



Terms and conditions of participation – Request for Proposals – RFP

ANWIL S.A. hereby invites you to participate in the tender procedure aimed at selecting an entity that will perform the service/supply indicated in the procedure.

1. If you are interested in our proposal, please participate in the procedure through the CONNECT Purchase Platform.
2. The submitted proposal shall consist of formal, technical and commercial parts and contain the elements required according to the criteria of the Request for Proposal published on the CONNECT Purchasing Platform (formal, technical, commercial).
3. The proposal should only be submitted in an electronic format via the CONNECT Purchase Platform.
4. The rate quoted in the proposal should be a net amount. The price shall include all additional charges arising during the contract implementation, as stipulated in the Service/Delivery Specification.
5. The proposal may be required to include a detailed calculation (cost estimate) of all costs for the service/supply to be provided in accordance with the scope outlined in the Request for Proposal.
6. The proposal may be required to include costs associated with maintenance and servicing, operation, stock holding, disposal, decommissioning, utilisation, reclamation and other costs depending on the subject matter of the Request for Proposal constituting the cost of purchase.
7. The price shall be subject to commercial negotiations. The price shall be stated on the CONNECT Platform in the section designated for this purpose. The formal and technical parts of the proposal shall not contain information on the price and other commercial conditions, as this may result in the rejection of the proposal.
8. In case of planning performance of services/supplies by subcontractors, it is necessary to notify ANWIL S.A. for acceptance thereof, along with indication of the scope and percentage share as part of the subcontractor's commission.
9. The selection of proposals shall be carried out iteratively.
 - Step I – examination of formal requirements.
 - Step II – substantive/technical examination of submitted proposals. Only those proposals that meet all formal requirements shall be subject to examination.
 - Step III – commercial assessment of submitted proposals. Only those that meet the substantive/technical criteria specified in the Request for Proposals shall be subject to commercial assessment.
10. All queries related to additional information and clarifications are to be submitted exclusively in an electronic form via the CONNECT Purchase Platform: <https://connect.orken.pl/>. All queries relevant for the preparation of proposals, addressed within the deadline, and all answers will be published on the Platform for the information of all Tenderers who have applied in the respective purchase procedure, without identifying the author of the question. In the case of queries and/or answers which, in the opinion of the Tenderer, may result in the release of the Tenderer's confidential information, after the Tenderer has stipulated this fact in the body of the query and/or answer, it shall be permissible to reply only to that Tenderer. Answers will only be given to queries submitted via the CONNECT Purchase Platform tab Queries/Answers. The answer shall be provided by the same method. At the same time, ANWIL S.A. reserves the right to refuse to answer the submitted queries without stating reasons.
11. More than one tenderer may be selected to carry out the service/supply, depending on the actual business needs of ANWIL S.A. and the cooperation conditions presented. The tenderer(s) whose

proposal meets the formal requirements and substantive/technical criteria and presents the most favourable commercial conditions shall be selected.

12. The Tenderer undertakes to consider any and all information resulting from the receipt of this Request for Proposal as confidential and undertakes not to disclose or transfer such information to any other persons, and not to use such information for purposes other than participation in the proceedings for the period of 10 years from the date of receipt of the Request for Proposal.
13. The information contained in this Request for Proposal may be used only for its intended purpose, i.e. to prepare a proposal for ANWIL S.A.
The Tenderer shall make every effort to ensure that the information provided by ANWIL S.A. in this Request for Proposal is protected by at least the same means as the Tenderer's protected materials, and in case of failure to use such means, under the rules defined by ANWIL S.A.
The Tenderer shall be responsible for compliance with the obligation of confidentiality by all persons involved in the preparation of the proposal.
Information related to the fact that the Tenderer was invited to respond to this Request for Proposal, the fact that the Tenderer responded, the commercial negotiations and the concluded contracts may be provided by the Tenderer only after obtaining a written consent of ANWIL S.A. to provide such information.
Should the Tenderer, who has received this Request for Proposal, disagree with the above clauses, this material containing the submitted documentation for the purchase procedure should be immediately returned to ANWIL S.A. and all copies (electronic as well as paper) destroyed.
14. The Tenderer, by entering into these proceedings, voluntarily bears the costs related to the preparation and submission of the proposal.
15. Submission of a proposal inconsistent with the terms of the invitation to tender or/and after the deadline may result in rejection of the proposal.
16. ANWIL S.A. reserves the right to conduct multi-step negotiations in various forms, i.e. direct negotiations and negotiations via an electronic auction system.
17. E-auction may be conducted during various steps of the proceedings; its implementation shall be decided by ANWIL S.A. If this form of negotiations is selected, the Tenderer will be invited to the e-auction and notified of its purpose.
18. The principles of conducting electronic auctions are contained in the Regulations of Electronic Auctions at PKN Orlen S.A., which will be made available to the Tenderer for acceptance along with the invitation to the e-auction.
19. Proposals obtained during potential negotiations using the electronic auction system may be subject to further negotiations with the Tenderers.
20. ANWIL S.A. reserves the right to freely select the entity/entities with whom negotiations will be conducted with respect to part or all of the scope of the submitted offers and to conclude a contract with more than one Contractor selected through negotiations, whereby the scope of the contract may cover all or part of the scope of the submitted proposal to the Request for Proposal.
21. ANWIL S.A. reserves the right to withdraw from the Contractor selection and negotiations without specifying any reasons. No claims shall be made against ANWIL S.A. on this account.
22. This Request for Proposal constitutes an invitation to negotiate within the meaning of Article 72 of the Civil Code, and thus the provisions on proposal within the meaning of Article 66 et seq. of the Civil Code do not apply.
23. All interested parties shall be informed about the results of the proceedings immediately upon their completion.
24. ANWIL S.A. reserves the right to reject the request for credentials.
25. ANWIL S.A. stipulates that the contract will be concluded upon its signing by ANWIL S.A. and the Tenderer. Confirmation of the agreed terms and conditions of the contract may be made on the part of ANWIL S.A. only by persons holding an appropriate power of attorney or authorisation disclosed in the National Court Register.
26. By entering into the RFP, the Tenderer shall agree to the aforementioned terms and conditions.
27. Statements:

- The Tenderer hereby declares that the provision of the service / delivery shall be carried out with due diligence as can be expected from an entity professionally engaged in this type of activity, in accordance with current knowledge and qualifications.
- The Tenderer hereby declares that it has the knowledge, experience and equipment necessary to provide the service / delivery and fulfil other obligations resulting from the Request for Proposal.
- The Tenderer hereby declares that it holds the relevant permits and/or licenses required by law for the provision of the service / delivery covered by the scope of this Request for Proposal.
- The Tenderer hereby declares that it possesses or shall obtain the appropriate corporate approvals or consents arising from the Articles of Association (including partnerships)/ Articles of Incorporation necessary to perform the obligations arising from the Request for Proposal.
- The Tenderer hereby declares that it is aware of global, economic, political, logistical and health conditions (including epidemics, pandemics) as of the date of submission of the Proposal.
- The Tenderer hereby declares that it has adequate financial resources to fulfil its obligations under the Request for Proposal.