TENDER COLLUSIONS – PROCEEDINGS OF UOKIK

* **UOKiK suspects attempts at collusion in the case of at least a dozen or so tenders.**
* **In three proceedings, it brought charges against eight entrepreneurs.**
* **As a result of their actions, hospitals and prisons could have overpaid for the supply of food products.**

**[Warsaw, 14 November 2018]** The most common form of tender collusion detected by UOKiK is the mechanism of placing and withdrawing offers. If the offers of collusion participants are the most advantageous, then the winner of the tender resigns from signing the contract so that the contracting party would choose the more expensive offer of the other participant in the collusion.

The Office of Competition and Consumer Protection (UOKiK) suspects that this method was used by eight entrepreneurs who competed in tenders for the supply of fruits and vegetables as well as their products to public institutions, including hospitals and prisons. UOKiK initiated three proceedings against them.

* The first involves entrepreneurs who have their seat in the town of Mareza (Pomeranian Voivodeship). These are: Mega Coffee, Gospodarstwo Warzywnicze Leszek Kędziora (Leszek Kędziora’s Vegetable Farm) and Gospodarstwo Rolne Katarzyna Kućmińska (Katarzyna Kućmińska's Farming Enterprise). They could have influenced, inter alia, the results of tenders organized by the prison in Sztum.
* Another proceeding is conducted against two entrepreneurs. The first one operates in the village of Kamionka (Pomeranian Voivodeship) under the names: Gospodarstwo Ogrodnicze Sadownictwo-Warzywnictwo Jarosław Ziółkowski (Vegetable and Fruit Garden Jarosław Ziółkowski) and Cytrus Sprzedaż Hurtowa Warzyw i Owoców (Cytrus Wholesale of Vegetables and Fruits), **the second one – F.H.U. Bartex - in Orneta (Warmian-Masurian Voivodeship)**. UOKiK suspects that they **could have** made collusion deals in tenders **organized by:** the hospital in Starogard Gdański and prisons in Kwidzyn and Czarne.
* The third case is conducted against entities from the Pomeranian Voivodeship, which operate under the following names: Gospodarstwo Rolne (Farming Enterprise) Mateusz Stobba from Kobyle, Gospodarstwo Rolne (Farming Enterprise) Michał Stobba (Kobyle) and Gospodarstwo Rolne (Farming Enterprise) Andrzej Szachta from Podgórki. The Office has evidence that they have tried to influence the results of tenders organized by the hospitals in Gdańsk and Starogard Gdański and the penal institution in Sztum.

According to the provisions of applicable laws, participating in an agreement that restricts competition carries a financial penalty in the amount of up to 10% of the entrepreneur’s turnover. We would like to remind you of our program aimed at acquiring information from anonymous whistleblowers, including from former and current employees of companies that violate the law. If you know about any practices restricting competition, please get in touch with UOKiK. Please contact us by phone: 22 55 60 500 or email us at [sygnalista@uokik.gov.pl](mailto:sygnalista@uokik.gov.pl). You may find all the information on the whistleblower programme on the [konkurencja.uokik.gov.pl](http://konkurencja.uokik.gov.pl/) website.

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