**Attachment no 1 to the Announcement of the Technical Dialogue no 1 from 2017-03-14**

**REGULATIONS OF THE TECHNICAL DIALOGUE,**

**of which the “implementation of the metadata hub - purchase of metadata hub with licenses” is the object.**

**§1**

**Definitions**

Any reference hereinafter to

1. **Dialogue** – refers to technical dialogue under the regulations of Article 31a – 31c included in the Act of Public Procurement Law;
2. **Announcement** – refers to the announcement of the Dialogue;
3. **Procedure** – refers to the planned Public Procurement Procedure of which the “implementation of the metadata hub - purchase of metadata hub with licenses” is the object.;
4. **PPL** – refers to the Act from 29 January 2004 Act of Public Procurement Law (ie. Journal of Laws of 2015, item 2164, with amendments);
5. **Regulations** – refers to this Regulations of the Technical Dialogue;
6. **Participant** – refers to the Entity participating in the Dialogue conducted by the Awarding Entity;
7. **Bidder** – refers to the natural person, legal person or organizational unit without legal personality, applying for the award of a public contract, submitted an offer or concluded an agreement on public procurement;
8. **Awarding Entity** – refers to the National Library of Poland in Warsaw;
9. **Contract** – refers to the a contract for pecuniary interest concluded between the Awarding Entity and the Bidder selected in the Public Procurement Procedure, of which the “implementation of the metadata hub - purchase of metadata hub with licenses” is the object.

**§2**

**Scope of Regulations**

1. Regulations define principles of conducting the Dialogue preceding the Procedure by the Awarding Entity.

2. The Contract will be awarded to the selected Bidder in the course of separate Procedure conducted on the basis of PPL regulations.

3. The Dialogue is conducted on the basis and with accordance with Article 31a - 31c PPL.

4. The Dialogue is conducted in a way ensuring the principles of transparency, the rules of fair competition and fair treatment of Participants as well as solutions offered by them.

5. All actions referred to in these Regulations, in the name and on behalf of the Awarding Entity, shall be conducted by the person or persons designated for this purpose by the Awarding Entity.

**§3**

**Object of the Dialogue**

1. The Dialogue precedes awarding the contract in the Procedure conducted according to the PPL.
2. The object and aim of the Dialogue are described in the Technical Dialogue Announcement.

**§4**

**Announcement**

1. The Awarding Entity shall publish announcement of the Dialogue and thereof object on its website. The Awarding Entity may also publish an additional announcement in the format of its choice.

2. In the Announcement, the Awarding Entity shall indicate in particular:

1) object of the contract and aim of conducting the Dialogue;

2) scope of information, which the Awarding Entity intends to receive;

3) mode, date and place of submitting the application to participate in the Dialogue and the manner of communication with the the Participants;

4) anticipated timeframe for the Dialogue.

3. The Awarding Entity reserves the right of - apart from issuing the Announcement - providing the information of the Dialogue to parties of its choice. For this purpose, the Awarding Entity might in particular send the information about the intention of conducting the Dialogue to selected parties in written or electronic format.

4. Not participating in the Dialogue shall not limit the rights and shall not be to the disadvantage of potential Bidders in the Procedure.

5. Announcement and conduct of the Dialogue shall not oblige the Awarding Entity to conduct the Procedure or to award the Contract.

6. Information of the use of the Dialogue shall be published in every announcement of the Contract, which was concerned by the Dialogue.

**§5**

**Organisation of the Dialogue**

1. Employer shall invite to the Dialogue Participants who submit an application to participate in the Dialogue properly worded in Polish or English language, possibly with additional statements, positions or documents, which the Awarding Entity requested in the Announcement, within the time and in the manner specified therein, which may not be shorter than 7 days from issuing of the Announcement.

2. The Awarding Entity may determine the form of an application to participate in the Dialogue Purchaser in the Announcement.

3. Participants invited to participate in the Dialogue shall be notified about this fact by the Awarding Entity, as defined in these Regulations.

4. The Awarding Entity is not obliged to conduct the Dialogue in a specified format with all the Participants and may decide on different forms of Dialogue with various Participants, depending on the merits of the positions expressed by the Participants in regards to the Dialogue, with respect of the principles of transparency, fair competition and equal treatment of Participants.

5. The Awarding Entity communicates with the Participants by correspondence sent to the mailing address or e-mail address specified by the Participant.

The confirmation of receipt of correspondence sent by:

1) writing (via the postal operator) - is the receipt of correspondence to the addressee;

2) electronic - is the date indicated in the electronic acknowledgment of receipt, and in the absence thereof - it is assumed that the effect of the delivery occurred over three days from the date of placing the correspondence in the ICT System of the Participant.

6. In duly justified cases, the Announcement may provide additional terms and conditions, which determine admission to the Dialogue. These conditions may not violate the principles of transparency, fair competition and equal treatment of Participants.

**§6**

**Conduct of the Dialogue**

1. In order to conduct the Dialogue the Awarding Entity may appoint a Commission.

2. The dialogue is conducted in Polish and English and is open to the public, subject to paragraph 10. Participant shall indicate in which of the above languages they want to conduct the Dialogue in the application to participate in the Dialogue.

3. The dialogue can be conducted in any manner chosen by the Awarding Entity, non-infringing the principles of transparency, fair competition and equal treatment of participants. The form of the Dialogue is indicated by the Awarding Entity in the Announcement or in the invitation to the Dialogue addressed to the Participants.

4. The dialogue may in particular be conducted in the form of:

1) the exchange of correspondence in written or electronic form;

2) individual meetings with the Participants;

3) group meetings with the Participants,

on a topic and in the manner, terms and dates specified by the Awarding Entity.

5. The Awarding Entity may also decide to conduct the Dialogue with the use of some or all of the above forms of communication.

6. The Awarding Entity may at any time terminate the Dialogue with the selected Participant, if it considers that the information provided are not suitable for achieving the aim of the Dialogue.

7. In the course of the Dialogue, the Awarding Entity may use the services of experts and consultants with knowledge expertise needed to conduct the Dialogue. These individuals shall be obliged to maintain confidentiality on the terms specified in paragraph 10.

8. The Awarding Entity may decide to extend the Dialogue beyond the timeframe foreseen in the Announcement.

9. Costs related to the participation in the Dialogue shall be borne by Participants. Costs of participation in the Dialogue are not refundable by the Awarding Entity, even if despite the conducted Dialogue the Procedure shall not be initiated or any Contract awarded. Participants do not receive remuneration from the Awarding Entity for participation in the Dialogue.

10. The Awarding Entity shall not reveal in the course of the Dialogue or thereafter a trade secret within the meaning of Article 11 paragraph 4 of the Act on combating unfair competition from 16 April 1993 (ie. Journal of Laws 2003 No. 153, item. 1503, as amended), If the Participant no later than along with the submission of information to the Awarding Entity, stipulated that the information provided shall not be disclosed to other parties.

**§7**

**Termination of the Dialogue**

1. The Awarding Entity decides about termination of the Dialogue without being obliged to justify its decision.

2. The Awarding Entity shall immediately inform about the termination of the Dialogue all the Participants selected to participate in the Dialogue by providing to the Participants information by electronic mail.

3. The Awarding Entity shall prepare a report from the conduct of Dialogue containing at least the following:

1) information on the conduct of Dialogue;.

2) the names of Entities that participated in the Dialogue;

3) information on the potential impact of the Dialogue for description of the object and the specification of essential terms of the Contract or the terms of the Agreement.

4. The Protocol and its annexes is open, subject to § 6 paragraph 10.

5. Correspondence, reports, letters, studies, reviews, and any other documents related to the Dialogue remain at the disposal of the Awarding Entity and are not refundable after the end of the Dialogue. The Awarding Entity may ask the Participant, at its request, samples, equipment or other materials submitted as part of the Dialogue.

**§8**

**Lack of an appeal**

In the course of the Dialogue Awarding Entity shall not undertake any action within the meaning of Article 180 paragraph 1 of the PPL. Participants or other entities are not entitled to legal remedies specified in the PPL.

**§9**

**Entry into force of Regulations**

Regulations come into force upon publication on the website of the Awarding Entity.