

FINANCIAL SUPERVISION AUTHORITY

Current Report No. 2/2024

Preparation Date: 2024-01-16

Issuer's Abbreviated Name: ELEKTROTIM S.A.

Subject: Information about the judgment of the National Chamber of Appeals regarding the tender procedure conducted by the Municipality of Ząbkowice Śląskie

Legal Basis: Article 17(1) of MAR - confidential information.

Report Content:

ELEKTROTIM S.A. with its branch in Wrocław (hereinafter: the Company) informs that it received on January 15, 2024, the content of the judgment sentence of the National Chamber of Appeals (hereinafter: KIO) in the appeal case filed by one of the bidders in the proceedings conducted by the Municipality of Ząbkowice Śląskie (hereinafter: the Ordering Party) for the design and execution of construction works for the investment project "Construction of power infrastructure for the investment zone Europark Ząbkowice Śląskie."

As a result of the Ordering Party's proceedings, ELEKTROTIM S.A. reported the selection of the offer submitted as the most advantageous offer twice, in Report No. 31/2023 dated October 17, 2023, and Report No. 36/2023 dated December 15, 2023. The second information regarding the selection was related to an action taken by the Ordering Party on October 18, 2023, consisting of invalidating the act of selecting the Company's offer, as reported in Report No. 32/2023 by the Company. The value of the offer submitted by ELEKTROTIM S.A. is PLN 12.5 million net; PLN 15.4 million gross.

The procurement procedure is conducted based on the provisions of the Act of September 11, 2019, Public Procurement Law (hereinafter: PPL), which means that the selection of the offer is not identical to the conclusion of the contract. After the appeal filed with the KIO under the PPL by one of the bidders, the Company joined the appeal on the side of the Ordering Party. KIO, among other things, partially upheld the appeal and ordered the Ordering Party to annul the act of selecting the most advantageous offer, i.e., the Company's offer, repeat the process of examining and evaluating offers, and ordered the Ordering Party to instruct the Company to improve/supplement the list of Persons in the field of experience as a designer in the electrical specialty. In all other respects, the KIO dismissed the appeal.

Considering that ELEKTROTIM S.A. is still involved in the procurement procedure, the Company provides this information on the current status of the case to confirm transparency of actions and, at the same time, indicates it as justified to provide further, final information only in the event of the conclusion of a contract by the Company.