Warszawa, 18.03.2016 r**.**

### STATEMENT No 3

The Commission on public procurement of Institute of Aviation informs, that we have received a questions from Economic Operator to the tender procedure ref. No. 18/DE/Z/16. According to article 38 paragraph 1 of Public Procurement Law of 29 January 2004, the Contracting Authority answers as follows:

**Question 1**

Due to the fact that the english version of all tender documents was available not before March 15 and the fact that we are just running into Easter Holidays it will be unrealistic to have contract negotiations as well as all required documents and translations etc. ready in time.

For the above reasons I would like to ask you for an extension of the deadline on May 6, 2016 in order to allow sufficient time for the negotiation and preparation of the required tender documents.

**Answer**

In response to question of Economic Operator, the Contracting Authority extends the deadline for submission of tenders to 06.05.2016

**Question 2**

It refers to para 11 article 1 of the contract draft (appendix 4 to ToR):

In principle we are prepared to accept compensation, however, not to the extent required in the tender. Therefore we suggest the following: In the event of delay in delivery, we shall be liable for compensation for damages caused by delay in the maximal amount of 0.5% of the value of the order per week and a total amount of 5% as a whole.

**Answer**

The Contracting Authority modifies para 11 article 1 of the contract draft.

“In the event of a delay in delivering the object of the Contract the Contracting Authority may impose upon the Economic Operator liquidated damages of **0.5%** of the gross consideration specified in § 7 section 1 hereof for **each week of such delay**.”

**Question 3**

It refers to para 11 article 2 od the contract draft (appendix 4 to ToR):

A withdraw from the contract should not be possible within that short term and without reasonable justification and not without payment of the work already executed. The creation of a customized telemetry system is highly time consuming and has to be realized in cooperation with the customer. This may cause delays, originated by the response time of the parties which cannot be calculated in advance.

**Answer**

The Contracting Authority modifies para 11 article 2 of the contract draft:

“If the delay in delivering the object of the Contract referred to in section 1 exceeds **30** calendar days, the Contracting Authority shall have the right to withdraw from the Contract by fault of the Economic Operator within **90** days of the date of the occurrence of the aforesaid situation.”

**Question 4**

It refers to para 11 article 3 od the contract draft (appendix 4 to ToR):

Due to various technical reasons and transportation reasons we, from case to case, will not be able to execute work within the required time frame of 30 days after notification and/or supply of an identical replacement device.

The system is a customized unique system and in case of damages we might have to reproduce the part as an individual production. This may take more than 30 days.

Therefore we cannot accept compensation in this case.

**Answer**

The Contracting Authority modifies para 6 article 5 of the contract draft and article 1 point b of Technical Requirements (appendix 2 to ToR).

Para 6 article 5 of contract draft:

The defect elimination time or the repair time shall not be longer than 30 calendar days of the date of filing the defect notice. In reasoned cases, at the request of the Economic Operator, the Contracting Authority shall extend the deadline of the defect elimination or the repair time for the time required to implement it.

Technical Requirements article 1 point b:

„Contractor shall grant a warranty for the delivered telemetry system for a period of at least one year. Warranty claims shall be reported to a contractor via e-mail. Contractor shall respond to a warranty claim within 48 hours and shall remove the defect within 30 days (counting from the warranty claim issue date).”

\* \* \*

At the same time the Contracting Authority informs, the in the English version of tender documents is amended as follows:

1. Terms of Reference (ToR) Para 6 article 1 point 1

“have the knowledge and experience, i.e. within the least three years prior to the expiry of the tenders submission deadline, and if the period of trading is shorter, within that period, they duly performed at least 5 deliveries with the total value no lower than PLN 4,000,000.00 gross, each of them including designing and delivering a system for transmitting signals from rotating measuring instruments with each such system having at least **60** **strain gauge** and/or thermocouple conditioning channels with signal bandwidth of min. 15 kHz for **strain gauges** and min. 20 Hz for thermocouples;”

1. Terms of Reference (ToR) Para 6 article 1 point 2

“have at his disposal personnel necessary for the performance of the Contract who will participate in the delivery of the object of the Contract, i.e. have a project manager who has co-ordinated at least 3 deliveries consisting in designing and delivering a system for transmitting signals from rotating measuring instruments with the total value of at least PLN 2,000,000.00, with each such system having at least 40 **strain gauge** and/or thermocouple conditioning channels with signal bandwidth of min. 15 kHz for **strain gauges** and min. 20 Hz for thermocouples; “

1. Appendix 3 to Tor - list of deliveries – the translation of word „extensometer” shall be replaced to „strain gauge”.
2. Appendix 5 to Tor – list of persons - the translation of word „extensometer” shall be replaced to „strain gauge”.

**The Commission on public procurement informs that according to article 38 paragraph 4 of Public Procurement Law of 29 January 2004, Contracting Authority extends the deadline for submission of tenders from 14.04.2016 to 06.05.2016.**

**It is changing also the date and place of the opening of tenders which will take place on 06.05.2016 in conference room No 1**

**Please also note that other terms are changing too: the start date of period of tender validity and the term of payment of tender bond.**

**The change of deadline for submission of tenders is important in case of the term of validity of tender bond lodged in form of document i.e. bank guarantee or insurance guarantee.**