

## NOTICE

on the launching of the procedure for selecting lessees of space to be used for commercial purposes in the CDE zone, comprising a part of Warsaw F. Chopin Airport Terminal A, and concluding relevant lease agreements with these lessees (“**the Procedure**”)

### 1. Name and address of the Awarding Entity: **Mailing address:**

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| • Przedsiębiorstwo Państwowe „Porty Lotnicze” ( <i>“Polish Airports’ State Enterprise</i> )<br>ul. Żwirki Wigury 1<br>00-906 Warszawa | • Przedsiębiorstwo Państwowe „Porty Lotnicze”<br>ul. 17 Stycznia 49<br>02-146 Warszawa<br>The Secretariat of the Sales Bureau |
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### 2. Subject Matter of the Procedure

There is approximately 1 900 m<sup>2</sup> of space to be used for commercial purposes (“**the Space**”) in the CDE zone of Terminal A, with 1 727 m<sup>2</sup> dedicated to duty free stores, ie. stores selling cigarettes, alcohol, perfumes, cosmetics, confectionaries etc. (“**Group of Premises no 1**”), and approximately 175 m<sup>2</sup> dedicated to sale of goods, ie. souvenirs, jewellery, travel products, glasses, clothes etc., excluding duty free products (“**Group of Premises no 2**”). The same entity may submit separate offers for Group of Premises no 1 and Group of Premises no 2. Submitting separate offers for single premises included in any of the Groups is not allowed.

### 3. Terms and conditions of participation in the Procedure

Every entity which is interested in conducting commercial activity, subject to the restrictions set out below, and which declares its participation in the Procedure by submitting the documents specified in this section 3 in the way and within the deadline referred to in section 4 below will be admitted to the Procedure.

The entities which are in dispute with PPL as well as the entities which have failed to comply with conditions of the procedures conducted by Warsaw Chopin Airport (“**Chopin Airport**”) to date, e.g. have withdrawn their bid after the deadline for submission of bids, will not be admitted to the Procedure. The above exclusion also applies to entities belonging to the business groups of the above-mentioned entities or otherwise connected with these entities by way of capital or personal links, or based on agreements relating to conducting commercial activity at airports concluded with such entities. Thus, declarations and other documents submitted by the entities specified in the preceding sentences will be rejected by PPL without incurring any liability towards these entities.

Entities interested in taking part in the Procedure must:

1. Submit to Przedsiębiorstwo Państwowe "Porty Lotnicze" ("**PPL**") their statement on participation in the Procedure. The contents and form of the statement must comply with a specimen document attached hereto as **Appendix 1** (“**the Statement**”), and must be signed by persons authorised to represent their entity.

The submission of a joint Statement by a number of entities interested in participating in the Procedure (as a consortium) is not allowed.

2. The Statement will also be accompanied by a document certifying authorization of the signatories of the Statement, namely
  - a) in case of entities seated in Poland – a transcript from the register of entrepreneurs of the National Court Register or a certificate of an entry into the business activity registry, presenting the form and the current representation of the entity, issued no earlier than 30 days prior to date of provision of the document;
  - b) in case of entities seated outside Poland - a transcript from the relevant register, where such an entity is entered or an equivalent document, presenting to a relevant degree the current representation of the entity, issued no earlier than 30 days prior to date of provision of the document.

3. If an entity is represented by a proxy, the Statement should be accompanied by an original copy (or a copy certified to be a true copy of the original by a notary) of a power of attorney specifying the scope of authorisation of the proxy, signed by authorised persons, along with documents confirming the above, referred to in items a) and b) above.

4. Apart from submitting the Statement, the interested entities will be obliged to pay PPL a non-returnable fee of PLN 5 thousand gross for the provision of the Procedure-related documents concerning the group of premises specified by the interested entity in the Statement ("**the Fee**"). If the interested entity specified both groups in the Statement, such entity should submit a double Fee. The Fee should be paid by bank transfer to the bank account of PPL kept by Bank PEKAO S.A. in Warsaw – bank account number 92 1240 6003 1111 0000 4945 4754.

5. Fee must be submitted before the deadline for the submission of the documents required for participation in the Procedure referred to below and the document confirming that the said Fee has been paid must be enclosed to the Statement. The date of payment is the date on which PPL's bank account is credited with the Fee amount. All operations connected with the preparation and payment of the Fee will be made at the Bidder's cost and risk.

6. The Statement must be delivered in one original copy, in Polish or in Polish and English language versions.

7. Other enclosures to the Statement can be submitted as original copies or duplicate copies certified as true copies of the original by authorised representatives of the entity submitting the Statement together with a certified translation into Polish or English, if the original documents are not in Polish or English.

8. All the pages of the Statement, including those of all enclosures, as well as parts containing corrections or amendments must be initialled. All the pages of the Statement, including the pages of all enclosures, must be consecutively numbered.

9. PPL reserves the right to request the participants of the Procedure to present additional explanations, information or documents regarding the submitted Statement or enclosures thereto.

#### **4. Deadline, place, and form of submission of required documents**

1. The documents required for participation in the Procedure, referred to in section 3 above, must be delivered to PPL **by 15:00 on 05<sup>th</sup> of June, 2017**

2. PPL reserves the right to extend the term for submission of the Statement and other documents before the expiration of the term referred to hereinabove.

3. The documents required for participation in the Procedure, referred to in section 3 above, must be delivered to **PPL's seat at the SONATA building at 17 Stycznia 49 street, 02-146 Warsaw.**

a) If delivered in person, the documents must be delivered to the secretary's office at the Sales Bureau of Warsaw Chopin Airport, 3rd floor, room no. 333, from 08.00 to 15.00 hours local time Monday to Friday. The person delivering the documents should notify his or her arrival at the reception desk of the building and ask to call the Sales Bureau at the following telephone extension numbers: 38-08 or 18-30.

b) If the documents are sent by post or delivered by a courier service, they will be deemed submitted at the time and on the date the letter is received at PPL's address referred to hereinabove.

4. PPL does not allow submitting the documents by electronic means.

5. To ensure confidentiality, the Statement and the enclosures must be packed in a sealed envelope marked as follows:

**PRZEDSIĘBIORSTWO PAŃSTWOWE „PORTY LOTNICZE”**

**Sekretariat Biura Sprzedaży Portu Lotniczego im. F. Chopina w Warszawie**

**ul. 17 Stycznia 49, 02-146 WARSZAWA**

**Postępowanie - Pakiet nr ....**

**[“POLISH AIRPORTS” STATE ENTERPRISE**

**Secretariat of the Sales Bureau of Warsaw Chopin Airport**

**ul. 17 Stycznia 49, 02-146 WARSZAWA**

**Procedure – Group of premises no ....]**

and indicating the name and address of the entity delivering the Statement (the Sender) and the appendices.

## **5. Additional information:**

1. The entities: (i) which submitted the Statement after the set deadline (given hereinabove) or (ii) whose Statement does not satisfy formal requirements defined herein or (iii) who failed to pay the Fee in the required deadline, or (iv) are not eligible to participate in the Procedure in accordance with item 3 above, will not be admitted to the Procedure. PPL has the right to not accept additional information and documents submitted after the deadline (given hereinabove).

2. PPL will admit to the Procedure the entities which have submitted the Statement together with the appendices in reply to this notice and which have paid the Fee in the amount set out herein, subject to the restrictions set out in section 3 above.

3. In the letter informing about admission to the Procedure the entities will be also invited to submit a preliminary offer (“**the Invitation to Submit a Preliminary Bid**”). The Invitation to Submit a Preliminary Bid must be accompanied by additional documentation, i.e. rules of Procedure specifying in detail the manner of conducting the Procedure, draft of the lease agreement and technical, organisational and commercial documents necessary to prepare the Bidder's bids in the Procedure. The Invitation to Submit a Preliminary Bid will also include information on the bid bond amount to be provided, separately for each group of premises, before the deadline for the submission of the preliminary bid.

4. The Invitation to Submit a Preliminary Bid will also specify the amount of minimum rent rates for each of the group of premises.

5. The list of groups of premises being the subject matter of the Procedure and information on their area, location and availability comprises **Enclosure 2** hereto. The entities admitted

to the Procedure may, at their own discretion, submit a bid for one group of premises or two separate bids for both groups of premises under this Procedure.

6. The Procedure is not conducted pursuant to the provisions of the act of 29 January 2004 - the Public Procurement Law. Conclusion of the Procedure will not be public.

**Enclosures:**

1. Statement on participation in the Procedure
2. A list of premises comprising Groups of Premises no 1 and Groups of Premises no 2
3. Location