

Instructions for tenders

1. Submission of tenders

- 1.1. The tender should be prepared in Polish or English and submitted in writing at the registered office of the Ordering Party or in electronic form with a qualified electronic signature, signed by persons authorized to represent the Tenderer.
- 1.2. A Tenderer may submit more than one tender (variant tenders) or one tender including variant solutions.
- 1.3. The tender should be submitted to: Agencja Rozwoju Miasta S.A., TAURON Arena Kraków, ul. Lema 7, 31-571 Kraków or to konkurs@arm.krakow.pl, by 22 July 2019. The Organizer does not provide for a public opening of the tenders.
- 1.4. The Tenderer may restrict all or part of the tender as a business secret.
- 1.5. The tender should include the material provisions of the agreement (MPA) attached to the invitation to tender.
- 1.6. The tender should include the following elements:
 - a) identification of the Tenderer (name and address),
 - b) indication of the persons authorized to represent the Tenderer,
 - c) statement that the Tenderer is in an economic and financial situation allowing for the performance of the sponsorship agreement, is not in arrears with any taxes, fees or social and health insurance contributions, has not been declared bankrupt and has not been liquidated,
 - d) the proposed name of the Arena,
 - e) the amount of remuneration offered for the performance of the agreement, how it will be adjusted over time, how the remuneration will be changed (if applicable), and how it will be paid (breakdown of remuneration, frequency of payment, basis of payment),
 - f) the offered duration of the sponsor agreement (not shorter than 3 years) and the rules of its possible renewal,
 - g) the definition of the trades to be covered by the trade exclusivity described in the MPA,
 - h) any additional proposed restrictions or obligations of the Tender Organizer (Operator) or the rights of the Tenderer (Sponsor), including additional benefits other than those resulting from the MPA and a proposal of equivalent cash benefits,
 - i) possible description of the Tenderer's past and planned activities, which may have an impact on the positive perception of the brand,
 - j) possible description of the Tenderer's past and planned activities in the city of Kraków, in particular in cooperation with the Municipality of Kraków and its bodies,
 - k) validity period of the tender (not shorter than 90 days).

2. Evaluation of tenders

- 2.1. The Organizer may request the Tenderers to clarify or supplement the submitted tenders within the deadline set by the Organizer. The Organizer may request Tenderers to submit additional information or documents, in particular with respect to the circumstances described in item 1.6(b) and (c).
- 2.2. The Organizer may correct obvious errors in the tenders of Tenderers and may ask Tenderers to correct other errors in the tenders.
- 2.3. The Organizer shall reject tenders which:
 - a) do not comply with the rules of the tender or the invitation to tender, subject to points 2.1 and 2.2 above,
 - b) constitute an act of unfair competition,

- c) from a Tenderer whose potential does not indicate the feasibility of concluding and executing a sponsorship agreement,
 - d) in case the potential name of the facility or the profile of the Tenderer's activity:
 - violate general social standards,
 - are related to a political, religious or philosophical context,
 - violate the law,
 - are offensive,
 - meet the definition of unfair competition,
 - violate the rights of others,
 - relate to goods or services the advertising of which is unlawful.
- 2.4. Before selecting the most advantageous tender, the Organizer may negotiate with selected Tenderers and invite them to submit detailed or updated final tenders.
- 2.5. The Organizer will compare the tenders taking into account the following criteria:
- a) the offered amount of the remuneration, including the method of its adjustment and determination - the higher and more stable the remuneration, the higher the score,
 - b) the offered method of payment of the remuneration, including the terms and frequency of payment - the more transparent the rules and more frequent the payments, the higher the score; the monetary nature of the payment will be of significance,
 - c) the offered term of the sponsor agreement and the terms of its extension - the longer the offered periods and the more likely the extension, the higher the score,
 - d) the name of the Arena offered; the Ordering Party will take into account such elements as the presence of the word "Kraków" in the name (such names will be scored higher) and the image of the Tenderer's brand in the name and its impact on the positive perception of the Arena (the less the brand is controversial in the social perception of the Arena, the higher the score). Elements that may affect the lowering of the score will be e.g. brands related with an unhealthy lifestyle, gambling, environmental pollution; on the other hand, elements that may affect the higher score are e.g. activities in the field of corporate social responsibility, with which the brand is directly connected),
 - e) the scope of trade exclusions resulting from the tender; the Contracting Authority will take into account their estimated impact on the financial result of the Arena - the smaller the impact, the higher the score,
 - f) additional restrictions or obligations of the Organizer proposed by the Tenderer or the Tenderer's rights (including additional benefits); the Ordering Party will take into account their estimated impact on the financial result of the Arena - the smaller the impact, the higher the score,
 - g) current and planned activities of the Tenderer in the city of Kraków for the benefit of the local community, in particular cooperation with the Municipality of Kraków and its units - the greater the involvement, the higher the score,
 - h) other circumstances that may affect the performance of the agreement (e.g. the financial and economic standing of the Tenderer).

3. Selection of the most advantageous tender

- 3.1. The Organizer will invite the participant who submitted the most advantageous tender to negotiations in order to determine the final wording of the agreement. The basis for negotiations will be the material provisions of the agreement constituting an appendix to the invitation to tender and the tenderer's tender. The agreement will not materially change these provisions and the tender, and any change in particular will be equivalent or beneficial to the Organizer.
- 3.2. In the event of failure to reach a consensus on all the provisions of the agreement, the Organizer may invite to negotiations another Tenderer or subsequent Tenderers who submitted tenders.

- 3.3. Each Party may decide to restrict all or part of the agreement as a business secret.

4. Miscellaneous

- 4.1. The Organizer of the tender may amend the invitation to tender and the documents attached thereto, provided that the relevant information is published on the Public Information Bulletin website on which the invitation has been published. In the same way, the Organizer of the tender will inform about the answers to any material questions submitted during the procedure.
- 4.2. In matters not regulated herein, the Tender Rules published on the Organizer's Public Information Bulletin website shall apply.