

No. of Request for Tenders: **096-BR1-2019**

Poznań, **11/07/2019.**

## **REQUEST FOR TENDERS**

for project  
"Light railbus for regional traffic"  
implemented by the Applied Research Program 3

### **SECTION I: Contracting Entity**

#### **Name and address of the Contracting Entity:**

H. Cegielski – Fabryka Pojazdów Szynowych spółka z ograniczoną odpowiedzialnością  
ul. 28 czerwca 1956 r. no. 223/229  
61-485 Poznań, Poland

### **SECTION II: Subject of the Contract**

#### **II.1. Award criteria**

The procurement proceedings are conducted in the manner specified in par. 7 of the grant agreement for Applied Research Program 3 (agreement template available on NCBiR website, PBS3 program).

#### **II.2. Title attributed to the contract by the Contracting Entity**

Fire protection system

#### **II.3 Description of the Subject of the Contract**

A detailed description of the Subject of the Contract is specified in Annex 1 to this request for tenders.

#### **II.4. Terms of delivering the Subject of the Contract**

1. The Subject of the Contract shall be delivered to the delivery place, according to the EX WORKS - the headquarters of the supplier according to the clause (Incoterms 2010).
2. All activities necessary to start-up the subject of the contract shall be performed at the place of its delivery.
3. The employees of the Contracting Entity shall be provided with training in operation and maintenance of the subject of the contract, in accordance with its specifications and operating conditions - and in the Contractor shall participate in the first start-up/assembly.

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4. Training of employees of the target Rail Operator of the vehicle.

## **II.5. Place of delivering the Subject of the Contract**

According to the point No. II 4.1.

## **II.6. The term of completing the contract**

1. The Subject of the Contract shall be delivered to the place of delivery by the following date:  
- 10/01/2020
2. The design documentation/development conditions shall be delivered: within 30 days from the date of signing the contract
3. The employees of the Contracting Entity shall be provided with training in operation and maintenance of the subject of the contract, in accordance with its specifications and operating conditions - and in the Contractor shall participate in the first start-up/assembly, at the time agreed with the Contracting Entity.
4. Training of employees of the target Rail Operator of the vehicle -at the time agreed with the Contracting Entity.

## **SECTION III: Rules of the proceedings**

### **III.1. Conditions for participation in the proceedings (together with a list of declarations and documents to be submitted by the Contractor in order to ensure compliance with the conditions of participation in the proceedings) and a method of evaluating their fulfilment.**

Tenders may be submitted by Contractors that:

1. have the technical, organizational and financial resources, as well as workshop equipment necessary to construct the subject of the contract - the Contracting Entity will consider the Contractor as meeting the above condition, if the Contractor is able to prove that in the last 5 years before the deadline for submitting the tenders, and if the period of its business activity is shorter in this period, the Contractor duly completed at least two deliveries of similar product delivery, each having a value at least equal to the value of submitted tender. To confirm the above, the Contractor shall submit a written list of deliveries, indicating their subject and confirm that made them properly - according to the template attached as Annex 2 hereto.,
2. are not in arrears with payment of taxes and social security or health contributions, unless they have obtained an exemption, deferral, division of overdue payments or approval for stopping the implementation of the decision of the competent authority - the evaluation shall be based on the declaration prepared in accordance with the form attached as Annex 2 hereto,
3. are not subject to a liquidation or ongoing restructuring proceedings that assume satisfaction of creditors by the liquidation of Contractors' assets or a court order to liquidate the assets as well as those that are not declared bankrupt (unless after declaring the bankruptcy, the Contractor has entered into an arrangement approved by a valid court decision, that the creditors would not be satisfied by liquidation of the assets of the bankrupt Contractor) - the evaluation shall be based on the declaration prepared in accordance with the form attached as Annex 2 hereto,

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4. are not affiliated with the Contracting Entity by capital or personally (capital or personal relations are understood as the relations between the Contractor and the Contracting Entity or persons authorized to enter into commitments on behalf of the Contracting Entity or persons performing on behalf the Contracting Entity the activities related to the preparation and performance of the contractor's selection procedure, involving in particular: being a partner in the company or the partnership, having at least 10 % of company's shares, being a member of the supervisory or management board, performing a role of a proxy, being authorised by a power of attorney, remaining in family relationships, parentage, marriage or affinity in a straight line or the second degree of kinship or second degree of affinity collaterally or related by adoption, custody or guardianship) - the evaluation shall be based on the declaration prepared in accordance with the form attached as Annex 2 hereto,
5. hold a valid ISO 9001 certificate and a valid PN EN 1090 certificate (the Contracting Entity allows submitting certificates confirming meeting the standards equivalent to those above, however, the Contractor shall prove the equivalence of these standards at own expense - the evaluation shall be based on the declaration attached copies of certificates.

The Contracting Entity will assess whether the Contractors fulfil conditions for participation in the proceedings, basing on information contained in the documents and declarations specified in this request, applying the principle "meets - does not meet".

The Contractor, which does not meet the conditions for participation in proceedings determined in this section shall be excluded from participation in the proceedings and its tender shall be considered rejected.

### **III.2. The list of documents to be submitted by the Contractor.**

Contractors competing for the contract shall submit the tender together with the documents listed in sec. III.1 and the following documents:

1. Excerpt from the appropriate register or from the central register and information on economic activity.
2. Documents confirming that the persons submitting the tender are authorised to do it (e.g. power of attorney).
3. Technical specifications referred to in items 6.3 of Annex 1 to the Request for Tenders.
4. Certification of meeting the standards and regulations referred to in point 7.4 Annex 1 to the Request for Tenders.

### **III.3. Other conditions**

1. The Contracting Entity will not accept partial tenders.
2. The Contracting Entity will not accept variant tenders.
3. The Contracting Entity will accept tenders submitted Polish or English.
4. Offers submitted in a currency other than PLN will be converted into PLN according to the average selling rate of the currency by NBP on the date of publishing the request for tenders on the website of the Contracting Entity.

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5. The Contracting Entity may at any time change the terms of these proceedings or to terminate them by informing the Contractors.
6. The validity of submitted tender shall be not more than 60 days from the deadline for submitting the tenders, specified for these proceedings.

### **III.4. Submitting tenders**

1. Tenders shall be submitted by the following date 13/08/2019
2. The Contracting Entity accepts tenders submitted Polish or English.
3. Tenders shall be submitted electronically to the following address e-mail: m.bednarczyk@fpospoznan.pl in the registered office of the Contracting Entity.
4. The cost of preparing and delivering the tender shall be borne by the Contractor.
5. Tenders received after the deadline will not be evaluated.
6. The Contracting Entity will allow only one offer to be submitted by one bidder.
7. The Contracting Entity will allow submission of offers only on the Tender Form constituting an attachment to this announcement. Other documents attached to the tender will not be considered and taken into account when evaluating the offers.
8. The Contracting Entity will not allow any changes to be made to the template of the offer form, in addition to filling in the fields necessary to present the offer.

### **III.5. Preliminary evaluation of tenders**

The Contracting Entity may ask the Contractors to provide clarifications regarding the content of the submitted tenders and to supplement the declarations and documents confirming compliance with the conditions of participation in the proceedings, as well as other statements and documents that must be submitted with the tender (e.g. authorizations, copies of registers).

### **III.6. Exclusion from the proceedings**

A contractor that fails to demonstrate the fulfilment of conditions for participation in proceedings determined in section III.1. and III.2 of this inquiry shall be excluded from the proceedings.

### **III.7. Rejection of a tender**

The Contracting Entity will reject the tender if:

1. its content is inconsistent with the request for tenders,
2. its submission is an act of unfair competition within the meaning of provisions on unfair competition,
3. it was submitted by the contractor excluded from participation in the procurement proceedings,
4. it contains errors in the price calculations,
5. it is invalid on the basis of separate regulations.

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### **III.8. Criteria for evaluating the tenders**

The Contracting Authority shall evaluate only those tenders that:

- have been submitted by the Contractors not excluded by the Contracting Entity from participation in the procurement proceedings,
- have not been rejected by the Contracting Authority.

### **The Contracting Authority shall evaluate tenders according to the following criteria:**

Price - 100%

The Contracting Entity will evaluate the tenders in the "price" criterion as follows:

$$\text{points awarded for the price} = \frac{\text{gross price of the cheapest submitted tender}}{\text{gross price of the evaluated tender}} \times 100 \text{ points}$$

The best tender shall be the one which obtains the highest number of points in this criterion.

### **III.9. Settlement of the proceedings**

Information on the result of the contract awarding procedure shall be announced by the Contracting Entity on its website and sent to the Tenderers that submitted their tenders.

## **SECTION IV: ADDITIONAL INFORMATION**

### **IV.1. Additional information:**

1. The Contracting Entity informs that the project is implemented with the use of resources from Applied Research Program 3.
2. The Contracting Entity is not required to conduct proceedings according to the Public Procurement Law.
3. The content of this request for tenders is available on the website of the Contracting Entity, i.e. [www.fpspoznan.pl](http://www.fpspoznan.pl).
4. Any inquiries shall be submitted electronically to the following address [m.bednarczyk@fpspoznan.pl](mailto:m.bednarczyk@fpspoznan.pl). However, the Contracting Entity has the obligation to provide explanations only to those inquiries that are submitted no later than 3 days before the deadline for submitting the tenders.
5. Technical questions shall be answered by the Contracting Entity by email and the answers shall be published on its website.

### **IV.2. Supplementary and additional contracts**

Supplementary and additional contracts may be granted on the terms specified in the template of grant agreement of the Applied Research Program 3.

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### **IV.3. Change of the contract**

1. The contract concluded as a result of proceedings initiated by this request for tenders may be amended by an annex to the contract in the following scope and in the case of:
  - increasing or reducing the tax rates on goods and services relating to the subject of the contract as a result of changes in generally applicable regulations, occurring after the date of the contract and before its execution by the Contractor - in this case, the remuneration of the Contractor shall be appropriately increased or decreased (responding adequately to changes in tax rates on goods and services), whereas the Contractor shall be entitled to the increased remuneration only when the Contractor met the term of contract execution and provided the Contracting Entity with properly issued VAT invoice immediately, but not later than within 14 days of the date of completion of the contract;
  - the need to change individual dates of completing the contract in a situation where for reasons relating to the contract awarding procedure, the contract is concluded in the period that prevents its implementation in original terms - in this case, the execution date(s) shall be adequately adapted to the actual date/period for its execution;
  - when NCBiR (National Centre for Research and Development), needs to change the way of performing the contract by the Contractor - in this case the contract provisions shall be adequately adapted to the guidelines of NCBiR;
  - the need to make significant changes in the subject and method of implementing the contract, not resulting from any act or omission of any of the parties - in this case the provisions of the contract shall be adequately adapted to the new circumstances;
  - the need to change individual dates of completing the contract in a situation where for reasons not attributable to the Contractor, it is not possible to execute the contract in its original terms - in this case, the execution date(s) shall be adequately adapted to the course of performing the contract;
  - the need to limit the scope of the contract, resulting from negligence in the performance of the contract by the Contractor or causes beyond the control of the Contractor - in this case the subject of the agreement shall be limited, and the Contractor's remuneration shall be adequately reduced.
2. In particular, the following shall not be considered as an important change in contractual provisions:
  - change of administration and organisational details related to the contract (e.g. change of the bank account number);
  - renaming of the parties (companies) or their legal form (with maintained continuity of legal status), change of contact details, change of persons indicated for contacts between the Parties.

### **SECTION V: ANNEXES**

1. Description of the Subject of the Contract.
2. Declaration.
3. Tender form.
4. Information clause on the processing of personal data.