

Appendix no. 1 the announcement of market consultations prior to launching a tender for *Innovative renovation of a hospital ward, under the project entitled: "**Innovative hospital ward refurbishment solutions to minimise disruption, improve patient outcomes and enhance environmental sustainability**", realized under the grant entitled: **Collaborative Innovation Procurement Action to Improve the Efficiency, Quality and Sustainability of Healthcare - EcoQUIP Plus'** funded by the Executive Agency for Small and Medium-sized Enterprises (EASME) by virtue of entitlements provided by the European Commission (Grant Agreement number: 857790 - EcoQUIP Pliis-COS-PP)-2018-2-01).*

TERMS AND CONDITIONS FOR MARKET CONSULTATIONS

§ 1

Scope of application of the Terms and Conditions

1. The hereby Terms and Conditions specify the rules of market consultations carried out by the Commissioning Party, Zespół Opieki Zdrowotnej in Sucha Beskidzka, prior to the planned procedure of a public tender.
2. Market consultations can be conducted prior to the commencement of each planned public procurement procedure.

§ 2

Definitions

Whenever these Terms and Conditions refer to:

1. the PPL Act - shall mean the Act of 11 September 2019. Public Procurement Law;
2. Market Consultations - it shall be understood as consultations regulated by the provisions of Article 84 of the PPL Act;
3. Announcement - shall be understood as the announcement of the Market Consultations;
4. Procurement procedure - shall be understood as the planned procedure for issuing a public contract for *Innovative renovation of a hospital ward*;

5. Terms and Conditions - it shall be understood as these Terms and Conditions for conducting Market Consultations;
6. Participant - shall mean an individual who participates in the Consultations conducted by the Commissioning Party.

§3

General Provisions

1. All actions within the market consultations referred to in these Terms and Conditions shall be performed for and on behalf of the Commissioning Authority by a *Committee appointed by the Head of the Commissioning Authority*.
3. Conducting market consultations does not oblige the Commissioning Authority to initiate a procedure for granting a public tender, which the consultations concerned.
4. The consultations are carried out based on and in accordance with Article 84 of the Public Procurement Law.
5. The consultations are conducted in a way that ensures transparency, fair competition and equal treatment of potential contractors and the solutions offered by them.
6. The consultations are conducted in Polish. In case of information provided in another language, the Participant shall provide their Polish translation.
7. The Consultations are of an open character. Neither during the Consultation nor after its conclusion will the Commissioning Authority disclose information constituting company secret within the meaning of the act on counteracting unfair competition. Should a Participant, not later than at the time of providing the information to the Commissioning Authority, stipulate that the information provided constitutes a company secret and cannot be disclosed to other entities, the Commissioning Authority shall make a decision on disclosing such information.
8. The selection of a contractor for the public contract to which the market consultation relates will be made during a separate procedure for the issuing of a public contract conducted under the provisions of the PPL Act.
9. If market consultations precede the commencement of a public procurement procedure with a value equal to or greater than the EU thresholds, the Commissioning Authority shall inform the Participants that participation in market consultations is regarded as involvement in the preparation of a public procurement procedure and the resulting need to take this into account when completing the Single European Procurement

Document Form. The Commissioning Authority shall take all necessary measures to ensure that the involvement of Participants in the planned public procurement procedure does not impede competition.

10. Information on the use of Market Consultations is published in the contract notice to which the Consultations relate.

§ 4

Purpose and Subject of Consultations

1. The purpose of the Consultations is to obtain information to the extent necessary to prepare a description of the subject of the contract, specification of essential terms of the contract or to determine contractual terms and conditions, or potentially consulting in this regard.
2. The subject of the Consultations may be, in particular:
 1. technical, technological, legal, executive, organisational, commercial, economic and logistical issues related to the execution of the Contract according to the Commissioning Party's needs;
 2. estimating the value of the planned contract;
 3. latest, most advantageous, best technical, technological, legal, organisational, commercial, economic, and logistic solutions in the field covered by the planned contract.
 4. collection of information used to prepare documentation for the planned procurement.
3. During the Consultations, the Commissioning Authority shall be entitled to limit or extend the scope of the subject matter of the Consultations to issues of its choice provided that, in its opinion, this allows it to obtain all information relevant to the planned procurement procedure.

§ 5

Initiation of Consultations

1. The Consultation shall be initiated on the date of publication of the Announcement.
2. The Commissioning Authority shall publish a Notice of Consultation and its subject on the public procurement platform and in the Journal of European Communities.

3. In the Announcement, the Commissioning Authority shall indicate, in particular:
 1. the purpose of conducting the Consultations;
 2. basic requirements for participation in the Consultations (possibly the conditions of participation);
 3. deadline, place and manner of submitting an application to participate in the Consultations;
 4. method of communicating with Participants.

4. The Commissioning Authority may also, irrespective of posting the Announcement on its website, inform selected parties of its intention to conduct the Consultations. For this purpose, the Commissioning Authority may send an information to selected parties in a written or electronic form about the intention to conduct Market Consultations.

5. Failure to participate in the Consultations does not limit the rights and does not work to the disadvantage of potential contractors in the planned public procurement procedure.

§ 6

Organization of the Consultation

1. The Commissioning Authority may invite to participate in the Market Consultations the participants selected from all parties that submit a properly prepared application to participate in the Consultations and possibly additional statements, positions or documents requested by the Commissioning Authority in the Announcement, acting in accordance with the principles of conducting the Consultations. When inviting to participate in the Consultations, the Commissioning Authority shall be mindful of the purpose of conducting the Consultations and ensuring its effectiveness. The Commissioning Authority shall be authorised to specify in the announcement of the Consultations the terms and conditions of inviting to participate in the Consultations.
2. In justified circumstances, the Commissioning Authority may invite entities that submit an application to participate in the Consultations after the deadline.
3. In the Announcement, the Commissioning Authority may provide a template of application to participate in the Consultations.
4. Parties invited to participate in the Consultations will be informed by the Commissioning Authority in a manner specified in the Announcement.

5. The Commissioning Authority communicates with Participants by means of correspondence sent to the correspondence address or e-mail address provided by a Participant. Each party, upon request of the other party, shall immediately confirm the fact of receiving the correspondence.

§ 7

Manner of Conducting Consultations

1. The form of the Consultations is decided by the Commissioning Authority in the Announcement or in the invitation to the Consultations addressed to the Participants.
2. The Commissioning Authority is not obliged to conduct Consultations with all Participants in a particular form and may decide on different forms of Consultations with different Participants depending on the substantive content of positions presented by Participants in connection with the Consultations, while respecting the principles of transparency, fair competition, and equal treatment of Participants.
3. Consultations can take, in particular, the form of:
 1. an exchange of correspondence in a written or electronic form;
 - 2) an individual meeting with the Participants;
 - 3) a group meeting with the Participants, during the dates and on the topics determined by the Commissioning Authority.
4. The Commissioning Authority may decide to conduct the Consultations using some or all of the above forms of communication.
5. The Commissioning Authority may, at any time, resign from conducting the Consultations with a selected Participant if it decides that the information provided by that Participant are not useful to achieve the purpose of the Consultations.
6. In the course of the Consultations, the Commissioning Authority may use the assistance of public authorities, experts, and advisors with specialist knowledge necessary to prepare a description of the subject matter of the contract, specifications of essential contract terms, or to define contract terms. These parties are obliged to maintain confidentiality on the principles set out in these Terms and Conditions.

§ 8

Completion of the Consultations

1. The Consultations shall continue until the Commissioning Authority considers that their purpose has been achieved or once it considers that it is no longer appropriate to continue the Consultations. The Commissioning Authority is not required to give reasons for its decision.
2. The Commissioning Authority will immediately inform about the completion of the Consultations by publishing relevant information on its website and, in case of completion of the Consultations after inviting selected Participants to participate in the Consultations, also by disseminating the information to Participants.

§ 9

Protocol from the Consultation

1. The Commissioning Authority shall elaborate a protocol from the Consultation that contains at least:
 1. information about conducting the Consultations;
 2. information about parties that participated in the Consultations;
 3. information on the potential impact of the Consultations on the description of the subject matter of the contract, Terms of Reference or contractual terms and conditions.
2. The protocol and its appendices are public, except for the information referred to in § 3 act 7 of the Terms and Conditions.
3. Correspondence, protocols, writings, studies, opinions, and all other documents related to the Consultations remain at the Commissioning Authority's disposal and are not to be returned after the Consultations are completed. Upon request, samples, equipment or other materials provided in connection with the Consultations may be returned to the Participant by the Commissioning Authority.

§ 10

Costs and means of appeal

1. Each Consultations participant shall independently bear all costs incurred in connection with preparation for and participation in the Consultations.
2. Consultations Participants shall not be entitled to any claims against the Commissioning Authority, including claims for the reimbursement of costs of preparation for and participation in the Consultations.
3. Consultations Participants and other parties shall not be entitled to legal means of appeals specified in the Act of the Public Procurement Law.

§ 11

Personal data

In the event that the Commissioning Authority acquires personal data in connection with the conduct of the Consultation, it shall be obliged to comply with the provisions relating to personal data protection, in particular those arising from the provisions of the EU Regulation 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) and the provisions of the Act of 10 May 2018 on personal data protection.

§12

Entry into force of the Terms and Conditions

The Terms and Conditions shall come into force upon signature, upon publication on the Commissioning Authority's website.