

QUICK FACTS

PROJECT TITLE	CONSTRUCTION OF THE SEAT OF THE DISTRICT COURT IN NOWY SĄCZ WITHIN THE FORMULA OF PUBLIC-PRIVATE PARTNERSHIP
PPP MODEL	PPP IN PPA MODE
LOCATION	CITY OF NOWY SĄCZ
VALUE OF THE PROJECT	122 940 429, 60 PLN (GROSS)
PROJECT STATUS	CONCLUDED AN PPP AGREEMENT

FIRST PPP PROJECT AT STATE LEVEL IN POLAND

I. OBJECT OF THE PROJECT

The aim of the project is construction of the seat of the district court in Nowy Sącz (Grunwaldzka street). Building area is about 6 760 m². In particular the project includes the design and construction of the building with full technical infrastructure, land development and the building's equipment. In addition, the private partner will be obligated for the building's maintenance and management.

II. LEGAL FRAMEWORK FOR SELECTION OF PRIVATE PARTNER

According to art. 4 paragraph 2 of the act of 19 December 2008 concerning public-private partnership, the Private partner was selected according to the Public Procurement act of 29 January 2004 following a competitive dialogue process.

III. PUBLIC ENTITY

Public State Treasury entity – Regional Court in Nowym Sączu, Pijarska 3, 33-300 Nowy Sącz.

IV. PRIVATE PARTNER

Warbud – Infrastruktura Sp. z o. o. [Ltd.], Domaniewska 32, 02-672 Warszawa.



V. RESPONSIBILITIES OF PRIVATE PARTNER

The private partner key's components include realization of investment process, maintenance and management of the building, application of modern technologies and project financing.

DIVISION OF TASKS AND RISKS	
PUBLIC ENTITY	PRIVATE PARTNER
risk of project planning and selection of the private partner	risk associated with project financing
risk associated with the transfer of own contribution	risk of proper and timely construction works's execution
risks associated with the property	risk associated with the availability of materials, subcontractors and external experts
risks associated with the pollution of land, created before the conclusion of the lease agreement	risk associated with timely repayment of financial liabilities
risk associated with necessity of secure funds connected with the obligation to pay remuneration	risk related to increased costs of construction works, supplies and services
risk related to changes in the costs of exploitation	risk of increasing cost of buliding's maintaining, exploitation, conservation, renovations and repairs
risks associated with tax liability on property tax	risk related to building's availability upon the stage of maintenance and management
political risks	risk relating to technical and technological changes
risk associated with compliance of decision concerning location of a public facility construction project with the regulations	risks of consumption cost of electricity needed to operate the air conditioning system
legislative risks	risk of failure during the removal period



risks associated with social protests	risks of construction works regardless of weather conditions
	risks associated with restaurant

VI. FINANCING

The private partner is obligated to bear all costs of the project and its financing. Construction will be financed by the private partner's own resources or by outside loan concluded with its financial institution prior to the execution of works. Remuneration to the private partner will be made by the public entity in the form of availability payments in the total sum amount of 122 940 429, 60 PLN gross.

VII. OBJECTIVES OF ADVISOR

Kancelaria Doradztwa Gospodarczego Cieślak & Kordasiewicz during the period from 1 March 2013 to 5 March 2015 has completed comprehensive consulting services including:

- ✓ Identification of possible methods and models of the project.
- ✓ Recommendation of the best possible model for the project.
- ✓ Recommendation of the legal form and mode of award the contract according to act on public-private partnership and Public Procurement Act.
- ✓ Verification of required documentation to initiate the procedure for selecting the private partner.
- ✓ Advising the tender committee.
- ✓ Preparation of PPP contract's draft and negotiations about contract's contents with private partners involved in a competitive dialogue.
- ✓ Preparation of Final Report of the project.
- ✓ Current explanations regarding legal issues.

VIII. PROJECT'S SCHEDULE

PROJECT'S SCHEDULE	
INTRODUCTION OF THE TENDER COMMITTEE	7 OCTOBER 2013
PUBLIC PROCUREMENT NOTICE	10 OCTOBER 2013
TERM OF REQUEST TO PARTICIPATE	20 DECEMBER 2013
ASSESSMENT OF REQUESTS TO PARTICIPATE	DECEMBER 2013/JANUARY 2014



COMPETITIVE DIALOGUE (V PART)	20 FEBRUARY 2014 – 4 AUGUST 2014
SELECTION OF THE BEST TENDER	4 FEBRUARY 2015
SIGNING OF THE PPP CONTRACT	5 MARCH 2015
PLANNED TERMINATION OF INVESTMENT	AUGUST 2018

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