

Reference no.: EZP.270.20.2022

Otwock-Świerk, 12.05.2022

The Contracting Authority
National Centre for Nuclear Research
05-400 Otwock-Świerk
ul. Andrzeja Sołtana 7,

Refers to the award procedure conducted as an open tender for “Delivery of detectors to the National Centre for Nuclear Research in Otwock”

The Contracting Authority, in connection with Article 7 (1) of the Law of 13 April 2022 on special solutions for counteracting the support of aggression against Ukraine and serving the protection of national security and Article 5k(1) of Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia’s actions destabilising the situation in Ukraine, pursuant to Article 137(1) of the Act of 11 September 2019 – Public Procurement Law (Journal of Laws of 2021, item 1129, as amended), hereinafter referred to as the Act, amends the contents of the Tender Specification (TS) in the following extent:

- 1) In VOLUME I of the TS in the TABLE OF CONTENTS in Chapter 3, the following form is added: Form 3.4. Statement concerning sanctions legislation in connection with the war in Ukraine
- 2) In VOLUME I of the TS Chapter 1, clause 6.8. is added reading as follows “In accordance with Article 5k of Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia’s destabilising actions in Ukraine, it shall be prohibited to execute a public contract with the participation of subcontractors, suppliers or entities on whose capacities reliance is placed within the meaning of Directive 2014/24/EU, where they account for more than 10% of the contract value.”
- 3) In VOLUME I of the TS Chapter 1 point 9.1 is replaced by the following:
“9.1. The Contractor in relation to whom any of the circumstances referred to in the articles listed below apply shall be excluded from the award procedure.
(a) Article 108(1) of the PPL Act;
(b) Article 7(1) of the Law on special solutions for counteracting the support of aggression against Ukraine and serving the protection of national security;
(c) as referred to in Article 5k of Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia’s actions destabilising the situation in Ukraine.

The Contracting Authority indicates that, regarding the exclusion ground referred to in point (b) above, the Contractor shall submit a declaration in Part III Section D of the European Single Procurement Document “Grounds for exclusion of a purely domestic nature”.

Moreover, when verifying the grounds for exclusion referred to above, the Contracting Authority reserves the right to call upon the Contractor to submit explanations.

- 4) In VOLUME I of the TS Chapter 1 point 10.3 the following sentence is added:

“The Contracting Authority points out that with regard to the exclusion grounds referred to in point T9.1 item b) of the IFC, the Contractor shall submit a declaration in Part III Section D of the European Single Procurement Document “Grounds for exclusion of a purely domestic nature”.

- 5) In VOLUME I of the TS Chapter 1 point 13.2 is replaced by the following:
“In the case of Contractors jointly applying for the award of the contract, none of them shall be subject to exclusion pursuant to Article 108(1) of the PPL Act, and in Article 7(1) of the Act on special solutions for counteracting the support of aggression against Ukraine and serving the protection of national security and in Article 5k of Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in connection with Russia’s actions destabilising the situation in Ukraine, while the fulfilment of the conditions for participation in the proceedings shall be demonstrated by the Contractors in accordance with point 8.2. of the IFC.”

- 6) In VOLUME I of the TS Chapter 1 point 16.6, the following point 4 is added
“4) statement concerning sanctions legislation in connection with the war in Ukraine on form 3.4 (issued by: the Contractor, each of the Contractors applying jointly for the award of the contract, the entity making the resources available). The Statement shall be transmitted in electronic form and shall have a qualified electronic signature affixed.”

- 7) In VOLUME I of the TS Chapter 2: Forms concerning the Tender Form 2.1 TENDER – is replaced, according to Form 2.1 TENDER - in files “TOM I SWZ_EZP.270.20.2022_pol_zmiana1”, “TOM I SWZ_EZP.270.20.2022_eng_zmiana1”;

- 8) In VOLUME I of the TS Chapter 3: Forms relating to the fulfilment of the conditions for participation in the procedure/proving that there are no grounds for excluding the Contractor from the procedure, shall be as follows:

“Form 3.1. Single European Procurement Document (JEDZ/ESPD) (*A document pre-prepared by the Contracting Authority, available on the website of the procedure both in xml format - to be imported into the eESPD service, and in pdf format - for reference*);

Form 3.2. Statement regarding the validity of the information in the ESPD;
Form 3.3. Statement regarding the capital group;
Form 3.4 “Statement concerning sanctions legislation in connection with the war in Ukraine”

- 9) The Contracting Authority hereby modifies VOLUME I of the TS – Form 3.1. Single European Procurement Document (JEDZ/ESPD), which shall be reworded in accordance with the zip files “JEDZ_pol_zmiana1”, “JEDZ_eng_zmiana1”.



In order to consolidate the changes, the Contracting Authority will publish a new annex after the publication of the notice in the OJ EU.

- "TOM I SWZ_pol_zmiana1",
- "TOM I SWZ_eng_zmiana1",
- "JEDZ_pol_zmiana1.zip",
- "JEDZ_eng_zmiana1.zip",
- "Formularze_wersja edyt_pol_zmiana1",
- "Forms editable version_eng_zmiana1".

The above changes result in changes to the notice. The amended annexes are an integral part of the procedure documentation (TS) and should be taken into account when preparing tenders.

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*(Signature of the Manager of the Contracting Authority
or a person authorised by him)*

