

COMPETITION
FOR THE DEVELOPMENT OF
A FUNCTIONAL-SPATIAL
CONCEPT FOR
CENTRAL SQUARE
IN WARSAW

COMPETITION
RULES AND
REGULATIONS



Unofficial translation. Polish language version should prevail

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Chapter I

General Provisions

1. Competition Organizer

- 1.1. The **Competition Organizer** (also referred to as the Organizer or the Ordering Party) is the **Capital City of Warsaw**, Plac Bankowy 3/5, 00–950 Warsaw, Poland. The Architecture and City Planning Department (BAiPP) is responsible for the conducting of the procedure in the Competition Organizer's name.
- 1.2. The actions of the **Manager for the Ordering Party** shall be performed by **Tomasz Zemła**, Deputy Director of the Architecture and City Planning Department of the Capital City of Warsaw.
- 1.3. The **registered offices of the Ordering Party** are:
Biuro Architektury i Planowania Przestrzennego [Architecture and City Planning Department], ul. Marszałkowska 77/79, 00-683 Warsaw, Poland.
- 1.4. **Mailing address:**
Biuro Architektury i Planowania Przestrzennego, ul. Marszałkowska 77/79, 00–683 Warszawa, Poland.
- 1.5. **Location for the filing of Applications** for participation in the Competition: **Chancellery** of the Architecture and City Planning Department, ul. Marszałkowska 77/79, 00–683 Warsaw, Poland (ground floor).
- 1.6. **Location for the submission of the Competition Designs:**
The Architecture and City Planning Department, ul. Marszałkowska 77/79, 00–683 Warsaw, Poland (**Room No. 510**).
- 1.7. The person authorized to provide information regarding the competition is the **Secretary** of the Competition Jury **Tomasz Pniewski**.
- 1.8. Only the following methods of contacting the Secretary are allowed:
 - Electronic mail directed to the following e-mail address:
konkursy@um.warszawa.pl
With "KONKURS – PLAC CENTRALNY" [Competition – Central Square] marked as the subject.
 - Facsimile directed to fax no. +48 22 443–24–50
With "KONKURS – PLAC CENTRALNY" [Competition – Central Square] marked as the comment.
 - By mail addressed as in item 1.4.
- 1.9. Replies to questions relating to the Competition Rules and Regulations as well as regarding Applications for participation in the Competition shall be

provided by way of the Competition web page:
www.architektura.um.warszawa.pl/placcentralny.

- 1.10. Information about the Competition, changes to the Rules and Regulations, and other communiqués for Competition Participants shall be placed on the web page at www.architektura.um.warszawa.pl/placcentralny.
- 1.11. Any and all correspondence connected with this Competition shall be directed to the address provided and be clearly marked: “KONKURS – PLAC CENTRALNY” [Competition – Central Square].
- 1.12. The Competition Organizer shall bear no responsibility for failure on the part of the Competition Participant to abide by the above requirements.
- 1.13. Method used by the Organizer to communicate with Participants
Correspondence shall be conducted in the Polish language. Correspondence (including the invitation to submit Competition Designs as well as any notification that the Organizer may forward in connection with Article 26, Clauses 3 and 4 of the Public Procurement Code) shall be by way of **electronic mail** or fax, where, if necessary, the written form is also permitted.

2. Competition Type and General Principles

- 2.1. This Competition is conducted on the basis of the provisions of the Act of January 29, 2004 – The Public Procurement Code (consolidated wording in the Journal of Laws of Republic of Poland of 2015, item 2164, with subsequent amendments), hereinafter referred to as the “Act” as well as these Rules and Regulations.
- 2.2. The Competition is a single–stage competition. In it, the competition Participants (Participants) shall submit Applications (Applications) to participate in the Competition. The Organizer shall allow the participation of Participants meeting requirements as defined in the Competition Rules and Regulations (Rules and Regulations) and invite them to submit Competition Designs.
- 2.3. The Competition shall be conducted in the Polish language.
 - 2.3.1. Applications requesting permission for participation in the Competition, documents confirming the meeting of conditions for participation in the Competition, declarations, all elements of the Competition Design, and other information, applications, notifications, and documents submitted by Competition Participants shall be in the Polish language.
 - 2.3.2. If the documents as specified in item 2.3.1. are in another language, they shall be submitted together with a translation into the Polish language that is certified by the Participant as being in agreement with the original.
- 2.4. Solutions as applied for the Competition shall meet all legal requirements applicable in the Republic of Poland.

- 2.5. Pursuant to the Common Procurement Vocabulary (CPV), the subject of the Competition has been qualified as being:
- Architectural design services – Code 71220000–6, and
 - Architectural services for outdoor areas – Code 71222000–0
- 2.6. Modifications to the Wording of the Competition Rules and Regulations
The Organizer may, at any time prior to the elapse of the deadline for the submission of Competition Designs, modify the wording of the Rules and Regulations, where such changes shall not involve any expansion of the scope of work, restrictions on the prizes, or any shortening of the deadlines. Information regarding modifications made shall be provided by the Organizer immediately by way of the Competition web pages, where in the event that the modification is made after qualifications for participation in the Competition, also by sending a notification to the electronic mail address of Participants who qualified. Modifications made to the Rules and Regulations by the Organizer are binding on Competition Participants.
- 2.7. Participants may approach the Organizer with questions relating to the Rules and Regulations. The Organizer shall provide explanations forwarded to all Competition Participants by way of the Competition web pages. The deadline for forwarding questions is indicated in item 4.
- 2.8. Explanations provided by the Competition Organizer and any related changes made to the Rules and Regulations are binding on the Participants.

3. Information Regarding Legal Protection Available to Competition Participants

Competition Participants whose legal interests in procuring the commission suffered or may suffer as a result of infringements against the provisions of the Act on the part of the Organizer are entitled to legal protection as assumed by Section VI of the Act.

4. Deadlines

4.1. Competition Time Schedule

Forwarding of questions regarding the submission of Applications	up to July 20, 2017
Submission of Applications for participation in the Competition	up to August 4 no later than 4:00 PM
Forwarding of questions relating to the Rules and Regulations	up to September 25, 2017
Submission of Competition Designs (during office business hours – from 8:00 AM to 4:00 PM)	up to October 24 no later than 4:00 PM

- 4.2. **The above–specified deadlines may be subject to change. The Organizer shall immediately inform Competition Participants of any changes to**

deadlines and shall provide the relevant information on his web page:
www.architektura.um.warszawa.pl/placcentralny.

5. The Competition Jury

5.1. Composition of the Competition Jury

Assessment of the meeting of formal requirements by Competition Participants as well as of submitted Competition Designs shall be made by the Competition Jury as appointed by the Organizer and made up of:

- Marlena Happach – City Architect – Chair of the Competition Jury
- Paweł Barański – Acting Director of the SZRM Capital City Development Department
- Krzysztof Domaradzki – Architect – Judge for the SARP, Warsaw Branch
- Dariusz Hyc – Architect – Judge for the SARP Association of Polish Architects, Warsaw Branch
- Monika Komorowska – Head of the Dialogue in Planning Section of the BAiPP Architecture and City Planning Department
- Robert Konieczny – Architect – Judge for the SARP, Katowice Branch
- Michał Krasucki – Director of the Capital City Heritage Protection Department
- Konrad Kucza–Kuczyński – Architect – Judge for the SARP, Warsaw Branch
- Joanna Mytkowska – Director of the Museum of Modern Art, Warsaw
- Michał Olszewski – Deputy Mayor of the Capital City of Warsaw
- Marek Piwowarski – Director of the Parks and Vegetation Management Department of the Capital City of Warsaw
- Ewa Porębska – Architect – Editor-in-Chief of *Architektura–Murator*
- Michał Rudnicki – Plenipotentiary for Investment of the TR Warszawa [Theater]
- Bogna Świątkowska – President of the Board of the Bęc Zmiana Foundation
- Hubert Trammer – Architect – Reporting Judge
- Leszek Wiśniewski – Architect – Representative of Miasto Jest Nasze [The City Is Ours Association]

5.2. Experts, assessors, and consultants may be called for assistance by the Competition Jury. The need for such assistance shall be determined by the Organizer upon application by the Chair of the Competition Jury.

5.3. Tasks Assigned to the Competition Jury

Tasks of the Competition Jury specifically include:

- Review and approval of the Competition Rules and Regulations,
- Assessment of the meeting by Competition Participants of requirements as defined in the Competition Rules and Regulations,
- Assessment of the Competition Designs in line with the criteria as defined by the Competition Rules and Regulations,
- Identification of the best Competition Designs in line with the criteria as defined in the Competition Rules and Regulations,

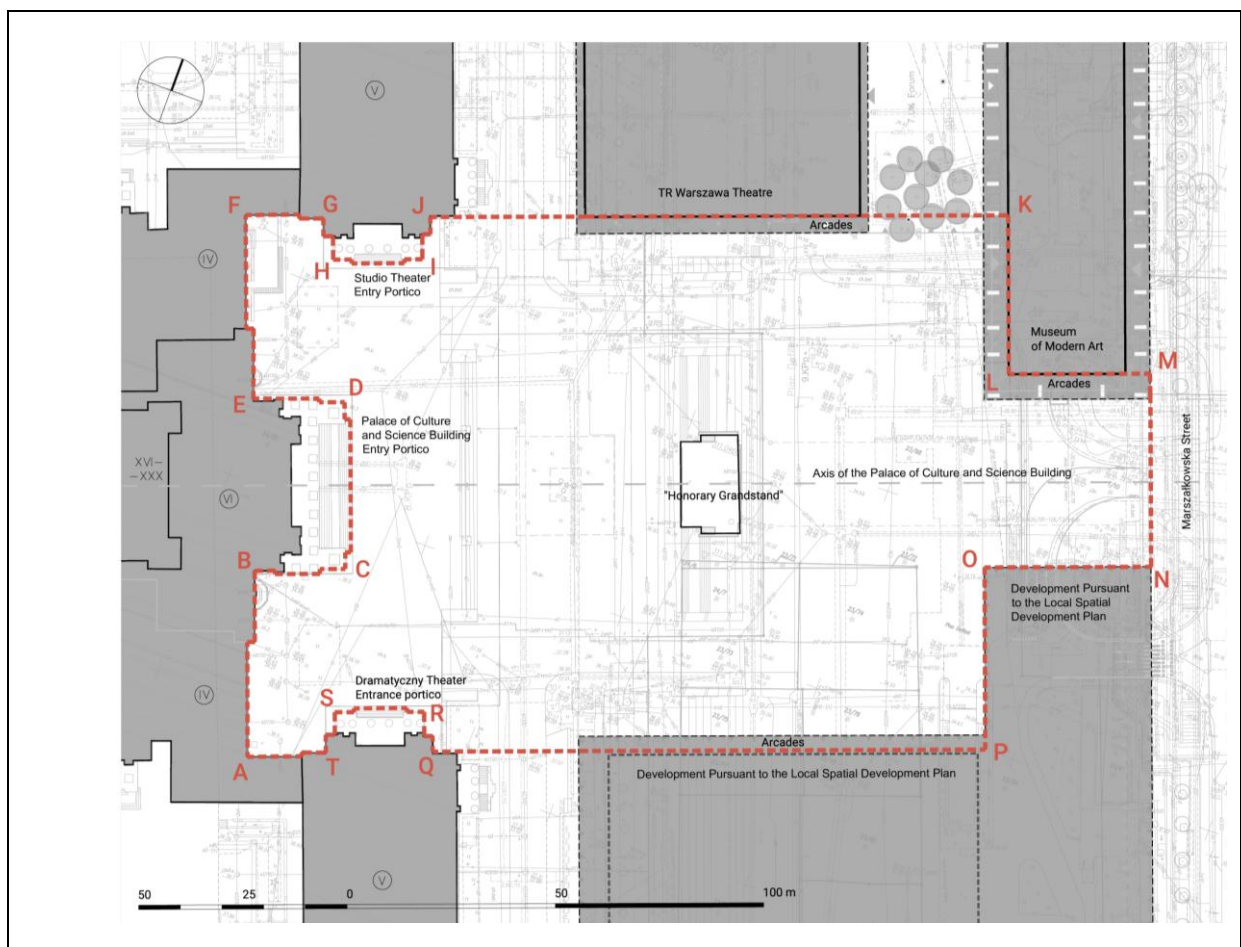
- Presentation of the point assessments of all Designs, identifying Designs winning awards and honorable mentions, and defining the types and levels of prizes,
 - Drafting the justification for such a resolution of the Competition,
 - Presentation of the resolution of the Competition for approval by the Manager for the Organizer, and
 - Providing answers to questions forwarded by Competition Participants within the designated deadline.
- 5.4. Framework principles governing the organization and work procedures of the Competition Jury are defined by Attachment No. 2 to Directive No. 1460/2015 of the Mayor of the Capital City of Warsaw of October 22, 2015.

Chapter II

Competition Subject, Goal, Tasks, and Assumptions

1. Subject of the Competition

- 1.1. The Competition involves the development of a functional–spatial concept for Plac Centralny [Central Square] in Warsaw.
- 1.2. Area designated for development is marked on the master map:



2. The Competition Goal

The goal of the Competition is to select the best urban–architectural–landscape concept for the Central Square in terms of program, space, function, and architecture. Central Square is the public space that will be created between the main entrance of the Palace of Culture and Science Building and Marszałkowska Street. The Competition Design shall take into account the national, regional, and local dimension of the future square as it

function as an attractive venue for various forms of activity ranging from a simple walk crossing the square, through the private spending of time by individuals, all the way to mass events.

An important aspect of the Competition task is the finding of the proper balance guaranteeing convenient conditions for future use while taking into account the historical heritage of the place. In the opinion of many inhabitants, Central Square as planned for the beginning of the 21st century as a huge open space should not be deprived of vegetation.

The goal of the Competition is the identification by the Competition Jury, through verification and an evaluation of agreement with the principles in the Rules and Regulations, of several Competition Designs that will be awarded equivalent prizes. An equivalent prize consists of a prize money as well as an invitation to negotiations—a negotiation procedure without announcement for the awarded team. The negotiations will be preceded by a public discussion on the awarded Designs. The Design earmarked for execution will be identified from among the awarded Designs, taking into account the results of the discussion. The chosen Competition Design selection procedure is in response to the proposal to conduct public consultations.

3. Guidelines

Guidelines to the Competition may be found in Attachment Z2.1. “Opis Przedmiotu Konkursu i Wytoczne Zamawiającego” [Subject of the Competition and the Ordering Party’s Guidelines: A Description].

4. Budget

The estimated total cost of performing work executed on the basis of design documentation to be developed in accordance with the Competition Design shall not exceed a gross total amount of **PLN 20,000,000**.

Chapter III

Terms and Requirements to Be Met by Competition Participants

1. Criteria to Be Met for Participation in the Competition

- 1.1. Participants in the Competition may be from Poland or abroad (foreign in the sense of having registered offices / place of residence outside the Republic of Poland) who:
- Are not subject to exclusion pursuant to Article 24, Clause 1 of the Act, and
 - Meet the following conditions for participation in the procedure, specifically they have at their disposal for work on the Competition a minimum of one person holding a diploma demonstrating completion of a school of higher learning (Master's Degree) in the area required to practice the profession of architect.

2. Declarations and Documents Required of Competition Participants

2.1. The Application

A Participant interested in participating in the Competition is obligated to submit an Application for participation in the Competition to the address and within the deadline as indicated in the Rules and Regulations in line with the model form as found in Attachment Z1.1. to the Competition Rules and Regulations.

- 2.2. Moreover, the following shall be attached to the Application for participation in the Competition:

2.2.1. The original copy of the European Single Procurement Document (ESPD), the content of which is in agreement with Attachment No. 2 of European Union Commission Directive 2017/7 of January 5, 2016 establishing the standard model form (**Attachment Z1.2. to the Competition Rules and Regulations**) and completed in accordance with the guidelines defined in Chapter III, item 5 to the Competition Rules and Regulations;

2.2.2. A document containing current data as of the date of the submission of the Application that confirms that the Application and the ESPD document were signed by the person empowered to represent the

Competition Participant in the event that the Application and ESPD document were signed by a person other than the person established in the document registering the Competition Participant (e.g., power-of-attorney, contract of civil partnership);

2.2.3. Declarations and documents confirming the meeting of conditions for participation in the procedure:

- a) In order to confirm the meeting of the requirements regarding the services of persons, as described in item 2, it is necessary to submit a declaration in the form of the ESPD document as described in Part IV (qualification criteria), Section C – *technical staff or technical services responsible for quality control*, where the professional qualifications of each person indicated for the performance of Competition work with respect to all requirements of the Organizer as described in Chapter III, item 2.1. of these Rules and Regulation shall be described in detail (specifying the given name and surname, license type, license number, and the basis for claiming the services of the given person);

- b) List of people as discussed in Chapter III, item 1.1., who shall be members of the design team, pursuant to the model form making up Attachment Z1.1.;

Changes in the makeup of the design team during the Competition procedure may be made no later than seven days prior to the elapse of the deadline for the submission of the Competition Design, where the Participant shall inform the Organizer by submitting a declaration in accordance with the model form found in Attachment Z1.1A.;

- c) In the event that the Competition Participant is dependent on the skills or situation of other entities – a document (e.g., the original copy of a written commitment by the other entities) confirming the fact that the Competition Participant will have the necessary resources to a degree making possible the proper performance of the public commission and that the relationship tying the Competition Participant with those entities guarantees real access to those resources, assuming that the information presented in the ESPD document does not include the necessary information shall be submitted;

The above document shall specifically include information on the following:

- The scope of accessibility on the part of Competition Participant to the resources of another entity,
- The manner of use of the resource of another entity by the Competition Participant in performing the commission,
- The scope and period of the participation of the other entity in the performance of the commission, and
- Whether or not the entity with the skills on which the Competition Participant depends with respect to the conditions for participating in the procedure regarding education, professional qualifications, or experience, shall perform construction work or

services that the indicated skills apply to (whether they will participate in the performance of the commission).

Pursuant to Paragraph 9, Clause 2 of the Directive of the Minister of Development of July 26, 2016 on the Types of Documents that May Be Demanded by the Organizer from the Competition Participant (Journal of Laws of 2016, item 1126), herein referred to as the “Directive,” the Organizer shall demand that the Competition Participant who is depended on the skills or situation of other entities in line with principles as defined in Article 22a of the Act present the documents as specified in Paragraph 5, items 1–9 of the Directive with respect to those entities.

3. Additional Requirements Regarding the Submission of Joint Applications for Participation in the Competition

The Ordering Part allows for the possibility of the submission of Applications by two or more Competition Participants, assuming that such an Application shall meet the following requirements:

- 3.1. Competition Participants appearing jointly are obligated to establish a Plenipotentiary to represent them in the procedure or to represent them in the procedure and conclude an agreement regarding the public commission in question.
- 3.2. The original copy of the power–of–attorney (in accordance with the model form defined in Attachment Z1.2.) or a notarize copy shall be attached to the Application, specifically stating:
 - The name of the competition to which it applies,
 - All the Competition Participants jointly striving to receive the commission as specified in the name, specifying their registered offices, and
 - The established Plenipotentiary, inclusive of a statement of the Plenipotentiary’s powers.
- 3.3. The power–of–attorney shall be signed by the Competition Participants (including the Plenipotentiary) jointly striving to be awarded the commission. The signatures shall be affixed by persons empowered to submit declarations of will as specified in the relevant register of record of the Competition Participants.

The obligation to establish a Plenipotentiary also rests on partners in a civil partnership.

- 3.4. Each and every Competition Participant (each and every member of the syndicate) jointly submitting the Application shall demonstrate an absence of any basis for exclusion, where to this end each and every syndicate member shall complete the ESPD document.

- 3.5. Requirements for participation in the procedure shall be met jointly by all Competition Participants. In connection with the above, the relevant section of Part IV (qualification criteria) of the ESPD document shall only be completed by the syndicate member who meets the given condition for participation in the Competition.
- 3.6. Copies of documents relating to the Competition Participant (member of the syndicate) shall be certified as being in agreement with the originals by the Competition Participant that they apply to or by the Plenipotentiary.
- 3.7. The Application form shall be signed by the Plenipotentiary or by all Competition Participants.
- 3.8. Any and all correspondence shall be conducted by the Organizer exclusively with the Plenipotentiary whose address shall be entered into the Application form.
- 3.9. The Ordering Party may demand the agreement regulating collaboration among such Competition Participants.

4. The European Single Procurement Document (ESPD): Principles of Completing the Form

- 4.1. The ESPD document includes a formal declaration by the Competition Participant confirming that the relevant basis for exclusion is not applicable or that the relevant qualification criterion is met, and also contains significant information as required by the Ordering Party.

(Whenever the ESPD form refers to the concept of the *Contractor*, it shall be understood as the *Competition Participant*.)

- 4.2. In completing the ESPD form:

4.2.1. In Section D—Domestic Basis for Exclusion—of Part III (Basis for Exclusion), the Competition Participant shall submit declarations regarding the following:

- Whether the Competition Participant was sentenced for crimes regarding the reliability of documents, crimes relating to property, and crimes relating to commercial transactions (Article 24, Clause 1, item 13, letter *a* and item 14 of the Act on Public Procurement)—i.e. crimes as discussed in Articles 270–309 of the Criminal Code (crimes regarding the reliability of documents, crimes relating to property, and crimes relating to commercial transactions), where the Contractor should additionally demonstrate any corrective measures;
- Whether the Competition Participant is a collective body that has been banned from applying for a commission by a court of law (Article 24, Clause 1, item 21 of the Act on Public Procurement), where this ban is adjudicated on the basis of the provisions of the Act of October 28, 2002 on the Responsibility of Collective Bodies for Punishable Forbidden Acts (Journal of Laws of 2015, items 1212,

1944, and 1855 as well as of 2016, items 437 and 544), principles connected with the application of corrective measures do not apply in this case;

- Whether an injunction on applying for commissions has been ruled in the case of the Competition Participant (Article 24, Clause 1, item 22 of the Act on Public Procurement), where this measure is adjudicated on the basis of Article 276 of the Criminal Code, where principles connected with the application of corrective measures do not apply in this case.

4.2.2. Field *a*—general declaration on all qualification criteria—in Part IV (Qualification Criteria), where this field of the model form is inactive because the Competition Participant is only obligated to complete Section C, so there is no need to complete it.

4.2.3. *Regarding Part IV (Qualification Criteria), Section C, **technical staff or technical services responsible for quality control***, it is necessary to describe the professional qualifications of each and every person indicated for the performance of competition–related work with respect to all Ordering Party requirements as described in Chapter III, item 1.1. of these Rules and Regulations in detail (specifying the given name and surname, license type, license number, and the basis for claiming the services of the given person).

4.2.4. Part V of the ESPD form does not apply to the procedure and for this reason the Competition Participant shall not complete this part of the form.

4.2.5. The Competition Participant shall complete and sign the ESPD form.

4.2.6. In the event of a joint application for participation in the Competition, a separate ESPD form shall be competed and signed by each Participant among those jointly applying for participation in the Competition. In such a case it is the personal identification (information on the Competition Participant) data that should be entered in Part II, Section A of the ESPD form.

4.2.7. If the Competition Participant makes reference to the resources of other entities, the Participant is obligated to submit a separate ESPD form signed by each such entity together with the Application.

4.2.8. In order to demonstrate an absence of any basis for exclusion of an entity on whose skills the Competition Participant is dependent as well as with respect to meeting by the entity, to the extent to which the Competition Participant relies on such resources, of conditions for participation in the procedure, the Competition Participant shall complete Part II, Sections A and B (Basis for Exclusion) and Part IV (Qualifying Criteria) to the extent to which the Competition Participant shall be dependent on the resource of the given third party entity.

- 4.3. It is possible to complete the ESPD form by using the access system found in web page <https://ec.europa.eu/growth/tools-databases/espd/>. To this end it is necessary to take the following steps:
- 4.3.1. The XML format file named ESPD should be uploaded from the Organizer's Competition web page that has the Competition Rules and Regulations and write it to the hard drive.
 - 4.3.2. Go to <https://ec.europa.eu/growth/tools-databases/espd/>.
 - 4.3.3. Select the appropriate language version.
 - 4.3.4. Select the "I am a contracting entity" option (Nota bene: This option should also be selected in cases in which the ESPD form is being completed by an entity to which the Competition Participant is making reference).
 - 4.3.5. Import the previously downloaded file.
 - 4.3.6. Complete the form (the writing to disk of the completed form is recommended).
 - 4.3.7. Print out, sign, and attach the form to the Application for participation in the Competition.
- 4.4. In completing the ESPD form, the Competition Participant may take advantage of the instructions concerning its completing as made available by the Public Procurement Office on the following web page:
- http://www.uzp.gov.pl/_data/assets/pdf_file/00150324150Jednolity-Europejski-Dokument-Zamowienia-instrukcja.pdf
- 4.5. **In the event that the Competition Participant fails to attach the required ESPD form to the Application for participation in the Competition or if the submitted ESPD form is incomplete or contains errors or raises doubts, the Organizer shall summon the Competition Participant to complete it or provide explanations within the deadline as indicated.**

5. Information Relating to the Preparing and Submission of the Application

- 5.1. The Application shall be prepared in accordance with requirements as defined in these Rules and Regulations.
- 5.2. The Application as well as all documents required by this specification shall meet the following requirements:
 - a) The Application shall be completed in the Polish language in written form (the original copy of the Application shall be submitted)—e.g., using a typewriter, computer, or legibly by hand using a pen.

- Any documents not drafted in the Polish language shall be submitted with a translation into Polish certified by the Competition Participant.
- b) The Application form and all documents prepared by the Competition Participant shall be signed. A signed document is one that bears the signature and personal stamp of the person or persons empowered to act as representative in accordance with the form of Competition Participant representation as defined in the registration document or other document appropriate for the given organizational form.
 - c) In the event that the Competition Participant is represented by a Plenipotentiary, the Application shall also have attached the original copy of the power-of-attorney (or a notarized copy) defining its scope and signed by the person duly empowered to represent the Competition Participant.
 - d) The declarations for the Competition as discussed in the Directive of the Minister of Development of July 26, 2016 on the Types of Documents that May Be Demanded by the Organizer from the Competition Participant (Journal of Laws of 2016, item 1126) concern the Completion Participant as well as other entities on whose skills and situation the Competition Participant relies in line with the principles as defined in Article 22a of the Act and subcontractors as submitted shall be the original copies.
 - e) Documents as discussed in the above Directive as well as other declarations as discussed in item 5.2., letter *d* of the Rules and Regulations shall be submitted in the form of original copies or copies certified for their accuracy by the Participant or entity on whose skills and situation the Competition Participant relies. This applies to the Competition Participant acting jointly for the granting of the public commission as well as subcontractors with respect to documents that are applicable to each unless the Rules and Regulations state otherwise.
- 5.3. Corrections or modifications (including with the use of a corrector) made to the Application shall be initialed by hand by the person or persons signing the Application.
- 5.4. Documents prepared in a foreign language (a language other than Polish) shall be submitted together with a translation into Polish. Should the ESPD form be submitted in a language other than Polish, a translation certified by the Competition Participant shall be attached to the Application.
- 5.5. In cases in which a “stamp” is discussed, the Competition Organizer allows for legible handwritten information as on such a stamp—e.g., company name and registered offices—or a legible signature in the case of a personal stamp.
- 5.6. Business Secrets
- a) In the event that the Application, declarations, or documents contain information that is a business secret as understood by regulations fighting unfair competition, the Participant shall, no later than on the deadline for submitting Applications, make a reservation regarding the information that is a business secret in an unequivocal manner.
 - b) Pursuant to Article 11, Clause 4 of the Act of April 16, 1993 on Fighting Unfair Competition (consolidated wording in the Journal of Laws of 2003, No. 135, item 1503, with subsequent amendments), business secrets

shall be understood as technical, technological, organizational, or other information of commercial value not disclosed to the public as to which the business has undertaken the necessary efforts to maintain their confidentiality.

- c) For the reservation as discussed above to be effective, the Participant is obligated to present proof that:
 - The information regarding which the reservation is made is technical, technological, organizational, or other of commercial value,
 - The information regarding which the reservation is made has not been disclosed to the public, and
 - Appropriate actions have been taken with respect to such information to maintain its confidentiality.
- d) Information available to the public cannot be considered a business secret.

5.7. **Costs of Preparing the Application**

Participants bear all costs related to the preparing the submission of the Application.

5.8. **Modifications to the Application or Its Withdrawal**

A Competition participant may modify or withdraw an Application only prior to the deadline for Application submission. Notification of the introduction of modifications or of withdrawal of the Application shall be submitted in the manner and form as assumed for the submission of the Application, with the reservation that the packaging (envelopes) shall bear the additional information: “ZMIANA” / “WYCOFANIE – WNIOSKU” [Application Modification / Withdrawal].

5.9. **Venue, Deadline, and Manner of Submitting the Application**

5.9.1. Venue for the submission of Applications: Biuro Architektury i Planowania Przestrzennego [Architecture and City Planning Department], ul. Marszałkowska 77/79, 00–683 Warsaw, **Kancelaria** [Chancellery] – ground floor.

5.9.2. The Application and all declarations and attachments shall be submitted prior to the elapse of the deadline as defined in Chapter I, item 4.1. of the Rules and Regulations.

5.9.3. The Application and all declarations, attachments, and required documents shall be submitted in a sealed envelope marked:

“Wniosek o dopuszczenie do udziału w konkursie. KONKURS PLAC CENTRALNY” [Application for participation in the Competition: CENTRAL SQUARE COMPETITION]

5.9.4. The numbering of all pages is recommended.

5.10. **In the event of the sending of the Application by mail or by courier, it is the date and hour of delivery of the Application to the offices of the Organizer that are taken into account.**

- 5.11. Applications submitted after the deadline shall not be considered.

6. Principles for Qualifying and the Invitation to Participate in the Competition

- 6.1. The Organizer shall assess the Applications for participating in the Competition pursuant to the conditions as defined in the Rules and Regulations as well as the provisions of the Act. If necessary, the Organizer shall summon Participants to supplement their Applications to an extent as defined in Article 26, Clauses 3 and 4 of the Act.
- 6.2. Upon assessing the meeting of conditions for participation in the Competition, the Organizer shall invite Competition Participants meeting the conditions as defined in the Rules and Regulations to submit their Competition Designs. All Competition Participants who submitted Applications for participation in the Competition shall be informed of the results of the assessment and qualifications.
- 6.3. Participants who failed to meet requirements shall be excluded from participating in the Competition.

7. The Obligations of Competition Participants

7.1. Competition Design Ownership and Return

Following the conclusion of the Competition as well as following the disbursement of prizes and honorable mentions, the Organizer shall become the owner of Competition Designs that were awarded or received honorable mentions. Competition Designs that did not receive any award or honorable mention may be collected upon return of the receipt for Design submission following the conclusion of the post–competition exhibition.

7.2. Copyright

The Organizer reserves the right to present all or selected Competition Designs that are creative works as understood by the Act of February 4, 1994 on Copyright and Related Rights (consolidated wording in the Journal of Laws of 2017, item 880, with subsequent amendments) during the public post–competition exhibition, reproduce and publish them using any technology (including printing, reprographic, and digital techniques), reproducing in the ways described above of copies of the creative works and their distribution in the form of a competition catalogue (printed or in digital form) as well as using the Internet, free of any remuneration for the authors (design teams). These provisions shall in no way infringe upon the personal copyright of the authors of the Designs.

The Competition Participant who receives a prize in the form of an invitation to participate in the proceedings for the granting of the commission for the detailed development of the Competition Design, shall, during the phase

involving the granting of prizes for the Competition (the disbursement of prize money) transfer to the Organizer (in the form of an agreement) the proprietary copyright to the awarded design in the following fields:

- The right to process the work involving the creation of derivative works, specifically working drawings and specifications, however:
- Entrusting the development of the Competition Design, which is the prize for the Competition, to a person other than the author of the awarded work can only take place in a situation of a failure to conclude a contract for the public commission for reasons as specified in item 7.3.4.
- The right to perform construction work in line with the Design as developed on the basis of the work as well as the right to utilize such Designs in all other fields of exploitation as specified in the Act of February 4, 1994 on Copyright and Related Rights (consolidated wording in the Journal of Laws of 2017, item 880, with subsequent amendments).

The Competition Participant warrants and represents that the utilization by the Ordering Party of the creative work shall not infringe on any third party rights whatsoever, including the proprietary and personal copyright of third parties. In the event that a third party files a claim against the Ordering Party by virtue of infringement against any of their rights to the creative work whatsoever, especially copyright and related rights, the Competition Participant shall:

- Indemnify, defend, and hold the Ordering Party harmless with respect to any such claims, and
- Release the Ordering Party from responsibility with respect to any claims, proceedings, damages, losses, stipulated penalties, and any and all other expenses generated in connection with the use of the creative works.

The submission of an Application for participation in the Competition is equivalent to acceptance by the Participant of the above provisions with respect to proprietary copyright.

7.3. Invitation to Negotiations and the Signing of the Contract

7.3.1. The invitation to negotiations shall be sent following the conclusion of public consultations, but no earlier than fifteen (15) days following the conclusion of the Competition.

7.3.2. Negotiations shall take place on the basis of the Act on Public Procurement.

7.3.3. The Organizer reserves the right to obligate Competition Participants who received prizes in the form of invitations to take part in the procedure for the granting of the commission for the detailed development of the Competition Design to take the recommendations of the Competition Jury into account in developing the Design.

7.3.4. The Organizer may abandon the signing of a contract in the event of the occurrence of significant changes to circumstances resulting in project execution not lying in the public interest if this had been impossible to foresee prior to the commencement of the procedure to grant the commission. The Organizer may also not sign a contract if as a result of negotiations conducted in line with procedures as described

in the Act a circumstance occurs resulting in the need to annul the procedure pursuant to Article 93, Clause 1 of the Act. The Competition Participants shall have no basis for any claims whatsoever should the Organizer not sign a contract.

7.3.5. Competition Participants who received prizes in the form of invitations to take part in the procedure for the granting of the commission for the detailed development of the Competition Design, shall have at their disposal a person or persons holding both the knowledge and licenses necessary for the development of complete design documentation (in performance of actions as described in Article 20 of the Building Code), tender materials, and provide project architect supervision on the basis of the Competition Design concept.

7.3.6. In selecting the best offer in the negotiation procedure without announcement, the Ordering Party shall follow criteria in effect with respect to the Competition as well as additional criteria such as recommendations of the Ordering Party received as a result of the conducted public consultations and price (detailed development of the Competition Design), where the price criterion shall not be decisive.

7.3.7. Members of the Competition Jury shall be members of the commission, as appointed by the Manager for the Ordering Party, for the identification of the best offer.

7.4. **Post–Competition Scope of Detailed Design Development**

The scope of post–Competition development of the Design is found in **Attachment Z1.4.** to the Rules and Regulations: “Zakres szczegółowego opracowania pracy konkursowej stanowiącej przedmiot zamówienia udzielanego w trybie negocjacji bez ogłoszenia” [Scope of the detailed development of the Competition Design that is the subject of the commission as granted by way of negotiations without announcement].

Chapter IV

Competition Designs: Development and Submission

1. Competition Design Development Principles

- 1.1. The Competition Design shall be characterized by the legibility and functionality of the implicit design principle, practicability and economics of the applied solutions, and program–spatial values. The Competition Design shall be prepared in a manner facilitating the best legibility for participants in the public consultations—i.e. people who are not professionals (designers, architect, urban planners, etc.).
- 1.2. **Competition Designs prepared in a manner making possible the identification of their authors shall not be considered.**

2. Formal Requirements for Submitted Designs

- 2.1. The Competition Design shall consist of a textual descriptive part and a graphic part. The whole of the Competition Design shall be prepared in the Polish language.
- 2.2. The drawing section shall be presented as one–sided full–scale panels on a lightweight rigid base. The dimensions of each panel shall be **100 x 70 cm** in a horizontal layout, with a maximum of **four (4) panels**.

The textual descriptive part shall be submitted in the form of a bound A3 booklet with numbered pages, with a maximum of four (4) one–sided pages of text plus the panels reduced to the A3 format.

- 2.3. In order to facilitate the utilization of the designs, pursuant to the Rules and Regulations, Participants are obligated to provide the Organizer with the whole of the competition entry in electronic form. This version shall also include a presentation of the Competition Design as PDF to meet the needs of the public discussion that contains all graphic elements found on the full–scale drawings at a scale making possible their proper reading on a screen and including textual descriptions. This version shall be provided on a CD, DVD, an SD memory card, or on a USB flash drive in the following formats:
 - In the case of the full–scale drawings: PDF, JPEG, TIFF at a minimum resolution of 300 DPI for real values,
 - In the case of the textual description: DOC, RTF, XLS, and

- In the case of the presentation: PDF.

It is sufficient to use only one of the indicated formats, appropriate for the document type. **The medium shall be placed in a sealed envelope with an identification card.** The digital part of the Competition Design shall not be subject to assessment and shall only be opened after the conclusion of the Competition. It shall only be used for exhibition and publication purposes.

3. Competition Design Development Scope

The Competition Design shall include the following elements:

3.1. Graphic part (100 x 70 cm full–scale panels), containing:

- 3.1.1. A drawing presenting the concept for the development of the land made on the land survey and height map drawn to a scale of 1:250 that is attached to the Rules and Regulations,
- 3.1.2. A minimum of two (2) cross–sections of the square area drawn to a scale of 1:250 and marked on the land development drawing,
- 3.1.3. A diagram of the spatial and circulation relations, taking into account the wider surroundings, drawn to a scale appropriate for presenting the design assumptions as selected by the Participant,
- 3.1.4. A minimum of two (2) visualizations or perspective drawings vital to the presentation of the concept with their locations and view angles marked on the land development drawing, where the following are obligatory:
 - A bird’s–eye–view of the square, and
 - A view from pedestrian level,
- 3.1.5. A “storyboard” – A series of perspective drawings, sketches, or views in the form of scenes showing and explaining possible ways of organizing the space of the square and the possible ways of using the square as derived from them—dependent on the time of day, season of the year, location on the square, and type of event (e.g., mass events, several simultaneous low–key outdoor events, normal day), in quantities as selected by the Participant,
- 3.1.6. Detailed solutions for elements of the square development, such as the floor treatment or furniture, at a scale that is appropriate for presenting the proposed solutions, and
- 3.1.7. All scale drawings shall have a graphic linear scale. The content of each full–scale drawing may be supplemented by other forms and elements of the presentation deemed appropriate by the Participant.

3.2. Textual Descriptive Part—an A3 booklet with a maximum of four (4) pages plus reduced copies of the full–scale panels—containing:

- 3.2.1. A concise description of the architectural concept, inclusive of a description of the material and technical solutions used (a maximum of one page),
- 3.2.2. A table presenting **total costs of the execution of the project** as made on the basis of the Competition Design (**including the cost of the design documentation**),
- 3.2.3. Information describing elements of the concept that are difficult to demonstrate in graphic form,
- 3.2.4. **All full–scale panels from the graphic part reduced to the A3 format**, and
- 3.2.5. The textual descriptive part **may be** supplemented with additional diagrams, tables, and photographs.

3.3. Formal Part (the sealed envelope):

Containing the Identification Card in line with the model form found in Attachment Z1.5. and the digital medium containing all design elements.

3.4. Materials outside the scope of the Competition Design shall not be considered.

4. Marking the Competition Designs

- 4.1. All elements of the design shall be placed in the packaging. The Competition Design (packaging, all panels, and the first page—only!—of the textual part) and a sealed envelope that must be marked with an identification code selected freely by the Participant that is a sequence of six numerals, hereinafter referred to as the **Code**. The Code shall be placed on all elements of the design in the upper right–hand corner, filling a space of 1 x 6 cm.

A sequence of numbers consisting of the same numeral or six successive numerals in order should not be used in selecting the six–numeral code.

- 4.2. No panel making up the graphic part and no page of the textual description of the Competition Design as well as its packaging shall have descriptions or graphic marks making possible the identification of the author of the Design prior to the conclusion of the Competition. Competition Designs bearing markings as discussed above shall not be assessed within the framework of the Competition.

5. Submitting the Competition Designs

- 5.1. The Competition Design shall be submitted for a recipe (Attachment Z1.6.) in packaging making impossible its opening without leaving a trace or damage marked with the inscription “KONKURS PLAC CENTRALNY” [Central Square Competition] and with the Code. **In the event of the Competition Design being submitted through the services of the post office or a currier, the address and name stated on the envelope shall not be the address and name of the Participant.**

5.2. **The Deadline for the Submission of Competition Designs:**

The designs may be submitted during the business days and hours of the Office (8:00 AM – 4:00 PM) within the deadline as stated in item 4 of Chapter I of the Rules and Regulations. In the event of the Competition Design being submitted through the services of the post office or a currier, what will be taken into account is the hour and date of delivery. Competition Designs delivered after the deadline **shall not be assessed** and shall be returned following the Competition conclusion as made by the Competition Jury.

5.3. **The Venue for the Submission of Competition Designs:**

Biuro Architektury i Planowania Przestrzennego [Architecture and City Planning Department], ul. Marszałkowska 77/79, 00–683 Warsaw, **Room 510.**

- 5.4. Each participant may only submit a single Design. Any Participant submitting more than one Design shall be excluded. Submission jointly with other Participants is also considered the submission of a Design.
- 5.5. A Competition Design submitted by a Participant may only be withdrawn prior to the elapse of the deadline for the submission of Competition Designs. A Design may be withdrawn by presenting the original recipe for collecting the design as issued by the Competition Organizer.
- 5.6. The introduction of modifications or supplementing the Competition Design is only possible prior to the elapse of the deadline for the submission of Competition Designs. The introduction of modifications or supplementing the Competition Design shall take place maintaining requirements as defined for the Competition Design, with the reservation that the packaging (envelope) shall additionally be marked “ZMIANA / UZUPEŁNIENIE PRACY KONKURSOWEJ – KONKURS PLAC CENTRALNY” [Competition Design Modification / Supplementing – Central Square Competition].
- 5.7. Competition Participants shall bear any and all costs connected with the preparing and submission of Competition Designs. The Ordering Party does not envision any reimbursement of the costs of the Design or outlay incurred, return of the packaging or return of the Designs at the Ordering Party’s expense.

Chapter V

Competition Design Assessment

1. Competition Design Assessment Procedure

- 1.1. Assessment of the Designs shall be carried out by the Competition Jury during closed meetings during which agreement of the Design with the requirements as defined in the Rules and Regulations shall be assessed as will Competition Design assessment criteria as established in item 2 of this Chapter.
- 1.2. Designs not meeting requirements as defined in the Rules and Regulations shall not be subject to assessment.
- 1.3. The Competition Jury shall select the best Competition Designs and shall specifically:
 - Indicate Designs that should be awarded prizes, inclusive of type and level of the prize,
 - Draft opinions on Competition Designs awarded prizes and honorable mentions,
 - Present the point assessment of all Designs to the Manager for the Ordering Party,
 - Draft the justification for Competition results, and
 - Present the Competition results for approval by the Manager for the Ordering party.
- 1.4. Following the conclusion of the Competition, the Competition Jury shall declassify and identify all designs, assigning Participants to the individual Designs.
- 1.5. The Organizer assumes that there will be a public announcement of the results.
- 1.6. The Organizer shall inform all Participants who submitted Competition Designs of the conclusion of the Competition as well as of the venue and date of the announcement of Competition results. This information will be provided simultaneously on the Organizer's web pages at www.architektura.um.warszawas.pl/placcentralny.
- 1.7. The Organizer assumes a public exhibition of all submitted Designs as well as a post–Competition discussion.
- 1.8. In the event that upon identification of Competition Designs it is discovered that a Competition Design was submitted by a Participant not invited to submit a Competition Design or that a Competition Participant is present in more than one Competition Design, such a Design or Designs shall be deemed invalid.

2. Criteria Applied in Assessing the Competition Designs

2.1. Competition Designs shall be assessed in line with the following criteria:

Primary Criteria:

- The integrality of the composition as a whole,
- The correlation with the structure and character of the place and city,
- Finding the proper relationship between the local (city) and supra–local (regional and nationwide) character of the square,
- References to the various traditions of the use of the square and existing elements of the area’s development,
- Guaranteeing the possibility of the proper functioning of the square during mass events as well as its day–to–day individual use by various groups of users, and
- Fostering the development of social bonds.

Secondary Criteria:

- The practicality of execution and the rationality of the relationship between outlay on construction as well as on exploitation and achieved effects, and
- Guaranteeing access and safety for users, both during mass events and during day–to–day use.

- 2.2. The criteria specified above shall be examined as a whole and together they determine the assessment of the Competition Design. Members of the Jury have equal rights in voting. In the event of controversial issues that cannot be resolved by a majority vote, the Chair of the Jury shall have the deciding vote.
- 2.3. Honorable mentions shall be awarded to designs that occupy successive places following ranking by the Competition Jury or that, in the view of the Competition Jury, are worthy of honorable mention due to the exceptional solutions they demonstrate.

Chapter VI

Prizes and the Announcing of the Competition Results

1. The Prizes

- 1.1. The Organizer shall award prizes to Competition Participants whose Competition Designs meet requirements as defined in the Rules and Regulations and receive the highest number of points. The type and level of the prize awarded shall be dependent on the assessment of the Design as made by the Competition Jury on the basis of Design assessment criteria as specified in the Rules and Regulations.
- 1.2. The Competition Organizer assumes the awarding of five (5) equivalent prizes of a gross value of **PLN 50,000** each as well as an **invitation to participate in negotiations without announcement** for each of the awarded Designs (the procedure for the granting of a public commission that shall involve the detailed development of the Competition Design that shall serve as the basis of the execution of the square).
- 1.3. The decision to award any honorable mentions as well as their quantity and the level of the award shall be determined by the Competition Jury applying an overall pot assumed for awards amounting to a gross value of **PLN 250,000**. The honorable mentions shall be awarded assuming that the Competition Jury limits the number of prizes (see item 1.5.).
- 1.4. The amounts specified above are gross values. The prizes and any monetary honorable mentions are subject to taxation pursuant to the relevant regulations. The Competition Organizer shall become the owner of the Competition Designs awarded prizes and honorable mentions following the conclusion of the Competition and the disbursement of monies for the prizes and any honorable mentions. Competition Designs not awarded prizes or honorable mentions shall be available for collection following the conclusion of the post–Competition exhibition upon return of the Competition Design submission receipt. Any Designs not collected within four (4) years of the conclusion of the Competition shall be destroyed under the supervision of a committee.

- 1.5. The Competition Jury reserves the right to limit the number of awarded prizes if, in the view of the Competition Jury, the submitted Designs fail to meet the assessment criteria for the Designs to a degree allowing their awarding. The Manager for the Ordering Party, independently or upon application by the Competition Jury, reserves the right to subdivide the amount earmarked for awards for the individually awarded Designs differently. Changes to the level of the awards may take place within the framework of the whole amount earmarked for awards.
- 1.6. Monetary awards shall be disbursed no earlier than fifteen (15) days as of the date of confirmation of the Competition results.

2. Announcement and Presentation of the Competition Results

- 2.1. The public announcement of the Competition results shall take place on the date as specified by the Organizer. The Organizer shall inform Competition participants of the date and venue and time of the announcement of the Competition results by way of an announcement on the Competition web pages at www.architektura.um.warszawas.pl/placcentraly.
- 2.2. The Ordering Party shall forward the announcement regarding the Competition results to the Publication Office of the European Union immediately following the official announcement of the Competition results and shall inform all Competition Participants who submitted Competition Designs by mail and shall also publish the Competition results on the Competition web pages.
- 2.3. Following the conclusion of the Competition, all or selected Competition Designs shall be presented through an exhibition and shall be included in a special publication. A post–Competition discussion shall also take place regarding which the Organizer shall provide separate information.

Chapter VII

Miscellaneous Provisions

1. Obligations of the Competition Participants, the Author's of Awarded Designs, and of the Ordering Party

- 1.1. The Organizer reserves the right to present all or selected Competition Designs during the post–Competition exhibition as well as to reproduce and publish them using any technology without separate remuneration to the authors (design teams).
- 1.2. The provisions of item 1.1. in no way infringe against the personal copyright of the authors of the Designs.

2. Information Regarding Attachments

2.1. Official Attachments (for use during the Application for participation phase)

Z1.1.	Participation in the Competition Application model form
Z1.1A.	Declaration for changing the composition of the design team model form
Z1.2.	Power–of–attorney model form
Z1.3.	ESPD model form in XML format
Z1.4.	Scope of the Competition Design detailed development making up the subject of the commission

2.2. Official Attachments (for use during the Competition Design submission phase)

Z1.5.	Identification Card
Z1.6.	Receipt for the submission of the Competition Design

2.3. Substantive Attachments

Z2.1.	Description of the Subject of the Competition and the Guidelines of the Ordering Party
Z2.2.	Excerpt from the Local Spatial Development Plan
Z2.3.	Photographic survey of the project site

Z2.4.	Maria Sołtys, “Progi rozwoju ul. Marszałkowskiej” [“The Watersheds in the Development of Marszałkowska Street”]– attachment for information purposes, not a guideline
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2.4. **Substantive Attachments (provided for Participants who qualified for participation in the Competition)**

Z3.1.	Base map in electronic form
Z3.2.	Measured survey of the Honorary Grandstand on Plac Defilad [Parade Square]
Z3.3.	Drawing of the underground garage beneath Central Square
Z3.4.	Characteristics of the designed buildings of the Museum of Modern Art and TR Wyszawa Theater
Z3.5.	Sewer main drawings
Z3.6.	Square level building accessibility survey