

Instruction on proposals

1. Submission of proposals

- 1.1. A proposal should be drawn up in the Polish or English language and submitted in writing in the registered office of the Ordering Party or electronically bearing qualified electronic signature, signed by persons authorized to represent a participant in the competition (hereinafter referred to as a Participant).
- 1.2. A Participant may submit more than one proposal (variant proposals) or one proposal including variant solutions.
- 1.3. A proposal should be submitted to the address of the organizer of the competition: Arena Kraków S.A., ul. Lema 7, 31-571 Kraków or to the address konkurs@arenakrakow.pl, (hereinafter referred to as the Organizer) no later than 30 June 2023. The Organizer does not envisage a public opening of proposals.
- 1.4. A proposal should take into account the Essential Provisions of the Contract (EPC) which constitute an annex to the call for proposals.
- 1.5. A proposal should include the following elements:
 - a) designation of the Participant (name and address),
 - b) designation of persons authorized to represent the Participant,
 - c) declaration, that the Participant is in an economic and financial situation that allow for the performance of the sponsorship contract, is not in arrears with taxes, fees and social security and health insurance contributions, no bankruptcy has been declared and no winding-up procedure has been opened against it,
 - d) proposed Name of the Arena,
 - e) offered amount of remuneration for execution of the Contract, the way to adjust it over time, possible way to change the amount of remuneration and method of payment (division of remuneration, frequency of payments, bases for payment),
 - f) offered term of the sponsorship contract (not shorter than 3 years) rules for its possible renewal,
 - g) specification of industries to be concerned by industry exclusivity described in EPC,
 - h) additional proposed restrictions or obligations of the Organizer (Administrator) or entitlements of a Participant (Sponsor), including additional services other than those resulting from EPC and propositions of equivalent cash benefits,
 - i) possible description of current and planned activities of a Participant, which may affect positive recognition of the brand.
 - j) possible description of current and planned activities of a Participant in the city of Cracow, in particular in cooperation with the Municipality of Cracow, its units and municipal companies,
 - k) proposal's period of validity (not shorter than 90 days).

2. Evaluation of proposals

- 2.1. The Organizer may call upon Participants to explain or complete submitted proposals within the period prescribed by it. The Organizer may also call upon Participants to submit additional information or documents, in particular to prove the circumstances described in point 1.5 lit. b and c.
- 2.2. The Organizer may correct obvious mistakes in proposals of Participants request them to correct other mistakes contained in proposals.
- 2.3. The Organizer shall reject a proposal:
 - a) inconsistent with the requirements of the regulations of the competition or the call for proposals subject to point 2.1 and 2.2 above,
 - b) constituting an act of unfair competition,
 - c) from a Participant, whose potential does not indicate the possibility of concluding and executing a sponsorship contract,

- d) where potential name of the facility or a Participant's business profile:
 - violates universally applicable social standards,
 - involves political, religious or philosophical context,
 - violates the law,
 - is offensive in nature,
 - bears all the hallmarks of unfair competition,
 - violate the rights of other entities,
 - involves goods and services, the advertisement of which is illegal.
- 2.4. The Organizer may, prior to selection of the most advantageous proposal, negotiate with Participants chosen by it and ask them to submit detailed or updated final proposals.
- 2.5. The Organizer shall compare proposals taking into account the following criteria:
 - a) offered amount of remuneration, including method of adjustment and method of determining the remuneration – the higher and more certain remuneration, the higher the evaluation,
 - b) offered method of payment of remuneration, including the rules and frequency of payments – the more transparent the rules and the more frequent the payments, the higher the evaluation, whereby essential will be the pecuniary nature of payments,
 - c) offered term of the sponsorship contract and rules for its renewal – the longer the offered periods and the more probable their renewal, the higher evaluation,
 - d) offered Name of the Arena, whereby the Ordering Party shall take into account such elements as the presence of the word "Kraków" in the name – it shall evaluate higher proposals including such name – and the overtone of a Participant's brand present in its name and its impact on the positive perception of the Arena – elements, that might result in the lowering of the evaluation shall be e.g. the brand's links to unhealthy lifestyle, gambling, environmental pollution; in turn elements, which might result in the raising of the evaluation are e.g. activities in the field of corporate social responsibility, to which the brand is directly linked),
 - e) scope of industry exemptions resulting from the proposal, whereby the Ordering Party shall take into account their estimated impact on the financial result of the Arena – the lesser the impact, the higher evaluation,
 - f) additional, proposed by the Participant, restrictions or obligations of the Organizer or entitlements of a Participant (including additional benefits), whereby the Ordering Party shall take into account their estimated impact on the financial result of the Arena – the lesser the impact, the higher evaluation,
 - g) other circumstances, which may affect the performance of the contract (e.g. a Participant's financial and economic situation).

3. Selection of the most advantageous proposal

- 3.1. The Organizer shall invite the Participant, which has submitted the most advantageous proposal to negotiations in order to determine the final content of the contract, where the basis for negotiations shall be the Essential Provisions of the Contract (EPC) constituting an annex to the Call for Proposal and the Participant's proposal. The Contract shall not significantly change these provisions and the proposal, and their possible change, in particular, shall be of equivalent nature or advantageous to the Organizer.
- 3.2. Where no agreement is reached as to all provisions of the contract, the Organizer may invite to negotiations another Participant (or Participants), which have submitted proposals.
- 3.3. The Organizer stipulates that information and documents, contents of conversation or negotiations and of the Contract transmitted by Participants constitute a trade secret.

4. Other provisions

- 4.1. The Organizer may make changes to the call for proposals and documents attached to it under the condition of publishing of relevant information on the BIP website, on which the call for proposals was published. In the same way, the Organizer shall inform of the responses to possible essential questions

submitted during the proceedings.

- 4.2. In matters not covered by this document, shall apply the regulations of the competition published on the Organizer's BIP website.