

Appendix 1 to part 1 of the REQUEST FOR PROPOSAL

- "FORMAL BID" form

BIDDER

.....

.....

.....

name, registered office, address of BIDDER

FORMAL BID

dated

PROCEDURE ref. PKN/2/000513/21

For ORLEN POŁUDNIE S.A.

In response to the REQUEST FOR PROPOSAL announced by ORLEN POŁUDNIE S.A. in the procedure for the award of contract for: "EPC DESIGN AND CONSTRUCTION OF BUILDING FACILITIES OF THE COMBINED HEAT AND POWER PLANT AT ORLEN POŁUDNIE S.A. PRODUCTION PLANT ALONG WITH ASSOCIATED INFRASTRUCTURE", we hereby submit a BID in accordance with the requirements specified in the Request for Proposal.

1. We hereby represent that we are submitting this BID as:

- a. an independent BIDDER*),
- b. BIDDERS acting jointly*)

and that we are also submitting an applicable letter of attorney referred to in pt. 8.1.2. of the INSTRUCTIONS for BIDDERS.

*) *delete as appropriate*

2. We hereby represent that no ongoing liquidation, restructuring or bankruptcy, enforcement proceedings involving the BIDDER or any other consortium members have been instituted;

3. We hereby represent that there are no legal grounds for excluding us, the BIDDER, or any consortium members under pt. 7.5 of the INSTRUCTIONS. Note: in the case of a consortium, the statement should be signed by each consortium member;


4. **We hereby represent** that we consent to the disclosure of complete BIDS submitted as part of this procedure or their individual parts or any future supplements thereto to the Licensor and Advisers from outside of ORLEN S.A. CG and specialists at ORLEN S.A. CG;
 5. **We hereby represent** that we are not in a court dispute with ORLEN POŁUDNIE S.A., PKN ORLEN S.A. or any other companies from the ORLEN S.A. CG;
 6. **We hereby represent** that we do not employ any employees of ORLEN POŁUDNIE S.A., PKN ORLEN S.A. or Companies from the ORLEN S.A. GC;
 7. **We hereby represent** that none of the BIDDER'S employees and members of the management as well as shareholders have no legal or actual relationship with other entities with regard to which they know that they appear as participants of the PROCEDURE, where such relationship could affect the selection of a given BID submitted as part of the PROCEDURE to the disadvantage of ORLEN Południe S.A. or any companies from ORLEN S.A. CG;
 8. **We hereby represent that** (*delete as appropriate*):
 - there are no capital ties between the BIDDER and the CONTRACTING PARTY, PKN ORLEN S.A. or any other companies from ORLEN S.A. CG.*
 - there are capital ties between the BIDDER and the CONTRACTING PARTY or any other companies from the ORLEN S.A. CG. (describe the ties)*:
-
- *) *delete as appropriate*
9. **We hereby represent** that we are submitting a complete FORMAL BID complying with the requirements of the ToR;
 10. **We hereby represent** that we have read and we accept the terms and conditions of the REQUEST FOR PROPOSAL in the Procedure;
 11. **We hereby represent** that we have read and we accept the provisions of the Code of Conduct for ORLEN POŁUDNIE S.A. Suppliers; the Anti-Corruption Policy of Orlen S.A. CG and Gift Policy at PKN ORLEN S.A.;
 12. **We hereby represent** that any employees and officers, as well as partners/shareholders of the BIDDER do not remain in any legal or factual relationship with the CONTRACTING PARTY and their officers and employees, which could raise reasonable doubts as to the impartiality of CONTRACTOR selection by the CONTRACTING PARTY;

- 13. We hereby represent** that we have necessary knowledge and experience and sufficient technical and human resources to complete the SUBJECT OF THE EPC CONTRACT;
- 14. We hereby represent** that we take full responsibility for adherence to effective regulations and occupational health and safety principles, fire safety rules, as well as process safety rules effective in the PRODUCTION PLANT by their employees and the employees of their SUBCONTRACTORS;
- 15. We hereby represent** that we are not subject to any economic sanctions in line with the Act on the prevention of money laundering practices and financing of terrorism;
- 16. The BID contains the following appendices:**
a) formal and legal annexes

Appendix F1.	<p>Letters of attorney for signing the BID (and any documents comprising the BID) or for any other actions connected with the preparation / submission of the BID and the PROCEDURE itself</p> <p><u>Note:</u></p> <ul style="list-style-type: none"> • <i>The document must be submitted by BIDDER who is granting the power of attorney.</i> • <i>For multiple BIDDERS acting jointly, the BIDDERS should submit a document which appoints an attorney authorised to represent them in the contract award procedure, if such a power of attorney was granted to one of the consortium members (one of the consortium members may be also authorised in the consortium agreement).</i>
Appendix F2.	<p>Copy of the Consortium Agreement (if the BIDDER is a consortium of companies) and/or enclosing letters of intent/agreements concerning the cooperation between the BIDDER and SUBCONTRACTORS/sub-suppliers whose references have been included in the BID.</p>
Appendix F3.	<p>Registration documents of the BIDDER and documents specifying the principle of representation of the BIDDER - Valid excerpt from the relevant register of companies/business entities kept in accordance with the regulations of the country where the seat of the BIDDER is located</p> <p><u>Note:</u></p> <ul style="list-style-type: none"> • <i>The document must disclose the principle of representation of the BIDDER.</i> • <i>For multiple BIDDERS acting jointly, the document must be submitted by each BIDDER.</i> • <i>The documents must be issued not earlier than 3 months before the deadline for the submission of the FORMAL BID.</i>
Appendix F4.	<p>Certificates that the BIDDER or all consortium members are not in arrears with the taxes and social security (ZUS) contributions. A</p>

	<p>current certificate from the Internal Revenue Service (Urząd Skarbowy, US), stating that the BIDDER / consortium members was/were registered as active VAT payers or a printout from the tax website of the Ministry of Finance, signed by authorised persons. For foreign companies, equivalent documents must be obtained in the countries where these companies have registered their business, and if such documents are not issued - a pertinent statement made to a notary public by the authorised representative of the BIDDER, including their attorney (applies to only to domestic entities).</p> <p><u>Note:</u></p> <ul style="list-style-type: none"> • <i>For multiple BIDDERS acting jointly, the document must be submitted by each BIDDER.</i> • <i>The documents must be issued not earlier than 3 months before the deadline for the submission of the FORMAL BID.</i>
<p>Appendix F5.</p>	<p>Financial data certified by the authorised representatives of the BIDDER, i.e. the balance sheet and the profit and loss account, cash flow statement (unit and consolidated statements) for 2018, 2019 and the most recent documents for 2020.</p> <p>Note:</p> <p>For multiple BIDDERS acting jointly, the document must be submitted by each BIDDER.</p> <p>Both individual and consolidated data must be submitted by each consortium member.</p> <ul style="list-style-type: none"> • If financial statements for given periods are not available, the BIDDER shall notify the CONTRACTING PARTY thereof and the CONTRACTING PARTY shall send a list of necessary financial data required for verifying the BIDDER'S financial situation. <p>In the event of loss at any time the Bidder shall be obliged to present explanations in this regard;</p>
<p>Appendix F6.</p>	<p>A copy of signed insurance agreement / agreements (policy/policies), or a declaration of entering such an agreement after executing the EPC CONTRACT, covering the following risks, which shall be maintained throughout the effective term of the CONTRACT and in the period of all warranties granted:</p> <ul style="list-style-type: none"> • general and contractual civil liability insurance covering the CONTRACTOR and their SUBCONTRACTORS for a total insurance sum of minimum PLN 10,000,000 (or equivalent, expressed in a different currency for all and any events, extended to include the Pure Financial Losses Clause, with a total insurance sum of minimum PLN 5,000,000 (or equivalent, expressed in a different currency), extended to include civil liability for third-party damages caused by mechanical vehicle traffic during the execution of WORKS;

	<ul style="list-style-type: none"> • health insurance covering, among others, the liability of designers and architects, inspectors, construction engineers, land surveyors, including the civil liability of the CONTRACTOR, as well as their SUBCONTRACTORS in connection with any malpractice exhibited by the designer, architect, inspector, construction engineer or land surveyor and consisting particularly in the incorrect development of documentation, assessments, analyses and studies comprising the line of business of the CONTRACTOR and any parties, with whom the CONTRACTOR jointly performs the subject of the CONTRACT, as well as incorrect design author's supervision; • employee and employer insurance covering all risks related to accidents at work, if such insurance is required by effective laws; • insurance covering all damages to deliveries, incurred during transport to and on the CONSTRUCTION SITE, including damages incurred in the course of loading and unloading procedures. • insurance covering damages incurred to the environment or in connection with (accidental) contamination of the environment. <p><i>Note:</i></p> <p><i>The detailed scope of insurance on the part of the CONTRACTOR and the CONTRACTOR shall be specified in the EPC Contract draft. The CONTRACTING PARTY shall be obligated to obtain insurance covering the construction and installation site (CAR - EAR) for this project task.</i></p>
<p>Appendix 7</p>	<p>List of references - in the form of a table, (min 2 references) containing information on the bidder's execution (in the case of a consortium, min. by one of the consortium members) of projects implemented in the EPC formula as a CONTRACTOR or Consortium member from the last 5 years (2015 - 2020) consisting of:</p> <ol style="list-style-type: none"> a. min. one reference involving the construction of production and warehouse buildings or production floors with social facilities or warehouse building with social facilities together with the associated infrastructure necessary for the operation of such facilities with a total value of at least 1 000 000,00 PLN net each, b. min. one reference involving the construction of multi-storey buildings in brick technology with a total value of at least 3 000 000,00 PLN net each, <p>The reference list should include:</p> <ul style="list-style-type: none"> - client names, - project names, - brief descriptions of the scope, - implementation formula, - duration of the project, - construction end year,

	<p style="text-align: center;">Terms of Reference for "EPC DESIGN AND CONSTRUCTION OF BUILDING FACILITIES OF THE COMBINED HEAT AND POWER PLANT AT ORLEN POŁUDNIE S.A. PRODUCTION PLANT ALONG WITH ASSOCIATED INFRASTRUCTURE".</p>
---	---

	- value of the contract or the Bidder's statement that meets the criterion for the minimum value of the contract (or its equivalent in another currency at the average exchange rate of the National Bank of Poland from the date of publication of the request for proposal on the CONNECT platform)
Appendix F8	Bidder's declaration about the beneficial owner and for domestic Bidders also a printout from the Central Register of Beneficial Owner (Company's entries in the Central Register of Beneficial Owner).

Each submitted BID which does not follow the above order of documents may be returned for rectification or dismissed in whole. The BIDDER is allowed to enclose other appendices to supplement those required by the ToR.

Appendices must be enclosed to the FORMAL BID, maintaining their correct order. They must be clearly marked to allow for the easy and fast identification of individual appendices.

BIDDER's signatures
(persons authorised to submit statements of intent)

.....

Date:

Note for BIDDERS applying jointly for the award of CONTRACT:

BIDDERS who are applying jointly for the award of CONTRACT shall submit a joint "BID" document prepared according to a template contained herein. It is signed by an attorney (Consortium Leader) or by all BIDDERS acting jointly. The method of representation of BIDDERS acting jointly and the method of submitting declarations in the preliminary BID must be explicitly stated in the letter of attorney.