



**ANNOUNCEMENT OF COMPETITION OF OFFERS NO. 1/E/OS/2018  
FOR THE SALE OF ARMAMENTS**

*organised by the Military Property Agency (AMW) in Warsaw, ul. Nowowiejska 26A  
- Qualified Trading Department*

**TIME LIMIT OF SUBMITTING THE OFFERS: 2018-03-30**

**I GENERAL CONDITIONS**

1. The object of the sale in the form of competition of offers is the armaments decommissioned from the resources of the Ministry of National Defence (MON) and the Ministry of The Interior and Administration (MSWiA), enumerated in the control lists of armaments (Common Military List of the European Union and specification of armaments, appended to the regulation of the Minister of Development and Finance of the Republic of Poland (RP) *on the specification of armaments the trading in which is subject to licensing*), the export and intra-community transfer of which is subject to the acquisition of a license issued by a relevant official authorities, responsible for controlling the trading in armaments of the Republic of Poland based on import certificate or end user certificate.
2. The competition of offers may be acceded by entities having their registered seat outside the boundaries of the Republic of Poland, in a signatory country of Wassenaar Arrangement that are not subject to the ban on trading in armaments imposed by the European Union.
3. The competition of offers shall be implemented in keeping with the rules of the competition of offers for the sale of armaments to foreign entities, appended to decision no. 86/2017 of the President of AMW dated 25<sup>th</sup> September 2017.
4. The information concerning the subject of full competition offer (name, type, quantity, minimum net unit price, place of the storage of armaments) is listed on AMW website: [www.amw.com.pl/en](http://www.amw.com.pl/en) in tab "*Armaments and equipment - Competition of offers*" (**appendix no. 1**), accessible exclusively to entities that have been given the password.

The downloading of offer form shall be possible following the receipt of password to full competition offer from the organiser of the competition of offers.

**II PROCEDURE AND CONDITIONS FOR ACCESS PASSWORD TO FULL COMPETITION OFFER**

1. The access password to full competition offer shall be provided exclusively to the entities which following the dispatch of the "*Application for the provision of access password to full competition offer*", appended to the announcement (**appendix no. 2**), inclusive of the registration document of such entity and powers-of-attorney (when applicable), as stipulated in Item IV Section 9 (document in the form of a scan) are positively verified by the organiser of the competition of offers in keeping with the internal control system of trade of armaments in place at AMW.

The filled-out application shall be sent in electronic form within the non-negotiable time limit of **9<sup>th</sup> February 2018** to the following e-mail address: kancelaria@amw.com.pl or a.pracon@amw.com.pl. Applications delivered following the time limit referred to above shall not be processed. The application shall be filled out on a computer, in English language, printed out and signed as stipulated in Item IV Sections 6 and 8.

The scan of the registration document in original language shall be appended with a scan of a sworn translation of such document to Polish language provided by a sworn translator listed in the register of sworn translators kept by the Minister of Justice of the Republic of Poland. The access password to full competition offer shall be provided to entities interested in the competition of offers promptly upon the verification thereof by the organiser of the competition of offers, at the latest within 5 business days (unless it is necessary to supplement data and/or documents) running from the date of receipt of application to the e-mail address indicated in the announcement.

The password shall not be provided to entities that have been negatively verified by the organiser of the competition of offers. In the case of negative verification, the organiser of the competition reserves itself the right to send such information without justification. The result of verification is final.

### III INSPECTION OF THE OBJECT OF THE COMPETITION OF OFFERS

1. The armaments being the object of the competition of offers may be inspected upon prior notice of the will to perform such inspection. The notice of the will to perform such inspection may be issued exclusively by the entities that received the access password to full competition offer from the organiser of the competition of offers. The notice shall be sent in electronic form, on the form – *“Application for inspection of armaments”*, appended to the announcement (**appendix no. 3**), by **23<sup>rd</sup> February** to the e-mail address: m.kaminski@amw.com.pl or a.pracon@amw.com.pl.

The entry by a foreign citizen into the area of a protected military unit or institution for the purpose of performing the inspection may take place exclusively based on a permit issued by relevant official authorities, responsible for the security of the Armed Forces of the Republic of Poland.

The decision on the issuing a permit to entry of foreigners does not depend upon the organiser of the competition of offers and may not be subject to any claims against the organiser of the competition of offers.

The inspection may take place following at least 30 days from date of receipt of *“Application for inspection of armaments”* by the organiser of the competition of offers.

### IV TIME LIMIT AND CONDITIONS OF SUBMITTING OFFERS

1. The offer in the competition of offers may be submitted exclusively by entities that received the access password to full competition offer from the organiser of the competition of offers.
2. The offer shall be submitted in writing to the Office of the President of AMW to the following address: **Agencja Mienia Wojskowego, ul. Nowowiejska 26A, 00-911 Warszawa, Poland (room 22)** within non-negotiable time limit of **30<sup>th</sup> March 2018 by 04:00 pm**. The offer shall be provided with a packaging protecting it against accidental opening, with annotations and in a manner explicitly indicating its nature and purpose. The offer must be placed in a closed (sealed) envelope, with the following annotation made by the participant to the competition:
  - name and address of participant to the competition;
  - annotation: "Competition of offers no. 1/E/OS/2018".

In the case of improper marking, the participant to the competition of offers will bear the risk of accidental opening thereof.

3. Withdrawal, supplementation or change of offer prior to the expiration of the time limit for submitting offers shall be effected in the same manner as the submission of offers. In such case, an appropriate annotation must be made on the envelope, i.e. "withdrawal of offer in the competition of offers no. 1/E/OS/2018" or "supplementation/change of offer in the competition of offers no. 1/E/OS/2018".
4. The offer price for armaments being the object of the competition of offers must be provided in hardcopy on offer form appended to the announcement of the competition of offers, posted on AMW website [www.amw.com.pl/en](http://www.amw.com.pl/en) in tab "Armaments and equipment - Competition of offers". The lack of price offer made on offer form will result in rejection of such offer. A participant to the competition may submit a partial offer, i.e. covering only these positions from the offer form it is interested in, or an offer covering all items. A participant to the competition of offers may not submit more than a single price offer for given item from the offer form.
5. The net unit offer price may not be less than the minimum net unit price indicated in the offer form and must be expressed in *EUR* rounded to second decimal place.
6. The offer form must be signed by person(s)\* duly authorised to represent a participant to the competition of offers (i.e. to submit statements of will on behalf of a participant to the competition of offers) in keeping with the representation rules in place, shall directly ensue from the registration document of such participant to the competition of offers appended to the offer form as stipulated in Section 9.1).
7. Any corrections or changes in the text of price offer in the offer form shall be introduced in a legible manner and signed by person(s)\* who signed the offer form.
8. Shall the offer form be signed by any representative of the participant of the competition of offers, the offer must be appended with the original copy of a document (powers-of-attorney), confirming the authorisation of such person(s)\* to submit statements of will on behalf of a participant to the competition of offers, as stipulated in Section 9.2).
9. The offer form shall be appended with:
  - 1) a copy of valid excerpt or print-out from relevant register, such as i.e. register of entrepreneurs in the country of where a participant to the competition of offers has its registered seat, confirming the legal nature and capacity to undertake legal actions and the scope of operations and rules of representation of such participant to the competition of offers. The copy referred to above shall be:
    - confirmed as consistent with the original document, in keeping with the rules of representation binding to the participant to the competition of offers,
    - submitted inclusive of a sworn translation to Polish language provided by a sworn translator, listed in the register of sworn translators kept by the Minister of Justice of the Republic of Poland;
  - 2) original copy of powers-of-attorney, in keeping with Section 8 (if applicable), inclusive of a sworn translation to Polish language provided by a sworn translator, listed in the register of sworn translators kept by the Minister of Justice of the Republic of Poland.
10. Any costs associated with the participation in the competition of offers, including but not limited to the preparation and submission of application, offer, and of other documents, shall be covered by the entity/participant to the competition of offers, irrespective of the result of such competition of offers.

## **V OFFER EVALUATION PROCEDURE**

1. The opening and examination of competition of offers shall be effected at a closed meeting by the Commission, appointed by the President of AMW.
2. Criteria applied in the selection of buyer's offer:

- a) security of armaments sale transaction (verification of participant to the competition of offers, in keeping with the internal control system of trade of armaments in place at AMW);

The organiser of the competition of offers reserves itself the right to reject an offer that violates the national and EU regulations governing trading in armaments or non-proliferation agreements;

- b) price.

3. The offer shall be considered valid, when:

- it has been submitted within the time limit for submitting offers prescribed by the participant to the competition of offers, who received the access password to full competition offers from the organiser of the competition of offers;
- it has been signed in keeping with the representation rules binding to each participant to the competition of offers indicated above.

Shall doubts arise concerning the documents appended to the offer form in hardcopy or in the case of lack of the documents required, the commission may decide to summon a participant to the competition of offers to supplement the documents indicated or to present clarifications in writing within the time limit indicated.

4. Offers submitted after the time limit indicated shall not be processed, will become the property of the organiser of the competition of offers, will not be returned, and after opening will be appended to the documentation of the competition of offers.
5. The participant to the competition of offers shall remain bound by the offer from the moment of submission of its offer until execution date of the sales contract of armaments to foreign counterparties. The valid standard sales contracts of armaments are attached to the announcement of the competition of offers (**appendix no. 4 and 5**).

## VI OTHER INFORMATION

1. The organiser of the competition of offers hereby reserves itself the right to:
- exclude armaments presented in the offer form without stating any reasons for such action, at any stage of the competition of offers, until the time limit for submitting offers;
  - invalidate the competition of offers at any stage whatsoever, in full or in part, without stating the reasons for such action;
- without the possibility of the participants to the procedure to pursue any claims and damages.
2. The organiser of the competition of offers shall notify the participants to the competition of offers of the result of the selection of buyer's offer or of invalidation of the competition of offers in full or in part, within 5 business days at the latest from the date of invalidation or the ending date of the competition of offers, i.e. approval by the President of AMW of the decision adopted by the commission, by way of sending a notice of results of the competition of offers.
3. For the armaments purchased in the competition of offers, a sales contract of armaments shall be drawn for the sale of armaments to foreign counterparties stating the date of payment, date of receipt and date of delivery of import certificate or end user certificate and a contract, to be sent promptly to the buyer selected in the competition of offers. The buyer shall be obligated to execute the sales contract of armaments within the time limit stated in the notice on the result of the competition of offers and to deliver an import certificate or an end user certificate that meet the requirements of the laws of the Republic of Poland within the time limit indicated in the contract. The hand-over of armaments to the buyer shall be effected following the signing of the sales contract of armaments by both parties, obtaining of individual permit(s) for the export/intra-community transfer by AMW and following the payment by the buyer of purchase price and payment of the bond

required. The decision to issue the permit for exports/intra-community transfer of armaments from the Republic of Poland may be undertaken by an official authorities responsible for control of trading of armaments in RP does not depend upon the organiser of the competition of offers and may not be subject to claims against the organiser of the competition of offers.

4. The decisions of the President of AMW in the matter of selection of buyer's offer may not be appealed against.
5. The Polish language version of the announcement of the competition of offers shall be the binding version thereof.
6. Correspondence concerning the competition of offers shall be made in English language.
7. Photographs of licensed movables attached to the competition of offers have exclusively information character and don't constitute a trade offer. Photographs cannot be spread without AMW permission.

**Additional information may be acquired under the following e-mail address/ telephone number: a.pracon@amw.com.pl/ (+48) 22 314 97 00, (48) 22 314 97 91.**

**Appendices:**

- Appendix no. 1: offer form with appendices from 1 to 6;
- Appendix no. 2: application for provision of access password to full offer;
- Appendix no. 3: application for inspection of armaments;
- Appendix no. 4: standard sales contract of armaments to foreign counterparties – intra-community transfer;
- Appendix no. 5: standard sales contract of armaments to foreign counterparties – export;
- Appendix no. 6: requirements of official authorities responsible for controlling trade in armaments of the Republic of Poland concerning the end user certificate.