

RULES
of XII open written tender for the sale of
a property located in Poznań at ul. Ogrodowa 11

§ 1

1. The subject of the tender is a built-up land property, with an area of 1 523m², located in Poznań, designated as plot number 48, map sheet 41, for which the District Court Poznań – Old Town in Poznań, V Land and Mortgage Register Department keeps a land and mortgage register No. PO1P/00000141/4. The property includes land which is built up:
 - at the front, with a five-storey residential-commercial building (tenement house), with a basement, made in traditional technology, compact downtown development; the usable area of the building is 1 604.68m²;
 - in the rear part, with an outbuilding of a multi-functional character – residential, commercial and warehouse-workshop type; the usable area of the outbuilding is 1 201.39m².The total usable area of the buildings is 2 806.07m².
2. The starting price of the property is PLN 14 384 000.00 net (say: fourteen million three hundred and eighty-four thousand zlotys zero grosz).
3. The said property is included in the currently bidding local spatial development plan "In the area of the Apollo passage" approved by Resolution No. XXXIII/549/VIII/2020 of the Poznan City Council of 14 July 2020, which states that the plot in question is located in the area marked as: Mw/U – multi-family residential or commercial areas.
4. Poznan University of Technology acquired the property in question on the basis of a decision by the Governor of the Wielkopolska Region RR.X-11.7720A-48/06 of 29 August 2006 confirming the acquisition of its ownership right by virtue of law.
5. Encumbrances on the property:
 - unit number 10 is occupied on the basis of a decision by the Head of the Residential and Commercial Property Department of 1the City Council in Poznań dated 21 March 1990,
 - unit number 11 is occupied on the basis of a lease agreement for an indefinite period of time dated 15 July 2007.
6. Regarding the above-described property, there are proceedings pending against: 1. Poznan University of Technology, 2. State Treasury – the Mayor of the City of Poznań, before the District Court in Poznań, XII Civil Division (reference number XII C 1007/16) for:
 - determining that the defendant Poznan University of Technology did not acquire by virtue of law (pursuant to Article 182 of the Act of 12 September 1990 on Higher Education) perpetual usufruct on the property located in Poznań at ul. Ogrodowa 11 and before the date of entry into force of the Property Management Act of 21 August 1997, i.e. before 1 January 1998, the right of perpetual usufruct on the property in question was not established for the benefit of Poznan University of Technology,
 - determining that, as a consequence of the above, Poznan University of Technology did not acquire by virtue of law, i.e. pursuant to Article 256 section 1 of the Act of 27 July 2005 - Law on Higher Education, ownership of the property located in Poznań at ul. Ogrodowa 11.

The proceedings before the District Court in Poznań were suspended due to the plaintiff's death.

§ 2

The tender is an open written tender.

§ 3

1. The tender announcement will be posted on the notice board in the Poznan University of Technology building at pl. Marii Skłodowskiej-Curie 5 in Poznań and on the Poznan University of Technology website.
2. In addition, an excerpt from the tender announcement will be published in a nationwide newspaper.

§ 4

Natural persons, legal persons and organizational units that are not legal persons, to which the Act grants legal capacity, may participate in the tender, provided they make an offer and deposit a tender bond within the time limit specified in the tender announcement.

§ 5

1. Offers should be submitted in writing, in a sealed envelope, at the time, place and on the terms specified in the tender announcement.
2. An offer should include:
 - 1) first name, surname and address or name (firm) and registered office of the bidder,
 - 2) certified true copies of:
 - a civil law partnership agreement (in case of conducting business in such a form),
 - a duplicate or information from the relevant register (in case of a bidder being a legal person or commercial partnerships),
 - 3) a promissory note by the Minister competent for internal affairs to issue a permit for the acquisition of the property by a foreigner (if required),
 - 4) date of drawing up the offer,
 - 5) a statement that the bidder has read the Rules of the tender and accepts provisions contained therein without reservations,
 - 6) the bid price, subject to § 14 section 8 of the Rules,
 - 7) an attached proof of payment of the tender bond.

§ 6

The tender is carried out by the tender committee, the chair and members of which are appointed by the Rector of Poznan University of Technology. The tender committee is composed of at least 4 members.

§ 7

The tender consists of a public and a classified part.

§ 8

1. The public part of the tender takes place in the presence of bidders.
2. In the public part, the chair of the committee:
 - 1) states the correctness of the tender announcement,
 - 2) determines the number of offers submitted,
 - 3) opens the envelopes and provides the first names, surnames and addresses or names (firms) and registered offices of the bidders, as well as information related to the offered price,
 - 4) determines whether the offers are complete, i.e. whether they contain all the required documents, and whether the bidders have deposited the required tender bond,
 - 5) accepts explanations and statements submitted by the bidders,
 - 6) notifies about the date and place of the classified part of the tender,
 - 7) notifies the bidders of the expected date of completion of the tender.

§ 9

The tender committee refuses to qualify offers for the undisclosed part of the tender if:

- 1) they are incomplete,
- 2) they were submitted after the offer submission deadline,
- 3) they are illegible,
- 4) the bidder did not offer the minimum starting price.

§ 10

1. In the classified part of the tender, the tender committee analyzes in detail the content of the offers in terms of meeting the tender conditions and selects the most favourable offer, guiding itself by the offered net price of the property or states

that none of the submitted offers has been selected. Offers that do not contain the data specified in § 5 section 2 of the Rules or contain incomplete data are rejected. If the content of the submitted offer raises doubts, the tender committee may ask the bidder for additional clarifications.

2. Where equivalent offers are submitted, the chair of the committee will organize an additional oral tender restricted to the bidders who have submitted those offers. Equivalent offers are considered to be in the range of PLN 10 000.
3. In an additional oral tender, the bidders offer, in an oral form, subsequent price increments above the highest price included in the equivalent offers – an increment may not be lower than PLN 1 000 – until there are no further increments despite three calls.
4. The completion of the tender or closure of the tender without selecting any the offers will take place within one month from the date of the public part of the tender indicated in the tender announcement.

§ 11

The tender is valid if at least one valid offer has been received, i.e. one which meets the conditions set out in the Announcement and the Rules of the tender. Conditional offers are subject to rejection.

§ 12

1. A report will be drawn up on the course of the proceedings, containing the following information:
 - 1) date and place of the tender,
 - 2) designation of the property which is the subject of the tender, according to the land and mortgage registers,
 - 3) encumbrances on the property,
 - 4) activities referred to in § 8 section 2, § 9 and § 10 of the Rules,
 - 5) offers qualified and not qualified for the classified part and rejected offers,
 - 6) decisions taken by the tender committee together with justification,
 - 7) the highest net price achieved in the tender or information about the submitted offers along with justification for choosing the most advantageous one,
 - 8) first name, surname and address or firm and registered office of the person established as the buyer of the property,
 - 9) first names and surnames of the chair and members of the tender committee,
 - 10) date of drawing up the report.
2. The report will be signed by the chair and members of the committee.
3. The proposal of the committee on the selection of the most advantageous offer is subject to approval by the Rector of Poznan University of Technology. The Rector's approval of this proposal will be considered the end of the tender.

§ 13

1. The chair of the tender committee will notify the bidders in writing about the tender result within no more than 7 days from the date of completion of the tender, closure of the tender without selecting any of the bids or cancellation without giving any reasons.
2. The acceptance of the offer does not constitute the conclusion of the property sale agreement.
3. The sale of the property will take place in accordance with Article 423 section 2 of the Act of 20 July 2018 – Law on Higher Education and Science (Journal of Laws of 2023, item 742, as amended) and Articles 30a – 30c of the Act of 20 July 2017 on the National Property Holding (Journal of Laws of 2023, item 1054, as amended), i.e.
 - 1) it requires the prior consent of the of the President of the State Treasury Solicitors' Office of the Republic of Poland and the Poznan University of Technology Council,
 - 2) as well as not exercising the right of pre-emption by the President of the National Property Holding.
4. Pursuant to Article 423 section 2 of the Act on Higher Education and Science: *On the terms set out in Articles 38-41 of the Act of 16 December 2016 on the Principles of Managing State Property, the performance by a state-funded institution of higher education of a legal action in the scope of disposing of fixed asset components, within the meaning of the accounting regulations, and the performance by a state-funded institution of higher education of a legal action in the scope of handing over these components to another entity for its use, for a period longer than 180 days in a calendar year, requires the consent of the President of the State Treasury Solicitors' Office of the Republic of Poland, in cases where the market value of these components or the market value of the subject of the legal action exceeds the amount of PLN 2 000 000. The application for consent should be accompanied by the consent of the University Council.*

5. The entity whose offer has been accepted will be obliged to initial the drafts of a conditional agreement and an agreement to transfer ownership, which is indispensable for Poznan University of Technology in order to submit to the President of the State Treasury Solicitors' Office of the Republic of Poland an application for consent referred to above, within 7 days from the date of the request.
6. After obtaining the required approvals of the President of the State Treasury Solicitors' Office of the Republic of Poland and the University Council, a conditional sales agreement will be concluded with the entity whose bid has been accepted.
7. The right of pre-emption for the property is granted to the President of the National Property Holding pursuant to Article 30a and of the Act of 20 July 2017 on the National Property Holding.
8. If the authorized entity does not exercise the right of pre-emption, an agreement to transfer ownership of the property will be concluded with the entity whose bid has been accepted.
9. The chair of the tender committee will appoint a notary, who will witness the conclusion of a conditional agreement and an agreement to transfer ownership.
10. The chair of the tender committee will agree with the bidder whose bid has been accepted on the date of the conclusion of a conditional agreement and an agreement to transfer ownership of the property, in the form of a notarial deed. If the deadline is not set in the manner described in the first sentence, the chair of the tender committee will call upon the bidder whose bid has been accepted to conclude a conditional agreement or an agreement to transfer ownership, respectively, within the time limit specified in the call.

§ 14

1. The condition for participation in the tender is the payment of a tender bond, which is PLN 750 000.00 (say: seven hundred fifty thousand zlotys zero grosz).
2. The tender bond should be paid to the account of Poznan University of Technology: 39 1090 1362 0000 0001 4382 6909, SANTANDER BANK POLSKA S.A. with an indication of the payment aim - "XII tender for the sale of a property located in Poznań at ul. Ogrodowa 11".
3. In the event of the completion of the tender by acceptance of the bid, the tender bond paid by the buyer will be credited towards the purchase price, and tender bonds paid by the other tender participants will be returned immediately after the end of the tender, not later, however, than 21 days from the date of the completion of the tender.
4. In the event of closing the tender without selecting any of the bids or cancelling the tender without giving reasons, the tender bond paid by the tender participants will be returned immediately after closing or cancelling the tender, not later, however, than 21 days from the date of closing or cancelling the tender, subject to section 5.
5. The tender bond will be forfeited if the bidder whose bid has been accepted evades signing a conditional agreement or an agreement to transfer the ownership of the property, and the tender will be deemed null and void. The bidder's evasion to sign an agreement will be viewed as such in the following cases:
 - 1) unexcused failure to appear of the bidder whose bid has been accepted at the time and place set for signing a conditional sales agreement or an agreement to transfer ownership in the manner described in § 13 section 10, first sentence;
 - 2) failure of the bidder whose offer has been accepted to appear at the time and place designated for signing a conditional sales agreement or an agreement to transfer ownership in the manner described in § 13 section 10, second sentence.
6. In the event of failure to obtain the required consents for the sale of the property in question, attributable to Poznan University of Technology, or exercising the right of pre-emption by the entitled entity, the tender bond will be returned in the amount in which it was paid.
7. The bidder whose offer has been accepted is obliged to pay the entire offered price before signing an agreement to transfer ownership, taking into account section 3 of this §.
8. All costs related to the conclusion of the agreement, including the notary fee, will be borne by the buyer.

§ 15

Persons who are members of the tender committee, persons close to them within the meaning of the provisions of the Property Management Act and persons who are in such a legal or factual relationship with the members of the tender committee that it may raise justified doubts as to the impartiality of the tender committee may not participate in the tender.

§ 16

Poznan University of Technology reserves the right to close the tender without selecting any of the bidders or to cancel the tender after accepting the offer without giving any reasons. Bidders are not entitled to any claims in this respect. The grounds for cancellation will be, in particular, failure to obtain the required consents referred to in § 13 section 6.

§ 17

A tender participant may lodge a complaint about the activities related to the tender to the Rector of Poznan University of Technology within 7 days from the date of delivery of the tender result notice. The date of receipt of the complaint by Poznan University of Technology is decisive.

§ 18

The Announcement and the Rules constitute an integral whole, and the Rules specify and clarify the terms and conditions of the tender within the meaning of Article 70¹ § 2 of the Civil Code

§ 19

Matters not regulated in the Agreement will be governed by the provisions of the Civil Code.

§ 20

Bidders may read the provisions of the Rules of the tender on the notice board at the seat of Poznan University of Technology at pl. Skłodowskiej-Curie 5 in Poznań and on the website of Poznan University of Technology www.put.poznan.pl in the Public Information Bulletin (BIP).

Attachments (with the original):

- decision of the Governor of the Wielkopolska Region RR.X-11.7720A-48/06 of 29 August 2006.