

NOTICE of the intention to conduct

Preliminary Market Consultations (Public Procurement Law)

regarding

**Trainings of Apron Management Service (AMS) personnel for the purposes of the airport under the
Port Polska investment project**

Procedure No.: FZA. 2510.21.2026/WKR/1/JOK

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I. GENERAL INFORMATION

1. Contracting Authority details:

Name: Centralny Port Komunikacyjny sp. z o.o.
 Address: Aleje Jerozolimskie 142B, 02-305 Warsaw
 Tax Identification No. (NIP): 701-08-94-497
 National Court Register (KRS): 0000759991
 REGON: 381918620
 Website: <https://portpolska.pl/pl/>
 E-mail address: zamowienia@cpk.pl

Website address of the Contracting Authority where the documentation for the Preliminary Market Consultations is made available:
<https://cpk.ezamawiajacy.pl/pn/cpk/demand/284942/notice/public/details>

Any amendments and clarifications to this Notice of the intention to conduct the Preliminary Market Consultations will be made available on the website of the conducted Preliminary Market Consultations.

2. Legal basis and rules for conducting the Preliminary Market Consultations

- 1) The Contracting Authority hereby informs of the commencement of the Preliminary Market Consultations procedure, conducted pursuant to Article 84 of the Act of 11 September 2019 Public Procurement Law (hereinafter: the PPL).
- 2) The Preliminary Market Consultations precede the initiation of the Procurement Procedure to be conducted under the PPL as a procedure of a value equal to or exceeding the EU thresholds.
- 3) The Preliminary Market Consultations do not constitute an invitation to submit a tender nor an invitation to negotiate for the purpose of concluding a contract within the meaning of the Civil Code. They also do not constitute a contractor selection procedure within the meaning of the PPL.
- 4) Participation in the Preliminary Market Consultations is not a condition for participation in the Procurement Procedure.
- 5) **Participation in the Preliminary Market Consultations is treated as prior involvement in the preparation of the Procurement Procedure and results in the need to take this fact into account when completing the European Single Procurement Document (ESPD) at the stage of the Procurement Procedure, should it be launched.**
- 6) The Contracting Authority shall take appropriate measures to ensure that the participation of a Participant in the Procurement Procedure does not distort competition; in particular, it shall communicate, together with the procurement documentation, the relevant information provided to or obtained by the Contracting Authority in connection with the involvement of the Participant or an entity from its capital group in the preparation of the procedure.
- 7) Any statements, opinions or assessments expressed by Participants or representatives of the Contracting Authority during the Preliminary Market Consultations are not binding. The Contracting Authority is entitled to use the information obtained during the Preliminary Market Consultations in the manner it deems most useful for the preparation of the Procurement Procedure.

- 8) Participation in the Preliminary Market Consultations does not entitle Participants to pursue any claims against the Contracting Authority, in particular with regard to admitting the Participant to the Procurement Procedure, concluding the contract or including, in the Procurement Procedure, solutions offered by the Participant.
- 9) The Contracting Authority does not limit the number of Participants with whom it will conduct the Preliminary Market Consultations.

3. Definitions

Definitions and abbreviations used in this Notice shall have the following meaning:

- 1) **CPK or the Contracting Authority** - Centralny Port Komunikacyjny sp. z o.o.
- 2) **"Preliminary Market Consultations" or "PMC"** - a procedure that may precede the launch of the Procurement Procedure.
- 3) **"Notice"** - this notice of the intention to conduct the Preliminary Market Consultations, published on the Procurement Platform.
- 4) **"Procurement Procedure"** - the procurement procedure planned by the Contracting Authority for the award of a public contract, in which information obtained during the Preliminary Market Consultations may be used.
- 5) **Procurement Platform** - the Contracting Authority's IT system used to conduct the PMC, available at: <https://cpk.ezamawiajacy.pl>
- 6) **Contract** - a contract for pecuniary interest to be concluded between the Contracting Authority and the contractor (economic operator) selected in the Procurement Procedure.
- 7) **"Meeting"** - a meeting between the Contracting Authority and a Participant invited to take part in the PMC. The meeting may be held in person or by videoconference/teleconference. The meeting may be held individually or jointly with other Participants, at the Contracting Authority's premises or elsewhere.
- 8) **"Participant"** - an entity interested in taking part in the PMC, which intends to submit a Request, has submitted such Request, or has been invited to participate in the PMC, as well as an entity from the Participants capital group. (For the purposes of this Notice, a capital group is understood in accordance with Article 4 point 14 of the Act of 16 February 2007 on Competition and Consumer Protection.)
- 9) **"EU Thresholds"** - the amounts specified in the provisions issued pursuant to Article 3 of the PPL.
- 10) **"Request"** - a document expressing the Participants intention to take part in the PMC. The template Request Form is attached as Appendix No. 1 to this Notice.
- 11) **"Invitation"** - an invitation addressed to a Participant to take part in the Preliminary Market Consultations.
- 12) **„EASA"** - European Union Aviation Safety Agency.
- 13) **AMS (Apron Management Service)** - apron management service, excluding ground movement coordinators and FOLLOW-ME vehicle drivers.
- 14) **TWR** TWR endorsement - aerodrome control rating endorsement.
- 15) **OJTI (On the Job Training Instructor)** - operational training instructor.
- 16) **STDI (Synthetic Training Device Instructor)** - instructor for training on synthetic training devices / air traffic simulation training devices.
- 17) **„ATC"** – Air Traffic Control.

Capitalised terms not defined separately shall have the meaning assigned to them in this Notice and its appendices.

II. PURPOSE OF THE PRELIMINARY MARKET CONSULTATIONS

The purpose of conducting the Preliminary Market Consultations is to:

- 1) confront the Contracting Authority's needs with the market's capabilities to meet them;
- 2) identify factors affecting the quality and value of tenders to be submitted;
- 3) obtain information necessary to estimate the value of the Contract;
- 4) define and collect best practices related to the performance of the subject-matter of the public contract;
- 5) obtain information necessary to prepare the description of the subject-matter of the Contract, the specification of terms of the contract, the notice and the draft essential provisions of the Contract;
- 6) obtain information necessary to launch the Procurement Procedure.

III. SUBJECT-MATTER OF THE PRELIMINARY MARKET CONSULTATIONS

1. The subject of the Preliminary Market Consultations (PMC) is:
 - an assessment of the domestic and European market with regard to available training courses for AMS personnel offered by centres that could deliver such a service for airport as a part of the Port Polska investment; and
 - verification of the Airport Operator's needs against the capability of potential contractors to meet them.
2. The Contracting Authority needs to develop a training programme and train the personnel of the apron management service of the new airport under the Port Polska investment, in accordance with Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, excluding provisions concerning training for ground movement coordinators and "FOLLOW-ME" vehicle drivers.
3. The training programme and training for the AMS service should comply with ADR.OPS.D.085 and meet the requirements set out in AMC1 ADR.OPS.D.085(a)(2)(i) and ADR.OPS.D.085(a)(2)(ii) of the above mentioned regulation "Training and competence-checking programme for personnel providing aircraft with taxiing instructions by radiotelephony".
4. 3) Detailed information on the subject-matter of the PMC is set out in **Appendix No. 6 to this Notice Subject-matter of the PMC**.
5. The PMC has not been divided into areas.
6. The PMC is addressed to training organisations providing training for Apron Management Service in accordance with Commission Regulation (EU) No 139/2014 of 12 February 2014, excluding provisions relating to training for ground movement coordinators and FOLLOW-ME vehicle drivers.

7. Protection of the confidential nature of information

- 1) The Contracting Authority indicates that:
 - Appendix No. 6 to this Notice: Subject-matter of the PMC;
 - documents of the Contracting Authority covered by its business secret, to the extent their disclosure in the course of the PMC proves necessary to achieve the purpose of the PMC; are confidential or constitute the Contracting Authority's business secret.
- 2) The above information (**Confidential Information**) will be made available exclusively to Participants who undertake to keep it confidential by signing and submitting to the Contracting Authority, before the deadline for submission of Requests, the relevant statement constituting **Appendix No. 3** to this Notice;
- 3) The statement should be signed in accordance with the requirements set out in Chapter IX(3) of this Notice;
- 4) A password-protected link to the documents will be sent to the Participant to the e-mail address indicated in the submitted statement; the password will be provided by SMS to the phone number indicated therein. The Participant shall download the documents using the received link;
- 5) The Contracting Authority obliges Participants to whom it discloses Confidential Information to maintain its confidential nature, i.e. to:
 - a) use the Confidential Information solely for the purpose of preparing the Request and the information provided during the PMC;
 - b) not disclose the Confidential Information to third parties, unless necessary to achieve the purpose specified above;
 - c) ensure that any third parties are bound to confidentiality if Confidential Information is disclosed to them;
 - d) appropriately safeguard the disclosed Confidential Information at a level not lower than the Participant safeguards its own business secrets.
- 6) The above rules shall apply accordingly to any responses provided by the Contracting Authority to questions regarding Confidential Information. Such responses will be communicated directly to all Participants to whom Confidential Information has been disclosed. Participants who apply for access to Confidential Information after the Contracting Authority has responded to questions concerning Confidential Information will receive those responses together with the Confidential Information.

IV. CONDITIONS FOR PARTICIPATION IN THE PRELIMINARY MARKET CONSULTATIONS AND DOCUMENTS CONFIRMING COMPLIANCE

1. Participants may apply to take part in the PMC if they meet the following participation conditions:
 - 1) Condition relating to capacity to act in business transactions:
The Contracting Authority does not set a detailed condition in this respect.
 - 2) Condition relating to holding authorisations to conduct a specific economic or professional activity:
The Contracting Authority does not set a detailed condition in this respect.

3) Condition relating to economic or financial standing:

The Contracting Authority does not set a detailed condition in this respect.

4) Condition relating to technical or professional ability:

4.1) The Contracting Authority will deem the condition satisfied if the Participant demonstrates that:

- a) within the last 5 years prior to the deadline for submission of Requests, and if the period of conducting business is shorter within this period, it has duly performed a service (contract) consisting of theoretical and practical training of AMS personnel (excluding ground movement coordinators and FOLLOW-ME vehicle drivers) for an international airport operating in Europe;

and

- b) the service was provided in compliance with European Union aviation safety law (EASA framework).

4.2) It has a trainer staff of at least 4 persons with the following competences:

- a) 2 persons, each of whom, within the last 5 years, has conducted at least two (2) theoretical trainings for AMS Personnel (excluding ground movement coordinators and FOLLOW-ME vehicle drivers). These persons will be required as members of the Participants team taking part in Meetings under the PMC.

and

- b) 2 persons, each of whom, within the last 5 years, has conducted at least five (5) practical trainings for AMS Personnel (excluding ground movement coordinators and FOLLOW-ME vehicle drivers). These persons will be required as members of the Participants team taking part in Meetings under the PMC.

2. The Contracting Authority clarifies the following issues/terms:

1) the term “conducted training” shall mean that a given person participated as a trainer/lecturer/instructor:

- in theoretical training: participated in at least 25% of the total training hours of the given theoretical training,
- in practical training: participated in the full training cycle of the trainee (i.e., took part in periodic instructor meetings and monitored the trainees progress) and conducted at least 25% of the total practical training hours with the trainee.

3. The Contracting Authority will assess compliance with the participation conditions referred to in section 1 item 4 based on the following documents to be submitted by the Participant together with the Request:

- 1) a list of services performed or being performed within the last 5 years prior to the deadline for submission of Requests (or, if the period of business activity is shorter within that period);

If the Participant relies on experience gained in the performance of services provided jointly with other contractors, the above list should include only those services in the performance of which the Participant participated directly.

- 2) a list of persons designated to participate in Meetings under the PMC (for the condition referred to in section 1 item 4.2);
4. For demonstrating compliance with the participation conditions in the PMC, a Participant **may** rely on the financial, technical or professional capacity of entities (including foreign entities) belonging to the same capital group. The experience of an entity from the same capital group as the Participant shall be treated as the experience of the Participant. The Contracting Authority **reserves** that all conditions set out in Chapter IV(1) items 4.1 and 4.2 must be met jointly by the Participant and the entities from the Participants capital group.
5. Failure to meet the conditions for participation in the PMC may result in the rejection of the Request to participate in the PMC, in accordance with Chapter VIII(1)(2) of this Notice.
6. The Contracting Authority may admit to participation in the PMC a Participant who does not meet the condition(s) set out in section 1, provided that the Participant demonstrates that it has information material to the Contracting Authority, in particular concerning solutions, technologies or know-how useful for preparing documents necessary to initiate the Procurement Procedure.

V. GROUNDS FOR EXCLUDING A PARTICIPANT FROM THE PRELIMINARY MARKET CONSULTATIONS

1. The Contracting Authority shall exclude a Participant from participation in the PMC where:
 - 1) the Participant provides false or misleading information which constituted a condition for admission to participation in the PMC;
 - 2) the Participant grossly breaches the rules for conducting the activities set out in this Notice or where its participation in the PMC materially hinders the conduct of activities related to the PMC.
2. The Contracting Authority shall exclude from the PMC a Participant in respect of whom any of the circumstances referred to in:
 - 1) Article 5k(1) of Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine,
 - 2) Article 7(1)(1)–(3) of the Act of 13 April 2022 on special arrangements to prevent support for aggression against Ukraine and to protect national security, i.e.:
 - a) listed in the lists specified in Regulation (EC) No 765/2006^[1] and Regulation (EU) No 269/2014^[2] or entered on the list^[3] on the basis of a decision on entry on the list deciding on the application of the measure referred to in Article 1(3) of that Act;
 - b) whose beneficial owner, within the meaning of the Act of 1 March 2018 on counteracting money laundering and terrorist financing, is a person listed in the lists specified in Regulation (EC) No 765/2006 and Regulation (EU) No 269/2014 or entered on the list, or has been such a beneficial owner since 24 February 2022, provided that the person was entered on the list on the basis of a decision on entry on the list deciding on the application of the measure referred to in Article 1(3) of that Act;
 - c) whose parent undertaking, within the meaning of Article 3(1)(37) of the Act of 29 September 1994 on Accounting, is an entity listed in the lists specified in Regulation (EC) No 765/2006 and Regulation (EU) No 269/2014 or entered on the list, or has been such a parent undertaking since 24 February 2022, provided that the entity was entered on

the list on the basis of a decision on entry on the list deciding on the application of the measure referred to in Article 1(3) of that Act.

3. The Request of an excluded Participant shall be rejected in accordance with Chapter VIII(1)(1) of this Notice.
4. The Contracting Authority shall inform the Participant of the rejection of the Request.

VI. PARTICIPANTS APPLYING JOINTLY FOR PARTICIPATION IN THE PRELIMINARY MARKET CONSULTATIONS

The Contracting Authority does not allow Participants to apply jointly for participation in the PMC.

VII. SELECTION CRITERIA

The Contracting Authority does not apply selection criteria for Participants.

VIII. REJECTION OF THE REQUEST

1. **The Contracting Authority shall reject the Request if:**
 - 1) it has been submitted by a Participant subject to exclusion from participation in the PMC;
 - 2) the Participant has not demonstrated fulfilment of the conditions for participation in the PMC, subject to the provisions of Chapter IV(6) of this Notice;
 - 3) the Participant has submitted the Request in a manner preventing its assessment, e.g. the Request is not consistent with the template Request Form or it is not possible to read the content of the Request, which makes it impossible to assess the Request in the conducted PMC;
 - 4) the Request has been submitted after the deadline for the submission of Requests;
 - 5) the Participant has submitted more than one Request;
 - 6) despite being requested to clarify or supplement them, the Participant has failed to submit within the prescribed time limit the statements or documents required under this Notice;
 - 7) the Participant has failed to submit the Confidentiality Undertaking (NDA) constituting Appendix No. 3 to this Notice.
2. **The Contracting Authority may reject the Request** of a Participant who has not demonstrated fulfilment of the conditions for participation in the PMC described in Chapter IV of this Notice.

IX. DESCRIPTION OF HOW TO PREPARE THE REQUEST TO PARTICIPATE IN THE PRELIMINARY MARKET CONSULTATIONS; SCOPE AND FORM OF THE REQUEST

1. Each Participant may submit only one Request.
2. The Request should be prepared in Polish or English, using the template Request Form. If any of the required documents submitted by the Participant is drawn up in a foreign language – other than English, it must be submitted together with a translation into Polish or English.
3. The Request and the documents attached to the Request should be signed with a qualified electronic signature by a person duly authorised to represent the Participant and submitted

before the deadline for submission of Requests. Detailed information concerning the qualified electronic signature is provided in **Appendix No. 2 to this Notice**.

Note:

The Request and the documents submitted together with the Request bearing a pasted image of a signature will not be considered by the Contracting Authority as duly signed.

4. The Request should be signed by a person acting on behalf of the Participant who is authorised to represent it in accordance with the rules of representation or registration documents. Where the right of representation results from registration documents that may be obtained via free-of-charge and publicly available online databases, and the Participant indicates in the Request the data enabling access to those documents, the Participant is not obliged to submit them; the Contracting Authority will obtain them on its own. Where the Request and documents are signed by an attorney-in-fact, a power of attorney should be attached to the Request. The power of attorney must be submitted in one of the forms permitted by the Contracting Authority for the submission of Requests.
5. **Together with the Request – prepared in accordance with the template Request Form – the following must be submitted:**
 - 1) documents evidencing the Participant's right of representation, in accordance with the rules of representation;
 - 2) a declaration of consent for the Contracting Authority to use information provided during the PMC – included in the Request Form;
 - 3) a confidentiality undertaking (NDA) – **Appendix No. 3 to this Notice**;
 - 4) a list of services – template provided in **Appendix No. 4 to this Notice**;
 - 5) a list of persons – template provided in **Appendix No. 5 to this Notice**;
 - 6) a declaration submitted for the purpose of confirming the absence of grounds for exclusion in connection with Russia's aggression against Ukraine and Belarus' participation in that aggression, within the scope of Article 5k(1) of Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ EU L 229 of 31.7.2014, p. 1, as amended) and Article 7(1)(1)–(3) of the Act of 13 April 2022 on special arrangements to prevent support for aggression against Ukraine and to protect national security. **The template declaration is included in the Request Form – Appendix No. 1 to this Notice**;
 - 7) the Participant may also attach to the Request information or proposed solutions ensuring the achievement of the purpose specified in Chapter II of this Notice, or other information justifying the Participant's involvement in activities related to the PMC, in particular demonstrating technical knowledge that may assist the Contracting Authority in preparing the Procurement Procedure (these documents are not subject to evaluation by the Contracting Authority).
6. **If** the Participant fails to submit the statements or documents referred to in section 5 points 1–6 above, or if they are incomplete or contain errors, the Contracting Authority shall request the Participant to submit, correct or supplement them within a specified time limit, unless:
 - 1) the Request to be admitted to participation in the PMC is subject to rejection irrespective of its submission, supplementation or correction; or
 - 2) the grounds for cancellation of the PMC occur.

7. The Contracting Authority may request Participants to provide explanations concerning the content of the statements or documents referred to in section 5 above.

X. PLACE AND DEADLINE FOR SUBMISSION AND OPENING OF REQUESTS

1. Deadline for submission of Requests: the Request must be submitted via the Procurement Platform no later than: 14.05.2026 by 12:00.
2. The opening of Requests shall take place on: 14.05.2026 at 12:15.
3. The opening of Requests is non-public.
4. The Participant shall bear all costs related to the preparation and submission of the Request.

XI. COMMUNICATION BETWEEN THE CONTRACTING AUTHORITY AND THE PARTICIPANT AND TECHNICAL ASPECTS OF SUBMITTING THE REQUEST

1. The PMC are conducted in Polish and English. The Contracting Authority publishes this Notice and its responses to Participants' questions in Polish and English. In the event of any discrepancies between documents prepared by the Contracting Authority in Polish and in English, the Polish language version shall prevail.
2. It is recommended that in all correspondence Participants refer to the PMC reference number.
3. Communication between the Contracting Authority and Participants takes place via the Procurement Platform.
4. Browsing and downloading the public documentation of the PMC does not require an account or logging in to the Procurement Platform.
5. By joining the PMC, i.e. by registering free of charge or logging in (if the Participant already has an account on the Procurement Platform), the Participant accepts the terms of use of the Procurement Platform set out in the regulations published at [Regulamin - OnePlace](#) or <https://oneplace.marketplanet.pl/poczatek> and acknowledges them as binding.
6. A Participant may request clarification of the content of this Notice. The Contracting Authority may, but is not obliged to, respond to a Participant's question. Questions may be asked via the Procurement Platform:
 - 1) in the "Messages" tab, visible after selecting the "Join the procedure" button (joining the procedure requires having an account on the Procurement Platform); or
 - 2) by selecting the "Ask a question" button, which does not require having an account on the Procurement Platform.

In the event of discrepancies between the content of this Notice and the content of clarifications provided, the content of the communication containing the Contracting Authority's later statement shall prevail.

7. It is not recommended to include the content of questions in attached electronic files.
8. In justified cases, the Contracting Authority may amend the content of this Notice, including the deadline for submission and opening of Requests.
9. The Request together with the documents referred to in Chapter IX(5) must be submitted via the Procurement Platform, in the "Request form" tab.

10. After the Request files are correctly submitted on the Procurement Platform, a confirmation that the Request has been submitted is displayed.
11. The Contracting Authority is not liable for incorrect or late submission of Requests or for submission in a manner inconsistent with the requirements set out in this Notice. **It is recommended to start submitting the Request well in advance.**
12. Before the deadline for submission of Requests, the Participant may independently withdraw its submitted Request. Withdrawal is made by using the "Withdraw request" button located in the lower right corner of the Procurement Platform interface. After withdrawing the Request, the Participant may submit the Request again.
13. After the deadline for submission of Requests, the Participant may not amend or withdraw the Request.
14. After the deadline for submission of Requests, communication between the Contracting Authority and Participants shall take place by electronic means of communication via the Procurement Platform in the "Messages" tab.

An exception to the above rule is the Contracting Authority's information on completion or cancellation of the PMC, which will be posted (published) in the same manner as this Notice was published.
15. The date of receipt of Requests, statements, questions and other information **from Participants** shall be deemed to be the date of **submission/sending** on the **Procurement Platform**. The dates and times displayed on the Procurement Platform are synchronised with the Central Office of Measures.
16. The maximum size of a single file uploaded via the Procurement Platform is 2 GB.
17. Permissible data formats: txt, rtf, pdf, xps, odt, ods, odp, doc, xls, ppt, docx, xlsx, pptx, csv, jpg, jpeg, tif, tiff, geotiff, png, svg, wav, mp3, avi, mpg, mpeg, mp4, m4a, mpeg4, ogg, ogv, zip, tar, gz, gzip, 7z, html, xhtml, css, xml, xsd, gml, rng, xsl, xslt, tsl, xmllsig, xades, pades, cades, asic, asics, sig, xmlenc, dxf, ath, prd.
18. The Procurement Platform allows you to upload multiple separate files or a compressed archive (ZIP) containing multiple separate files.
19. Use of the Procurement Platform is possible provided that the following minimum technical requirements are met:
 - 1) a stable Internet connection with guaranteed bandwidth of at least 512 kb/s;
 - 2) a PC or MAC computer meeting the requirements of the installed operating system and the web browser used;
 - 3) any web browser in a version supported by the manufacturer that supports TLS 1.2;
 - 4) installed Acrobat Reader or other software supporting PDF files.
20. Details of the Procurement Platform's operation are described in the Contractor's Manual available on the Procurement Platform website.
21. Technical and organisational requirements for sending and receiving electronic documents and information transmitted using them are described in the Contractor's Manual available in the "Knowledge Base" at:

https://cpk.ezamawiajacy.pl/servlet/HomeServlet?MP_module=main&MP_action=publicFilesList&clientName=cpk&USER_MENU_HOVER=publicFilesList

22. In the event of a failure of the Procurement Platform or a technical outage, the Contracting Authority allows communication by e-mail to: zamowienia@cpk.pl (this does not apply to the submission of Requests).
23. The person authorised to contact Participants is Joanna Olędzka-Kowalska, tel. +48 539 188 692, from Monday to Friday, 9:00–15:00 (excluding public holidays): e-mail: zamowienia@cpk.pl.

XII. COURSE OF THE PRELIMINARY MARKET CONSULTATIONS

1. Stage I of the PMC – Request

- 1) To apply for participation in the PMC, the Participant is obliged to submit the **Request (Appendix No 1 to this Notice)**, signed by a person duly authorised to represent the Participant, together with the appendices referred to in Chapter IX(5) of this Notice;
- 2) The Request must be submitted in accordance with the provisions of this Notice, in particular Chapters IX, X and XI.

2. Stage II of the PMC – Qualification of Participants

- 1) The Contracting Authority shall carry out a formal review of Requests submitted in Stage I and assess fulfilment of the conditions for participation in the PMC based on the statements and documents described in Chapter IX(5) of this Notice;
- 2) The Contracting Authority shall qualify and invite to Stage III all Participants whose Requests have not been rejected under Chapter VIII of this Notice;
- 3) The Contracting Authority shall notify Participants whose Requests have been rejected, i.e. shall provide notice of non-qualification for participation in the PMC by posting information together with justification on the Procurement Platform, in the “Correspondence” tab, in the “Request” section, available to the Participant after selecting the request number submitted in the PMC.

3. Stage III of the PMC – Meetings with Participants

- 1) The Contracting Authority shall provide Participants qualified for Stage III with an Invitation to participate in an individual Meeting together with documents to be submitted in writing at the Meeting, to the extent of information material for achieving the purpose of the PMC referred to in Chapter II of this Notice.
- 2) Meetings may be held at the Contracting Authority’s premises or elsewhere, online in the form of a videoconference or teleconference using MS Teams or another application.
- 3) The Contracting Authority reserves the right to set the maximum number of representatives of each Participant attending the Meeting at max. 6 persons, including all trainers required under the PMC participation condition and 2 persons with decision-making authority / responsible for finance / schedule / availability / possessing knowledge regarding the technical capabilities necessary to provide AMS training.
- 4) All information is provided during the PMC orally, in writing or in another form permitted by the Contracting Authority, in accordance with the rules set out in this Notice or in the Invitation.

- 5) The dates of Meetings with Participants qualified for Stage III will be agreed individually and communicated together with the Invitation.
- 6) If it is necessary to change the Meeting dates communicated in the Invitation, the parties shall agree a new date.
- 7) Meetings will be recorded. By confirming participation in the Meeting, the Participant consents to the recording.
- 8) Recordings referred to above constitute auxiliary materials of the Contracting Authority and shall not be made available.
- 9) After Meetings held under Stage III, the Contracting Authority may consider it necessary, with the Participants' consent, to hold additional Meetings with selected Participants. An invitation to an additional Meeting, indicating the time, the address of the Meeting location or a link enabling access via MS Teams, will be provided to the Participant no later than 2 business days before the scheduled Meeting date.
- 10) **At least 2 business days before the Meeting date, the Participant shall provide the Contracting Authority with a list of persons (the Participant's representatives) who will participate in the Meeting on the Participant's behalf, together with documents confirming the scope of their authority**, in particular powers of attorney and an extract from the relevant commercial register (e.g., an extract from the National Court Register) – if the authority to represent the Participant during the Meeting does not follow from documents submitted together with the Request. **It is sufficient if among the persons attending the Meeting on the Participant's behalf there is one person authorised to represent the Participant.** The Participant should ensure that representatives attending the Meeting have the necessary knowledge concerning the subject-matter of the PMC.

4. Stage IV of the PMC – Completion of the PMC

- 1) The Contracting Authority may complete the PMC at any stage, without providing reasons.
- 2) In particular, the Contracting Authority may complete the PMC if:
 - 2.1 all submitted Requests are subject to rejection;
 - 2.2 one Request has been submitted or no Requests have been submitted;
 - 2.3 the purpose described in Chapter II of this Notice has been achieved or the Contracting Authority has determined that further conduct of the PMC is not justified.
- 3) The Contracting Authority shall inform all Participants about completion of the PMC by posting the relevant information on the Procurement Platform;
- 4) The course of the PMC is transparent to Participants, subject to Chapter XIII(4) of this Notice;
- 5) All costs related to participation in the PMC shall be borne by the Participants.

XIII. BUSINESS SECRET

1. The Participant is obliged to inform the Contracting Authority that it is providing information constituting the Participant's Business Secret and to submit a written justification for classifying such information as a Business Secret, no later than at the time such information is provided.
2. Where a Participant provides information constituting a Business Secret during a **Meeting**, the Participant is obliged to inform the Contracting Authority **orally or in writing** that such information constitutes the Participant's Business Secret no later than at the time the information is provided,

and to submit justification for classifying such information as a Business Secret no later than within 1 business day after the end of the Meeting.

3. Any information reserved by the Participant as a Business Secret and provided to the Contracting Authority electronically should be placed in a **separate file**, which should be named: TAJEMNICA_[file_name]_[ParticipantShortName].
4. The Participant may not reserve as a Business Secret information that it has provided to the Contracting Authority earlier (e.g. with the Request) and did not reserve no later than at the time it was provided. Otherwise, the Contracting Authority shall consider such information as ineffectively reserved.
5. The Participant may not reserve as a Business Secret the Participant's name and address.
6. The Contracting Authority shall not disclose information constituting the Participant's Business Secret, in accordance with the provisions of this Chapter.

XIV. LEGAL PROTECTION MEASURES

In the PMC procedure, Participants and other entities are not entitled to appeal remedies specified in the Public Procurement Law.

XV. GDPR CLAUSE

1. Pursuant to Article 13(1) and (2) of Regulation (EU) 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) (OJ EU L 119 of 04.05.2016, p. 1), hereinafter referred to as the **GDPR**, the Contracting Authority informs that:

- 1) The controller of your personal data is **Centralny Port Komunikacyjny sp. z o.o.** with its registered office at: Aleje Jerozolimskie 142B, 02-305 Warsaw.
- 2) In matters related to the processing of personal data, you may contact the controller via e-mail: sekretariat@cpk.pl, or by post to the address indicated in item 1.

In addition, in matters related to the processing of personal data, you may contact the Data Protection Officer appointed by the company at: iod@cpk.pl;

- 3) Your personal data will be processed on the basis of Article 6(1)(c) GDPR for the purpose related to conducting the PMC;
- 4) Recipients of your personal data will be:
 - persons or entities to whom, on the basis of applicable legal provisions, the PMC documentation or other information relating to the PMC will be made available;
 - entities whose services the controller uses in connection with its business activity, in particular: IT service/system providers, legal/tax advisors, postal/courier service providers, and entities within the controller's capital group;
 - The retention period for your personal data is related to the purposes indicated above. Accordingly, personal data will be processed for the duration of the PMC and subsequently for the period required by law for the controller to store the data or for the limitation period of potential claims (where holding the data is necessary to pursue such claims).

- 5) The following basic identification data necessary to conduct the PMC will be processed: first name and surname, business e-mail address, business telephone number;
- 6) In relation to your personal data, decisions will not be made in an automated manner, pursuant to Article 22 GDPR;
- 7) You have:
 - a) under Article 15 GDPR, the right to access personal data concerning you and to obtain a copy thereof;
 - b) under Article 16 GDPR, the right to rectify your personal data^[1];
 - c) under Article 18 GDPR, the right to request restriction of processing from the controller, subject to the cases referred to in Article 18(2) GDPR^[2];
 - d) the right to lodge a complaint with the President of the Personal Data Protection Office, if you consider that the processing of your personal data infringes the GDPR;
 - e) the right to lodge a complaint with a supervisory authority in connection with data processing.
- 8) You do not have:
 - a) in connection with Article 17(3)(b), (d) or (e) GDPR, the right to erasure of personal data;
 - b) the right to data portability referred to in Article 20 GDPR;
 - c) under Article 21 GDPR, the right to object to processing of personal data, as the legal basis for processing your personal data is Article 6(1)(c) GDPR;
- 9) Providing personal data is necessary in order to participate in the PMC.
2. The Participant undertakes, on behalf of the Contracting Authority, to inform all natural persons, including natural persons conducting business activity, designated by the Participant to take part in the PMC, whose personal data are included in the submitted Request or any appendix or document submitted during the PMC, about:
 - 1) the fact that their personal data have been provided to the Contracting Authority;
 - 2) the processing of personal data by the Contracting Authority.
3. The Participant undertakes, by reference to Article 14 GDPR, to perform on behalf of the Contracting Authority the information obligation towards the persons referred to in section 2, by providing them with the content of the information clause referred to in section 1, indicating at the same time the Participant as the source of the personal data that will be held by the Contracting Authority.

XVI. APPENDICES

1. Appendix No. 1 – Request Form for participation in the Preliminary Market Consultations – template
2. Appendix No. 2 – Information on the qualified electronic signature
3. Appendix No. 3 – Confidentiality undertaking (NDA) together with the request for access to confidential information
4. Appendix No. 4 – List of services – submitted to confirm fulfilment of the conditions for participation in the PMC
5. Appendix No. 5 – List of persons – submitted to confirm fulfilment of the conditions for participation in the PMC

6. Appendix No. 6 – Subject-matter of the PMC - CPK's company's secret.