

559

REGULATION OF THE PRESIDENT OF THE COUNCIL OF MINISTERS

of 10 May 2011

on mandatory tender evaluation criteria for certain offers other than price types of public procurement¹⁾

Based on Article. 91 paragraph. 8 of the Act of January 29, 2004 - Public Procurement Law (Journal of Laws of 2010, No. 113, item 759, as amended²⁾) the following is ordered:

§ 1. The ordinance specifies, other than the price, the obligatory evaluation criteria for offers with regard to public procurement for the purchase of category M and N motor vehicles, referred to in Annex 1 to the ordinance of the Minister of Infrastructure of October 24, 2005 on the type approval of motor vehicles and trailers (Journal of Laws No. 238, item 2010, of 2006, No. 205, item. 1512 and of 2008, No. 29, item. 166), which are not special vehicles, hereinafter referred to as "M and N motor vehicles".

§ 2. The provisions of the ordinance shall not apply to public procurement for the purchase of category M and N motor vehicles, if the specification of essential terms of the contract specifies the technical requirements of the vehicle relating to the factors referred to in § 3.

§ 3. The criteria for evaluating offers with regard to public procurement for the purchase of motor vehicles of categories M and N are:

- 1) energy consumption;
- 2) carbon dioxide emissions;
- 3) emissions of pollutants: nitrogen oxides, solid particles and hydrocarbons.

§ 4. The criteria for evaluating the offers referred to in § 3 shall be expressed as:

- 1) the amount of energy consumption and emissions of carbon dioxide and pollutants, or
- 2) monetary value reflecting the costs of energy consumption and the costs of carbon dioxide and pollutant emissions during the life cycle of the motor vehicle, calculated in accordance with the methodology set out in § 7-9.

§ 5. In the case referred to in § 4 point 1, the contracting authority, when evaluating the offers, takes into account in particular:

¹⁾This regulation implements Directive 2009/33 / EC of the European Parliament and of the Council of 23 April 2009 on the promotion of clean and energy-efficient road transport vehicles (OJ L 120 of 15.05.2009, p. 5).

²⁾Amendments to the uniform text of the aforementioned Act were announced in the Journal Of Laws of 2010, No. 161, item 1078 and no.182, item. 1228 and of 2011 No. 5, item 13, no.28, item. 143 and no.87, item. 484.

- 1) the amount of energy consumed, measured according to the procedure established for the purpose of type-approval tests, and in the case of vehicles not covered by this procedure - specified according to another method of measuring fuel consumption or electricity consumption, ensuring the comparability of offers;
- 2) the amount of carbon dioxide emissions, measured according to the procedure established for the purpose of type-approval tests, and in the case of vehicles not covered by this procedure - specified according to another method of measuring emissions, ensuring the comparability of offers;
- 3) the amounts of emissions of nitrogen oxides, solid particles and hydrocarbons (non-methane or their sums) expressed in total or separately, measured according to the procedure established for the purposes of approval tests, ensuring the comparability of offers.

§ 6. 1. The energy values of engine fuels are set out in Annex 1 to the Regulation.

2. Unit costs of carbon dioxide emissions and pollutants are specified in Annex 2 to the regulation.

3. Vehicle mileage during the entire life cycle kowania are specified in Annex 3 to the regulation.

§ 7. 1. The monetary value reflecting the costs of energy consumption is the product of the vehicle mileage assumed by the contracting authority or determined on the basis of Annex 3 to the Regulation, energy consumption and the monetary value per unit of energy.

2. Energy consumption expressed in megajoules per kilometer is:

- 1) for electric and plug-in hybrid cars, the amount of electricity consumed, determined in accordance with § 5 point 1;
- 2) for other motor vehicles, the product of fuel consumption, determined in accordance with § 5 point 1, and the energy value of the fuel.

3. Fuel consumption is expressed for liquid fuels in liters per kilometer and for gaseous fuels in normal cubic meters per kilometer.

4. A uniform monetary value for one the amount of energy expressed in PLN per megajoule, which is the lower of the costs per one megajoule of energy obtained from gasoline or diesel fuel before tax.

§ 8. 1. The monetary value reflecting the costs of carbon dioxide emissions is the product of the vehicle mileage assumed by the contracting authority or determined on the basis of Annex 3 to the Regulation, the amount of carbon dioxide emissions for a given vehicle and the unit cost of carbon dioxide emissions determined on the basis of Annex 2 to the Regulation. .

2. The amount of carbon dioxide emissions specified pursuant to § 5 point 2, is expressed in grams per kilometer.

§ 9. 1. The monetary value reflecting the costs of polluting emissions is the sum of the costs of each of the pollutants listed in § 3 point 3.

2. The cost of a particular pollutant accounts for the product of the vehicle mileage assumed by the contracting authority or determined on the basis of Annex 3 to the Regulation, the emission level of a given pollutant for a given vehicle and the unit cost of pollutant emission determined on the basis of Annex 2 to the Regulation.

3. The amount of pollutant emissions, determined in accordance with not from § 5 point 3, is expressed in grams per kilometer.

§ 10. The Regulation shall enter into force 14 days from its publication.

Prime Minister: ***D. Tusk***

Annexes to the Regulation of the Prime Minister of 10 May 2011 (item 559)

Appendix 1

ENERGY VALUES OF MOTOR FUELS

Fuel	Value energetic*
Diesel	36 MJ / l
Gas	32 MJ / l
Natural gas or biogas	33-38 MJ / Nm ³
Liquefied gas (LPG)	24 MJ / l
Ethanol	21 MJ / l
Biodiesel - fatty acid methyl esters	33 MJ / l
Emulsion fuel	32 MJ / l
Hydrogen	11 MJ / Nm ³

* MJ - megajoule
l - liter
Nm³- normal cubic meter

Appendix No. 2

UNIT COST OF CARBON DIOXIDE AND POLLUTANTS EMISSIONS

Carbon dioxide	Nitric oxide	Hydrocarbons	Solid particles
0.115 - 0.154 PLN / kg**	PLN 0.0169 / h**	PLN 0.00384 / h**	PLN 0.334 / h**

** kg - kilogram g
— gram

Appendix No. 3

THE RUN OF VEHICLES DURING THE WHOLE CYCLE OF USE

Vehicle category	Vehicle mileage***
Passenger cars (M1)	200,000 km
Light trucks (N1)	250,000 km
Heavy goods vehicles (N.2, N3)	1,000,000 km
Buses (M2, M3)	800,000 km

*** km - kilometer