

# **DESCRIPTION OF THE CONDITIONS AND REQUIREMENTS OF THE AWARDING ENTITY**

**for the procedures for the awarding of the public contract for “The choice of operator, as well as the design of, and obtaining of a building permit for, the Water Park sports and recreational facility and accompanying facilities”**

**Awarding Entity:**

**The Szczecin City Commune,  
Public Procurement Office at Szczecin City Hall  
Pl. Armii Krajowej 1  
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(Room 397)**

Phone (091) 4245440, Fax (091) 4245104.

The procedure is conducted pursuant to the Act of 29 January 2004: the Public Procurement Law (Dz. U. [*Journal of Laws*] of 2007, No. 223, item 1655, consolidated text with subsequent amendments) in the form of a:

**COMPETITIVE DIALOGUE**

Szczecin, April 2009

## I. PRELIMINARY NOTES

1. The procedure for the awarding of the public contract is carried out in the form of a competitive dialogue for the purpose of selecting a contractor (referred to as **“the Operator”** or **“the Contractor”**), who will then enter into a contract with the Awarding Entity for the provision of a design for, as well as the administration and exploitation of, the Water Park in Szczecin (hereinafter referred to as **“the Facility”**).
2. The Contractors applying for admission to the procedure will be invited to the dialogue (negotiations) upon satisfying the conditions as specified in the announcement by the Awarding Entity (the number of which is defined therein).
3. The dialogue shall be confidential and may cover all and any aspects of the procurement. Neither party may disclose any technical or commercial information related to the dialogue without prior consent given by the other party.
4. The Awarding Entity shall carry on the dialogue until it is able to decide, if necessary by way of comparison of the various solutions presented by contractors, upon the one or more solutions which will best serve its needs. The Awarding Entity shall immediately notify the participating contractors of the completion of the dialogue.
5. Prior to the invitation to bid submission, the Awarding Entity may amend the requirements constituting the object of the dialogue.
6. The assessment of the bids submitted shall take place at the final stage, after which the procedure shall be concluded.
7. Pursuant to Article 60 c) paragraph 1 of the Act of 29 January 2004, the Public Procurement Law, (Dz. U. of 2007 No. 223, item 1655 consolidated text with subsequent amendments), the Awarding Entity presents the following description of the needs and requirements of the Awarding Entity, regarding the Procurement, entitled: **“The choice of operator, as well as the design of, and obtaining of a building permit for, the Water Park sports and recreational facility and accompanying facilities,”** aimed at facilitating preparations for the competitive dialogue by prospective contractors.

## II. NAME AND ADDRESS OF THE AWARDING ENTITY

**The Szczecin City Commune,  
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### III. DESCRIPTION OF THE PROCUREMENT OBJECT

#### 3.1. General information

The procurement entitled: **“The choice of operator, as well as the design of, and obtaining of a building permit for, the Water Park sports and recreational facility and accompanying facilities,”** is to be carried out by the Szczecin City.

When constructed, the Water Park in Szczecin will give the residents the opportunity to benefit from diverse forms of water recreation, while providing access to high-quality services, distinguished from other comparable facilities in Europe.

When constructed, the Water Park will also make the region more attractive to tourists and investors (both from Poland and from abroad), which may be a crucial factor behind economic growth by improving the competitiveness of the region and generating new jobs (e.g. jobs in the new facility, as well as in the enterprises rendering supporting activities, e.g. in the field of gastronomy, hotel management, trade, transport, property protection, cleaning services). Furthermore, the functioning of the Water Park will improve the quality of life and the health of society by promoting sports and recreational activities.

A wide array of comprehensive services, including a variety of water attractions, spa and wellness, and other kinds of sports and recreational activities to be covered by the project, in combination with enhanced standards of service and organisation of these types of facilities, as seen in similar centres in other countries, are meant to ensure the universal character of this facility and to make it highly competitive with other swimming pools which are already operating both in the City and in the neighbouring areas.

The Water Park to be constructed is planned to be of the same level, in terms of its standard, scale of venture and attractiveness, as other facilities of this kind located in European cities with a similar number of residents.

As part of the tender procedure to be conducted, the Operator is obliged to develop a conceptual design for the Water Park, including a division and development plan of the Water Park area located within the boundaries of Emilii Sczanieckiej, 1-go Maja and Bożeny streets in Szczecin, hereinafter referred to as **“the Conceptual Design.”**

#### 3.2. The Conceptual Design

The Conceptual Design shall constitute an attachment to the bid submitted by the Contractor as part of the procedure in question.

The purpose of the Conceptual Design to be drawn up by the Operator is that it is to be presented to the Awarding Entity to make it familiar with the functional and design solutions, spatial and architectural solutions, as well as technological solutions proposed for the Water Park, which are meant to ensure the highest possible economic efficiency of the project. This shall constitute one of the criteria for selecting the most advantageous bid.

The design should be developed with due consideration for the user programme as presented by the Awarding Entity, and in compliance with the provisions of the local spatial development plan, entitled *“Gontynka 2.”*

### 3.2.1. Scope of the scope

The Conceptual Design should include, among other things, the following:

- a description of the Conceptual Design, clarifying the spatial and architectural solutions, functional and design solutions, as well as technological solutions undertaken, including figures (plot areas, developed areas, outdoor objects, usable floor areas of all the rooms in the Facility, total area of the Facility, and cubic capacity),
- a land development plan, including the division of the plot belonging to the Water Park, the localisation and description of the Water Park facility, the outdoor objects and parking lots, and the passages and access roads on a 1:1000 scale
- a projection showing the functional and design solutions undertaken for the Water Park, including the basic dimensions on a 1:500 scale, descriptions and markings, and the area of rooms,
- drawings presenting the spatial and architectural solutions assumed.

Given that part of the S.D. 1001.US.UC basic property unit, on which the Water Park is to be constructed, is earmarked for commercial infrastructure, e.g. commercial centres, the Operator is required to indicate the functional connection between the Water Park and the commercial section. Such infrastructure, through the synergy effect, may considerably improve the financial results achieved by the Water Park. For example, the commercial centre must not come into conflict with the services programme as offered by the Water Park, but it should supplement what is on offer and become a complementary, rather than a competitive, element, forming, together with the Water Park, an attractive complex. The Operator is further required to put forward their own proposals concerning the joint use of traffic routes or parking lots within the land development area.

### 3.2.2. Planning-related guidelines

The location of the Water Park falls within the *Gontynka 2* Local Physical Development Plan (“**the Local Plan**”), within the boundaries of the S.D. 1001.US.UC basic property unit.

Specific arrangements for the **S.D. 1001.US.UC** basic property unit:

#### 1. Functional arrangements:

- 1) The area has been earmarked for the construction of a water park, and is intended as a multi-purpose service area for sports and recreation related functions. Commercial facilities with a sales area exceeding 2000 m<sup>2</sup> may also be located there.
- 2) Services in the following scope may be provided:
  - a) recreation: sports and recreation activity centres, swimming pools, indoor pools, and sports pitches, skating-rinks, outdoor and indoor pitches, gyms, cultural and entertainment centres including bowling alleys, billiard rooms, reading rooms, libraries and so forth, as well as sports fields and green areas for recreational purposes.

- b) company and customer services: activities connected with real estate, rentals, recruitment, studies, implementations, activities connected with the running of businesses, e.g. in the field of law, office services, accountancy, consultancy, market surveys and opinion polls, intermediation, information supply, drafting of evaluations, advertisements, tangible services including photography, polygraphy and poster design, as well as services rendered by medical facilities, beauticians, hairdressers and fitness clubs, repairs of personal belongings and household appliances, laundries, shoemakers, etc.
  - c) retail trade with a sales area exceeding 2000 m<sup>2</sup>;
  - d) business: activities conducted by offices and conference centres;
  - e) gastronomy: activities conducted by restaurants, coffee bars, tearooms, pubs, wine bars, drink bars, fast food restaurants, cake shops, ice cream parlours, cocktail lounges, breakfast bars, gastronomic and culture and recreational facilities, including art clubs, billiard clubs, etc.
  - f) tourism: activities conducted by travel agencies and hotels;
- 3) mass events or sport events may be organised in the Facility.

## 2. Ecology-related arrangements:

- 1) The minimum biologically active area within the basic property unit shall be 25%.
- 2) The existing line of limes along the eastern boundary of the S.D.1003.U basic property unit shall be preserved, in accordance with the plan.
- 3) New trees may be planted along the existing line.

## 3. Arrangements concerning the composition, forms and means of land development:

- 1) The maximum built-up area is to be 70% of the total area of the construction plot;
- 2) The maximum height of buildings is to be:
  - a) a maximum of 11 floors up to 30 metres high, built along the lines demarcating the following basic property units located at the following streets:  
S.D.1007.KD.Z (Sczanieckiej), S.D.1008.KD.Z (1-go Maja) and S.D.1002.KD.L (Bożeny), but not more than 35 metres to the highest roof edge;
  - b) a maximum of 14 floors more than 30 metres high, built along the lines demarcating the following basic property units located at the following streets: S.D.1007.KD.Z (Sczanieckiej), S.D.1008.KD.Z (1-go Maja) and S.D.1002.KD.L (Bożeny), but not more than 46 metres to the highest roof edge;
- 3) buildings covered with any type of roof of any parameter
- 4) No temporary land development is allowed, except for sports facilities above ground, such as pitches or seasonal skating rinks, which may be covered with dismountable roofing.
- 5) The walls of the building facing onto the streets and squares shall be constructed from permanent high-quality elevation materials;

- 6) It is not allowed to place fittings and technical appliances on the building's facades facing onto the streets. This does not apply to drain pipes, ground wires, gas metre boxes, electricity boxes and telecommunications boxes not protruding from the face of the building;
- 7) A minimum area of 3.5 ha, constituting one plot, is earmarked for the construction of the water park which shall offer a wide range of related services, ensuring that:
  - a) the total area of the water table of the indoor recreational swimming pools is at least 1400 m<sup>2</sup>,
  - b) the total area of the water table of the outdoor recreational swimming pools is at least 700 m<sup>2</sup>,
  - c) the area of the main building of the water park is at least 13000 m<sup>2</sup>
  - d) up to 30% of the total usable floor area in the main building of the water park facility is designated for gastronomic services, offices (including water park administration offices), visitors' rooms, conference halls, hairdresser services, day-care rooms for children, etc., as well as for shops with a total sales area not exceeding 300 m<sup>2</sup>,
  - e) green areas are provided as resting places
- 8) The building's profile on the side of Szczanieckiej Street shall be harmonious, as shown on the plan;
- 9) Transformer stations may only be placed within the Facility when embedded or built-on, subject to Point 10;
- 10) No built-on transformer stations may be placed within the Facility on the side of Szczanieckiej Street;
- 11) Free-standing or embedded billboards concerning the use of the land may be placed within the Facility;
- 12) The non-extendable development lines are shown on the drawing;
- 13) A swimming pool may be located within the facility, provided that the area of the swimming pool's water table is not included in the minimum area of the water table specified in Point 7 Parts a) and b);
- 14) On the side of the streets, any fittings and technical appliances on the roofs of the buildings and related to the building's functioning, must be either covered or encased;
- 15) No detached single-storey commercial facilities with a sales area exceeding 2000 m<sup>2</sup> may be built within the property in question.

#### 4. Plot division rules:

- 1) The property unit may be divided into construction plots with a minimum area of 10,000 m<sup>2</sup>, subject to Point 4;
- 2) The minimum width of the front part of the construction plot along the S.D.1007.KD.Z: basic property unit is 50 m;
- 3) The angle of depression of any newly earmarked construction plots to the adjacent boundary of the S.D.1007.KD.Z plot is 85 – 95°;
- 4) One plot with a minimum area of 4000 m<sup>2</sup> may be separated from the basic property unit for hotel-related purposes.

5) The property unit with a minimum total area 3.5 ha, earmarked for the construction of the water park, may not be further subdivided.

#### 5. Traffic-related arrangements:

1) The plot may be accessed from the S.D.1002.KD.L basic property unit (at Bożeny Street), or from the S.D.1008.KD.Z basic property unit (at 1-go Maja Street), and – subject to Point 2 – from the S.D.1007.KD.Z basic property unit (at Sczanieckiej Street);

2) One junction with the S.D.1007.KD.Z street may be established, restricted to right-hand movement, or two junctions with right-hand movement only, one of which will constitute the entrance road to the property, and the other one the exit road leading to the S.D.1007.KD.Z street;

3) Access to the property from 1-go Maja Street will be via one junction located to the east of the existing lime alley;

4) Passage to the S.D.1003.U and S.D.1004.KSP basic property units shall be ensured;

5) The construction of the Facility, the modification of its purpose, or its redevelopment, resulting in the necessity to create additional parking spaces, shall depend on the provision, within the investment area, of a sufficient number of parking places to be determined in accordance with Point 7;

6) At least two parking spaces for buses must be provided;

7) The minimum number of parking spaces shall be as follows:

a) recreational and sports facilities: 1 parking space/10 users;

b) shops and department stores with a sales area up to 2000 m<sup>2</sup>: 2 parking spaces/100 m<sup>2</sup> of sales area;

c) shops and department stores with a sales area exceeding 2000 m<sup>2</sup>: at least 3 parking spaces/100 m<sup>2</sup> of sales area;

d) exhibition and trade facilities: 15 parking spaces/1000 m<sup>2</sup> of usable floor area

e) hotels: 4 parking spaces/10 beds;

f) gastronomy: 1 parking space/10 consumer seats;

g) offices and services: 2 parking spaces/100 m<sup>2</sup> of usable floor area.

#### 6. Engineering-related arrangements:

1) Water, gas, heat and electricity, as well as telecommunications services and waste water discharge services, shall be provided based on the local networks located within the following basic property units: S.D.1001.US,UC, S.D.1008.KD.Z (1-go Maja Street), S.D.1002.KD.L (Bożeny Street), S.D.1007.KD.Z (Sczaniecka Street);

2) The existing water supply network with a diameter of 100 – 500 mm, electricity lines of 15 kV and 0.4 kV, telecommunications line, and drainage system with a diameter of 0.15 – 0.5 m, shall be maintained, redeveloped or repaired, with the possibility of constructing a new network within the boundaries of the basic property unit;

3) The transformer station of 15/0.4 kV as designed will be built-on to, or embedded within, the Facility;

4) The existing SN-15 kV electricity cable line will supply power to the transformer station within the property in question

S.D.1005.WZ is to be maintained, redeveloped or repaired, with the possibility of constructing a new line within the property in question;

5) The existing water intake well on 1-go Maja Street may be closed down upon the exhaustion of all its water resources, or moved to the S.D.1005.WZ property unit. The existing water supply network, connecting the well in question with the water treatment station, shall be used until fully exploited, and then shall be either maintained or removed. For the existing network, easement appurtenant must be ensured at the strip of land 1.5 metres wide;

6) The property unit falls within the outer intermediate protection zone, and partly within the immediate protection zone of the underground water intake on 1-go Maja Street, as marked on the plan.

Given the specificity of the spatial solutions, the bidders are advised to make themselves familiar with the content of the Local Development Plan, "*Gontynka 2.*"

### 3.2.3. Basic programme-related assumptions

In accordance with the general assumptions made by the Awarding Entity, as well as based on the Local Development Plan, it is recommended, as part of the preliminary proposal and expectations of the Awarding Entity, that the following functions for the Water Park be included in the Conceptual Design:

#### **1. The "Water World" high-standard swimming pools complex, comprising:**

- a) a recreational swimming pool consisting of several irregularly-shaped basins, together with a multi-element "water amusement" infrastructure and hydro massages;
- b) a paddling pool for children, offering water attractions for both children and adults;
- c) a wave pool;
- d) a swimming pool for conducting swimming lessons and sports training;
- e) a lazy river;
- f) hydro massage pools;
- g) water slides;
- h) an outdoor pools complex: year-round pools connected to a pool hall through a water lock.

#### **2. Biological renewal - the wellness & spa section, comprising:**

- a) a sauna zone;
- b) massages and wellness & spa treatment;
- c) a salt chamber, solaria, beautician or hairdresser rooms, and so forth.

#### **3. Biological renewal – the sports and fitness section, comprising:**

- a) fitness rooms;
- b) dance rooms;
- c) body building gyms;
- d) squash rooms.



#### **4. The sports and entertainment zone, comprising:**

- a) bowling alleys;
  - b) climbing walls of various levels of difficulty,
  - c) commercial and service space,
  - a) multi-functional pitches (volleyball and basketball),
  - b) beach volleyball pitches;
  - c) badminton pitches,
  - d) tennis courts;
  - e) a seasonal skating rink;
- and much more.

#### **5. Gastronomy.**

### **IV. DESCRIPTION OF THE CONDITIONS AND REQUIREMENTS OF THE AWARDING ENTITY RELATED TO THE PROCUREMENT OBJECT**

The contract concluded between the Szczecin City and the Operator shall include preparation of the cost calculation and design documentation. The design documentation, drawn up on the basis of the selected conceptual design, should be prepared within 18 months of the date of signing the contract.

The aforementioned time limit for preparation of the design documentation results from the Schedule of investment implementation.

The Awarding Entity does not exclude that start and finish dates of works specified in the description of the conditions and requirements may change as a result of negotiations conducted as a part of the competitive dialogue.

The Awarding Entity intends to enter into a contract with the Operator according to which, the entire venture shall be divided into assignments. The Awarding Entity shall be entitled to resign from the execution of the next assignment and the Operator shall have no right to file any claims.

The Awarding Entity plans to conduct the contract award procedure concerning the selection of a financial institution for financing the Water Park venture and the selection of the contractor for the construction of the Water Park.

#### **1. Description of the conditions and requirements of the Awarding Entity related to preparation of design documentation of the Water Park**

The scope of the contract concluded between the Szczecin City and the Operator shall include preparation of design documentation. The Awarding Entity expects the preparation of the design documentation to include preparation of the Water Park design on the basis of the prepared **Conceptual Design** for the Water Park, including the earmark and development plan of the Water Park area located within the boundaries of Emilii Sczanieckiej, 1-go Maja and Bożeny streets in Szczecin, selected in the procedure in question pursuant to the provisions of the acts – Construction Law (Dz. U. [*Journal of Laws*] of 2006, No. 156, item. 1118.), Public Procurement Law and the Regulation of the Minister of Infrastructure of 2 September 2004 on the detailed scope and form of design documentation, technical specification of the execution and acceptance of construction works and functional and utility programme (Dz.U. [*Journal of Laws*] of 16 September 2004), as well as the provisions of the Regulation of the Ministry of Infrastructure on the detailed scope and form of the construction design (Dz. U. [*Journal of Laws*] of 2003, No. 120, item 1133), i.e.:

Cost calculation and design documentation:

- 1) Construction design with opinions, agreements, permits, and other documents required by special regulations, including:
    - a) Land development plan
    - b) Architecture and construction design
  - 2) Execution plans for necessary branches
    - a) Land development
    - b) Architecture
    - c) Construction
  - d) External installations and internal water-sewage, electric, heating, ventilation and water treatment installations
  - e) Structural telecommunication wiring
  - f) Design for a cash point and entrance system that ensures payment servicing, customer service and statistics necessary for settlements.
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- 3) Interior design
  - 4) Design for back-up facilities of the construction site, along with water, electricity supply and sewage disposal,
  - 5) Information about health safety and protection
  - 6) Geologic and engineering documentation
  - 7) Preparation of a master map (duplicate) with the analysis of ownership status on the copy of the duplicate and a printout from the land register
  - 8) Plans for removing any interferences with existing and intended utilities
  - 9) Technical specification of the execution and acceptance of works,
  - 10) Bill of quantities,
  - 11) Investor's cost calculation,
  - 12) Preparation and submission of the request for decision on the construction permit pursuant to Construction Law with all appendices, necessary supplements and amendments as well as arrangements, opinions and inspections necessary to receive this permit.

13) Cost calculation and design documentation should be prepared according to law applicable in Poland.

## **2. Description of the conditions and requirements of the Awarding Entity related to the Water Park management and operation**

The Awarding Entity expects that during the period from the date the cooperation was established till the date of putting the Facility into operation, the Operator shall prepare the Facility for intended functioning and operation including operational, designing and executive activities, in particular:

- a) preparation and implementation of plans related to rules that governs sponsoring, marketing and advertising;
- b) preparation of a cash point and entrance system that ensures payment servicing, customer service and statistics necessary for settlements.
- c) preparation of remuneration form and conditions (for the Operator) for management (methodology and remuneration parameters including variable and motivating elements) or conditions of participation by the Awarding Entity in profits generated by the Operator.
- d) proposals concerning required insurance agreements and insurance companies;
- e) preparation of in-house procedures to be adopted and observed within the Facility, inter alia: fire instructions, regulations for the Facility and procedures concerning cooperation with tenants;
- f) preparation of a basic action strategy and rules of cooperation with outside companies, promoters or advertising agencies;
- g) acquisition, negotiations and conclusion of agreements with tenants;
  - h) obtaining the appropriate licences and permits;
  - i) carrying out the recruitment process and trainings;
  - j) participation of the Operator in final acceptance of construction works (including: starting of equipment and electronic systems) performed by the Awarding Entity's contractors, who carry out the investment entitled: "Construction of a Sports and Recreational Facility – the Water Park, located within the boundaries of Emilii Sczanieckiej, 1-go Maja and Bożeny streets in Szczecin".

In relation to the Water Park management and operation within the period from the date of putting the Facility into operation till the expiry date of the Contract with the Operator, the Awarding Entity expects the proposal for solutions related to services consisting in full technical, operational and commercial management, including organizing sports and recreational events. The Awarding Entity expects that as a part of the Water Park management, the Operator, who to a large extent will act independently from the Awarding Entity, shall be obliged to ensure performance hereof and shall be responsible for technical, operational and commercial management using own means.

**I. Technical management** shall in particular ensure the maintenance of the Facility's equipment and the performance of the following activities:

- a) keeping books and documentation required under the provisions of law concerning the Facility and records (including tenants, users of individual areas of the Facility);
- b) keeping technical and operational documentation and its updates;
- c) current maintenance of installation and equipment located within the area of the Facility;
- d) preparation and carrying out (or supervision over involved entities) all technical services and repairs;
- e) preparation and carrying out all refurbishments and modernisations (or supervision over involved entities);
- f) repairs of all components of related infrastructure in the Water Park;
- g) organising technical servicing pursuant to the requirements of Construction Law;
  - h) provision and maintenance of utilities supply for the Facility;
  - i) provision and maintenance of the Facility's security;
  - j) carrying out analyses of technical condition of the Facility and the condition of supply of necessary utilities as well as analysis of performed servicing;
  - k) reporting all defects and enforcing their removal on contractors for works of the Awarding Entity within the period of guarantee and warranty granted by the contractors for the construction works;
  - l) implementation of an economically-justified investment in new recreational and service infrastructure in order to improve the Facility's attractiveness,
  - m) modernisation of the Water Park shall not result in deterioration of the Facility's features and should be subject to the approval of the Awarding Entity.
  - n) constant analysis of implemented solutions generating maintenance costs of the Facility and current proposals of more profitable solutions to the Awarding Entity, for example, power supply, utilities supply, equipment servicing, chemicals purchasing, etc.

**II. Operational management** shall in particular ensure the maintenance of real property and the performance of the following activities:

- a) management of a comprehensive plan for the Facility's operation;
- b) the Facility's staff management;
- c) fixing prices and rates for any activity conducted within the area of the Facility;
- d) supervision, management and control of revenues earned by the Facility;
- e) the Facility's equipment maintenance;
- f) full implementation of an information strategy and promotional campaigns;
- g) responsibility for security, fire protection and medical assistance during the contract term.

**III. Commercial management** shall in particular ensure the use of the Water Park's premises for the commercial purposes, the application of appropriate methods and high standards for implementation of ventures, including the provision of full servicing of organised events, assuming a possibility for maximal number of people to take part in the organised event, during the contract term.

Maintenance costs of the Water Park, which, as a rule, should be financed by the Contractor from the financial resources deriving from the Facility's operation, include:

- a) remuneration for employees, awarding entities, subcontractors and all related expenditures;
- b) costs and commissions related to promotional, advertising, marketing activities, and public relations;
- c) remunerations for supplementary staff, for example, cleaning services;
- d) premiums and payments related to insurance;
- e) payments for rental of equipment, for example, computer equipment;
- f) others, for example, taxes, premiums, bills for services, including telecommunications services, fees for keeping bank accounts, licence fees for computer software, etc.

Within the period of execution of the contract with the Operator for the Water Park management and operation, representatives of the Szczecin City appointed by the Awarding Entity shall be granted the right of entry to the Facility in order to examine and check whether the Operator performs the contract concluded between the parties. The Awarding Entity shall be authorized to raise justified remarks and recommendations concerning the Water Park maintenance and operation.

Moreover it is expected that rights and obligations ensuing from the concluded contract between the Operator may be transferred to the City Company established by the Szczecin City in order to carry out the entire process of the Water Park venture implementation.

The aforementioned expectations, concerning the list of Operator's obligations in the field of operation and management of the Facility, are general in nature. They should not be treated as exhaustive and final. A detailed description of requirements made by the Awarding Entity, in particular concerning the division of mutual rights and obligations, as well as a risk between the Awarding Entity and the Operator, will result from negotiations conducted as a part of competitive dialogue.

The Awarding Entity expects the Operator to recommend the adequate solutions as a part of the aforementioned list and requirements supported by the Contractor's experience in management and operations of facilities similar to the Water Park.

The intended Contract term concerning management should amount to at least 10 years of the date of putting the Facility into operation.

## **V. CONTRACT AWARD CRITERIA**

1. In the choice of the most advantageous tender the Awarding Entity will consider the following criteria:

- 1) **Assessment of the preliminary urban and architectural conceptual design of the Water Park - weight 40%**
- 2) **The remuneration form and conditions for the Water Park management – weight 25%**
- 3) **The price for drawing up the project documentation together with the required permissions – weight 15%**
- 4) **The rules of operation and providing services by the Operator of the Water Park - weight 20%**

**Ad. 1) The method of assessment of the criterion “Assessment of the preliminary urban and architectural conceptual design of the Water Park”:**

- a) The members of the Tender Committee award points on the basis of the preliminary urban and architectural conceptual design of the Water Park attached to the tender (the final urban and architectural concept and the project documentation will be prepared for the selected offer).
- b) The Awarding Entity expects the Economic Operator to determine the following elements in terms of the preliminary urban and architectural conceptual design of the Water Park:
  - the location plan (the land development together with the land balance),
  - assumptions as to the function and use (functions, areas (water tables, usable spaces), types of attractions, etc.),
  - description of the offered solutions relating to the material (type and quality: basins, water attractions, greenery, floors, walls, etc.)
  - description of the offered installation solutions (for instance the water treatment system, the ventilation system, the electronic system, the access system, etc.)
  - architecture,
    - description of the offered solutions ensuring electric power saving, minimising the share of water from the water supply system, the use of the solar energy, the geothermal energy and other.
    - Total value of the investment (together with the project documentation, the author’s supervision and other necessary elements) on the basis of the preliminary urban and architectural conceptual design of the Water Park cannot exceed PLN 120 million gross.
- c) Each of the members of the Tender Committee will grant the assessed tender from 0 to 100 points, after which the granted number of points will be multiplied by the weight of the criterion - 40 %.

**Ad. 2) The method of assessment of the criterion „The remuneration form and conditions for the Water Park management”.**

The Awarding Entity expects the Operator to determine the following elements concerning prices:

- a) The suggested remuneration form and conditions (for the Operator) for management (methodology and remuneration parameters including variable and motivating components) or conditions of participation by the Awarding Entity in profits generated by the Operator.
- b) A business plan for the Water Park maintenance during the contract performance
- c) Mutual commitments of the parties concerning required investment outlays during operation (reconstruction and development outlays) as well as marketing outlays.

Each of the members of the Tender Committee will grant the assessed tender from 0 to 100 points, after which the granted number of points will be multiplied by the weight of the criterion - 25 %

**Ad. 3) The method of assessment of the criterion “The price for drawing up the project documentation together with the required permissions”:**

$$\frac{\text{the lowest price}}{\text{the price of the assessed tender}} \times 100 \text{ points} \times \text{criterion weight } 15 \%$$

**Ad. 4) The method of assessment of the criterion „The rules of operation and providing services by the Operator of the Water Park”**

At this stage the Awarding Entity expects the following conditions to be components of rules of operation and providing services by the Operator of the Water Park subject to assessment conducted by the Awarding Entity:

- a) Contract term,
- b) Determination of the scope and method of the Facility management.

Each of the members of the Tender Committee will grant the assessed tender from 0 to 100 points, after which the granted number of points will be multiplied by the weight of the criterion - 20 %

The Tender Committee shall carry out a comprehensive assessment by adding points for all criteria of tender assessment granted by the members of the Tender Committee.

The Awarding Entity shall treat the conditions specified above as a starting point for negotiations with the contractors as a part of competitive dialogue, however, the Awarding Entity wish to emphasize that the scope of criteria may be modified.

**VI. INFORMATION ON THE METHOD OF COMMUNICATION BETWEEN THE AWARDING ENTITY AND CONTRACTORS, THE METHOD OF STATEMENTS AND DOCUMENTS’ CIRCULATION, AND THE METHOD OF APPOINTING PERSONS AUTHORISED TO COMMUNICATE WITH THE CONTRACTORS.**

- 1. The Awarding Entity works from Monday to Friday, 7.30 a.m. – 3.30 p.m.

2. The Awarding Entity and the Contractor shall submit all statements, requests, notifications and information in a **written** form subject to point 3.

3. The Awarding Entity allows communication via **fax** in case of the following documents:

1) a request for clarification and clarifications concerning statements and documents referred to in Art. 25 Para. 1 of the Act,

2) notices addressed to contractors on the basis of Art. 26, Para. 3 of the Act,,

3) information about corrections of evident spelling mistakes, information and notifications addressed to the contractors on the basis of Art. 181 of the Act.

4) notifications about the cancelation of the procedure.

5) information referred to in Art. 60d, Para. 1 of the Act.

6) invitation to the dialogue.

4. If the Awarding Entity or the Contractor sends statements, requests, notifications and information via fax, each party is obliged to acknowledge immediately the receipt of the fax.

5. Correspondence sent via fax after working hours shall be registered the next working day of the Awarding Entity and deemed to be delivered with the date of this day.

6. The procedure shall be conducted in the Polish language, therefore all letters, documents, statements, etc. submitted during the procedure by the Awarding Entity and the Contractor must be prepared in the Polish language.

7. The address specified on the first page of the present document shall be deemed to be mailing address. The Awarding Entity requires all documents related to the procedure to be sent to this address.

8. **Mr. Wojciech Krysztofik** is the person authorised to communicate directly with the contractors, tel. (091) 42-45-440 from 10.00 a.m. to 2.00 p.m., fax (091) 42-45-104 (working non-stop).