

9. Any information provided in the course of the tender procedure and classified as the Contractor's secrets as defined in the Act on Combating Unfair Competition (published in Dziennik Ustaw of 1993, No.47, item 211, as later amended), with respect to which the Contractor has stated that the information may not be made available to other bidders must be marked with the following text: **"This information may not be made available to other bidders. This information is classified as a business secret as defined in Article 11.4 of the Act on Combating Unfair Competition"** and enclosed as permanently separated from the tender document.
10. It is BOSMAL's suggestion that the Contractor's tender be submitted in a glued pack without signs of tampering and with the following text on the pack: **"A tender, submitted in an open-tender procedure, for the supply of the Brake Inertia Dynamometer."**
11. The Awarding Entity will reject each tender under Article 89.1 of the Act if the content of the tender fails to comply with the Specification of the Essential Conditions of the Procurement (SECP), item to Article 87.2.3 of the Act.

12. Joint tenders/consortium

A group of contractors tendering for the contract in question ("Consortium") should meet the conditions for participation in the tender procedure and submit documents confirming that they meet the conditions in accordance with the provisions of §4 and §5 of the SECP.

The documents and statements confirming that the conditions for participation in the tender procedure with regard to Article 24.1 of the Act are met must be submitted by each member of the Consortium. In the case of documents and statements confirming that the conditions for participation in the tender procedure with regard to Article 22.1 of the Act are met, it is sufficient for such documents and statements to be submitted by one member of the Consortium or it is sufficient if the documents submitted by the contractors jointly show that they meet the conditions.

In the case of a Consortium, the tender document must be accompanied by a document appointing an agent for the Consortium, pursuant to Article 23 of the Act, submitted as an original or a copy certified in accordance with the provisions of the Civil Code.

§6. TENDER SELECTION METHOD AND CRITERIA

- 1 Pursuant to Article 24.2.4 and Article 24.4 of the Act, a contractor that has failed to prove that it meets the conditions for participation in the tender procedure is excluded from participation in the procedure. The tender submitted by an excluded Contractor is deemed rejected.
- 2 The offered Brake dynamometer must meet all the requirements specified in §2, requirements referred to the way of installation and service - specified in §3 and §9.
- 3 BOSMAL may require the Contractor, pursuant to Article 87.1 of the Act, to provide explanations regarding the content of their tenders and to correct obvious errors in their tenders pursuant to Article 87.2 of the Act, while being required to notify the Contractor of the same immediately.
- 4 BOSMAL has set the tender evaluation criteria listed in Table number 2:
 - each tender receives points for price, warranty period and certain technical parameters,
 - number of points for each tender is calculated according to Table 2,
 - the winner is the tender with maximum sum of points.