

## **Invitation to tender**

On the grounds of Art.11 cl.1, Art.13 cl.1, Art.24 cl.1, Art.25 cl. 1 and 2, Art.37 cl.4, Art.40 cl.1 p.3 of the bill of 21<sup>st</sup> August 1997 on real estate management (Official State Journal of 2004 nr 261 sec.2603 with further changes, in relation with Art.4 g cl. 1 of the bill of 20<sup>th</sup> May 1996 on economizing of certain ingredients of the State Treasury estates and the estates being a property of Military Property Agency (O.S.J. of 2004 nr 163 sec.1711 with further changes) sec.3 cl.1 and chapter 4 of Ministers' Council resolution on the ways and procedures to carry on tenders and sell real estate ( O.S.J. nr 207 sec.2108 with further changes)

### **The Mayor of Biała Podlaska announces**

**Open sale by tender for a 35 years' rental of a real estate being a former military airfield, with the purpose of establishing there a public civil airport with preservation of its aviation character as well as for management of this airport being a property of Municipal Commune of Biała Podlaska**

1. the real estate is registered in the land and mortgage register under the number **Kw nr LU1B/00094393/7** – in section II there is the following inscription: the estate is granted to establish a public civil airfield on conditions as defined by letters by Minister of Infrastructure nr TL.IK-073-45/09 of 9<sup>th</sup> June 2009 and by Minister of National Defense nr 2134/S/I of 30<sup>th</sup> June 2009.
2. the real estate is designated in the following manner according to the land register : **123/10, 123/13, 123/14, 921/2, 933/6, 2005/54, 49/2, 48/2** and it is situated in Biała Podlaska in Łomaska street – airfield.
3. the area of the real estate is: 327,1073 ha.
4. the description of the real estate: it is a land, built-in area, a former airfield consisting of, among others: airport building of the usable area of 2312 sqm, a runway DS-1 of the length of 3.330m and the width of 60m, a runway DS-3 of the length of 2.450m and the width of 30m, three places for aircraft parking of the area of 87.676 sqm, taxing roads of the area of 128.580 sqm, two squadron buildings of the area of 588sqm, trafo-stations, territorial development networks and technical equipment.
5. the purpose of the real estate: According to the Local Plan of Spatial Economy of Biała Podlaska town confirmed by the resolution of the Town Council of Biała Podlaska nr IV/79/2 of 28<sup>th</sup> May 2002 ( Official Province Journal for the Lublin province nr 72 sec. 1534 of 17.07.2002), the real estate refers to the plot in the area designated by the symbol A7, KL, u, zi. The major purpose of this real estate according to the Plan is to establish the **airfield and accompanying facilities** there. The admissible purpose is related to supplementary functions such as administrative services, trade,

recreation, food facilities and other indispensable facilities to carry out an airport business.

6. the manner of economizing: **setting up a public civil airport of the referential code 3 C and a starting runway with a precise approach, of the II category;**
7. the time of economizing : 30<sup>th</sup> November 2012 which means the date when the public civil airport is established and it starts operating as understood by the bill of 3<sup>rd</sup> July 2002 - 2002 Air Law (O.S.J. of 2006 Nr 100 sec. 696 with further changes).
8. the initial price for the rental: monthly 30.000 **PLN + 22% VAT = 36.600 PLN**. Until 30<sup>th</sup> November 2012 the rent payer shall pay the rent in the amount of 50% of the auctioned rental rate. The tender move must not account for less than 1% of the rental rent, with upward approximation to full teens of Polish zloty.
9. due date of payment: until 28<sup>th</sup> day of each month
10. updating of the rent: in annual periods according to the price-goods-services growth indicator announced by President of Main Statistic Office (GUS) or in case of the value change of the real estate, made by a written termination of the current rent value.

**A written application for the tender should be submitted at the latest until 19<sup>th</sup> March 2010 to the general secretarial office at Urząd Miasta ( Town Administrative Office) in Biała Podlaska, ul. Piłsudskiego 3, room nr 8, in a closed envelope with the inscription "Przetarg Pisemny nieograniczony na dzierżawę byłego lotniska wojskowego w Białej Podlaskiej"<sup>1</sup> with the additional inscription " Nie otwierac przed dniem 26 marca 2010"<sup>2</sup>.**

The application, made in Polish, should contain:

1. name, surname, address, or name of a company with their official address, if the offeror is a legal entity or other subject
2. date of making the offer
3. statement that the offeror has acknowledged the conditions of the tender and he accepts these
4. offered amount of the rental rent which must not be lower than the initial price and the tender move. If the tender participants do not offer the rental rent higher than at least one tender move, the tender shall have a negative result.
5. signature of the person submitting the offer or a person authorized to represent the offeror
6. copy of the tender guarantee payment

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<sup>1</sup> Open sale by tender for a rental of a real estate being a former military airfield in Biała Podlaska

<sup>2</sup> Don't open before 26<sup>th</sup> March 2010"

The conditions of the tender can be viewed at Wydział Urbanistyki , Budownictwa i Nieruchomości at Urząd Miasta Biała Podlaska, room 233 or on our website [bip.bialapodlaska.pl](http://bip.bialapodlaska.pl) ( oferty przetargowe<sup>3</sup> )

Before being admitted to the tender the offeror shall pay a tender guarantee in the amount of PLN 45.000 paid onto the account of Urząd Miasta Biała Podlaska, at Kredyt Bank S.A. branch in Biała Podlaska, ul. Brzeska 21, account nr 08 1500 1331 1213 3001 4919 0000.

The tender guarantee paid by the person who wins the tender is a security for the first rental rent in case it is not paid in due time, and in case such a person withdraws from concluding the rental agreement, the tender guarantee is forfeited on the advantage of the tender organizer and the tender is canceled.

A person who does not win the tender shall be returned the tender guarantee immediately after the tender is either canceled or closed, but not later than after three days since its either closure or cancellation.

**The open tender shall take place on 26<sup>th</sup> March 2010 at 11 o'clock a.m. at Urząd Miasta Biała Podlaska, in Marszałka Józefa Piłsudskiego Street nr 3, room nr 102.**

The Mayor of Biała Podlaska reserves himself the right to close the tender without selecting any offers.

Particulars of the tender can be found at Referat Gospodarki Nieruchomościami , Wydział Urbanistyki, Budownictwa i Nieruchomości at Urząd Miasta Biała Podlaska, Marszałka Józefa Piłsudskiego Street nr 3, room nr 223, or by phone , nr 83 341 61 33.

Biała Podlaska, 9<sup>th</sup> February 2010.

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<sup>3</sup> tender offers

**Conditions for the open sale by tender for a 35 years' rental of a real estate being a former military airfield, with the purpose of establishing there a public civil airport with preservation of its aviation character as well as for management of this airport being a property of Municipal Commune of Biała Podlaska**

1. The rent payer, at the latest until 30<sup>th</sup> July 2010, shall furnish all relevant documents and he shall submit an application for registration of the airfield in Biała Podlaska into the register of airfields, to President of Civil Aviation Bureau.
2. The rent payer, within 6 months after signing the rental agreement, shall make the registration of the airport in Biała Podlaska within President of Civil Aviation Bureau. At the same time he shall either undertake himself to manage the airport, or he shall appoint a authorized party to act so.
3. Since the day the airfield is registered into the register, the rent payer, or his authorized representative shall undertake aviation activity there making it also possible for other entities to run aviation activities there on the principles as defined by General Aviation.
4. Within 8 months after the rental agreement is signed, the rent payer shall submit President of Civil Aviation Bureau with an application for permission to set up a public airport there.
5. Within 18 months after the rental agreement is signed, the rent payer shall register the airport into the register of President of Civil Aviation Bureau .
6. At the latest, within a half a year after the airport registration into the register has been completed, the rent payer shall oblige himself to manage the airport, or he shall entrust such powers to other authorized entity. At the same time he shall start aviation business.
7. The deadline for initiation of airport operating is 30<sup>th</sup> November 2012, which can be fulfilled either by a rent payer or by entity empowered by him to act so.
8. The legal grounds for the actions as described above are : the bill of 3<sup>rd</sup> July 2002 Air Law ( O.S.J. of 2006 nr 100 sec. 696 with further changes) and the executive rules as well as prevailing law on aviation business and general economic business.
9. The rent payer shall be obliged to fulfill the conditions as specified by Minister's of Infrastructure opinion of 9<sup>th</sup> June 2009 ref. TL1k-073-45/09 Doc:898990 and Minister's of National Defense letter of 30<sup>th</sup> June 2009 ref. 2134/S/l.
10. Crossing the above specified deadlines of initiating aviation activity, conducting other business than the one specified in cl.8, non-fulfillment of conditions enclosed in cl.9 above shall result in termination of the rental agreement without the termination period, and in non-refund of costs born by the rent payer.

11. In case the deadlines are not kept for the reasons independent from the rent payer, the requirements on starting and conducting the aviation business on the Biała Podlaska airfield may be re-negotiated. Nevertheless, these may not account for the dates and purpose of the rental as defined by the bill of 30<sup>th</sup> May 1996 on economizing of certain ingredients of the State Treasury estates and the estates being a property of Military Property Agency (O.S.J. nr 90 sec. 405 with further changes).
12. The principal:
  - 1) admits the possibility of an earlier termination of the rental agreement by mutual concord of the parties. The termination of the rental agreement or its expiry on the day it expires does not oblige the principal to return the financial costs born by the rent payer.
  - 2) reserves himself the right to dissolve the rental agreement without the period of termination and without repayment of costs born by the rent payer, in case the rent payer:
    - a. has not established the public civil airport and has not started operating it in due time
    - b. until 30<sup>th</sup> November 2012
    - c. withdraws or fails to conduct aviation business
    - d. fails with due payments for at least two full period of payment
    - e. uses the real estate in other manner than the one defined in the rental agreement
13. The rent payer shall be obliged to submit reports on the current status of the airfield economizing and the manner of its use until 15<sup>th</sup> May and 15<sup>th</sup> November each year, or at any call by the principal.
14. The rent payer shall have the duty to cover all public and legal costs related to rental subject, including securities, protection and insurance .
15. The rent payer shall be granted the permission for construction , reconstruction , extension, re-making , modernization of the built-in objects on the real estate by the principal, on the grounds of the prevailing construction law as well as the permission for sub-contraction, or free of charge use by third parties. Without the agreement by the principal the rent payer shall not dismantle a any building on this real estate.
16. The rent payer shall make the access to the real estate designated by numbers: 2005/1, 2005/2 possible , on the principles of the conditions for the airfields.
17. The rent payer shall make accessible, for the principal, free of charge, the part of the real estate to conduct there public festivals organized by Mayor of Biała Podlaska ( e.g. The Biała Podlaska Days, Farewell to Holidays etc).
18. The rental agreement shall be a deed authorized by notary public.