

# ACT of 29 January 2004 PUBLIC PROCUREMENT LAW

(Consolidated text: Dziennik Ustaw 2010, No. 113, item 579, No. 161, item 1078, No. 182, item 1228; 2011, No. 5, item 13, No. 28, item 143; 2011, No. 87, item 484)

## Section I. General Provisions

### Chapter 1. Scope of Regulation

**Article 1.** This Act specifies the rules and procedures for awarding public contracts, legal protection measures, control of the award of public contracts and the competent authorities with respect to matters regulated in this Act.

**Article 2.** Whenever this Act mentions:

1) price – this shall mean price within the meaning of Article 3, paragraph 1, subparagraph 1 of the Act of 5 July 2001 on Prices (Dziennik Ustaw 2001, No. 97, item 1050, as amended);

2) supplies – this shall mean the acquiring of things, rights and other possessions, in particular under contracts of sale, delivery, lease, tenancy, and leasing;

2a) dynamic purchasing system – this shall mean a limited in duration electronic process for awarding public contracts, having as their object supplies generally available, purchased under contracts of sales, or services generally available;

3) manager of the awarding entity – this shall mean a person or authority who, in accordance with the provisions, statute or agreement in force, is authorized to manage the awarding entity, to the exclusion of attorneys appointed by the awarding entity;

4) repealed;

5) the most advantageous tender – this shall mean either the tender providing the most advantageous balance of price and other criteria relating to the object of the public contract, or the tender with the lowest price, and in the case of public contracts in the area of creative or scientific activity where the object of the contract cannot be described unequivocally or exhaustively beforehand – the tender providing the most advantageous balance of price and other criteria relating to the object of the public contract;

6) tender for one lot – this shall mean a tender which, in accordance with the specification of essential terms of a contract, provides for the performance of one lot of the public contract;

7) variant tender – this shall mean a tender which, in accordance with the specification of essential terms of a contract, provides for the performance of the public contract in a manner other than specified by the awarding entity;

7a) contract award proceedings – this shall mean proceedings initiated by public notice of a contract or by sending an invitation to submit tenders or an invitation to negotiate to choose the tender of the contractor, with whom a public procure-