



Pulawy, 19th of April 2010

RE: The procedure for a public Contract INS/CBEN-30/2010 within the procedure of open tendering for The Supply of equipment, machines and devices within the project of "The Construction of CO₂ supercritical plant extraction research center" – The set consisting of carbon dioxide pump item PP1, carbon dioxide pump drive system item PP1M and pulsator item PZ2, including spare parts and start-up supervision.

Instytut Nawozów Sztucznych, acting in accordance with Article 38 paragraph 4 of the Act of 29th of January 2004 - Public Procurement Law (consolidated text Journal of Laws of the Republic of Poland of 2007 No 223 item 1655 with further amendments) hereby explains that the Specification of Essential Terms of Contract shall be changed in the following manner:

1) Item III.1

"...The Object of the Contract shall meet quality requirements of goods permitted for trade and shall possess safety certificate, declaration of conformity or certificate of conformity with Polish Norms or other norms of members of European Economic Area.

";

2) item XIX

after words: "... The liability of the Economic Operator shall not be limited to the amount of money for good performance of the Contract" the Awarding Entity add words: "Any liability of Economic Operator for consequential and indirect losses and damages is excluded."

3) Annexes No 8 – Sample of Contract to the Specification of Essential Terms of Contract

3.1. Article No 6.1.1.

After words " regulations and codes binding in European Community word "and" shall be replaced by word "or".

3.2. Awarding Entity added Article No 6.9 as follow:

"Any liability of the SELLER for consequential and indirect losses and damages is excluded".

Hence, the Awarding Entity modifies the Specification of Essential Terms of Contract in the following manner:

I. Item III.1 after item 7

„ The Economic Operator is obliged to perform the Object of the Contract in accordance with requirements specified in the documentation, technical expertise, binding rules and regulations especially with reference to Polish Norms which transfer European Norms or other norms of members of European Economic Area which transfer those norms.





The Object of the Contract shall meet quality requirements of goods permitted for trade and shall possess safety certificate, declaration of conformity or certificate of conformity with Polish Norms or other norms of members of European Economic Area.

The Economic Operator shall give the documents and documentation listed in Annex 10 to this Specification of Essential Terms of Contract."

II. Item XIX

"In case of any claims on the part of the Awarding Entity against the Economic Operator in relation to faulty performance of the Contract or his unwillingness to satisfy these claims, due amount of money for good performance security with interests shall be used for satisfying claims in relation to quality guarantee or statutory warranty. The Economic Operator shall bear full liability for satisfying claims in relation to quality guarantee or statutory warranty. The liability of the Economic Operator shall not be limited to the amount of money for good performance of the Contract. Any liability of Economic Operator for consequential and indirect losses and damages is excluded."

III. Annexes No 8 – Sample of Contract to the Specification of Essential Terms of Contract

3.1. Article No 6.1.1.

"To design and perform the object of the Contract in accordance with the Contract Provisions and Specification of Essential Terms of Contract (Annex No 1), Supplier's Offer (Annex No 2) and Technical Specification (Annex No 3 and 4), regulations and codes binding in European Community or members of European Community, and requirements of Notified Body, if applicable, and good engineering practice."

3.2. Article No 6.9.

"Any liability of the SELLER for consequential and indirect losses and damages is excluded."

The remaining scope of the Specification of Essential Terms of Contract shall be the same.

z up. **DYREKTOR**

mgr Jolanta Kobus
Przewodnicząca Komisji Przetargowej

.....
((the signature of the Manager of the
Awarding Entity)

