation does not apply to public contracts for the purchase of vehicles of categories M and N, if the specification of essential terms of contracts set outs technical requirements of the vehicle on the factors, referred to in § 3.

§ 3

Tender evaluation criteria for the purchase of vehicles of categories M and N are:

- 1) energy consumption;
- 2) CO₂ emissions;
- 3) emissions of pollutants: NO_x, NMHC and particulate matter.

§ 4

Tender evaluation criteria, referred to in § 3, are expressed as:

- 1) the size of energy consumption and emissions of CO₂ and pollutants or
- 2) monetary value of energy consumption and emissions of CO₂ and pollutants during the life cycle of a vehicle, calculated in accordance with the methodology set out in § 7-9.

§ 5

In the case, referred to in § 4 point 1, when evaluating the tenders the contracting authority shall take into account in particular:

- 1) the volume of energy consumed, measured according to the test procedure established for type approval, and in the case of vehicles not covered by this procedure established by a different method of measuring fuel or electricity consumption, ensuring comparability of tenders;
- 2) CO₂ emissions, measured according to the test procedure established for type approval, and in the case of vehicles not covered by this procedure established by a different method of measuring the emissions, ensuring comparability of tenders;

3) emissions of NO_x, NMHC and particulate matter expressed jointly or separately, measured according to the test procedure established for type approval, ensuring comparability of tenders.

§ 6

1. The energy content of the fuels is specified in Annex 1 to the Regulation.
2. The cost per unit of CO₂ and pollutants emissions is specified in Annex 2 to the Regulation.
3. Lifetime mileage of a vehicle is specified in Annex 3 to the Regulation.

§ 7

1. Monetary value that reflects the cost of the energy consumption of a vehicle shall be calculated by multiplying the lifetime mileage assumed by the contracting authority or established according to Annex 3 to the Regulation, by the size of energy consumption and by the cost per unit of energy.
2. The energy consumption expressed in MJ/ km, provides:
 - 1) in the case of electric and hybrid "plug in" vehicles the volume of electricity consumed, determined in accordance with § 5 paragraph 1;
 - 2) in the case of all other vehicles, the fuel consumption, as determined in accordance with § 5 paragraph 1, multiplied by the energy content of the fuels.
3. Fuel consumption is expressed in case of liquid fuels in l/km in liters per kilometer, and in case of gas fuels in Nm³/ km.
4. A uniform monetary value per unit of energy expressed in PLN on MJ shall be applied, which is the lower cost per MJ of energy obtained from petrol or diesel before tax.

§ 8

1. Monetary value that reflects the cost of CO₂ emissions shall be calculated by multiplying the lifetime mileage of the vehicle assumed by the contracting authority or established according to Annex 3 to the Regulation, by the volume of CO₂ emissions for a given vehicle and by the cost per unit of CO₂ emissions according to Annex 2 to the Regulation.
2. The volume of CO₂ emissions, as determined in accordance with § 5 paragraph 2, is expressed in g/km.

§ 9

1. Monetary value that reflects the cost of pollutants emissions shall be calculated by adding up costs for each and every pollutant as listed in § 3 paragraph 3.
2. The cost of each pollutant shall be calculated by multiplying the lifetime mileage of the vehicle assumed by the contracting authority or established according to Annex 3 to the Regulation, by the volume of pollutant emissions for a given vehicle and by the cost per unit of pollutant emissions according to Annex 2 to the Regulation.
3. The volume of pollutant emissions, as determined in accordance with § 5 paragraph 3, is expressed in g/km.

§ 10

The Regulation shall enter into force after 14 days from the date of publication.

PRIME MINISTER

Annex I - ENERGY CONTENT OF MOTOR FUELS

FUEL	ENERGY CONTENT *
Diesel	36 MJ/l
Petrol	32 MJ/l
Natural Gas/Biogas	33—38 MJ/Nm ³
Liquefied Petroleum Gas (LPG)	24 MJ/l
Ethanol	21 MJ/l
Biodiesel	33 MJ/l
Emulsion fuel	32 MJ/l
Hydrogen	11 MJ/Nm ³

* MJ — megajoule

l — litre

Nm³ — normal cubic meter

Annex II - COST PER UNIT FOR CO₂ AND POLLUTANTS EMISSIONS

CO₂	NO_x	NMHC	Particulate matter
0,115 – 0,154 PLN/kg**	0,0169 PLN/g**	0,00384 PLN/g**	0,334 PLN/g**

**kg –kilogramme

g- gramme

Annex III - LIFETIME MILEAGE OF ROAD TRANSPORT VEHICLES

VEHICLE CATEGORY	LIFETIME MILEAGE
Passenger cars (M1)	200 000 km
Light commercial vehicles (N1)	250 000 km
Heavy goods vehicles (N2, N3)	1 000 000 km
Buses (M2, M3)	800 000 km

** km - kilometre