Regulation of the Prime Minister of 26 October 2010 on the report on contract award procedure (Journal of Laws, No. 223, item 1458)

Pursuant to Article 96 (5) of the Act of 29 January 2004 – Public Procurement Law (Journal of Laws of 2010 No. 113 item 759, No. 161 item 1078 and No. 182, item 1228), it is decreed as follows:

§ 1.1. The Regulation determines a standard form of the report on the contract award procedure and the scope of additional information included in the report, as well as the manner and form of making the report along with annexes available to interested parties.

1.2. The report on the contract award procedure, hereinafter referred to as the "report", contains also information on actions preceding the commencement and conducted after the conclusion of contract award procedure.

§ 2.1. Apart from the information, referred to in Article 96 (1) of the Act of 29 January 2004 – Public Procurement Law, hereinafter referred to as the "Act", the report shall include, depending on the type of procurement procedure, the information referring to:

1. the awarding entity;
2. object of public contract, hereinafter referred to as the “contract”;
3. indication of the value of contract, value of the framework agreement or value of the dynamic purchasing system, value of contract divided into lots, value of supplementary contracts as well as the date and manner of their estimation;
4. reasons for application by the awarding entity of other, than the open and restricted tendering, type of procurement procedure;
5. persons performing the activities in the contract award procedure and of persons involved in preparation of the procedure;
6. notices and their modification;
7. economic operators invited to contract award procedure, negotiations, submission of tenders, initial or indicative tenders;
8. announcement to President of the PPO on the commencement of procedure under single source procurement or negotiated procedure without publication;
9. economic operators that submitted requests to participate in the award procedure, submitted tenders, initial or indicative tenders;
10. economic operators admitted to the dynamic purchasing system;
11. place and date for submission of tenders;
12. opening of tenders;
13. the amount, the awarding entity plans to allot to finance the contract or part thereof;
14. comparison of tenders;
15. evaluation of fulfillment of conditions for participation in the procedure;
16. economic operators excluded from the procedure;
17. tenders, which were rejected;
18. application of electronic auction;
19. selection of the best tender;
20. approval of the outcome of award procedure;
21. notification of selection or annulment of procedure along with reasons for the annulment;
22. legal protection measures;
23. award of public contract;
24. annexes to the report;
25. comments to the report.

2.2. The report is signed by author of the report and the head of the awarding entity.

§ 3. The standard form of the report:

1) on contract award procedure under:
   a) open tendering, is subject to annex no. 1 of the regulation;
   b) restricted tendering, is subject to annex no. 2 of the regulation;
   c) negotiated procedure with publication, is subject to annex no. 3 of the regulation;
   d) competitive dialogue, is subject to annex no. 4 of the regulation;
   e) negotiated procedure without publication, is subject to annex no. 5 of the regulation;
   f) single source procurement, is subject to annex no. 6 of the regulation;
   g) request for quotation, is subject to annex no. 7 of the regulation;
   h) electronic bidding, is subject to annex no. 8 of the regulation;

2) in order to establish the dynamic purchasing system and to award the contracts under dynamic purchasing system is subject to annex no. 9 of the regulation;

In the contract award procedure where the value is lower than the amounts specified in legal provisions issued on the basis of Article 11 (8) of the Act, the awarding entity shall prepare the record containing the information:

§4. The standard form of additional form ZP-1 is subject to annex no. 10 of the regulation;

§ 5. 1. The awarding entity shall make the report or the annexes thereto available at request.

5.2. Making the report or the annexes available may have the form of inspection, dispatch of the copy by post, fax or by electronic means, according to applicant’s choice as specified in the request.

5.3. Without the consent of awarding entity, the applicant shall not make a copy or recordings by means of devices or technical means used to record the image of the submitted tenders or requests to participate in the contract award procedure during the inspection of report or annexes conducted in a place determined by the awarding entity.

5.4. If the dispatch of copy of report or the annexes according to the applicant’s choice is significantly hindered, in particular due to the number of documents requested to be dispatched, the awarding entity shall notify it to the applicant and shall indicate the way, the documents may be made available.

5.5. The awarding entity shall forthwith make the report or the annexes thereto available to the applicant. In exceptional cases, in particular in order to provide efficient workflow in reference to examination and evaluation of tenders, the awarding entity shall make the tenders or the requests to participate in a procedure available for inspection or shall dispatch their copies within the time limit fixed by the awarding entity, however not later than the day when
the information on selection of the best (most advantageous) tender or on the cancellation of the procedure is dispatched.

§ 6. To contract award procedures commenced before the entry into force of this Regulation, the hitherto provisions shall apply.

§ 7. Regulation of the Prime Minister of 16 October 2008 on the report on contract award procedure (Journal of Laws, No. 188, item 1154) shall be repealed.

§ 8. The Regulation shall enter into force after 14 days from its publication.

PRIME MINISTER