

Katowice, 9<sup>th</sup> November 2011

On behalf and in the name of the Euro-Centrum Science and Technology Park with its registered seat in Katowice in consideration of the procurement procedure Z-17/V/2011/PNT for:

**“Provision of Advisory and Training Services  
within the framework of the Training Centre for Modern Heating Technology -  
the Segment of Heat Pumps, Solar Collectors and Systems and Ventilation Systems”;**

with relation to the Project entitled "Foundation of Euro-Centrum Science and Technology Park - Development and Application of New Technologies in the Field of Energy Conservation and Renewables";  
implemented within the framework of Priority Axis 5: Diffusion of Innovation;  
Measure 5.3: Support for Innovation Centres of the Innovative Economy Operational Programme;  
co-financed with the European Union funds and the State Budget;  
with regard to the Financial Support Agreement dated 8<sup>th</sup> October 2010, number POIG.05.03.00-00-010/10-00 [POIG - Innovative Economy Operational Programme];

we kindly inform You that the related contract award procedure has been cancelled pursuant to Paragraph 11 Clause 2 point 2 of the Procurement Procedure Regulations by the Science and Technology Park Limited Liability Company within the framework of Measure 5.3: Support for Innovation Centres, Priority Axis 5: Diffusion of Innovation; Innovative Economy Operational Programme, dated 18<sup>th</sup> October 2010 with subsequent amendments, according to which the Contracting Authority may cancel the procurement procedure should other reasonable circumstances occur, which will make the procurement procedure or performance of the related contract unjustified and aimless for technological or economic reasons. Notwithstanding the above, under point XX of the Specification of Essential Terms of the Contract, the Contracting Authority has indicated that it reserves the right to cancel the procurement procedure at any given time, without stating the related causes for such cancellation.

In the opinion of the Contracting Authority, the cancellation of the procurement procedure in question is supported by the following reasonable circumstances:

- Upon consultations with the Institution Implementing Measure 5.3: Support for Innovation Centres under the Innovative Economy Operational Programme, it is plausible to state that due to the fact that the first (original) scope of the procurement procedure and the terms and conditions of the contract performance have been altered and changed to the considerable extent during the negotiations



with the Contractor who had submitted a non-rejectable tender under the contract award procedure, thus there exists the risk that the expenses incurred within the framework of the procurement procedure in question will fail to be eligible - the economic reasons;

- the arrangement whereupon the PNT is required to obtain the status of the national training centre as the precondition for obtaining the training materials for the heat pumps installers as subject to subsequent adjustments to be made by the Contractor to suit the Polish conditions, is not acceptable for the PNT. This arrangement, requiring the due performance of the obligation (which has not been stipulated in the tender documentation and to which the PNT did not consent during the negotiation stage) to have the EHPA training materials at the PNT's disposal, is contingent upon the occurrence falling beyond the PNT's control. Moreover, the PNT is of the opinion that it is neither reasonable nor proper to make the Contractor's successful performance of the contract be contingent upon the Contracting Authority's capability to gain access to the materials developed by another institution. While announcing the call for tenders under the procurement procedure the PNT was not ready and is still currently not ready to accept the obligations and duties that arise out of the status of the national training centre - aimless procedure, and the economic reasons.

CZŁONEK ZARZĄDU  
DYREKTOR FINANSOWY

  
Monika Filip