GOVERNMENTAL AGENCY FOR STRATEGIC RESERVES

Warsaw, 29 May 2023

Procurement Office BZzp.261.48.2023.1

To the Contractors

Re: proceedings for the award of public procurement for:
“Supply of up to 164,000 m3 of Diesel oil, grade F" - Reference no BZzp.261.48.2023.

Response to the question

The Contracting Authority, namely the Governmental Agency for Strategic Reserves, acting pursuant to Article 135(1) of the Act of 11 September 2019 on Public Procurement Law (Journal of Laws of 2022, item 1710, as amended), hereinafter referred to as the PPL, presents the text of the question asked by the Contractor along with a response from the Contracting Authority.

Question 1

We propose to extend the time-limit for completion of the Contract until 31 March 2024. Considering the fact that the quantity of 164,000 m3 of Diesel oil translates to a considerable volume of oil, considering the logistical conditions and the sales commitments, the period of 75 days to complete the delivery is too short. The proposed deadline of 31 March will allow us to fulfil the contract with you in accordance with the commitments made.

Response:

In response to the question, the Contracting Authority will amend the ToR in this respect.

Question 2

Considering the standards governing in the market of fuel sales, in particular with regard to the manner in which the price is fixed, we request that you change the manner in which the price is fixed in the tender procedure and the price during fulfilment of the contract as follows “Selling price based on the valid price list published on the Website of Polski Koncern Naftowy ORLEN S.A. (Fuel wholesale prices - PKN ORLEN) for Ekodiesel oil of the day the Diesel oil is sold, minus discount/bonus of PLN .... per m3.

Response:

The Contracting Authority does not agree to the proposed change.

CHANGE IN ToR

Pursuant to Article 137(1) of the PPL Act the Contracting Authority introduces the following changes to the ToR.

1. Subpara. 7 of Chapter III of the Description of the Subject of the Contract shall read as follows: “7. Time-limit for completion:

1. from 1 October 2023 to 15 December 2023 for tasks 2 and 4
2. from 1 October 2023 to 29 February 2024 for tasks 1 and 3, provided that at least 50% will have been completed by 31 December 2023.”
3. Para. 3.a) of Appendix 1 to the ToR - DSC shall read as follows: “a) the Contractor will deliver the fuel:
* from 1 October 2023 to 15 December 2023 for tasks 2 and 4
* from 1 October 2023 to 29 February 2024 for tasks 1 and 3, provided that at least 50% will have been completed by 31 December 2023.”
1. Appendix 1 to the Draft Provisions of the Contract shall read as follows:

Appendix 1

to the Draft Provisions of the Contract

List of Fuel Depots with contact details of the storage operator and the schedule of fuel deliveries

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| No | Place of delivery Address Number of the bonded warehouse | Available from / storage capacity in m3 | Delivery date | Delivery\*) fuel quantity in m3 at 150C | Notes |
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1. | PERN Fuel Depot No 3in Boronowoaddress:Sienkiewicza 12, 42-283 Boronów Śląskie Voivodshiptel.: 34 357 60 5434 357 60 27e-mail address:boronow@pern.pl PL44200004343 | from 1 October 2023 / up to 46,000 | to 29 February 2024 | 46,000at least 50% until 31 December 2023 | Task 1 |
| 2. | PERN Fuel Depot No 2in Nowa Wieś Wielkaaddress:ul. Przemysłowa 1 86-060 Nowa Wieś WielkaKujawsko-Pomorskie Voivodship tel.: 52 381 13 2952 381 13 88e-mail address:nowawies@pern.pl PL44200008347 | from 1 October 2023 / up to 12,000 | to 15 December 2023 | 12,000 | Task 2 |
| 3. | PERN Fuel Depot No 4in Rejowiecaddress:62-093 Rejowiec Wielkopolskie Voivodshiptel.: 61 812 46 71PL44200009348 | from 1 October 2023 / up to 87,000 | to 29 February 2024 | 87,000at least 50% until 31 December 2023 | Task 3 |
| 4. | PERN Fuel Depot No 1 in Koluszkiaddress:ul. Naftowa 1, 95-040 Koluszki, Łódzkie Voivodshiptel.: 44 714 69 80e-mail address:koluszki@pern.plPL44200011341 | from 1 October 2023 / up to 19,000 | to 15 December 2023 | 19,00019,000 | Task 4 |

\*) Pursuant to § 2.2 of the Contract, the Contracting Authority will permit excessive amount of any delivery, however, by no more than 60 m3 per each location.

CONTRACTING AUTHORITY CONTRACTOR

1. § 3.2 of Appendix 7 to the ToR of Draft Terms and Conditions of the Contract shall read as follows:

“2. The fuel will be delivered:

1. from 1 October 2023 to 15 December 2023 for tasks 2 and 4
2. from 1 October 2023 to 29 February 2024 for tasks 1 and 3, provided that at least 50% will have been completed by 31 December 2023.

The Contracting Authority shall allow delivery of fuel in tank capacity provided that the Contractor signs a respective agreement with the storage operator.

1. § 15.1.d of Appendix 7 to the ToR of Draft Terms and Conditions of the Contract shall read as follows:

“d) postponement of the delivery date at the request of the Contractor, with the consent of the Contracting Authority – following occurrence of circumstances on the part of the Contractor which the Contractor specified reasons for, by no more than 30 calendar days.”

No other provisions of the ToR, or time limits for submission and opening of the tenders shall change.

Pursuant to Article 137(2) of the PPL Act, the Contracting Authority will publish changes to the ToR on the website for the procedure.

Director of the Procurement Office

(-) Justyna Gdańska

(signature on the original copy)