



**EXPLANATION**

*re. procedure for the delivery of underwater current meters (procedure No. IO/ZN/1/2021)*

The Institute of Oceanology of the Polish Academy of Science gives an explanation in response to following questions in the procedure for delivery of underwater current meters (procedure No. IO/ZN/1/2021) submitted on February 19<sup>th</sup>, 2021:

**Question No. 1** (translation by IOPAN)

- I. *We ask for explanation of technical specification in accordance to questions set below:*
  - a. *Please confirm that following requirements are correct:*
    - i. *Memory at least 8 GB,*
    - ii. *Dimensions: Diameter max 3 cm, Length max 80 cm,*
    - iii. *Weight max 350 g,*

*Physical parameters seem to be very limited compared to the rest of requirements.*

**Response**

The Contracting Authority confirms those parameters. The Contracting Authority states that only the minimum requirements were set out in the detailed technical specification. The Contractors may offer the devices with the same or better specification in their bids.

**Question No. 2** (translation by IOPAN)

*Can the Contractor rely on resources of the third party to confirm complying with conditions for participation in the procedure in regard of economic or financial standing. In the Contract notice and appendices to the notice there are no provisions excluding such possibility and the public procurement law allows it.*

*The Contractor thinks that it is possible but would like confirmation and would like to know what documents should be submitted with the bid.*

**Response**

The Contracting Authority allows the Contractor to rely on resources of the third party to complying with Conditions for participation in the procedure.

Due to response given above, the Contracting Authority, in accordance to point 7 of Chapter VII of the notice, changes the notice in a way set below:

The Contracting Authority adds after Chapter VIII Chapter IX as follows:

**“IX. Relying on resources of the third party**

1. In order to confirm the fulfilment of the conditions of participation in the procedure the Contractor may, where appropriate and for a particular contract or its part, rely on the technical or professional capability or the economic or financial standing of other entities, regardless of the legal nature of the links which they have with them.

2. The Contractor that relies on the capacities or standing of resource-sharing entities shall submit, together with its bid, a commitment of the resource-sharing entity to the Contractor to place at the disposal of the Contractor the resources necessary for the performance of the contract or another subjective means of proof confirming that the Contractor, by performing the contract, shall have the necessary resources of these entities.
3. The commitment of an entity providing the resources referred to in paragraph 2 confirms that the relationship between the Contractor and the resource-sharing entities guarantees actual access to these resources and specifies in particular:
  - 1) the scope of resources placed at the disposal of the Contractor by the resource-sharing entity;
  - 2) the manner and period in which the resources of the resource-sharing entity will be made available to and used by the Contractor in the performance of the contract.
4. The Contracting Authority shall verify whether the technical or professional capability made available to the Contractor by resource-sharing entities or their financial or economic standing are sufficient for that Contractor to prove the fulfilment of the conditions of participation in the procedure.
5. Where the technical or professional capability or the economic or financial standing of the resource-sharing entity does not prove the fulfilment of the conditions of participation in the procedure by the Contractor, the Contracting Authority shall require that, within a time limit defined by the Contracting Authority, the Contractor replaces that entity with a different entity or entities or proves that it meets the conditions of participation in the procedure on its own.
6. After the deadline for the submission of bids, the Contractor may not refer to the capability or standing of resource-sharing entities if at the stage of the submission of bids it did not rely in the relevant scope on the capability or standing of resource-sharing entities.
7. The Contractor shall indicate in the bid that it relies on the technical or professional capability or the economic or financial standing of other entities to confirm the fulfilment of the conditions of participation in a procedure and provide name and address of those entities.”

Due to the responses given and changes made by the Contracting Authority, the Contracting Authority extends the deadline of submitting the bids to **February 23rd, 2021, 12:00 pm.**