Poznań, **25-06-2019**

 **REQUEST FOR PROPOSAL**

as a part of the project

"A light railbus for regional transport"

financed with the funds from the Applied Research Program 3

**SECTION I: Ordering Party**

**Name and address of the Ordering Party:**

H. Cegielski – Fabryka Pojazdów Szynowych spółka z ograniczoną odpowiedzialnością

ul. 28 Czerwca 1956 r. no. 223/229

61-485 Poznań, Poland

**SECTION II: Object of the contract**

**II.1. Contract award mode**

The tender procedure is conducted in the mode provided for in sec. 7 of the contract on financing of the project of the Applied Research Program 3 (the standard format of the contract is available on the website of the National Center for Research and Development, program PBS3).

**II.2. Name given to the contract by the Ordering Party**

Electromagnetic rail brake

**II.3. Description of the object of the contract**

A detailed description of the object of the contract is provided in Appendix 1 to the present request for proposal.

**II.4. Terms and conditions of delivery of the object of the contract**

1. Delivery of the object of the contract in accordance with the DAP-FPS terms according to Incoterms 2010.
2. Performance of all activities required for the startup of the object of the contract at the place of delivery of the ordered goods.
3. Training of the Ordering Party's employees on the operation and maintenance of the object of the contract in accordance with its specification and operating conditions, and participation in the first startup/installation.
4. Training of the employees of the eventual Railway Operator of the vehicle.

**II.5. Place of delivery of the object of the contract**

H. Cegielski – Fabryka Pojazdów Szynowych spółka z ograniczoną odpowiedzialnością

ul. 28 czerwca 1956 r. no. 223/229

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**II.6. Performance deadline**

1. Delivery of the object of the contract to the place of delivery by:

by 8 January 2020

**SECTION III: Principles of the procedure**

**III.1. The conditions for participation in the procedure (including a list of declarations and documents to be submitted by the Contractors in order to confirm their fulfilment of the conditions for participation in the procedure) and a description of the method of evaluation of their fulfilment.**

Only the Contractors who meet the following conditions may submit their bids in the procedure:

1. Contractors who have the technical, organizational, and financial assets and the workshop equipment necessary to perform the object of the contract - the Ordering Party will conclude that the Contractor meets the above condition if the Contractor demonstrates that in the period of last 5 years before the expiry of the deadline for submission of proposals or, if the Contractor has conducted its business operations for a shorter period - then in such a shorter period, the Contractor has properly performed at least two deliveries of identical assortment, each with the value corresponding to the value of the submitted proposal. As confirmation of the above, the Contractor must present a written list of completed deliveries and must indicate their object and declare that the deliveries were performed properly - in accordance with the standard format provided in Appendix 2 to the request for proposal;
2. Contractors who are not in arrears with payment of taxes and social or health insurance contributions, unless the Contractor has obtained a legal exemption, deferral, or division into instalments of the overdue payments or that the enforcement of the decision of a competent authority has been fully suspended - this is subject to evaluation on the basis of the declaration prepared in accordance with the standard format provided in Appendix 2 to the request for proposal;
3. Contractors who are not undergoing a liquidation or restructuring procedure in which it has been decided that the creditors will be satisfied by way of liquidation of the Contractor's assets, in relation to whom no court has decided to liquidate their assets, and whose bankruptcy has not been declared (unless, after declaration of bankruptcy, the Contractor has reached an agreement, confirmed by a valid court decision, if the agreement does not provide for satisfaction of the creditors by way of liquidation of the bankrupt Contractor) - this is subject to evaluation on the basis of the declaration prepared in accordance with the standard format provided in Appendix 2 to the request for proposal;
4. not being disqualified in connection with personal or capital relationship with the Ordering Party, whereby personal or capital relationship is defined as mutual connections between the Ordering Party or persons authorized to incur liabilities on behalf of the Ordering Party or between persons performing, on behalf of the Ordering Party, activities related to performance of the procedure of selection of the contractor, and the contractor, consisting in particular in: participation in a partnership as a partner in a partnership, owning at least 10% of shares or stocks, performing the function of a member of a supervisory or managing body, a proxy, or an attorney, being a spouse, a relative, or a person in the relation of lineal affinity or lineal consanguinity, collateral consanguinity or collateral affinity, or in the relationship of adoption, care, or guardianship - this is subject to evaluation on the basis of the declaration prepared in accordance with the standard format provided in Appendix 2 to the request for proposal.
5. Contractors who have valid certificates for the ISO 9001 standard; the Ordering Party allows for submission of certificates confirming compliance with standards equivalent with the aforementioned standard but the Contractor is required to document the equivalence of those standards at its own expense - this is subject to evaluation on the basis of the enclosed copies of certificates.

The Ordering Party will evaluation fulfilment by the Contractors of the conditions for participation in the procedure based on the information contained in the documents and declarations mentioned in this request for proposal in accordance with the "pass/fail" rule.

Contractors who fail to fulfil the conditions for participation in the procedure specified in this section will be excluded from participation in the procedure and their proposals will be considered as rejected.

**III.2. List of documents to be submitted by Contractors.**

Contractors participating in the procedure must submit their proposals together with the documents listed in sec. III.1, as well as the following documents:

1. A copy of the relevant register or from the central business activity records and information;
2. Documents confirming that persons submitting the proposal are authorized to do it (e.g. a letter of attorney).
3. Submission of the design documentation/construction conditions in accordance with the deadlines specified in Appendix 1 to this request for proposal.

**III.3. Other conditions**

1. The Ordering Party does not allow for submission of partial proposals.
2. The Ordering Party does not allow for submission of variant bids.
3. The Ordering Party allows for submission of proposals only in the Polish language.
4. Proposals submitted in a currency other than PLN will be converted into the PLN currency according to the average sales rate for that currency specified by the National Bank of Poland on the date of publication of the request for proposal on the Ordering Party's website.
5. The Ordering Party may at any time change the terms and conditions of this procedure or end the procedure and inform the Contractors about this fact.
6. The period of validity of the proposal is no more than 60 days after the expiry of the deadline for submission of proposals specified in this procedure.
7. The ordering party allows for presentation of relevant documents that confirm compliance with standards and regulations equivalent to those listed in the tender notice; however, the Contractor is required to document the equivalence of such standards and regulations at its own expense with confirmation of existence of such equivalence by an accredited evaluating body with a relevant scope of competence. Evaluation based on enclosed copies of confirming documents.

**III.4. Submission of proposals**

1. The proposal must be submitted together with the documents listed in Appendix 1 by 30 Juli 2019.
2. The Ordering Party allows for submission of proposals in the Polish language.
3. Proposals must be submitted electronically to the following email address: m.witkowska@fpspoznan.pl.
4. The cost of preparation and submission of the proposal will be covered by the Contractor.
5. Proposals received after the deadline will not be evaluated.
6. Each bidder is allowed to submit only one proposal for a given assortment.
7. The Ordering Party allows for submitting proposals only in the proposal form provided in Appendix 3 to the request for proposal. Other documents enclosed with the proposal will not be considered and included in the evaluation of the proposals.
8. The Ordering Party does not allow for any changes in the standard proposal form other than filling out the fields that are necessary to present the proposal.

**III.5. Preliminary evaluation of proposals**

The Ordering Party may ask the Contractors to provide clarifications concerning the contents of the submitted proposals and to supplement declarations and documents confirming fulfilment of the conditions for participation in the procedure, as well as other declarations and documents that should be enclosed together with the proposal (e.g. letters of attorney, copies of registers etc.).

**III.6. Exclusion from the procedure**

Contractors who have not demonstrated their fulfilment of the conditions for participation in the procedure specified in sec. III.1. and III.2. of this request for proposal will be excluded from participation in the procedure.

**III.7. Rejection of proposals**

The Ordering Party will reject a proposal if:

1. its content does not correspond to the content of the request for proposal;
2. its submission constitutes an act of unfair competition in the meaning of the regulations on fight against unfair competition;
3. the proposal has been submitted by a contractor who has been excluded from participation in the tender procedure;
4. contains errors in the calculation of the price;
5. is invalid pursuant to other regulations.

**III.8. Proposal evaluation criteria**

The Ordering Party will evaluate only those proposals that:

* have been submitted by contractors who have not been excluded from participation in the tender procedure;
* have not been rejected by the Ordering Party.

**The Ordering Party will evaluate the proposals using the following criteria:**

Price - weight of the criterion = 100%

The Ordering Party will evaluate the proposals with regard to the "price" criterion using the following formula:

|  |  |  |  |
| --- | --- | --- | --- |
| points for the price criterion =  |  | gross price of the cheapest proposal submitted | x 100 points |
|  |  gross price of the evaluated proposal  |

The proposal that will receive the largest number of points for the above criterion will be identified as the most advantageous one.

**III.9. Resolution of the procedure**

The Ordering Party will post information about the result of the procedure on its website and will send it to the Bidders who have submitted their proposals.

**SECTION IV: ADDITIONAL INFORMATION**

**IV.1. Additional information:**

1. The Ordering Party hereby informs that it is performing the projects using funds from the Applied Research Program 3.
2. The Ordering Party is not required to conduct the procedure in compliance with the Public Procurement Law Act.
3. The content of this request for proposal can be found on the Ordering Party's website at the following address: [www.fpspoznan.pl](http://www.fpspoznan.pl).
4. All questions must be sent electronically to the address @fpspoznan.pl; however, the Ordering Party is obligated to answer only those questions that it has received no later than 3 days before the deadline for submission of proposals.
5. The Ordering Party will provide answers to technical questions by email and will publish the answers on its website.
6. The Bidder is required to become familiar with the Information Clause concerning its personal data, which is provided in Appendix 4 to this request for proposal.

**IV.2. Supplementary and additional orders**

Supplementary and additional orders may be placed in accordance with the principles indicated in the standard format of the contract for financing from the Applied Research Program 3.

**IV.3. Change of the contract related to the order**

1. The contract concluded as a result of the procedure initiated as a result of this request for proposal will be changed by way of an amending annex to the contract in the following scope and cases:
* an increase or a reduction of the goods and service tax rates applicable to the object of contract as a result of a change of universally applicable regulations, after the date of conclusion of the contract and before the performance of the contract by the Contractor - in such a case, the Contractor's remuneration will be increased or reduced as appropriate (in proportion to the changed rate of the goods and services tax), whereby the Contractor is authorized to receive an increased remuneration only when the Contractor has performed the contract on time and has submitted to the Ordering Party a correct VAT invoice promptly, but no later than within 14 days after the end of performance of the contract;
* a need to change individual deadlines for performance of the contract in a situation where, for reasons associated with the procedure of award of the contract, the contract is concluded on a date that prevents its performance by the original deadline - in such a case, the deadline(s) for performance of the contract will be adapted as appropriate according to the actual date of its conclusion;
* a requirement of the National Center for Research and Development (NCRD) to change the way in which the Contractor will perform the contract - in such a case, the provisions of the contract will be adapted as appropriate to comply with the guidelines of the NCRD;
* a need to make significant changes to the scope of the object and method of performance of the contract, which is not due to an act or an omission of any of the parties to the Contract - in such a case, the provisions of the contract will be adapted as appropriate according to the new circumstances;
* a need to change individual deadlines for performance of the contract in a situation where, for reasons that are independent of the Contractor, the contract could not be performed by the original deadlines - in such a case, the deadline(s) of performance of the contract will be adapted as appropriate to the performance of the contract;
* a need to reduce the scope of the object of the contract due to improper performance of the contract by the Contractor or to reasons independent of the Contractor - in such a case, the object of the contract will be limited and the remuneration of the Contractor will be reduced as appropriate.
1. The definition of a significant change of the provisions of a concluded contract does not include in particular:
* a change of the data associated with administrative and organizational handling of the contract (e.g. a change of the bank account number);
* a change of the names (firms) of the parties or their legal forms (when continuity of the legal entity is ensured), a change of the address details, or a change of the representatives of the parties designated for contacts.

**SECTION V: APPENDICES**

1. Description of the object of contract.
2. Declaration.
3. Proposal form.
4. Information clause concerning personal data processing.