



CONTRACT NOTICE

Includes changes made on 12th of September 2013, 7th of October 2013, 11th of October 2013 and 6th of November 2013

SECTION I: CONTRACTING AUTHORITY

I.1) NAME, ADDRESSES AND CONTACT POINTS

Official name: Muzeum Sztuki Nowoczesnej w Warszawie (Museum of Modern Art in Warsaw)		
Postal address: ul Pańska 3		
Town: Warsaw	Postal code: 00-124	Country: Poland
Contact point: Muzeum Sztuki Nowoczesnej w Warszawie For the attention of: Mikołaj Mundzik		Telephone: +48 731 960 933
E-mail: newbuilding@artmuseum.pl		Fax+48 22 596 40 22
Internet address(es): (if applicable) General address of the contracting authority (URL): www.artmuseum.pl Address of the buyer profile (URL):		

Further information can be obtained from:	<input checked="" type="checkbox"/> The above mentioned contact point <input type="checkbox"/> Other (please complete Annex A.I)
Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from:	<input checked="" type="checkbox"/> The above mentioned contact point <input type="checkbox"/> Other (please complete Annex A.II)
Tenders or requests to participate must be sent to:	<input checked="" type="checkbox"/> The above mentioned contact point <input type="checkbox"/> Other (please complete Annex A.III)

I.2) TYPE OF THE CONTRACTING AUTHORITY AND MAIN ACTIVITY

<input type="checkbox"/> Ministry or any other national or federal authority, including their regional or local sub-divisions	<input type="checkbox"/> General public services
<input type="checkbox"/> National or federal agency/office	<input type="checkbox"/> Defence
<input type="checkbox"/> Regional or local authority	<input type="checkbox"/> Public order and safety
<input type="checkbox"/> Regional or local agency/office	<input type="checkbox"/> Environment
<input type="checkbox"/> Body governed by public law	<input type="checkbox"/> Economic and financial affairs
<input type="checkbox"/> European institution/agency or international organisation	<input type="checkbox"/> Health
<input type="checkbox"/> Other: (please specify): _____	<input type="checkbox"/> Housing and community amenities
	<input type="checkbox"/> Social protection
	<input checked="" type="checkbox"/> Recreation, culture and religion
	<input type="checkbox"/> Education
	<input type="checkbox"/> Other: (please specify): _____
The contracting authority is purchasing on behalf of other contracting authorities yes <input type="checkbox"/> no <input checked="" type="checkbox"/>	

SECTION II: OBJECT OF THE CONTRACT

II.1) DESCRIPTION

<p>II.1.1) Title attributed to the contract by the contracting authority:</p> <p>Delivery of a multi-branch design documentation for the building of the Museum of Modern Art in Warsaw and TR Warszawa Theatre with the infrastructure</p>		
<p>II.1.2) Type of contract and location of works, place of delivery or of performance <i>(choose one category only – works, supplies or services – which corresponds most to the specific object of your contract or purchase)</i></p>		
<p>a) Works <input type="checkbox"/></p> <p>Execution <input type="checkbox"/></p> <p>Design and execution <input type="checkbox"/></p> <p>Realisation, by whatever means of work, corresponding to the requirements specified by the contracting authority <input type="checkbox"/></p>	<p>b) Supplies <input type="checkbox"/></p> <p>Purchase <input type="checkbox"/></p> <p>Lease <input type="checkbox"/></p> <p>Rental <input type="checkbox"/></p> <p>Leasing <input type="checkbox"/></p> <p>A combination of these <input type="checkbox"/></p>	<p>c) Services <input checked="" type="checkbox"/></p> <p>Service category: No 12 <i>(for service categories 1–27 see Annexe II to Directive 2004/18/EC)</i></p>
<p>Main site or location of works</p> <p>_____</p> <p>_____</p> <p>NUTS code <input type="text"/></p>	<p>Main place of delivery</p> <p>_____</p> <p>_____</p> <p>NUTS code <input type="text"/></p>	<p>Main place of performance</p> <p>Warsaw</p> <p>NUTS code PL127</p>
<p>II.1.3) Information about a public contract, a framework agreement or a dynamic purchasing system</p> <p>The notice involves a public contract <input checked="" type="checkbox"/> The notice involves the setting up of a dynamic purchasing system (DPS) <input type="checkbox"/></p> <p>The notice involves the establishment of a framework agreement <input type="checkbox"/></p>		
<p>II.1.4) Information on framework agreement <i>(if applicable)</i></p>		
<p>Framework agreement with several operators <input type="checkbox"/></p> <p>Number <input type="text"/> or <i>(if applicable)</i> maximum number [] [] [] of participants to the framework agreement envisaged</p>	<p>Framework agreement with a single operator <input type="checkbox"/></p>	
<p>Duration of the framework agreement</p> <p>Duration in years: [] [] or in months: [] [] []</p> <p>Justification for a framework agreement, the duration of which exceeds four years: _____</p> <p>_____</p> <p>_____</p>		

(if known) Provisional timetable for recourse to these options:
in months: [][] or in days: [][][][] (from the award of the contract)

Number of possible renewals: (if known) [][][] or Range: between [][][] and [][][] □□□

(if known) In the case of renewable supplies or service contracts, estimated timeframe for subsequent contracts:
in months: [][] or in days: [][][][] (from the award of the contract)

II.3) Duration of the contract or time limit for completion

Duration in months: **72 months** or in days: □□□□ (from the award of the contract):

or Starting □□/□□/□□□□ (dd/mm/yyyy)

Completion □□/□□/□□□□ (dd/mm/yyyy)

SECTION III: LEGAL, ECONOMIC, FINANCIAL AND TECHNICAL INFORMATION

III.1 Conditions relating to the contract

III.1.1) Deposits and guarantees required: (if applicable)

At the tenders submission stage the Contracting Authority requires the provision of a tender bond of PLN 20,000. Detailed information regarding the tender bond will be given in the Terms of Reference.

III.1.2) Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them

Payment in instalments.

III.1.3) Legal form to be taken by the group of economic operators to whom the contract is to be awarded: (if applicable)

III.1.4) Other particular conditions (if applicable)

yes no

(if yes) Description of particular conditions

III.2) Conditions for participation

III.2.1) Personal situation of economic operators, including requirements relating to enrolment on professional or trade registers

Information and formalities necessary for evaluating if the requirements are met:

1) Economic operators who meet the following conditions may compete for the contract:

- hold a license authorising them to pursue a specified activity or actions, if legal regulations obligated them to hold such licenses;
- have the necessary knowledge and experience;
- have the necessary technical potential and persons capable of performing the contract;
- conditions regarding economic and financial situation.

and are not subject to exclusion from the procedure under Article 24 of the Public Procurement Law Act, henceforth the PPL Act.

- 2) In order to demonstrate the absence of grounds for exclusion from the procedure, the economic operator shall be obligated to submit the following documents together with the application for admission to the procedure:**
- a) statement on meeting the participation conditions;
 - b) declaration on the absence of grounds for exclusion from the procedure;
 - c) a current excerpt from the appropriate register or central register of commercial activity, if separate regulations require entry in such register, in order to demonstrate the absence of grounds for exclusion under Article 24 section 1 clause 2 of the Act, issued no earlier than 6 months prior to the lapse of the time limit set for submitting applications;
 - d) a current certificates of the head of the competent tax office confirming respectively that the economic operator is not in arrears with the payment of taxes, or a certificate stating that the economic operator was legally entitled to exemption, deferment or spread of payment into instalments with reference to outstanding payments or stating that the execution of a decision of a competent authority has been stopped in its entirety – issued not earlier than 3 months prior to the expiry of the time limit for submission of applications;
 - e) a current certificates of the relevant branch of the Social Insurance Institution (ZUS) or Agricultural Social Insurance Fund (KRUS) confirming respectively that the economic operator is not in arrears with the payment of fees and contributions payable towards health and social insurance, or confirmation that the economic operator was legally entitled to exemption, deferment or spread of payment into instalments with reference to outstanding payments or stating that the execution of a decision of a competent authority has been stopped in its entirety, – issued not earlier than 3 months prior to the expiry of the time limit for submission of applications;
 - f) a current information from the National Criminal Records Register covering the data specified in Article 24 section 1 clause 4–8, 10 and 11 of the PPL Act, issued no earlier than 6 months prior to the expiry of the time limit for submission of applications;
 - g) a current information from the National Criminal Records Register covering the data specified in Article 24 section 1 clause 9 of the PPL Act, issued no earlier than 6 months prior to the expiry of the time limit for submission of applications;
 - h) a list of entities belonging to the same capital group within the meaning of the Competition and Consumer Protection Act of 16 February 2007, or an information stating that the economic operator does not belong to a capital group.
- 3) In the case of an economic operator established in the territory of the Republic of Poland, the persons, referred to in Article 24 section 1 clause 5-8, 10 and 11 of the Act, reside outside the territory of the Republic of Poland, the economic operator shall submit a certificate of a competent judicial or administration agency of their place of residence regarding the absence of a criminal record covering the data mentioned in Article 24 section 1 clause 5-8, 10 and 11 of the PPL Act, issued no earlier than 6 months prior to the expiry of the time limit for submission applications for admission to the procedure. If, in the place of residence of these persons such certificates are not issued, they shall be replaced by a document containing a representation made before a competent judicial, administration authority or a body of a professional or economic self-government of the place of residence of these persons, or before a notary.**

- 4) If the economic operator is established or has the place of residence outside the territory of the Republic of Poland, instead of the documents, referred to in clause. 2c), 2d), 2e), and 2g), he shall submit a document or documents issued in the country of establishment or residence, confirming that:
 - a) he has not been placed in liquidation or declared bankrupt, issued no earlier than 6 months prior to the time limit set for submitting requests to participate in the procedure,
 - b) he is not in arrears with the payment of taxes, fees, social insurance or health insurance premiums, or stating that the economic operator was legally entitled to exemption, deferment or spread of payment into instalments with reference to outstanding payments or stating that the execution of a decision of a competent authority has been stopped in its entirety, issued no earlier than 3 months prior to the time limit set for submitting requests to participate in the procedure,.,
 - c) he has not been prohibited from competing for the contract, issued no earlier than 6 months prior to the time limit set for submitting requests to participate in the procedure,.
- 5) If the economic operator is established or resides outside the territory of the Republic of Poland, then, instead of the document, referred to in point 2f), he shall submit a certificate issued by a competent judicial or administrative body of the place of residence of the person, to whom the documents covering matters specified in Article 24 section 1 clause 4-8, 10 and 11 of the PPLAct pertain, issued no earlier than 6 months prior to the time limit set for submitting the applications.
- 6) If in place of residence of a person or the country in which the economic operator has the seat or place of residence, the documents, referred to in point 4 and 5 above, are not issued, they shall be replaced by a document containing a declaration made before a competent judicial or administration authority or a competent professional or trade body in the place of residence of a person or the country in which the economic operator is established or has his place of residence, respectively, or before a notary. The representation shall be made within a time limit stipulated for a given document.
- 7) In the case of economic operators jointly competing for the contract, the documents, referred to in point 2-6, shall be submitted by each of the economic operators.
- 8) The aforementioned documents may be submitted in the original form or as a copy certified by the economic operator to be a true copy of the original, in accordance with § 7 of the Regulation of the Prime Minister of 19 February 2013 concerning types of documents which the contracting authority may require from the economic operator, and the forms in which these documents may be submitted (Journal of Laws item 231). In addition, documents drawn up in a foreign language must be submitted with a translation into the Polish or English language.

III.2.2) Economic and financial ability

Minimum level(s) of standards possibly required: *(if applicable):*

The Contracting Authority shall consider the conditions as having been met, if the economic operator demonstrates that he has funds or creditworthiness for an amount not lower than PLN 2,000,000.

Information and formalities necessary for evaluating if the requirements are met:

In order to confirm the meeting of the condition the economic operator shall present an information of a bank or cooperative savings and credit union confirming the funds or the creditworthiness of the economic operator or of the entity, upon the financial capabilities of which the economic operator relies, issued no earlier than 3 months prior to the lapse of the time limit set for submitting applications.

If, for justified reasons, the economic operator is unable to present the required documents concerning his economic and financial situation, he may present another document which sufficiently enables the Contracting Authority to determine whether the economic operator meets the aforementioned conditions.

If the economic operator relies upon the financial capabilities of other entities, he shall be obligated to demonstrate that he will have at his disposal resources necessary for the performance of the contract. In particular, a written obligation of such entities to put at the disposal of the economic operator the necessary resources for the duration of their use in the

	performance of the contract shall be deemed as constituting such evidence.
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III.2.3) Technical capacity	
<p>Minimum level(s) of standards possibly required: <i>(if applicable)</i>: The Contracting Authority shall consider the technical potential and personnel condition as having been met, if the economic operator can demonstrate that:</p> <p>1) he has at his disposal at least the following persons who will participate in the performance of the contract:</p> <p>a) at least one person possessing authorization for designing in architectural specialty without restrictions.</p> <p>Setting the requirements regarding building qualifications, the Contracting Authority allows their equivalent qualifications pursuant to the Act on the Rules of Recognition of Professional Qualifications Obtained in the Member States of the European Union of 18 March 2008.</p> <p>The Contracting Authority shall consider this condition as having been met also if any of the persons meeting the condition stipulated in points b), c) or d) also meets the condition stipulated in point a).</p> <p>b) at least one person performing the function of the leading architect, who:</p> <p>i) has led a team of designers, that delivered the architectural design documentation (including, at least, the building permit design) of one building used for cultural purposes with a total gross area of at least 3,000 m2</p> <p>and</p> <p>ii) has led a team of designers, that delivered the architectural design documentation (including, at least, the building permit design) of one public service building with a total gross area of at least 10,000 m2, containing an auditorium with a capacity of at least 150 persons.</p> <p>and</p> <p>iii) has exercised the construction administration during entire construction process of a public service building with a total gross area of at least 10,000 m2</p> <p>The Contracting Authority understands the term “building permit design” to mean design documentation including at least the site</p>	<p>Information and formalities necessary for evaluating if the requirements are met: In order to confirm the meeting of the condition the economic operator shall present:</p> <p>1) a list of persons who will participate in the performance of the contract, with information on their professional qualifications and experience necessary for the performance of the contract, and the scope of the actions performed by them and information regarding the basis on which the economic operator may use these persons.</p> <p>If the economic operator relies on persons able to perform the contract from other entities, he shall be obligated to demonstrate that he will have at his disposal the resources necessary for the performance of the contract. In particular, a written obligation of such entities to put at the disposal of the economic operator the necessary resources for the duration of their use in the performance of the contract shall be deemed as constituting such evidence.</p>

development design and the building plan, defining the function, form and structure of the building, proposed technical and material solutions, on the basis of which competent public administration agencies issue a decision approving the design solution contained in the building permit design.

The Contracting Authority understands the term “public service building” to mean a building intended for meeting the needs of public administration, administration of justice, culture, religious cult, education, higher education, science, upbringing, health care, social care, banking, trade, gastronomy, services, including postal or telecommunications services, tourism, sport, passenger support in rail, road, air, sea or inland waters transport, and another building with similar functions; an office block or social building shall also be considered a public service building.

c) at least one person performing the function of designer # 1, who:

i) has experience consisting in delivering the architectural design documentation for the construction of at least one museum, gallery or another exhibition building,

and

ii) has experience consisting in delivering the architectural design documentation for the construction of at least one theatre building;

d) at least one person performing the function of designer 2, who has experience consisting in delivering the architectural design documentation for the construction of at least one building for cultural use.

The Contracting Authority does not allow combine functions of leading architect, designer #1 and designer #2

III.2.4) Information about reserved contracts (<i>if applicable</i>)	yes <input type="checkbox"/> no <input checked="" type="checkbox"/>
The contract is restricted to sheltered workshops	<input type="checkbox"/>
The execution of the contract is restricted to the framework of sheltered employment programmes	<input type="checkbox"/>

III.3) Conditions specific to services contracts

III.3.1) Execution of the service is reserved to a particular profession	yes <input type="checkbox"/> no <input checked="" type="checkbox"/>
<i>(if yes)</i> Reference to the relevant law, regulation or administrative provision:	

III.3.2) Legal persons should indicate the names and professional qualifications of the staff responsible for the execution of the service yes no

SECTION IV: PROCEDURE

IV.1) Type of procedure

IV.1.1) Type of procedure	
Open	<input type="checkbox"/>
Restricted	<input type="checkbox"/>
Accelerated restricted	<input type="checkbox"/> Justification for the choice of accelerated procedure: _____
Negotiated	<input checked="" type="checkbox"/> Some candidates have already been selected yes <input type="checkbox"/> no <input checked="" type="checkbox"/> <i>(if yes, provide names and addresses of economic operators already selected under Section VI.3 Additional information)</i>
Accelerated negotiated	<input type="checkbox"/> Justification for the choice of accelerated procedure: _____
Competitive dialogue	<input type="checkbox"/>
<p>IV.1.2) Limitations on the number of operators who will be invited to tender or to participate (<i>restricted and negotiated procedures, competitive dialogue</i>) Envisaged number of operators: 15 <i>or</i> Envisaged minimum number [] [] [] and (<i>if applicable</i>) maximum number [] [] [] Objective criteria for choosing the limited number of candidates:</p> <p>If the number of economic operators exceeds fifteen, the Contracting Authority shall determine the ranking of economic operators using the scoring system described below.</p> <p>1) In the case of a person presented as the leading architect meeting the conditions set forth in point III.2.3) of the notice point 1 letter b) sub-point i), the Contracting Authority shall award points for the following characteristics of the designed building:</p> <p>a) use (function) of the building – a maximum of 9 points, one choice:</p> <ul style="list-style-type: none"> i) building for cultural use - 1 point ii) concert hall, philharmonic – 2 points iii) theatre - 3 points iv) theatre with a „black box” stage - 4 points v) museum - 7 points vi) modern art museum - 9 points vii) museum and theatre - 9 points <p>b) building systems designed – a maximum of 2 points, multiple choice:</p> <ul style="list-style-type: none"> i) systems ensuring full control of temperature and air humidity – 1 point ii) daylight access control system – 1 point 	

- c) spatial development – a maximum of 2 points, multiple choice:
 - i) car park within the building – 1 point
 - ii) public spaces (atrium, square) or landscape design of the surrounding area – 1 point
- d) total gross area of the designed building – a maximum of 4 points, one choice:
 - i) between 0 and 1,000 m² - 0 points
 - ii) between 1,000 and 3,000 m² - 1 point
 - iii) between 3,000 and 15,000 m² - 2 points
 - iv) between 15,000 and 25,000 m² - 3 points
 - v) above 25,000 m² - 4 points
- e) auditorium capacity - a maximum of 3 points, one choice:
 - i) 0-150 persons - 0 points
 - ii) 150-300 persons - 1 point
 - iii) 300 - 600 persons - 2 points
 - iv) above 600 persons - 3 points.

In order to meet the condition the economic operator must present a person who led a team of designers, who delivered the architectural design documentation (including, at least, the building permit design) of one building used for cultural purposes with a total gross area of at least 3,000 m² (point III.2.3) of the notice, point 1 letter b sub-point i). For the purpose of the ranking (more than 1 design) the economic operator may also present designs meeting one of the aforementioned parameters. No more than 15 designs indicated by the economic operator shall be evaluated (including the design necessary for meeting the condition). In the event of presentation of a greater number of buildings the Contracting Authority shall take into account the fifteen with the highest number of points.

The term 'black box stage' is understood by the Contracting Authority as meaning a single, open stage space, allowing the separation of the technical facilities according to the needs of the spectacle or another artistic event, free from architectural divisions and determined spatial arrangement models.

- 2) In the case of a person presented as the leading architect meeting the conditions set forth in point III.2.3) of the notice point 1 letter b) sub-point ii), the Contracting Authority shall award points for the following characteristics of the designed building:
 - a) building systems designed - a maximum of 2 points, multiple choice:
 - i) systems ensuring full control of temperature and air humidity - 1 point
 - ii) daylight access control system - 1 point
 - b) spatial development - a maximum of 2 points, multiple choice:
 - i) car park within the building - 1 point
 - ii) public spaces (atrium, square) or landscape design of the surrounding area – 1 point
 - c) total gross area of the designed building - a maximum of 3 points, one choice:
 - i) between 0 and 10,000 m² - 0 points
 - ii) between 10,000 and 17,500 m² - 1 point
 - iii) between 17,500 and 25,000 m² - 2 points
 - iv) above 25,000 m² - 3 points
 - d) auditorium capacity - a maximum of 3 points, one choice:
 - i) 0-150 persons - 0 points
 - ii) 150-225 points - 1 point
 - iii) 225 – 300 persons - 2 points
 - iv) above 300 persons - 3 points

In order to meet the condition the economic operator must present a person who led a team of designers, who

delivered the architectural design documentation (including, at least, the building permit design) of one public service building with a total gross area of at least 10,000 m² (point III.2.3) of the notice, point 1 letter b sub-point ii). For the purpose of the ranking (more than 1 design) the economic operator may also present designs meeting one of the aforementioned parameters. No more than 3 designs indicated by the economic operator shall be evaluated (including the design necessary for meeting the condition). In the event of presentation of a greater number of buildings the Contracting Authority shall take into account the three with the highest number of points. If a project meets the requirements of both 1) and 2) above, Contracting Authority will grant points or in the position 1) or in the position 2), depending on the position in which the operator obtains more points.

3) In the case of a person presented as the leading architect meeting the conditions set forth in point III.2.3) of the notice point 1 letter b) sub-point iii), the Contracting Authority shall award points for the following characteristics of the designed building, the construction of which was supervised by that person:

- a) total gross area of the designed building – a maximum of 8 points, one choice:
 - i) between 10,000 and 15,000 m² – 1 point
 - ii) between 15,000 and 25,000 m² - 4 points
 - iii) above 25,000 m² - 8 points.

In order to meet the condition the economic operator must present a person who exercises project architect's supervision over the entire process of construction of a public service building with a total gross area of at least 10,000 m² (point III.2.3) of the notice point 1 letter b sub-point iii). No more than 2 designs indicated by the economic operator shall be evaluated (including the design necessary for meeting the condition). In the event of presentation of a greater number of buildings the Contracting Authority shall take into account the two with the highest number of points.

4) In the case of a person presented as designer # 1 meeting the conditions set forth in point III.2.3) of the notice point 1 letter c) sub-point i), the Contracting Authority shall award points for the indicated characteristics of the designed building:

- a) use (function) of the building – a maximum of 4 points, one choice:
 - i) building for cultural use - 0 points
 - ii) exhibition facility other than a museum or gallery – 1 point
 - iii) museum, gallery – 2 points
 - iv) modern art museum – 3 points
 - v) museum and theatre – 4 points
- b) total gross area of the designed building – a maximum of 3 points, one choice:
 - i) between 0 and 5,000 m² – 0 points
 - ii) between 5,000 and 15,000 m² – 1 point
 - iii) between 15,000 and 25,000 m² - 2 points
 - iv) above 25,000 m² - 3 points

In order to meet the condition the economic operator must present a person who delivered the architectural design documentation of 1 museum, gallery or another exhibition building. For the purpose of the ranking the economic operator may also present designs of buildings for cultural use. No more than 2 designs indicated by the economic operator shall be evaluated (including the design necessary for meeting the condition). In the event of presentation of a greater number of buildings the Contracting Authority shall take into account the two with the highest number of points.

5) In the case of a person presented as designer # 1 meeting the conditions set forth in point III.2.3) of the notice point 1 letter c) sub-point ii), the Contracting Authority shall award points for the indicated characteristics of the designed building:

- a) use (function) of the building – a maximum of 4 points, one choice:
 - i) building for cultural use - 0 points
 - ii) theatre – 1 point
 - iii) theatre with a „black box” stage - 2 points
 - iv) museum and theatre – 4 points

b) auditorium capacity - a maximum of 3 points, one choice:

- i) 0-150 persons – 0 points
- ii) 150-300 persons – 1 point
- iii) 300 – 600 persons – 2 points
- iv) above 600 persons - 3 points

In order to meet the condition the economic operator must present a person who delivered the architectural design documentation of 1 theatre building. For the purpose of the ranking the economic operator may also present designs of buildings for cultural use (above 1 design). No more than 2 designs indicated by the economic operator shall be evaluated (including the design necessary for meeting the condition). In the event of presentation of a greater number of buildings the Contracting Authority shall take into account the two with the highest number of points.

If a project meets the requirements of both 4) and 5) above, Contracting Authority will grant points or in the position 4) or in the position 5), depending on the position in which the operator obtains more points.

6) In the case of a person presented as designer # 2, the Contracting Authority shall award points for the indicated characteristics of the designed building:

a) use (function) of the building – a maximum of 9 points, one choice:

- i) building for cultural use - 1 point
- ii) museum – 2 points
- iii) theatre – 2 points
- iv) theatre with a „black box” stage – 3 points
- v) modern art museum - 4 points
- vi) museum and theatre – 4

b) total gross area of the designed building – a maximum of 3 points, one choice:

- i) between 0 and 5,000 m² – 0 points
- ii) between 5,000 and 15,000 m² – 1 point
- iii) between 15,000 and 25,000 m² - 2 points
- iv) above 25,000 m² - 3 points

In order to meet the condition the economic operator must present a person who delivered the architectural design documentation of 1 buildings for cultural use. No more than 3 designs indicated by the economic operator shall be evaluated (including the design necessary for meeting the condition). In the event of presentation of a greater number of buildings the Contracting Authority shall take into account the three with the highest number of points.

IV.1.3) Reduction of the number of operators during the negotiation or dialogue (*negotiated procedure, competitive dialogue*)

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated

yes no

IV.2) Award criteria

IV.2.1) Award criteria *(please tick the relevant box(es))*

Lowest price

or

The most economically advantageous tender in terms of

the criteria stated below *(the award criteria should be given with their weighting or in descending order of importance where weighting is not possible for demonstrable reasons)*

the criteria stated in the specifications, in the invitation to tender or to negotiate or in the descriptive document

Criteria	Weighting	Criteria	Weighting
1. Price	20%	6. _____	_____
2. Substantive assessment of the concept	80%	7. _____	_____
3. _____	_____	8. _____	_____
4. _____	_____	9. _____	_____
5. _____	_____	10. _____	_____

IV.2.2) An electronic auction will be used yes no

(if yes, if appropriate) Additional information about electronic auction:

IV.3) Administrative information

IV.3.1) File reference number attributed by the contracting authority: *(if applicable)*

IV.3.2) Previous publication(s) concerning the same contract yes no

If yes

Prior information notice Notice on a buyer profile

Notice number in the OJEU: [] [] [] /S [] [] []-[] [] [] [] [] of [] [] / [] [] / [] [] [] *(dd/mm/yyyy)*

Other previous publications *(if applicable)*

Notice number in the OJEU: [] [] [] /S [] [] []-[] [] [] [] [] of [] [] / [] [] / [] [] [] *(dd/mm/yyyy)*

Notice number in the OJEU: [] [] [] /S [] [] []-[] [] [] [] [] of [] [] / [] [] / [] [] [] *(dd/mm/yyyy)*

IV.3.3) Conditions for obtaining specifications and additional documents or descriptive document *(in the case of a competitive dialogue)*

Time limit for receipt of requests for documents or for accessing documents

Date: [] [] / [] [] / [] [] [] *(dd/mm/yyyy)* Time: _____

Payable documents yes <input type="checkbox"/> no <input type="checkbox"/> <i>(if yes, give figures only)</i> Price: _____ Currency: _____ Terms and method of payment: _____ _____																																								
IV.3.4) Time limit for receipt of tenders or requests to participate Data: 29/11/2013 (dd/mm/yyyy) Time: 12:00																																								
IV.3.5) Date of sending the invitation to submit tenders or the qualified candidates (if known) (in the case of the restricted and negotiation procedure and competitive dialogue) Date: □□/□□/□□□□ (dd/mm/yyyy)																																								
IV.3.6) Language(s) in which tenders or requests to participate may be drawn up <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">ES</td> <td style="text-align: center;">CS</td> <td style="text-align: center;">DA</td> <td style="text-align: center;">DE</td> <td style="text-align: center;">ET</td> <td style="text-align: center;">EL</td> <td style="text-align: center;">EN</td> <td style="text-align: center;">FR</td> <td style="text-align: center;">IT</td> <td style="text-align: center;">LV</td> <td style="text-align: center;">LT</td> <td style="text-align: center;">HU</td> <td style="text-align: center;">MT</td> <td style="text-align: center;">NL</td> <td style="text-align: center;">PL</td> <td style="text-align: center;">PT</td> <td style="text-align: center;">SK</td> <td style="text-align: center;">SL</td> <td style="text-align: center;">FI</td> <td style="text-align: center;">SV</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> Other: _____	ES	CS	DA	DE	ET	EL	EN	FR	IT	LV	LT	HU	MT	NL	PL	PT	SK	SL	FI	SV	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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IV.3.7) Minimum time frame during which the tenderer must maintain the tender (open procedure) Until: □□/□□/□□□□ (dd/mm/yyyy) or Duration in months: [][][] or in days: 60 ((from the date stated for receipt of tender)																																								
IV.3.8) Conditions for opening tenders Date: [][] / [][] / [][][][] (dd/mm/yyyy) Time: _____ <i>(if applicable)</i> Place: _____ Persons authorised to be present at the opening of tenders <i>(if applicable)</i> yes <input type="checkbox"/> no <input type="checkbox"/> _____ _____																																								

SECTION VI: COMPLEMENTARY INFORMATION

VI.1) THIS IS A RECURRENT PROCUREMENT (if applicable) yes <input type="checkbox"/> no <input checked="" type="checkbox"/> <i>(if yes)</i> Estimated timing for further notices to be published: _____
VI.2) The contract is related to a project and/or programme financed by European Union funds yes <input type="checkbox"/> no <input checked="" type="checkbox"/> <i>(if yes)</i> Reference to project(s) and/or programme(s): _____ _____ _____
VI.3) Additional information: (if applicable) 1) All documents submitted by the economic operator shall be submitted in the form of originals or photocopies confirmed as consistent with the original by a person or persons authorised to represent the economic operator, or by an authorised person (persons) whose authorisation has been enclosed with the application for admission to the procedure (henceforth the Application). In the case of economic operators jointly

competing for the contract, the documents specified in point III.2.1) sub-point 2-6 shall be submitted by each economic operator jointly competing for the contract.

- 2) The application must be signed by a person or persons authorised to represent the economic operator. All pages of the application should be numbered and initialled by the person(s) signing the application. All corrections must be made legibly and must be initialled by the person(s) signing the application . They may also be dated.
- 3) The application shall be executed in the Polish or English language. All documents executed in a foreign language must be enclosed with their translation into the Polish or English language.
- 4) The application for admission to the procedure, representations and information of the economic operator shall be executed using a permanent writing technique.
- 5) It is advisable that the application for admission to the procedure be delivered in a packaging inscribed as follows: “Wniosek o dopuszczenie do udziału w postępowaniu na Wykonanie wielobranżowej dokumentacji projektowej dla budynku Muzeum Sztuki Nowoczesnej w Warszawie oraz dla teatru TR Warszawa wraz z infrastrukturą” and bear the following annotation “Nie otwierać przed dniem 29.11.2013 r. godz. 12:00 ”.
- 6) Application for admission to the procedure shall be sent to the following address: Muzeum Sztuki Nowoczesnej w Warszawie ul. Pańska 3, 00-124 Warszawa, reception desk.
- 7) The Contracting Authority shall evaluate the fulfilment of the participation conditions on the basis of the documents and representations enclosed with the application.
- 8) The assessment of the fulfilment of the participation conditions will be carried out using the „meets/does not meet” method. If the number of economic operators meeting the participation conditions exceeds 15, the Contracting Authority shall invite tenders from the economic operators selected in accordance with point IV.1.2) of the notice.
- 9) In the event of providing values in currencies other than PLN, the Contracting Authority shall convert them into PLN at the average rate of exchange published by the NBP on the day of publication of the contract notice.
- 10) The Contracting Authority has published on <http://artmuseum.pl/pl> the draft application with drafts of representations and lists for possible use.
- 11) The Contracting Authority has published on <http://artmuseum.pl/pl> the English version of the notice. The English version is only an auxiliary version, with the Polish version being the binding version. In the event of any discrepancies the version published in the Polish language shall prevail.
- 12) Answers to operator’s questions will be published on the website www.artmuseum.pl

VI.4) Procedures for appeal

VI.4.1) Body responsible for appeal procedures

Official name: **Krajowa Izba Odwoławcza**

Postal address: **Postępu 17A**

Town: **Warszawa**

Postal code: **02-676**

Country: **Poland**

E-mail: **odwolania@uzp.gov.pl**

Telephone: **+48 22 4587840**

Internet address (URL): **www.uzp.gov.pl**

Fax **+48 22 4587800**

Body responsible for mediation procedures (if applicable)

Official name:

Postal address:

Town:

Postal code:

Country:

E-mail:

Telephone:

Internet address (URL):	Fax	
Official name:		
Postal address:		
Town:	Postal code:	Country:
E-mail:	Telephone:	
Internet address (URL):	Fax	

VI.4.2) Lodging of appeals (please fill in heading VI.4.2 or if need be, heading VI.4.3)

Precise information on deadline(s) for lodging appeals:

In the course of the contract award procedure legal remedies provided for in Section VI of the PPL Act are available, i.e. an appeal to the National Appeal Chamber and a complaint to the Regional Court filed in the manner and on the terms specified in the Act. The legal remedies specified in Section VI may be used by economic operators or other entities, if they had or have an interest in obtaining a given contract and have or may suffer damage as a result of a breach of the Act by the Contracting Authority.

An appeal shall be filed within 10 days from the date of sending information on the action of the Contracting Party constituting the basis for its filing – if the remedies, referred to in Article 27 section 2 of the Act were used, or within 15 days – if other remedies were used;

An appeal concerning the content of the contract notice, and also against provisions of the specifications, shall be filed within 10 days from the date of publication of the notice in the Official Journal of the European Union or the publication of the specifications on a website;

An appeal against actions other than those referred to above shall be lodged within 10 days from the date, on which information on the circumstances constituting the basis for the appeal was or could have been obtained while exercising due diligence;

If the Contracting Authority failed to send the economic operator notice of the selection of the most advantageous tender, an appeal shall be filed no later than:

- a) 30 days from the date of publication of the notice of contract award in the Official Journal of the European Union,
- b) 6 months from the date of contract conclusion, if the Contracting Authority failed to publish a notice of contract award in the Official Journal of the European Union.

VI.4.3) Service from which information about the lodging of appeals may be obtained

Official name: **Krajowa Izba Odwoławcza**

Postal address: **Postępu 17A**

Town: **Warszawa**

Postal code: **02-676**

Country: **Poland**

E-mail: **odwolania@uzp.gov.pl**

Telephone: **+48 22 4587840**

Internet address (URL): **www.uzp.gov.pl**

Fax **+48 22 4587800**

VI.5) Date of dispatch of this notice: [] [] / [] [] / [] [] [] [] (dd/mm/yyyy)