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## **Procurement Policy in Solidarity Fund PL (SFPL)**

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## **Purpose and scope of the document**

This policy contains principles binding in all Organisational Units of Solidarity Fund PL (SFPL) in the process of procurement procedure.

The document specifies two separate Procurement Procedures, motivated by the requirements of the *Public Procurement Law of the Republic of Poland*, whose provisions apply to all Organisational Units of SFPL if provisions of the grant agreement with a donor set such requirements.

Organisational Units of SFPL may have their own regulations concerning Procurement Procedures; however, they must remain compliant with this document.



## List of Contents

<b>Purpose and scope of the document .....</b>	<b>2</b>
<b>List of Contents.....</b>	<b>3</b>
<b>Definitions.....</b>	<b>4</b>
<b>Part I General provisions .....</b>	<b>6</b>
<b>Part II Awarding Contracts whose value, exclusive of value added tax, is lower than the Basic Threshold .....</b>	<b>10</b>
<b>Part III Awarding Contracts whose value, exclusive of value added tax, is equal to or greater than the Basic Threshold .....</b>	<b>15</b>
<b>Part IV Final provisions .....</b>	<b>17</b>
<b>Attachments .....</b>	<b>18</b>
<b>Document information sheet.....</b>	<b>37</b>



## Definitions

**Applicant** – SFPL employee who applies for spending public funds in the form of a Procurement Procedure.

**Application** – application to commence the Procurement Procedure.

**Basic Threshold** – the amount threshold expressed in PLN from which the provisions of the Public Procurement Law may apply.

**Branch Office (BO)** – registered Branch Office of SFPL

**Bulletin of Public Procurement** – Polish publication concerning public procurements issued in electronic form by the Polish Public Procurement Office.

**Call for Tenders** – Procurement Procedure, where SFPL calls Potential Economic Operators to submit tenders. The call may be restricted to selected by the SFPL Potential Economic Operators or unrestricted – in the form of publication on the SFPL website.

**Compliance Unit** – organisational Unit in SFPL responsible for legal compliance of documents.

**Conflict of interest** – situation making it impossible to maintain objectivity and impartiality, described in the “*Conflict of interest policy*” adopted by SFPL.

**Construction Works** – shall mean execution or both design and construction works.

**Contract** – a contract for pecuniary interest concluded between SFPL and the Economic Operator, the subject matter of which are services, deliveries or construction works. The Contract may be covered in the Procurement Plan or be of an unplanned nature.

**Contract Value** – Economic Operator’s total estimated remuneration less value added tax, specified by SFPL.

**Delivery** – should be understood as purchasing products that represent movable property, energy, water and property rights, if they can be subject to trade, especially based on the contract of sale, delivery, rental, tenancy and lease with or without the option of purchase, which may additionally include setting or installation.

**Description of the Subject Matter of the Contract** – specification of the subject matter of the Contract performed in a clear and comprehensive manner.

**Document Recording** – archiving information on paper or in electronic form.

**Head of Organisational Unit** – Board or the person managing SFPL Headquarter (HQ) or Branch Office under the authority of the Board of the Solidarity Fund PL (SFPL).

**Market Research** – mode of Procurement, where SFPL selects the Most Advantageous Tender after comparing the tenders of Potential Economic Operators.

**Organisational Unit** – separated SFPL Organisational Units: Headquarter (HQ) in Poland and registered Branch Offices and Representative Offices abroad.

**Policy** – this Procurement Policy in SFPL.

**Potential Economic Operator/Economic Operator** – natural person, legal person or an entity not having legal personality, who compete for the award of a Contract, have submitted their tenders or concluded a public procurement Contract.

**Price** – the value expressed in monetary units to be paid by the buyer to the entrepreneur for a good or service.



**Procedure Coordinator** – SFPL employee, who was entrusted with the task of conducting the Procurement Procedure by the Head of Organisational Unit.

**Procurement Plan** – planned Procurement Procedures – SFPL expenditures for deliveries, services or construction works allocated in the budget of a given Organisational Unit for a given year.

**Procurement Procedure** (in short: **Procedure**) – the process of selecting the Contract Economic Operator in accordance with the specified selection mode.

**Procurement Procedure whose value, exclusive of value added tax, is lower than the Basic Threshold** – delivery, service and construction works procedure conducted in accordance with the Call for Tenders and Market Research modes described in Part II of the Policy.

**Procurement Procedure, whose value, exclusive of value added tax, is equal to or greater than the Basic Threshold** – procedure concerning deliveries, services, and construction works conducted compliant to modes in the Public Procurement Law designated in Part III of the Policy.

**Public Procurement Law (PPL)**– law binding in Poland since 11 September 2019 - Public Procurement Law (Polish Journal of Laws of 2019, item 2019, as amended).

**Representative Office (RO)** – registered SFPL Representative Office located outside Poland subject to local law requirements.

**SFPL Personnel** – people employed to realise substantive or administrative tasks directly to SFPL.

**SFPL Resources** – SFPL financial revenue.

**Single-source Procurement Procedure** – a procedure to award a Contract, where the contracting authority awards the Contract after negotiations with only one Potential Economic Operator.

**Specification of the Terms of Contract** – document describing terms and conditions of the Contract, whose value, exclusive of value added tax, is equal to or greater than the Basic Threshold.

**The Most Advantageous Tender** – a tender presenting the most advantageous balance of price or cost and other criteria referring to the subject matter of the Contract or a tender with the lowest price or cost when the only criterion is the price or the cost.



## Part I General provisions

### 1. Scope of the Policy

- 1.1. The Policy specifies Rules, Mode and Form of awarding Contracts shall be binding in SFPL that Contracts are financed from funds received from the Polish Ministry of Foreign Affairs.
- 1.2. The Policy shall also apply to Procurement paid for with funds received under contracts with other donors and under contracts for other forms of income of the SFPL, to the extent not inconsistent with the provisions of those contracts. In the event of doubt as to whether Part III of this Policy applies when awarding a Procurement whose value excluding Value Added Tax is equal to or greater than the Basic Threshold set out in Appendix 8, the Compliance Department shall decide.
- 1.3. SFPL shall conduct the Procurement Procedure with due observance of the Rules of equal treatment, fair competition and transparency of the Procedure and selection of Economic Operator and proportionality with due diligence to ensure that SFPL funds are expended in an expedient and economic manner while maintaining Rules of achieving best results from given inputs, optimal choice of methods and means to achieve the set objectives.
- 1.4. Contracts shall constitute a factual need of SFPL connected with the purpose of its activities.
- 1.5. In case of Contracts whose value, exclusive of value added tax, **is lower than the Basic Threshold specified in the Attachment 8**, the Contracts shall be awarded through Market Research mode or the submission of Call for Tenders Procedures described in Part II of this Policy.
- 1.6. In case of Contracts, whose value, exclusive of value added tax, **is equal to or greater than the Basic Threshold specified in Attachment 8**, the Public Procurement Law in force in Poland, taking into account the Part III of this Policy shall be the direct basis for awarding Contracts:
  - 1) Basic mode is recommended for all Organisational Units (without negotiations or with optional negotiations);
  - 2) Single-source Procurement Procedure permissible to Branch Offices and Representative Offices outside Poland;
  - 3) these procedures and modes are applied directly across all Organisational Units (as regulated in the Public Procurement Law).
- 1.7. **Basic Threshold shall be set out in PLN** and shall arise directly from the Public Procurement Law.
- 1.8. In order to specify the Contract Value in currencies other than PLN rules described in section 3.5 shall apply.



- 1.9. The Policy shall apply also to Contracts paid from funds obtained under agreements with Donors and under agreements related to other forms of SFPL revenue, to an extent that is not contradictory to the provisions of the mentioned agreements.
- 1.10. SFPL Organisational Units shall prepare regulations of contracts based on this document while taking into account the requirements of local law they are subject to. Regulations of contracts adopted by specific Organisational Units may contain additional provisions, but they shall remain coherent with this Policy.
- 1.11. SFPL Organisational Units shall adopt the Procurement Plan based on the budget of a given Organisational Unit for a given year. The Procedures Plan shall cover the total value of Contracts planned by a given Organisational Unit in given budgetary categories.
- 1.12. SFPL reserves the right to award Contracts outside the Procurement Plan.

## 2. Description of the Subject Matter of the Contract

- 2.1. The Subject Matter of the Contract shall be described in an unambiguous and exhaustive manner by means of sufficiently precise and comprehensible terms, taking into account all requirements and circumstances that may affect the preparation of a tender, referring, in particular, to objective technical, quality and functional properties.
- 2.2. The Subject Matter of the Contract must not be described in a way which would hinder fair competition.
- 2.3. The Subject Matter of the Contract may not be described through indicating trademarks, patents or the country of origin, source or specific process that characterises the products or services supplied by a particular Economic Operator, if it would lead to privileging or eliminating some Economic Operators or products, unless it is justified with the specificity of the Contract or Grant Agreement with which the Contract is financed. Justified exemptions from this restriction shall only occur in case of Contract **below the Basic Threshold specified in Attachment 8** and they refer in particular to Contracts concerning delivery of electronic hardware or software, due to standardisation and the need to comply with recommendations on security, quality, characteristics and performance of hardware developed by the SFPL IT Unit.
- 2.4. In the description of the Subject Matter of the Contract, SFPL may require transferring intellectual property rights or granting licences.
- 2.5. In case of describing the Subject Matter of the Contract with the use of characteristics and technical parameters, tenders comprising equivalent solutions shall be permitted.
- 2.6. In case of describing the Subject Matter of the Contract with the use of characteristics and technical parameters, tenders comprising equivalent solutions



shall be permitted. Evaluation criteria and the requirements for the method of price determination shall be added to the description of the Subject Matter of the Contract.

### 3. Contract Value

- 3.1. Contract Value shall be determined with due diligence. The basis for determining the Value of the Contract shall be the complete estimated remuneration of the Economic Operator less value added tax.
- 3.2. To specify if in each case a Contract or separate Contracts are in question, circumstances of each specific case shall be analysed. Consequently such criteria as Subject Matter identity of a Contract (deliveries, services, construction works of the same type and with the same purpose), time identity of the Contract (provision by the contracting authority of the full subject-matter of Contracts financed and awarded within a time frame known to the contracting authority, generally covering a period of one financial or budgetary year or covered by a financial support decision for the realisation of a specific project) and the possibility to perform the Contract by single Economic Operator shall be used. In other words, it is necessary to specify if it was possible for the single Economic Operator to perform a given type of Contract at the same time.
- 3.3. For estimating the value of Contracts whose value is equal to or greater than **the Basic Threshold specified in Attachment 8** the provisions of the Public Procurement Law shall apply.
- 3.4. Contract Value shall be provided in local currency and in PLN.
- 3.5. The PLN exchange rate shall be established:
  - 1) in reference to EUR: according to the average exchange rate of the PLN which is the basis for converting the value of Contracts or competitions, set by the current notice of the President of the Polish Public Procurement Office;
  - 2) in reference to other currencies: on the basis of the average exchange rate of currencies binding in the central bank of a given state of the day before the determination of the Contract Value or awarding Contract.
- 3.6. The Contract Value shall be determined by the Applicant or the appointed by him SFPL employees.
- 3.7. The Contract Value shall be determined prior to the planned commencement of the Procurement Procedure in one of the following manners:
  - 1) through phone interviews with Potential Economic Operators;
  - 2) based on price lists published on websites or in retail outlets of Potential Economic Operators or information sent in reference to SFPL enquiries;
  - 3) based on information or tenders sent by Potential Economic Operators: (i) on their own initiative, (ii) in response to enquiries sent by SFPL by email containing description of the Subject Matter of the Contract and the deadline of its realisation;
  - 4) other equivalent sources of information (e.g. guidelines on usual rates for services, copies of tenders or agreements from other procedures covering similar Subject Matter of the Contract from the period prior to the moment of estimating the value of the Contract adopted by the SFPL Donors, publicly available or received on request).





- 3.8 Determination of the Contract Value shall be documented, in particular by:
- 1) notes from phone interviews;
  - 2) records in e.g. the PDF form, information or tenders, in particular price lists;
  - 3) records, e.g. in the form of PDF of the enquiries referred to in 3.7.3;
  - 4) records, e.g. in the form of PDF, confirming information referred to in 3.7.4.
- 3.9. Documents referred to in 3.8 shall contain the details of the Potential Economic Operator (if possible to determine), Contract Value and the date of acquiring the information.
- 3.10. Correct determination of the Contract Value shall require at carrying out at least one activity from those listed in 3.7 and acquiring as a result not less than one piece of information allowing for determining the Contract Value.
- 3.11. Quota thresholds that set the above-mentioned activities as obligatory are specified in Attachment 8 (table of quota thresholds). Particular Organisational Units may adopt lower thresholds by drawing up a table with the use of the specimen in Attachment 8.

#### **4. Documentation**

- 4.1. Documentation of the Procurement Procedure, including protocols from the works of the Committee shall be retained by authorised persons compliant to SFPL Organisation Rules for at least 5 years after the end of the year of purchase of services, deliveries, or construction works. The Documentation shall be kept longer if such a requirement is included in the agreement under which the Contract is financed.



## **Part II Awarding Contracts whose value, exclusive of value added tax, is lower than the Basic Threshold**

### **1. Commencing the Procedure**

- 1.1. The Applicant shall be responsible for the preparation of the Procurement Procedure, i.e. for the activities prior to its commencement.
- 1.2. The Procurement Procedure shall be commenced based on the Application drawn up by the Applicant in line with the specimen in Attachment 1 and approved by the Head of the Organisational Unit.
- 1.3. The Procedure Coordinator shall be responsible for conducting the Procurement Procedure, i.e. activities after the procedure is initiated.
- 1.4. The Applicant and the Procedure Coordinator may delegate specific tasks to other SFPL employees.
- 1.5. The same person may have the role of Applicant and Procedure Coordinator.
- 1.6. The Procurement Coordinator is responsible for the proper storage and security of tender documents, including keeping a register of documents, numbering them in accordance with the Foundation's rules and archiving them. Access to tender documents is restricted to employees and collaborators involved in the Procurement procedure.

### **2. Procedure**

- 2.1. SFPL shall carry out the Procurement Procedure in the mode of Call for Tenders or Market Research. Example of a specimen of a Call for Tenders and publication on a website is specified in Attachment 2. Example of a specimen of a Tender Form is specified in Attachment 6.
  - 2.1.1 The procurement procedure shall be conducted in such a way as to protect the tenders submitted from tampering with their content, to prevent access to the content of the tender before it is opened and to prevent the submission of tenders after the deadline.
- 2.2. The Procurement Procedure shall be conducted in the official language /language used in the country where the Procurement Procedure is conducted or in English. Declarations, applications, notifications and information, including Requests for Tenders and tenders shall be communicated, in writing or by email at the choice of SFPL.
- 2.3. SFPL may select the Most Advantageous Tender, when:
  - 1) at least one tender is submitted in response to at least three SFPL Requests for Tenders, or in response to the invitation to participate in Call for Tenders published on the internet website. Publication of Call for Tenders on the internet website shall be mandatory for Contracts with estimated value equal to or greater than the THRESHOLD A from the Attachment 8, unless due to legitimate safety it is inadvisable to do so. The Head of Organisational Unit, upon written request of the Applicant, shall decide whether such safety reasons exist. For this



- purpose particular Organisational Units may adopt lower quota thresholds by drawing up a table as specified in the specimen in Attachment 8.
- 2) in the course Market Research at least three trade tenders of Potential Economic Operators are compared and documented. Documenting shall be performed by recording acquired information or tenders, in particular price lists, preferably in electronic form such as PDF format.
- 2.4. For Procurement Procedure in the mode of Call for Tenders with estimated value equal to or greater than the THRESHOLD A from the Attachment 8 the minimum deadline for submitting bids is 7 days from the date of announcement. This period may be shortened in emergency situations, and the justification for the shortening of the period shall be published together with the announcement.

### **3. Procurement Committee**

- 3.1. Tenders acquired in the framework of the Procurement Procedure may be evaluated by the Procurement Committee composed of SFPL employees or SFPL employees and experts. The Procurement Committee composition shall be proposed by the Applicant in the Application for commencement of the Procedure (Attachment 1A) and approved by the Head of the Organisational Unit. The Committee shall comprise at least 3 persons.
- 3.2. The Members of the Committee shall be obliged to sign the Declaration of Interests regarding the Potential Economic Operator (Attachment 5). Should a conflict occur, the member of the Committee subject to conflict of interest shall be excluded of the Committee works. In such case, a new member shall be included in the Committee, having signed a Declaration of Interests prior to commencing his duties.
- 3.3. Members of the Committee shall be obliged to make a fair and objective assessment of the tenders submitted.
- 3.4. Committee's works shall be carried out compliant to the Regulations of the Procurement Committee works (Attachment 7).
- 3.5. In case of Contracts whose agreed value, exclusive value added tax, is equal to or greater than the THRESHOLD B in Attachment 8, the appointment of the Committee shall be mandatory. For Contracts whose agreed value, exclusive of value added tax, is equal to or greater than the THRESHOLD C in Attachment 8, it is mandatory that the Committee verifies the credibility and reliability of information provided by Potential Economic Operators (due diligence) in accordance with the procedure prepared and approved by the Compliance Department. In the case of Contracts whose value is below the Threshold C, the Committee or the Procurement Coordinator may carry out a simplified check of the information presented by the Potential Bidders. In case of doubt as to which checking procedure should be used, the decision shall be taken by the Compliance Department.
- 3.6. Organisational Units may adopt lower quota limits regarding the obligation to appoint a Committee and carry on the due diligence procedure by drawing up a table in line with the specimen in Attachment 8.



## 4. Awarding the Contract

- 4.1. The Contract shall be awarded on the basis of the protocol from the Procurement Procedure approved by the Head of the Organisational Unit drawn up by the Procedure Coordinator. See Part B of Attachment 1 for specimen of such protocol.
- 4.2. The Procedure Coordinator shall inform Potential Economic Operators about the outcome of the Procurement Procedure carried out in the mode of Call for Tenders in line with specimen in Attachment 3.
  - 1) If more than one tender is submitted in the Call for Tenders Procedure, the Procurement Agreement may be concluded at the earliest 14 working days after the results of the procedure are communicated to all Potential Economic Operators who submitted tenders.
  - 2) If the Procurement relates to humanitarian aid or there are other special circumstances, the Procurement agreement may be concluded after the lapse of 2 working days after the results of the procedure have been communicated to all Potential Economic Operators who submitted tenders. The circumstances referred to above should be justified in writing.
- 4.3. Agreements concerning the Contract whose value, exclusive of value added tax, is equal to or greater than the value of THRESHOLD D in the Attachment 8 shall be concluded in the written or documented form.
- 4.4. Agreements concerning the Contract whose value, exclusive of value added tax, is lower than the value of THRESHOLD D in the Attachment 8, concluded without a written or documented form, shall be confirmed by accounting evidence: an invoice or a bill.
- 4.5. Particular Organisational Units may adopt lower quota limits in regard to what is referred to in 3 and 4 by drawing up a table in line with the specimen in Attachment 8.

## 5. Exemptions

- 5.1. SFPL may award a Contract without resorting to Call for Tenders or Market Research modes if at least one of the following circumstances applies:
  - 1) deliveries, services, or construction works can be provided only by one Economic Operator, e.g. for technical reasons of an objective nature, for reasons related to the protection of exclusive rights, for reasons justified by maintaining continuity of activities of a project implemented during the last 12 months;
  - 2) urgent execution of the Contract is required;
  - 3) in case of procurement of deliveries, services, or construction works outside the country where the Organisational Unit is established;
  - 4) in case of employment on the basis of civil-law contracts (e.g. mandate contract, contract for specific work, contract<sup>1</sup>);
  - 5) due to an exceptional situation, when the performance of the Contract is related to the protection of data security or requires allowing Economic Operators to work directly in the SFPL IT environment;

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<sup>1</sup> Contract within the meaning of the management contract.



- 6) where the subject matter of the Contract are: training, consulting, legal, accounting services and translation into and from foreign languages;
  - 7) in situations justified by local law.
- 5.2. The Head of Organisational Unit shall decide about the exclusion of Call for Tenders or Market Research modes upon examining the Application.
- 5.3. When employing its staff under civil-law contracts (equivalents of Polish mandate contract, contract for specific work) SFPL shall award Contracts without resorting to Call for Tenders or Market Research mode. In such a case, a simplified exemption mode applies (submitting an Application is not required).
- 5.4. In case where the Contract Value without the value added tax is equal to or lower than the equivalent of the THRESHOLD E in Attachment 8, it is permissible to exclude the use of the Policy in regard to the awarding of Contract, Contract Value Determination, Application, Call for Tenders and Market Research.

## **6. Exclusion from the Procedure**

- 6.1.1 Entities shall be excluded from the Procedure if a final judgment or a final administrative decision has been issued against persons representing them or having control or decision-making powers or against members of their administrative, management or supervisory bodies for one of the following reasons:
- 1) bankruptcy, insolvency or liquidation proceedings;
  - 2) breach of obligations relating to the payment of taxes or social security contributions;
  - 3) committing a serious professional misconduct, including deception;
  - 4) fraud;
  - 5) corruption;
  - 6) an act connected to a criminal organisation;
  - 7) money laundering or financing terrorism;
  - 8) terrorist offences or offences linked to terrorist activities;
  - 9) child labour or other crime related to human trafficking;
  - 10) setting up a front company;
  - 11) acting as a front company.
  - 12) The use of or participation in discrimination or harassment, including sexual harassment. Exclusion may also take place if there is no final court judgment or administrative decision in the case and it has been proven by means available to the SFPL or the donor;
- 6.1.2. Entities are excluded from the Proceedings if any restrictions provided for in Polish law, international law, European Union law or the domestic law of donors have been applied to them or to persons representing them, having control or decision-making powers, or to members of their administrative, management or supervisory bodies.
- 6.1.3 It is forbidden to purchase goods or services on a special basis from entities in which members of the SFPL's Council, Management Board or employees of the SFPL and their closest persons participate. A person closest to them is a spouse, a person in cohabitation, a relationship of kinship or affinity in a straight line, a relationship of kinship or affinity in the collateral line to the second degree, as well as a person in a relationship of adoption, custody or guardianship.



6.2. The Potential Economic Operator shall not be subject to exclusion, if:

- 1) they have undertaken to remedy the damage caused by the offence, misdemeanour, or improper conduct, also by way of financial compensation;
- 2) they have fully explained the facts and circumstances surrounding the offence, misdemeanour, or improper conduct and the resulting damage while actively cooperating with competent authorities, including law enforcement authorities or SFPL, when appropriate;
- 3) they have taken appropriate specific technical, organisational and personnel-related measures to prevent further offences, misdemeanours or improper conduct.

SFPL reserves the right to assess whether the measures taken by the Economic Operator are sufficient.

6.3. Potential Economic Operators, while entering the Call for Tenders mode or before signing the Agreement (Market Research mode), are obliged to submit the declaration regarding the above-mentioned scope.

## **7. Procedure of appeal**

1. Potential Economic Operator, who submitted a tender, has the right to appeal against the decision on awarding the contract or against the decision on exclusion from the procedure under mode II.6 of the Policy.
2. The appeal, together with a statement of reasons, may be submitted within 10 working days from the receipt of information on the outcome of the Procurement Procedure conducted pursuant to the Coll for Tender or the decision on exclusion from the procedure pursuant to II.6 of the Policy. If the period referred to in II.4.2.2) is shortened, the deadline for submitting an appeal shall be reduced to 2 working days. The submission of an Appeal is deemed to be sent electronically to the address given in the request for proposals.
3. Upon receipt of an Appeal, the head of the organisational unit shall appoint a Tender Committee with a different composition than the Committee which evaluated the tenders in the first instance. The new Tender Committee shall re-evaluate the tenders. The re-evaluation of tenders shall be final, and no further appeal shall be allowed against the decision made on the basis of the work of the Commission.



## Part III Awarding Contracts whose value, excluding of value added tax, is equal to or greater than the Basic Threshold

If the provisions of the agreements with the donor from which the Procurement is financed require the application of the Public Procurement Law and if the value of the Procurement excluding value added tax is equal to or greater than the Basic Threshold set out in Appendix No. 8, the Public Procurement Law shall apply accordingly to the award of the Procurement. If there is any doubt as to whether Part III of this Policy applies when awarding a Procurement whose value excluding Value Added Tax is equal to or greater than the Basic Threshold set out in Schedule 8, the Compliance Department shall decide.

### 1. Commencing Procedure

- 1.1. The Procurement Procedure for a Contract whose value, exclusive of value added tax, is **equal to or greater than the Basic Threshold specified in the Attachment 8**, shall be initiated at SFPL level by means of an Application drawn up by the Applicant and approved by the Head of the Organisational Unit, in accordance with the specimen in Attachment 1A.
- 1.2. The Contract Value shall be determined while observing the prohibition to divide Contracts into parts or to undervalue the Contract Value in order to avoid the application of the Public Procurement Law. The Contract Value shall be determined not earlier than 3 months prior to the date of commencement of the Procurement Procedure, if the Subject Matter of the Contract are deliveries or services, and not earlier than 6 months prior to the date of commencement of the Procurement Procedure, if the Subject Matter of the Contract are construction works. However, in case of a Contract is awarded in lots, the above deadlines refer to the commencement of the first procedure. If after determining the Contract Value, circumstances that affect the valuation change, the Applicant shall change the Contract Value before commencing the Procedure.
- 1.3. In determining the Contract Value, co-operation between the Applicant and the Compliance Unit shall be necessary with respect to the aggregation of the Value of the same type of Contracts.
- 1.4. In order to lawfully commence a Procedure, a notice of the Procedure in the Bulletin of Public Procurement shall be published through the portal that provides free of charge electronic services to support the processes of awarding a Contract in accordance with the Public Procurement Law. The above shall not apply to awarding Contracts under a single-source procurement procedure.
- 1.5. Following the publication of the Contract notice in the Public Contracts Bulletin, SFPL may communicate the opening of the Procurement Procedure directly to known Potential Economic Operators, who, as part of their activities, provide services, deliveries, or construction works that are the subject of the Procurement Procedure.



## 2. Procedure

- 2.1. The procedure shall be conducted by the Procurement Committee in accordance with the Regulations of the Procurement Committee (Attachment 7).
- 2.2. The following modes are recommended for awarding Contracts:
  - 1) for all Organisational Units: basic mode (with or without negotiations);
  - 2) for SFPL Branch Offices and Representative Offices located outside Poland, the single-source procurement procedure shall also be permissible.





## Part IV Final provisions

1. The Policy shall be approved by the Board.
2. This Policy shall enter into force on the day following the issuing of a decision on its adoption, replacing the documents previously in force in this respect.
3. The Compliance Unit shall review the Policy periodically, at least every 5 years, to ensure that it remains up to date. It shall be mandatory to review the Policy before the expiry of the five-year period whenever amendments to the Public Procurement Law are introduced. The Compliance Unit shall be responsible for monitoring legal changes.



## Attachments

**Attachment 1A** – Application for commencement of the Procurement Procedure (Specimen)

**Attachment 1B** – Application for approval of the results of the Procedure (Specimen)

**Attachment 2** – Call for Tenders for a Procedure whose value, exclusive of value added tax, is lower than the Basic Threshold (Specimen)

**Attachment 3** – Information on the result of a Call for Tenders (sent to Economic Operators) for a Procedure whose value, exclusive of value added tax, is lower than the Basic Threshold (Specimen)

**Attachment 4** – Information to be published on the website concerning the result of the Call for Tenders procedure for a procedure whose value, exclusive of value added tax, is lower than the Basic Threshold (Specimen)

**Attachment 5** – Declaration of Interests for Members of the Committee (Specimen)

**Attachment 6** – Tender Form (Specimen)

**Attachment 7** – Regulations of the Procurement Committee

**Attachment 8** – Quota Threshold Table



## Attachment 1A

### Application for commencement of the Procurement Procedure (SPECIMEN)

To the Head of SFPL Organisational Unit with its seat in \_\_\_\_\_

Application Number: \_\_\_\_\_

Assigned by the Compliance Specialist

1. **Applicant** (name, surname, function):

2. **Type of Contract** (select one option):

- Service
- Delivery
- Construction works

3. **Description of the subject matter of the Contract:**

4. **Enter the source of financing (name of the project):**

5. **The expected deadline for the performance of the Contract:**

6. **Enter the requirements for the tenderer and the evaluation criteria:**

7. **Contract Value**

Net value in local currency (specify the currency)	VAT rate	Net value EUR	Gross value EUR	Exchange rate (see. l. 3.5)

8. **Describe how the information concerning value was obtained and list the documents supporting the determination of the Contract Value**



Add attachments confirming the determination of the Contract Value (optional):

**9. The recommended Procurement Procedure mode (select one option)**

a) for Contract with the value below the Basic Threshold

- Call for Tenders:
  - Sent by electronic means
  - Publication on the SFPL website (Headquarter (HQ) in Poland and/or Branch Office and/or Representative Office)
- Market Research

b) for a Contract with value equal and greater than the Basic Threshold

- Basic mode:
  - Without negotiations
  - With negotiations
- Single-source procurement procedure

Justification for the choice of mode:

Request for exemption of the Call for Tenders or Market Research mode and its justification:

Request for exemption from the requirement of publication the Procurement results on the SFPL website:

**10. Recommended Procedure Coordinator (name, surname, function)**



**11. Recommended composition of the Procurement Committee**

If the determined Contract Value is higher than the THRESHOLD B a Procurement Committee needs to be set up for evaluating tenders. In such a case, in addition to Procedure Coordinator, it is necessary to apply for appointment of a Committee and to propose its composition (min. 3 persons).

Add attachments (optional):

.....  
Date and signature of the Applicant

**12. Decision of the Head of the Organisational Unit concerning the Application:**

- APPROVAL
- REJECTION

Justification for the rejection of the Application

**13. Procurement Committee**

- The procedure does not provide for the appointment of a Procurement Committee
- Decision

**On the appointment of a Committee to carry out the Procurement Procedure in the scope indicated in the Application for commencement of the Procurement Procedure above.**



Compliant to

1. the act of 11 September 2019 Public Procurement Law,
  2. § 2 of the Regulations of the Procurement Committee established to carry out procedures for the award of public contracts in the Solidarity Fund PL
- 
- a) I appoint a Committee to carry out the Procurement Procedure as set out in the above application.
  - b) The Committee shall be composed of the persons indicated in 11 of the above application.
  - c) The Committee shall prepare and conduct the Procedure in accordance with the Regulations of the Procurement Committee works appointed to conduct the Public Procurement Procedure in Solidarity Fund PL
  - d) The Committee shall start its operations on the date of signing this decision.

Date and signature of the **Head of the Organisational Unit**

.....



## Attachment 1B

### Application for approval of the results of the Procedure (SPECIMEN)

Documents pertaining Application number: \_\_\_\_\_

#### 1. A Declaration of Interests of the Procedure Coordinator regarding evaluated Potential Economic Operators:

- 1) I do not apply for the award of the Contract;
- 2) I am not married, in a relationship of kinship or affinity in a straight line, kinship or affinity in the collateral line to the second degree and I am not related by adoption, guardianship or custody to the Economic Operator, its legal representatives or members of the management or supervisory bodies of Economic Operators applying for the award of the Contract;
- 3) within 3 years from the date of commencement of Procurement Procedure, I have not been in an employment or commission relationship with any Potential Economic Operator and I have not been a member of management or supervisory bodies of Economic Operators applying for award of Contract;
- 4) I do not have a legal or factual relationship with any Potential Economic Operator that may raise reasonable doubts as to my impartiality;
- 5) I have not been legally convicted of an offence committed in connection with the Procurement Procedure, an offence of bribery, an offence against trading or any other offence committed for financial gain.

#### 2. Criteria for evaluating tenders:

--

#### 3. Deadline for submitting tenders (concerns Call for Tenders):

--

#### 4. Number of submitted tenders (concerns Call for Tenders):

--

#### 5. Tenders comparison:

No.	Economic Operator	Total net value of the tender in local currency	Total net value of the tender in EUR	Total gross value of the tender in EUR	Criterion ....**	Economic Operator's tender position
1.						
2.						
3.						
4.						

#### 6. A list of documents confirming the comparison of at least three trading trends of Potential Economic Operators (refers to Market Research)



Add attachments

**7. The Most Advantageous Tender recommended by the Procedure Coordinator / Tender Committee**

.....  
Date and signature of the Coordinator / Tender Committee Members

**8. Approval of the Compliance Unit - confirmation of correct execution of the Procedure**

- APPROVAL
- NON-APPROVAL

Comment in case of non-approval:

**9. The decision of the Head of the Organisational Unit to approve the outcome of the Procedure:**

- APPROVAL
- THE OUTCOME OF THE PROCEDURE NOT VALIDATED

Justification for the rejection of the outcome of the Procedure

Date and signature of the **Head of the Organisational Unit**

.....





## Attachment 2

### Call for Tenders for a Procedure whose value, exclusive of value added tax, is lower than the Basic Threshold (SPECIMEN)

Data of the Economic Operator  
(company, address)

.....  
.....  
.....  
.....

(data of the Economic Operator to be completed in the event of use of a Call for Tenders made by correspondence from SFPL to the Economic Operators)

<name of the Organisational Unit > Solidarity Fund PL with its seat in <city/town> invites to submit a tender for the execution of a Contract whose equivalent values does not exceed the quota of the Basic Threshold,

.....  
.....  
.....  
.....

1. Description of the subject matter of the Contract (technical or substantive requirements - in the case of expert/services, background (optional):

.....  
...  
.....  
...  
.....  
...

2. Expected date (and place) of performance of the Contract:

.....  
....

3. OPTIONAL: Maximum gross amount which the Economic Operator intends to allocate for the execution of the Contract:

.....  
....

4. Conditions for participation in the Procedure:

.....  
...  
.....  
...

5. Evaluation criteria for the tender:



.....  
....  
.....  
...

6. Description of the price calculation method (what is included in the price, currency for stating the price, and in settlement currency):

.....  
...  
.....  
....

7. The Tender shall be submitted in the attached **form**, signed in handwriting and scanned in the PDF file or signed with a qualified signature or via EPUAP system.

8. The Tender shall be sent by e-mail by the date <dd/mm/yyyy> year before (hour) <hh:mm> with the title: "Tender concerning the Contract FSM-<no of the tender>" to the e-mail address: przetargi@solidarityfund.pl (option – domestic addresses).

Information of the Procurement Procedure outcome will be communicated to tenderers via electronic communication.

**OR**

Information of the Procurement Procedure outcome will be announced on the website and sent to the e-mail address indicated by the Economic Operator in its tender.

A Call for Tenders is not a Procurement Procedure within the meaning of the provisions of the Public Procurement Law and does not create an obligation for SFPL to accept any tender. SFPL reserves the right to resign from a Contract without selecting any tender among the submitted ones.

**PERSONAL DATA (adapt to national requirements)**

We would like to inform you that the administrator of the personal data submitted as part of this procedure is Solidarity Fund PL with its seat in Warsaw [detailed address]. The Economic Operator declares that it has complied with the information obligation provided for in Article 13 or Article 14 of the GDPR (General Data Protection Regulation) in relation to the data of natural persons whose personal data has been directly (employees, collaborators) or indirectly (third parties) obtained and made available for the purpose of applying for the award of a Contract under the Call for Tenders Procedure conducted by Solidarity Fund PL. The provision of personal data of natural persons to the extent necessary to carry out the procedure is voluntary, but necessary to participate in the Call for Tenders. Natural persons - personal data subjects - shall have the right of access to the data and the right to rectify the data provided. With regard to data provided voluntarily but not indispensable for the execution of the Procedure, data subjects have the right to restrict processing, the right to withdraw consent to processing and the right to request erasure of processed data. The withdrawal of consent shall not affect the legality of processing, which was carried out on the basis of law or consent before its withdrawal. Natural persons - data subjects have the right to lodge a complaint to the supervisory authority (President of the Office for Personal Data Protection in Warsaw). Please be informed that the Solidarity Fund PL appointed Data Protection Officer whom you can contact at the following e-mail address: iod@solidarityfund.pl.



### Attachment 3

#### Information on the result of a Call for Tenders (sent to Economic Operators) for a Procedure whose value, exclusive of value added tax, is lower than the Basic Threshold (SPECIMEN)

Information on the result of the Procedure in the Call for Tenders mode

no. ....

for

.....

....

<name of the Organisational Unit> kindly informs, that in the Procedure in the Call for Tenders mode no. .... for ..... **the tender you submitted was selected as the Most Advantageous Tender.**

Taking the above information into consideration, the <name of the Organisational Unit> shall proceed to conclude the Contract.

Date and signature of the Procedure Coordinator.

.....

Information on the result of the Procedure in the Call for Tenders mode

no. ....

for

.....

....

<name of the Organisational Unit> kindly informs that in the Procurement Procedure in the Call for Tenders mode no. .... for ..... **your tender was not selected.**

Date and signature of the Procedure Coordinator

.....



## Attachment 4

### Information to be published on the website concerning the result of the Call for Tenders procedure for a procedure whose value, exclusive of value added tax, is lower than the Basic Threshold (SPECIMEN)

#### Information about the result of the Procurement Procedure

We kindly inform, that the Procurement Procedure conducted by the <name of the Organisational Unit>, has been concluded.

By (date) \_\_\_\_\_ (hour) \_\_\_\_\_ in response to the announcement no. \_\_\_\_\_ (number of submissions) \_\_\_\_\_ tenders were submitted.

The following list is an aggregate representation of the gross tenders prices proposed by Potential Economic Operators. Tenders are ordered according to the date of their reception.

The following table is a summary presentation of the points awarded in the examination of the Potential Economic Operators' tenders in the \_\_\_\_\_ procedure in Call for Tenders mode. Tenders are ordered according to the number of points received in the procedure.

The Tender submitted by \_\_\_\_\_ has been deemed the Most Advantageous Tender fulfilling all conditions set by the Contracting Authority.



## Attachment 5

### Declaration of Interests for Members of the Committee (SPECIMEN)

**Declaration submitted by:**

- Fund's Employee
- Expert

in Procurement Procedure <Call for Tenders no.>  
in reference to the **tender submitted by:**

I, the undersigned

Name \_\_\_\_\_

Surname \_\_\_\_\_

Declare, that:

1. I do not apply for the award of the Contract;
2. I am not married, in a relationship of kinship or affinity in a straight line, kinship or affinity in the collateral line to the second degree and I am not related by adoption, guardianship or custody to the Potential Economic Operator, its legal representatives or members of the management or supervisory bodies of Potential Economic Operators applying for the award of the Contract;
3. within 3 years from the date of commencement of Procurement Procedure, I have not been in employment or commission relationship with any Potential Economic Operator and I have not been a member of management or supervisory bodies of Potential Economic Operators applying for award of Contract;
4. I do not have such a legal or factual relationship with any Potential Economic Operator that may raise reasonable doubts as to my impartiality;
5. I have not been legally convicted of an offence committed in connection with the Procurement Procedure, an offence of bribery, an offence against trading or any other offence committed for financial gain.

.....



## Attachment 6

### Tender Form (SPECIMEN)

1. Name / Name and surname of the Economic Operator: .....
2. Address: .....
3. Phone. ....
4. E-mail : .....
5. Taxpayer Identification Number (*in Polish NIP*):  
.....
6. Statistical Identification Number (*in Polish REGON*):  
.....

In response to the Call for Tenders by Solidarity Fund PL for the performance of the Contract whose Subject Matter is: .....

I/We submit this tender for the execution of the Contract and:

1. I/We declare that I/We have read the Contracting Authority's requirements concerning the subject matter of the Contract, included in the Call for Tenders and we do not raise any objections.
2. I/We declare that I/We meet the conditions for participation in the Procedure specified by the Contracting Authority within the scope described in item 4 of the Call for Tenders
3. I/we declare that I/we are not subject to exclusion from the Procedure pursuant to Art. 108(1) and Art. 109(1)(4) of the PPL.
4. I/we declare that I/we are ready to perform the service within the period specified in section 2 of the Call for Tenders and in the scope specified in section 1 of the Call for Tenders.
5. I/we declare that I/we have fulfilled the information obligation provided for in Article 13 or Article 14 of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons in relation to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation), towards natural persons from whom I/we have directly (employees, collaborators) or indirectly (third parties) obtained and shared personal data in order to apply for the award of the Contract in this Procedure.
6. I/we declare that I/we consider ourselves bound by this tender for a period of 30 days from the deadline for submission of tenders.
7. I/We declare that I/We intend to entrust the execution of the Contract to the following persons:  
.....  
.....
8. Other required descriptions of Economic Operators experience/technical standards verifying if the tenderer: a) meets the minimum requirements; b) meets the requirements that affect the evaluation criteria.



Price Offer: rate per hour/day/month ..... total rate..... assuming..... hours of work for the execution of the Contract.

Declaration concerning price offer

I/We declare that the price offer includes all costs incurred by the Contracting Authority within the scope of the service provided by the Economic Operator (VAT or obligatory Social Security contributions of the Economic Operator and the Contracting Authority - Payer resulting from the binding legal regulations), computer equipment, mobile communication and software necessary for the execution of the Contract.

OPTIONAL *“I/We declare that the following costs incurred by the Contracting Authority are not included in the price offer: (specify)”*

The Economic Operator declares that it has complied with the information obligation provided for in Article 13 or Article 14 of the GDPR or in local law referring to data protection in relation to the data of natural persons whose personal data has been directly (employees, collaborators) or indirectly (third parties) obtained and shared for the purpose of applying for the award of the Contract ..... as part of the Procedure in the Call for Tenders mode conducted by *<name of the Organisational Unit>*.

.....  
Place, date,

.....  
Signature of  
the Economic Operator



## Attachment 7

### Regulations of the Procurement Committee

appointed to prepare and conduct the Procurement Procedure in Solidarity Fund PL

#### 1. Organisation and composition of the Committee

- 1.1. The composition of the Procurement Committee shall be established by the decision of the Head of the SFPL Organisational Unit based on the Application commencing the Procedure.
- 1.2. The Committee to prepare and carry out or the Committee to carry out the Procurement Procedure shall comprise at least three persons selected from the personnel of the Organisational Unit, including:
  - 1) Chairperson,
  - 2) Deputy Chairperson
  - 3) Remaining Members.

#### 2. Mode of works of the Committee

- 2.1. Committee shall commence its work on the date of its appointment.
- 2.2. In the Procedure, the Committee shall terminate its work on the date of conclusion of the Procurement agreement or cancellation of the Procedure or, if an appeal is lodged, after its final determination.

#### 3. Works of the Committee

- 3.1. A member of the Committee appointed by the Chairperson – shall continuously keep minutes and document the activities carried out under Procurement Procedure. For Contracts whose value is equal to or greater than the Basic Threshold provisions concerning documentation set out in the Public Procurement Law shall apply, as well as implementing rules issued on its basis.
- 3.2. The Committee shall take decisions in the presence of at least half of its members, either by voting or on the basis of the sum of individual assessments.
- 3.3. If, during a vote, a decision cannot be taken due to an equal number of 'for' and 'against' votes, the Chairperson shall have the casting vote.
- 3.4. A Committee member may not abstain from voting. However, they may request that their written position is attached to the minutes of the Proceedings.
- 3.5. If less than three Committee members are present, the Chairperson shall adjourn the meeting and set a new date without breaching the time limits set out in the Public Procurement Law.

#### 4. Experts

- 4.1. If the assessment of tenders or other activities in the Procedure requires specialist knowledge, the Chairperson of the Committee may request the





Head of the Organisational Unit to appoint an expert to carry out specific activities.

- 4.2. The appointment shall indicate the expert and the subject matter and timeframe of the written opinion.
- 4.3. When joining the Procedure, the expert shall:
  - 1) submit a written declaration of interests.
  - 2) perform entrusted activities reliably and objectively, guided exclusively by the provisions of law, their knowledge and experience,
  - 3) present their opinion in writing, and at the request of the Committee, participate in its work in an advisory capacity and provide additional explanations.

### **5. Rights and obligations of Committee members**

- 5.1. Committee members in particular have the right to:
  - 1) participate in all the work of the Committee;
  - 2) access all documents related to the work of the Committee, including, but not limited to, tenders, attachments, explanations submitted by Economic Operators, expert opinions;
  - 3) submit to the Chairperson at any time comments and issues concerning the functioning of the Committee. If the Chairperson of the Committee fails to take the objections into account, a Committee member has the right to raise objections to the Head of the Organisational Unit.

### **6. Preparation and carrying out the Procedure**

- 6.1. The Committee's activities in preparing and carrying out the Procurement Procedure shall include in particular:
  - 1) reading and understanding the description of the subject matter of the Contract prepared by the Applicant for the commencement of the Procurement Procedure;
  - 2) drafting notices and invitations appropriately to given Procurement Procedure mode.

### **7. Duties of the Procurement Committee in the Procedure whose value is equal to or greater than the Basic Threshold**

- 7.1. The Committee shall prepare the Specification of the Terms of Contract (ToC) and submit ToC for the approval to the Head of the Organisational Unit;
- 7.2. The Committee shall draft the invitation to negotiations under the Single-source Procurement Procedure, indicating the entity with which negotiations are to be conducted, if the Contract Value is equal to or exceeds the amounts of the EU thresholds set out in the notice of the President of the Polish Public Procurement Office currently in force;
- 7.3. The Committee shall perform all procedural activities required by the Public Procurement Law, including:
  - 1) placing notices in the Bulletin of Public Procurement or forwarding notices to the Publications Office of the European Union in a manner appropriate for the given Procedure mode in cases indicated in the Public Procurement Law;
  - 2) notifying Economic Operators about commencement of the Procedure;



- 3) making ToC available;
- 4) conducting negotiations with Economic Operators, where Public Procurement Law provides for such negotiations;
- 5) clarifying the content of ToC by providing the content of the Call for Tenders with the clarifications to the Economic Operators who had been provided with ToC. If ToC are published on the website of the Procedure, it the Committee shall also place this information on this website;
- 6) if necessary, calling meetings of Economic Operators in order to clarify doubts concerning the content of ToC, preparing information from the meeting and making it available on the website of the Procedure;
- 7) in justified cases, modifying the content of ToC and extending the deadline for tenders' submission as well as making the modified ToC available on the website of the conducted Procedure;
- 8) calling on Economic Operators to extend the tender validity period and at the same time to extend the validity period of the tender deposit, and if this is not possible, to submit a new tender deposit for the extended tender validity period;
- 9) immediately before the opening of tenders, announcing the amount which SFPL intends to allocate to finance the Contract.

#### **8. Assessment of tenders**

- 8.1. The Committee shall open tenders.
- 8.2. The Committee shall publish information required by the Public Procurement Law on the website of the conducted Procedure.
- 8.3. The Committee shall call for submission, supplementation, or clarification of documents.
- 8.4. The Committee shall assess the fulfilment of the conditions of participation in the Procedure, non-exclusion and request the exclusion of Economic Operators from the Procedure in cases determined by the provisions of the "*Procurement Policy in Solidarity Fund PL (SFPL)*" or the Public Procurement Law.
- 8.5. The Committee shall reject tenders if they do not meet the formal requirements specified in the notice or in the provisions of the Public Procurement Law.
- 8.6. The Procurement Committee shall assess tenders not subject to rejection.
- 8.7. The Committee shall correct obvious typographical errors, obvious calculation errors and other errors consisting in the non-compliance of the tender with the ToC, while not causing significant changes to its content, and shall immediately notify the Economic Operator if their tender has been corrected.
- 8.8. The Committee shall determine whether the tender contains an abnormally low price in relation to the subject matter of the Contract.
- 8.9. The Committee shall add the tax on goods and services to the price quoted in the Economic Operator's tender.
- 8.10. The Committee shall conduct an electronic auction in cases specified in the provisions of the Public Procurement Law.
- 8.11. The Committee shall request that the Procurement Procedure be cancelled if the circumstances set out in the Public Procurement Law apply and shall notify all Potential Economic Operators about such situation.



- 8.12. The Committee shall draft proposals for the selection of the Most Advantageous Tender if there are no circumstances justifying cancellation of the Procedure.
- 8.13. The Committee shall notify all Potential Economic Operators of the outcome of the Procedure and publish such information on the website of the Procedure, as well as perform other actions relating to the completion of the Procedure as set out in the Public Procurement Law.
- 8.14. The Committee shall act in accordance with the Public Procurement Law, in relation to appeals that are filed.
- 8.15. The Committee shall perform, repeat or cancel the actions ordered by the National Board of Appeal (PL: Krajowa Izba Odwoławcza) if an appeal is upheld in the Appeal Proceedings (applies only to Contracts above the Basic Threshold).
- 8.16. The Committee shall submit the Procurement Procedure minutes to the Head of the Organisational Unit for approval.
- 8.17. The members of the Committee shall be obliged to comply with the specific requirements and rules regarding the protection of classified information set out in separate regulations.

### **9. Approval of the Procedure**

The Chairperson of the Committee shall forward the written Procurement Procedure minutes, along with attachments, including the proposal of the Most Advantageous Tender selection or cancellation of the Procedure, to the Head of the Organisational Unit for approval.



## Attachment 8

### Quota Threshold Table, referred to in the Procurement Policy in Solidarity Fund PL (SFPL)

Description of the threshold	Value*
BASIC THRESHOLD - mandatory application of Public Procurement Law	PLN 130 000
THRESHOLD A - mandatory publication on the website (II. 2.3.1)	PLN 30 000
THRESHOLD B - mandatory appointment of the Procurement Committee (II. 3.5)	PLN 30 000
THRESHOLD C - mandatory full due diligence procedure (II. 3.5)	PLN 580 000
THRESHOLD D - mandatory written agreement with the Economic Operator (II. 4)	PLN 30 000
THRESHOLD E - below which application of the Policy may be excluded (II. 5.4)	PLN 10 000

\*Individual Organisational Units may adopt lower thresholds by drawing up a table in accordance with the above specimen as an attachment to the Procurement Policy or Regulations. The method of currency conversion is described in the Procurement Policy, Part I Item 3.5



## Document information sheet

	Position	Name and surname	Date and signature
Prepared by	Specialist for Compliance	Adam Sauer	28.09.2021 /-/
Checked and approved by	Financial Director	Marcin Prengowski	28.09.2021 /-/
Approved by	Executive Director	Aleksandra Jarosiewicz	29.09.2021 /-/
Amendments no. 2 prepared by	Specialist for Compliance	Daria Suwała	14.03.2022 /-/
Amendments no. 2 checked and approved by	Financial Director	Marcin Prengowski	14.03.2022 /-/
Amendments no. 2 approved by	Executive Director	Aleksandra Jarosiewicz	14.03.2022 /-/
Amendments no. 3 prepared by	Specialist for Compliance	Rafał Ciesielski	02.02.2022 /-/
Amendments no. 3 checked and approved by	Financial Director	Marcin Prengowski	02.02.2022 /-/
Amendments no. 3 approved by	Executive Director	Aleksandra Jarosiewicz	02.02.2022 /-/
Planned review date	Specialist for Compliance	01.02.2028	

## List of changes to the document

No	Subject of the amendment	Data
1.	Creation of the document	15.09.2021
2.	a) The scope of application of the Public Procurement Law for Organizational Units was clarified in the Purpose and scope of the document. The second paragraph was replaced by the following phrase: "The document specifies two Procurement Procedures, motivated by the requirements of the Public Procurement Law of the Republic of Poland. Provisions of this law shall apply to procurement procedures in all Organizational Units unless agreements with the donor providing resources for this procurement procedure do not state otherwise."	14.03.2022



- b) In section Definitions the definition of the Basic Threshold (deletion of the word "obligatory") and of the Compliance Unit (added "at the Headquarter") were clarified.
- c) The scope of the Policy was clarified: in section Part I 1.1, phrase "financed from SFPL resources received by SFPL on the basis of targeted subsidy agreement with Polish Ministry of Foreign Affairs " was added. In section 1.2 phrase "Compliance unit takes decision in case of doubt whether Part III of this Policy applies to Procurement Procedure, whose value, exclusive of value added tax, is equal to or greater than the Basic Threshold defined in the Attachment nr 8" was added.
- d) At the introduction to Part III of the Policy the following phrase was added: "unless agreements with the donor, that provides resources for the Procurement Procedure, do not state otherwise. Compliance unit takes decision in case of doubt whether Part III of this Policy applies to Procurement Procedure, whose value, exclusive of value added tax, is equal to or greater than the Basic Threshold defined in Attachment nr 8."
- e) A requirement to add evaluation criteria and the requirements for the method of price determination to the description of the Contract Subject was added (I.2.6).
- f) The minimum period for notice to submission of bids was defined (II.2.4).
- g) The minimum interval time between the publication of the results of the tender evaluation and the signing of the Contract with the contractor was specified (II.4.2. 1)).
- h) The appeal procedure was described (II.7) and corresponding instruction was added in Attachment No. 3 - template for information on the results of the procedure and table of thresholds - Attachment No. 8 - THRESHOLD G was added.
- i) The possibility of aligning Annex 1B with the Work Protocol of the Procurement Committee was introduced -changes in point 7, Attachment 1B (Application for approval of the results of the Procedure ) and in point 9, Attachment 7 (Regulations of the Procurement Committee Work) were introduced.
- j) In the Call for Tenders for a Procedure whose value, exclusive of value added tax, is lower than the Basic Threshold template (Attachment 2), in personal data



	<p>clause, right to data portability was added.</p> <p>k) In the tender form template (Attachment 6), the possibility of information on corrective measures taken in the event of prerequisites for exclusion was introduced and option of confidentiality reservation was added.</p>	
<p>3</p>	<p>The changes implement the recommendations of the Pillars Assessment audit:</p> <ol style="list-style-type: none"> <li>2. Recommendation 20 - add information on the security of the handling of bids (encryption, no access before the opening, preventing bids after the deadline).</li> <li>3. Recommendation 21 - Extension of the appeal period with the possibility of shortening it in humanitarian and emergency proceedings</li> <li>4. Comment in pillar 5 - the possibility of appeal should not depend on the value of the contract. The proposed amendment makes the possibility of appeal dependent on the chosen mode - Call for Tender.</li> </ol> <p>Additional changes bring the content of the document in line with the practice implemented this year:</p> <ol style="list-style-type: none"> <li>5. Procurement in the SFPL is carried out in accordance with the modes described in the Policy, and the basic mode under the Public Procurement Law only applies when it is a donor requirement.</li> <li>6. Changes to the due diligence procedure were anticipated: according to the PA auditor's comments, due diligence should apply to all proceedings regardless of value and must also cover ethical issues (discrimination, harassment, harassment). Checking contractors as suggested by the auditor even for low-value purchases would make the whole process difficult. Therefore, a simplified checking procedure has been introduced for contracts below PLN 580 000 (EU threshold of EUR 130 000) and a full procedure for contracts above this amount.</li> <li>7. The catalogue of exclusions has been supplemented to include translation contracts.</li> </ol> <p>In the Preamble of the Policy, the default validity of the document is taken into account unless the donor requirements state otherwise.</p> <p>The preamble reads:</p>	<p>31.01.2023</p>



This policy contains principles binding in all Organisational Units of Solidarity Fund PL (SFPL) in the process of procurement procedure.

The document specifies two separate Procurement Procedures, motivated by the requirements of the Public Procurement Law of the Republic of Poland, whose provisions apply to all Organisational Units of SFPL if provisions of the grant agreement with a donor set such requirements.

Organisational Units of SFPL may have their own regulations concerning Procurement Procedures; however, they must remain compliant with this document.

Part I of the Policy clarifies that Polish public procurement law is applied when such an obligation arises from a donor agreement.

Paragraph 1.6 reads:

1.6. In case of Contracts, whose value, exclusive of value added tax, is equal to or greater than the Basic Threshold specified in Attachment 8, the Public Procurement Law in force in Poland, taking into account the Part III of this Policy shall be the direct basis for awarding Contracts:

- 1) Basic mode is recommended for all Organisational Units (without negotiations or with optional negotiations);
- 2) Single-source Procurement Procedure permissible to Branch Offices and Representative Offices outside Poland;
- 3) these procedures and modes are applied directly across all Organisational Units (as regulated in the Public Procurement Law).

Paragraph 1.6 has been added to Part II of the Policy setting out the Coordinator's responsibility for documentation and codifying the principle of restricted access to documents as follows:





1.6 The Procurement Coordinator is responsible for the proper storage and security of tender documents, including keeping a register of documents, numbering them in accordance with the Foundation's rules and archiving them. Access to tender documents is restricted to employees and collaborators involved in the Procurement procedure.

Paragraph 2.1 has been renumbered as 2.1.1, and has been amended to mandate that bids should not be tampered with or submitted after the deadline to read:

2.1.1 The procurement procedure shall be conducted in such a way as to protect the tenders submitted from tampering with their content, to prevent access to the content of the tender before it is opened and to prevent the submission of tenders after the deadline.

Paragraph 3.5 introduces mandatory screening procedures for Potential Contractors with a distinction between full and simplified procedures, the development and approval of which is entrusted to the Compliance Team, as follows:

3.5 In case of Contracts whose agreed value, exclusive value added tax, is equal to or greater than the THRESHOLD B in Attachment 8, the appointment of the Committee shall be mandatory. For Contracts whose agreed value, exclusive of value added tax, is equal to or greater than the THRESHOLD C in Attachment 8, it is mandatory that the Committee verifies the credibility and reliability of information provided by Potential Economic Operators (due diligence) in accordance with the procedure prepared and approved by the Compliance Department. In the case of Contracts whose value is below the Threshold C, the Committee or the Procurement Coordinator may carry out a simplified check of the information presented by the Potential Bidders. In case of doubt as to which checking procedure should be used, the decision shall be taken by the Compliance Department.



- 1) for legal persons: verification of registration in the relevant register;
- 2) gathering information on the experience and opinion of the Potential Contractor by means of e.g. internet research, verification of references (in the case of individuals, taking into account the requirements of the General Data Protection Regulation).

Paragraph 4.2(1) and (2) extends the basic period between the provision of information and the signing of the contract to 14 days and introduces the rationale for reducing this period to 2 days.

In paragraph 5.1.6), translation services have been added to the catalogue of exemptions:

Paragraph 6.1.1 p. 12) completes the catalogue of exclusions and makes their application independent of the value of the contract, as follows:

- 12) the use of or participation in discrimination or harassment, including sexual harassment. Exclusion may also occur if there is no final court decision or final administrative decision in the case and it has been proven by means available to the Foundation or the donor.

Paragraph 6.1.2 has been added introducing an exclusion on sanction grounds as follows:

6.1.2 Entities are excluded from the Proceedings if any restrictions provided for in Polish law, international law, European Union law or the domestic law of donors have been applied to them or to persons representing them, having control or decision-making powers, or to members of their administrative, management or supervisory bodies

Paragraph 6.1.3 was added reiterating the prohibition on the participation of members of the organs and employees of the SFPL and their relatives in the Procurement Proceedings on a special basis as follows:



6.1.3 It is forbidden to purchase goods or services on a special basis from entities in which members of the SFPL's Council, Management Board or employees of the SFPL and their closest persons participate. A person closest to them is a spouse, a person in cohabitation, a relationship of kinship or affinity in a straight line, a relationship of kinship or affinity in the collateral line to the second degree, as well as a person in a relationship of adoption, custody or guardianship.

Paragraph 7.1 makes the possibility of appealing against the results of the Procurement Procedure independent of the value of the Procurement, extends the basic deadline for submitting appeals from 2 to 10 working days and introduces the possibility of shortening it if the conditions contained in II. 4.2.2.

The wording of the Preamble of Part III has been amended so that, analogous to the changes in the Preamble, Polish public procurement law is applied only when required by the donor contract and the value of the Contract is equal to or greater than the basic threshold:

Part III Awarding of contracts whose value, excluding of value added tax, is equal to or greater than the Basic Threshold.

If the provisions of the agreements with the donor from which the Procurement is financed require the application of the Public Procurement Law and if the value of the Procurement excluding value added tax is equal to or greater than the Basic Threshold set out in Appendix No. 8, the Public Procurement Law shall apply accordingly to the award of the Procurement. If there is any doubt as to whether Part III of this Policy applies when awarding a Procurement whose value excluding Value Added Tax is equal to or greater than the Basic Threshold set out in Schedule 8, the Compliance Department shall decide.



Amendments were made to Appendix 8 - Table of Amount Thresholds referred to in the Procurement Policy of the International Solidarity Foundation consisting of:

- clarifying that the mandatory application of procurement law from the Basic Threshold depends on the donor agreement:

**BASIC THRESHOLD** - obligatory application of the Public Procurement Act if required by the provisions of agreement with a donor;

- making the full due diligence procedure mandatory and changing the Threshold C value at which this procedure is required:

**PROGRESS C** - mandatory full due diligence procedure (II.3.5)  
PLN 580 000

- Removal of Threshold F in connection with the abandonment of the dependence of the exclusion criteria on the value of the Contract
- Removal of Threshold G as a result of the removal of the dependence of the possibility of appealing the results of the Procurement Procedure on the value of the Procurement.