



Gdynia, 17.11.2015

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**KRS: 0000402124**

Agencja Restrukturyzacji i Modernizacji Rolnictwa  
ul. Kołłątaja 1  
81-332 Gdynia

Re: Contract for financial aid No 00048-61722-OR1100003/11 as of 15/07/2011 and  
Contract for financial aid No 00048-61722-OR1100010/12 as of 02/10/2012

With respect to the statement given by Jerzy Włodzik, Head of Kosakowo Commune, regarding settling all dues resulting from agreement between Kosakowo Commune and ARiMR, I kindly ask whether during the settlement of all dues from contracts mentioned above, the following observations and remarks were taken into account:

1. Contract No 00048-61722-OR1100003/11 as of 15/07/2011 in § 3 act 4 describes the goal of operation as: "Improving safety, parking conditions as well as services for boats moored at the landing place in Kosakowo"

Contract No 00048-61722-OR1100010/12 as of 02/10/2012 in § 3 act 4 describes the goal of operations as: „Improving safety, parking conditions as well as services for boats, and improvement of safety and work conditions”

**Goal of the operation stated in both contracts has not been reached.**

**Proof:** Pictures of the landing place taken on 16/11/2015 (see Appendix I.31.)  
27/11/2015 (see Appendix I.32.)

The attached pictures clearly show that only services for boats were improved, due to an easier process of dragging boats from land to water using a mounted dolphin.

Safety and boat mooring conditions have not been improved at all, boats are still kept on land.

2. Contracts mentioned above were consisting of two separate tasks defined by separate deadlines, and most importantly separate material and financial scope, described in Attachment no 1 provided for both contracts

From the schedule presented below, it seems that both contracts were treated together, which means that it should be reflected in proper amendments, instead of separate contracts.

It can be stated that, the second contract should not be concluded, due to the fact that it duplicated the goal described in first contract.

List of date of operations regarding contracts with ARiMR		
	Operation	Date
1	Contract application No 00048-61722-OR1100003/11	10/02/2011
2	Contract No 00048-61722-OR1100003/11	15/07/2011
3	Approval SIWZ 12.06.2012 r.	12/06/2012
4	Contractor announcement 13.07.2012 r.	13/07/2012
5	Contract concluded with Contractor 19.07.2012 r.	19/07/2012
6	Contract No 00048-61722-OR1100010/12	02/10/2012

Current state presented in the pictures shows that, the goal of ” Improving safety, parking conditions as well as services for boats ...” was reached only to the extent of completing works mentioned in the contract for further equipping the landing place. The only positive aspect of the first contract was creating a “tourist attraction” in form of the jetty.

Simultaneously, I would like to draw attention to certain solecisms mentioned in the “Verification card of the process of awarding public procurement contract”

Solecisms are mainly connected to lack of separate procedures in the operation of: “Further equipping of the Mechelinki Landing Place with a dolphin and a winch with the purpose of improving safety of boat service”.

Information in the Verification card of the process of awarding public procurement contract regarding this operation included an ”estimated value of order € 145 799,95 which compared to 1 110 444,- zł signed in the contract No 00048-61722-OR1100010/12 as of 02/10/2012 shows that a rate of exchange of EUR 7,6162 zł/EUR was used. This proves a lack of a reliable bargaining process procedure despite information provided in pt 35 of the document, which states that the process consists of a scope of deliveries/construction services described in the contract with the Contractor as compatible with the operation.

Beyond the remarks mentioned above, I would like to attach a coverage alongside the CD which contains extra appendices regarding the entire Mechelinki Landing Place investment.

The attached materials alongside the present letter will be translated into English and sent to the European Anti – Fraud Office OLAF unless I receive an answer that clearly and fully explains the mentioned remarks, within a suitable administrative period. Moreover, I expect to receive information on any conclusions reached by ARiMR, in order to avoid similar forms of wasting public money in the future.

Chairman of the Board  
Kosakowo Commune Residents’ Association

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*Henryk Palczewski*

Attachments:

1. 2x Compact Disks