Appendix no. 7 to ToR – DESCRIPTION OF THE CONTRACT SUBJECT MATTER

**DESCRIPTION OF THE CONTRACT SUBJECT MATTER**

1. The contract subject matter shall be the delivery of 29,000 m3 of 95 petrol in the reference temperature of 15°C (hereinafter: fuel) to the reserves of the agency, in order to fulfil the requirements of Article 3 section 2 point 2 of the Act of 16 February 2007 on stocks of crude oil, petroleum products and natural gas, the principles of proceeding in circumstances of a threat to the fuel security of the State and disruption on the petroleum market (consolidated text: Journal of Laws of 2022, item 1537). Taking into account the specifics of fuel deliveries by rail or pipeline, the Contracting Authority allows to – for logistics reasons – exceeding the amounts of fuel delivered to particular locations, but by no more than 60 m3. The Contracting Authority allows the delivery of fuel in tank capacity, provided that the Contractor signs or has signed an agreement with a stock-keeper.

2. The aforementioned contract includes:

a) delivery of 29,000 m3 of 95 petrol, of the quality consistent with PN-EN 228 standard and requirements set out in appendix no. 2 to Regulation of the Minister of the Economy of 9 October 2015 on the quality requirements for liquid fuels (Journal of Laws of 2015, item 1680, as amended), to storage tanks of PERN Fuel Bases:

1) in Fuel Base no. 5 in Emilianów;

2) in Fuel Base no. 2 in Nowa Wieś Wielka;

b) the Contracting Authority accepting the delivered quantity of fuel of the quality complying with the requirements, provided that fuel must be from current manufacture, no more than 3 months before the delivery date;

c) making financial settlement in relation to the delivery.

3. Requirements pertaining to the fuel delivery:

a) fuel deliveries shall be carried out by the Contractor from 1 October 2023 to 15 December 2023;

b) the Contracting Authority allows for deliveries in batches;

c) fuel shall be delivered by the Contractor by its own endeavour and at its own expense, to PERN storage capacities;

d) costs of delivered fuel unloading shall be borne by the Contracting Authority;

e) together with fuel, the Contractor shall provide the manufacturer’s quality certificates (certificates) confirming meeting the requirements of PN-EN 228 standard “Automotive fuels – Unleaded petrol – Requirements and test methods,” and the requirements set out in appendix no. 2 to Regulation of the Minister of the Economy of 9 October 2015 on the quality requirements for liquid fuels (Journal of Laws of 2015, item 1680, as amended).

f) the quality guarantee period for delivered fuel shall be 12 months;

g) fuel shall be purchased and delivered under the excise duty suspension procedure.

4. Quality and quantity acceptance of fuel delivered by the Contractor, before accepting for storage, shall be carried out, on behalf of the Contracting Authority, by the stock-keeper based on the relevant authorisation included in a separate agreement concluded by and between the Contracting Authority and the stock-keeper.

5. Documents confirming quantity and quality acceptance of fuel shall include: report on the acceptance of the delivery by a committee, storage receipt and a laboratory opinion issued by the stock-keeper or the laboratory providing services to the stock-keeper, confirming that the quality of fuel meets the requirements.

6. Requirements pertaining to the Contractor:

a) the Contractor must have a full and unrestricted ownership title to fuel subject to the Agreement, free from any encumbrances or third parts’ rights;

b) the Contractor must have technical capacity and human resources to perform the contract;

c) the Contractor must be able to deliver fuel to the Contracting Authority;

d) the Contractor’s economic or financial position must be appropriate for the performance of the contract.

The Contractor delivering fuel shall be a party to the quality guarantee granted by the manufacturer.[[1]](#footnote-1)

1. This shall not apply to manufacturers. [↑](#footnote-ref-1)