

**Regulations for the Technical Dialogue**  
**under the Public Procurement Act, preceding the initiation of the public procedure for the**  
**private investor interested in public-private partnership in the Project under the name:**  
**“Design, construction, running and operating of the multifunctional object**  
**of spending the leisure time in Świnoujście”**

**§ 1 Definitions**

Whenever the below definitions are used in these Rules:

1. **Regulations** – means these Regulations;
2. **Announcement** – means the announcement on the Technical Dialogue under the Public Procurement Act, preceding the initiation of the public procedure for the private investor interested in public-private partnership in the Project under the name: “Design, construction, running and operating of the multifunctional object of spending the leisure time in Świnoujście”
3. **Inviting Authority** – means the Municipality of Świnoujście;
4. **Participant** – means the entity proved as eligible to participate in this Technical Dialogue;
5. **Dialogue** – means the Technical Dialogue, as defined in Articles 31a to 31d of the Public Procurement Law of 29 January 2004 (with amendments) referring to the Project.
6. **Project** – means the project under the name “Design, construction, running and operating of the multifunctional object of spending the leisure time in Świnoujście”

**§ 2 Scope of the Regulations**

These Regulations give the principles of running the Technical Dialogue under the Public Procurement Act, preceding the initiation of the public procedure for the private investor interested in public-private partnership in the Project under the name: “Design, construction, running and operating of the multifunctional object of spending the leisure time in Świnoujście”.

**§ 3 Principles of running the Dialogue**

1. The dialogue shall be conducted according to Articles 31a to 31d of the Public Procurement Law.
2. The Technical Dialogue shall be conducted so as to ensure fair competition and equal treatment of dialogue participants and solutions offered by them.

3. This Technical Dialogue does not oblige the Inviting Authority to open any public tender procedure for granting the public contract or to grant any concession contract for construction or other services or to open the procedure for public-private partnership, regardless any of the procedure
4. The Private Partner will be chosen under the separate public procedure.
5. The Inviting Authority is allowed to engage consultants and experts at any stage of this Technical Dialogue.
6. Those participating in the Technical Dialogue are not entitled to any remuneration or refund of costs incurred in association with the participation in the dialogue.

#### **§ 4 Subject of the Technical Dialogue**

1. Municipality of Świnoujście (Inviting Authority) is planning to enter into the cooperation with the Private Partner, who will design, construct, run and operate the multifunctional object of the leisure time in Świnoujście.
2. The aim of the Technical Dialogue is that the Inviting Authority gains information that can be useful when specifying the subject of the public procedure as given in Article 2 of these Regulations.
3. Particularly, the subject of the Technical Dialogue may concern:
  - 1) technical, technological, legal, organizational, commercial, economic or logistic issues in connection with the Project according to the Inviting Authority requirements;
  - 2) estimating the value of the Project;
  - 3) the most modern, most optimal, cheapest and best technical, technological, legal, executional, organizational, commercial, economic and logistic solutions in the area being of interest to the Inviting Authority;
  - 4) gaining all information necessary for preparing the opening of the public procedure as specified in Article 2 of these Regulations.

#### **§ 5 Communication with Participants**

1. The Technical Dialogue shall be conducted in Polish. Any documents written in a language other than Polish should be delivered with a translation into Polish signed by the participant of the dialogue. A participant of the dialogue who speaks a language other than Polish should provide an interpreter.
2. The Inviting Authority may communicate with participants through e-mail correspondence or mails posted to the address of their premises. Each party shall confirm receiving the correspondence on the request of the other party as soon as possible.

## **§ 6 Technical Dialogue Course**

1. The Technical Dialogue is of public nature.
2. The Technical Dialogue shall be conducted basically by individual face-to-face meetings with any of the Participants at the Inviting Authority's headquarters. Also the electronic mail or postal mail are possible in time and manner as specified by the Inviting Authority.
3. The Inviting Authority will make a short minutes of each meeting with each participant, including information on its place, time, participants, subjects discussed, conclusions and comments made by participants of such meetings. The minutes of each meeting will be accompanied with all documents as presented by each participant.
4. The Inviting Authority will allow any participant to get acquainted with the minutes of the meeting with the Participant, appointing the deadline for submitting comments, including also comments to the information clearly marked as confidential and provided by dialogue participant to the Inviting Authority. The deadline for submitting such comments or confidential information shall be at least 3 working days from the date of receiving such minutes by each participant.

## **§ 7 Running of the dialogue**

1. The dialogue is open by placing the announcement by the Inviting Authority on its webpage.
2. Application Forms for participation of eligible participants in the Technical Dialogue must be submitted in a manner, time and place as specified in the announcement. The Inviting Authority may request to submit any additional documents, opinions or statements.
3. Regardless of publishing the announcement on opening the Technical Dialogue, the Inviting Authority may also invite any participant at its own discretion. Although the invitations were submitted to specific participants, all of the interested and eligible entities are entitled to take part in the Technical Dialogue.
4. The participant who was individually invited to the Technical Dialogue by the Inviting Authority is not obliged to respond and take part in it. Regardless denying participation in the Technical Dialogue the eligible entity has no limitation to participate in any of the later procedure on the Project opened by the Inviting Authority
5. The Inviting Authority shall invite to participate in the Technical Dialogue those participants who properly submitted the Application Form in Polish language with all accompanying statements, opinions or certificates as required by the Inviting Authority in connection with the Dialogue. Date of the meeting cannot be less than 3 days from publishing the Announcement.
6. The Inviting Authority may but is not obliged to invite to participate in the Technical Dialogue the entity that submitted its Application Form after the deadline specified in the announcement for the Technical Dialogue.

7. The invitation for the Dialogue will specify the place and date of the meeting. It may also specify in details issues that would be the subject of the dialogue. The Inviting Authority may also request the Participant to specify persons taking part in the meeting and responsible for presenting the particular issues. The invitation will be delivered at least 3 days before the date of the meeting. The date of the meeting may be changed only to the consent of both parties, provided the other agreed date of the meeting would not cause the significant delay in the procedure connected with the Technical Dialogue.
8. The dialogue shall be conducted to the point at which the Inviting Authority decides that sufficient information is gathered. The Inviting Authority may terminate the Dialogue earlier if the conclusions show it is pointless. The Inviting Authority may terminate the Dialogue any time without giving any justification.
9. The Inviting Authority shall prepare the summary of the dialogue after its closing
10. All Participants shall be informed by the Inviting Authority about closing of the Technical Dialogue.
11. All the correspondence, minutes of the meetings, summaries, letters, certificates, opinions and other documentation in connection with the Technical Dialogue remain after its closing for disposal of the Inviting Authority.

#### **§ 8 Persons engaged in the Technical Dialogue**

1. All activities on the Inviting Authority side in connection with the Technical Dialogue will be executed by persons assuring the guarantee of being objective and neutral.
2. Any person engaged in the Technical Dialogue on the Inviting Authority' side will be excluded from its proceeding in any case as given below:
  - 1) When the person's spouse or any relative or relative by marriage up to the fourth degree or the person being in adoption, custody or guardianship is the Participant or the legal representative of the Participant or the member of the Participant's management;
  - 2) If the person in the period shorter than three years from the Technical Dialogue announcement was employed by the Participant by the employment or other contract, or was the member of the management or supervisory board or other body;
  - 3) If the person is in such factual or legal relationship with the Participant that it may give rise to justified doubts as to their impartiality or independence;
  - 4) There are any other circumstances which may give rise to justified doubts as to their impartiality or independence;
  - 5) If they have been convicted for any offence in connection with the public procedure, bribery, economic and trade related offences or any other crime committed to obtain financial or other material benefit.
3. Any person engaged in the Technical Dialogue on the Inviting Authority' side is obliged to inform the Inviting Authority about circumstances as given in paragraph 2 above and refrain from any action in scope of the Technical Dialogue.

### **§ 9 Access to Public Information and protection of confidential information**

1. Any actions undertaken by the Inviting Authority under the Technical Dialogue, including all letters, announcements, minutes of the meeting, opinions and correspondence gathered during the Dialogue are of public nature, as provided in the Public Information Access Law (Journal of Laws from 2016, item 1764).
2. Any letter, document, elaborate, opinion or whatsoever submitted by any Participant in the Dialogue may be disclosed on request of any interested entity, except for documents that constitute the Participant's confidential information as restricted by the Participant. Person applying for access to the public information is not obliged to prove any interest in getting it.
3. The documents as given above may be disclosed for public access, also for photocopying or getting the payable photocopy only in the Inviting Authority premises under the supervision of the Inviting Authority employee.
4. Public access to the documents is available according to terms and regulations as given in the Public Information Access Law.
5. The inviting Authority during the Technical Dialogue will not disclose any information being reserved as confidential in the meaning of regulations on fight against unfair competition, under the provision that any Participant, at least before submitting such information reserved that such information may not be disclosed to other entities.

### **§ 10 Means of appeal**

The Inviting Authority will not make any settlements as defined in the Public Procurement Law. Therefore, any participant in the Technical Dialogue may take no means of appeal when the dialogue is over by the decision of the Inviting Authority.