

#### Question 51

During the execution of the project we will use our Polish subsidiary, 100% owned by our company, as a vehicle for the administration of the local portion of the contract. Therefore we would like to include such Polish company as part of the consortium in the prequalification request.

As far as legal, economic and financial information are concerned, we will provide them for such subsidiary, while as far as technical capabilities, experience and ISO certifications are concerned, our intention is to submit them for the parent company only, covering in such way the Polish subsidiary.

We understand this is allowed as the tender states that "In case of Contractors applying for contract award jointly, their knowledge and experience as well as the staffing capabilities will be assessed jointly".

Please confirm whether our understanding is correct.

#### Answer 51

Concerning the knowledge, experience and staff capability: yes these criteria shall be assessed jointly. But the Certificates must be presented by the Economic operator, by all members of Consortium and also by the Suppliers of the main equipment. The subsidiary must provide Certificates, if this subsidiary is Economic operator, member of Consortium or Supplier of the main equipment. The Certificates cannot be lent.

Wiedza, doświadczenie i potencjał kadrowy podlegać będzie łącznej ocenie. Certyfikaty muszą zostać przedstawione zarówno przez Wykonawcę, wszystkich członków konsorcjum, a także przez dostawców głównych części. Spółka córka musi przedstawić stosowne certyfikaty, jeżeli spółka ta jest Wykonawcą, członkiem konsorcjum albo dostawcą głównych części. Zwracamy uwagę, że certyfikaty nie mogą zostać wypożyczone.

#### Question 52

The tender seems to ask the Contractor to provide ISO 14001 certificates for suppliers of main equipment (i.e. gas turbine, steam turbine and HRSG, as per answer n. 16).

As not necessarily such main equipment suppliers will be defined at this initial phase of the project, we understand this requirement is not referred to the request to participate. Our understanding is that this statement refers to the future contract execution phase, where only main equipment suppliers with ISO 14001 certificates will be accepted.

Please confirm whether our understanding is correct.

#### Answer 52

The economic operator has to prove this Certificate within the Request for Participation. The suppliers of the main equipments shall prove the Certificate during the next stages (not during the Request for Participation)

Wykonawca musi przedstawić stosowne certyfikaty na etapie składania wniosku o dopuszczenie do udziału w postępowaniu. Certyfikaty w stosunku do dostawców głównych części powinny zostać przedstawione na późniejszym etapie (nie na etapie składania wniosków o dopuszczenie do udziału).

#### Question 53

We understand that this requirement is not referred to the request to participate, and that therefore we do not have to submit the CV of mentioned replacing people.

Our understanding is that this statement refers to the future contract execution phase, during which it will be allowed to replace persons from the key personnel, but only with persons with at least the same qualifications.

Please confirm whether our understanding is correct.

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Answer 53

Yes your understanding is correct.

Tak przyjęta interpretacja jest prawidłowa.

Question 54

We understand that other kind of certifications can be accepted in case foreign persons' CV are provided.

Please confirm whether our understanding is correct.

Answer 54

Foreign persons must have professional qualifications complying with Polish Building Law.

Osoby pochodzenia zagranicznego muszą posiadać kwalifikacje zgodne z przepisami polskiego prawa budowlanego

Question 55

We understand that, in case of Contractors applying jointly for contract award, the declaration that the number of permanent group of employees "is appropriate and sufficient to complete the contract within the specified time frames and to guarantee the support in emergency cases" can be a joint declaration, signed by all the Contractors part of the consortium.

Please confirm whether our understanding is correct.

Answer 55

Yes your understanding is correct.

Tak przyjęta interpretacja jest prawidłowa.

Question 56

**1. Question regarding sub supplying entity:**

Please kindly confirm, that the last sentence on page 6 of specification (English version), under II "If the Economic Operator, for the purpose of proving its compliance [.....] relies on the resources of other entities [... ] and such entities participate in completion of a part of the contract, the Contracting Entity will demand the Economic Operator to present documents concerning those entities as listed in section I above or any corresponding documents listed in section IV below." does not mean that in case of a sub supplying entity from the same group/corporate as the Economic Operator supports the Economic Operator (no consortium), has to submit the same prequalification documents as the Economic Operator itself. If that would be the case we kindly ask for 3 weeks extension counted from 9th of July 2010.

Answer 56

The Economic Operator has to submit the requested prequalification documents pertaining to a sub-supplying entity from the same capital group as the Economic Operator only if the Economic Operator relies on the resources of this sub-supplying entity for the purposes of proving its compliance with the prequalification terms. This means that if the Economic Operator fulfills all of the prequalification requirements itself, there would be no need to

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present the documents concerning a sub-supplying entity as listed in point III.2.1 section I and IV of the Contract Notice.

Wykonawca musi przedstawić te żądane dokumenty prekwalitycyjne dotyczące podmiotu z jego grupy kapitałowej będącego podwykonawcą jeżeli Wykonawca polega na zasobach takiego podwykonawcy dla celu wykazania spełnienia warunków udziału w postępowaniu. Oznacza to, że w przypadku gdy Wykonawca spełnia warunki udziału w postępowaniu samodzielnie, nie ma potrzeb aby przedstawienia dokumentów dotyczących powyższego podwykonawcy w zakresie określonym w III.2.1 dział I i IV Ogłoszenia o Zamówieniu.

#### Question 57

##### **2. Question regarding references for DH:**

We kindly ask you to confirm that in the specification under III.2.3)I.1. "Technical Capacity" the technical reference for a Combined Cycle Gas Turbine (CCGT) for District Heating can be any kind of CCGT with min. 100MWth District Heating and is not related to the requirements stated in the sentences before (page 8 at bottom in English version), like EPC, PAC within last 10 years, operation for 1 year minimum, min.400MW, F-class, Multishaft configuration, etc.. In other words, please confirm that the wording of these phrase could also be read in this way: ".... of at least 400MWe, based on F-class gas turbine technology, **Additionally an Economic Operator should have at least one Combined Cycle Gas Turbine Power Plant (CCGT) involved completion of district heating of at least 100MWth (realized through controlled steam extraction(s) directly from steam turbine).**"

#### Answer 57

The condition for one of the projects to concern the Combined Cycle Gas Turbine Power Plant (CCGT) involving the completion of at least 100 MWth district heating (effected through controlled steam extraction (s) directly from a steam turbine) is also subject to the remaining conditions set out in section III.2.3. I.1 of the Contract Notice, namely, this plant: (i) should have been completed in the last ten years prior to the deadline for filing the requests for admission to participate, (ii) was duly operating for at least one year, (iii) was completed under an EPC contract, and (iv) was a complete functional multi-shaft CCGT of at least 400 MWe based on F-class gas turbine technology.

Warunek, aby jeden z projektów dotyczył zasilanej gazowo elektrowni o cyklu skojarzonym typu CCGT obejmującej wyprowadzenie ciepła o mocy powyżej 100 MWt (poprzez kontrolowany przepływ pary bezpośrednio z turbiny parowej) zostanie spełniony w przypadku gdy projekt ten został ukończony w ciągu ostatnich 10 lat przed upływem terminu składania wniosków o dopuszczenie do udziału w postępowaniu, elektrownia działa co najmniej 1 rok, była realizowana w formule EPC, była wielowatową elektrownią typu CCGT o zdolności 400 MWe lub wyższe w oparciu o technologię F-klasy turbiny gazowej.