

Specification of essential terms of the order

Order No.: 8.1/POIR21/TheBatteries

Order Name: Delivery of software

Date: 15.04.2021

1 Name of the purchaser

The Batteries Sp. z o.o.

Pl. Kilińskiego 2

35-005 Rzeszów

Contact person: Michał Janas

This inquiry was published in the Competitiveness Base at

<https://bazakonkurencyjnosci.funduszeuropejskie.gov.pl>

2 Order Title

Delivery of software

3 Order Purpose

The purpose of the order is to purchase a software.

The software will be part of the implemented project "The Batteries' Research and Development Center in the area of development of thin-film systems (TFB)".

4 Order Item Description

CPV Codes

48000000-8 - Software packages and information systems

48900000-7 - Various software packages and computer systems

72268000-1 - Software delivery services.

The subject of the order is the delivery to the plant of the Ordering Party in Jasionka a software license - 1 license.

More detailed description of the object of the order is in attachment to this inquiry - Technical specification.

Equivalence

The Ordering Party explains that where in the Order Specification and its attachments the source (brand, trademark, producer, supplier, etc.) of materials or standards, approvals, specifications and systems has been indicated, the Ordering Party allows to offer equipment or equivalent solutions, provided that they provide technical parameters not worse.

The Contractor who, at the stage of submitting the offer, refers to equivalent solutions described by the Ordering Party, is obliged to demonstrate that the solutions offered by him meet the requirements specified by the Ordering Party.

This order is conducted in accordance with the competitiveness rule set out in the Guidelines on the eligibility of expenditure under the European Regional Development Fund, the European Social Fund and the Cohesion Fund for 2014-2020.

5 The term of the contract

The deadline for delivery of the subject of the order – until **31.05.2021**

6 Conditions for participation in the procedure and a description of how to assess their compliance

6.1 Permission to perform a particular activity

The ordering party does not specify the conditions in this range.

6.2 Technical potential

The ordering party does not specify the conditions in this range.

6.3 Economic and financial situation

The ordering party does not specify the conditions in this range

6.4 Additional Terms

1. The Contractor, who meet the condition of participation in the proceedings regarding the lack of grounds for exclusion from the public procurement procedure in the circumstances referred to in point 9. SIWZ., may apply for the award of this contract.
2. The evaluation of meeting the conditions for participation in the proceedings will be made on the basis of statements and documents submitted in the offer to confirm compliance with the conditions for participation in the proceedings.
3. The Contractor is obliged to demonstrate, no later than on the day of submitting bids, compliance with the conditions and no grounds for exclusion, as indicated by the contracting party.
4. The Ordering Party, in the case of errors or omissions in the documents confirming the fulfillment of the conditions for participation in the procedure, will ask the Contractor to supplement them specifying the time for its completion not shorter than 5 calendar days. Failure to supplement the documents or supplement them in a way that does not allow compliance with the conditions for participation will result in rejection of the offer.
5. The contractors, who fail to demonstrate compliance with the conditions for participation in the procedure and the Contractor against whom the exclusion conditions occur, will be excluded from the contract award procedure. Contractors will also be excluded from the contract award procedure who:
 - performed activities directly related to the preparation of the proceedings or used to prepare an offer with persons participating in these activities, unless the participation of these contractors in the proceedings would not hinder fair competition;
 - submitted false information that has an impact or may affect the outcome of the proceedings;
 - they have not documented compliance with the conditions for participation in the proceedings;
 - did not submit explanations to the Ordering Party questions asked during the offer evaluation.

7 Criteria for the evaluation of offers, information on the point or percentage weights assigned to each criteria and a description of how the scoring is awarded for the fulfilment of the tendering criterion.

- 1) In the evaluation, participation will be taken by non-rejected offers submitted by Contractors not excluded from the subject proceedings
- 2) Offers will be rated by the ordering party based on the following criteria and their importance

<i>Lp.</i>	<i>Criterion</i>	<i>Significance of the point (point.)</i>
1.	<i>Price (C)</i>	60
2.	<i>The term of delivery (T)</i>	40

- 3) The final rating of each of the offers will be calculated according to the formula:

$$W = C + T$$

Where:

W – Final rating

C, T – the number of points obtained by the evaluated (tested) offer

The offer can get the maximum number of points: 100 points.

- The evaluation of offers according to the criterion No. 1 "Price" will be carried out in accordance with the following formula:

$$C = (C_n / C_o) \times 60 \text{ points}$$

Where:

C - number of points obtained by the evaluated (tested) offer

C_n - the lowest offer price from among valid offers

C_o - the price of the offer being evaluated (tested)

Note:

In the scope of criterion No. 1, for the comparison and evaluation of offers, the gross price quoted by the contractor in the offer will be taken into consideration.

The lower the price, the better the offer.

- The evaluation of offers according to the criterion No. 2 "The term of the delivery (T)" will be carried out in accordance with the following formula:



Term of delivery	Number of points
until 07.05.2021 inclusive	40
From 08.05.2021 to 20.05.2021 inclusive	20
From 21.05.2021 to 31.05.2021 inclusive	0

The shorter term of making the device available the better offer.

8 Place, form and date of submission of offers

- Offer must be submitted by 23.04.2021 at 9:00 a.m.**
- Offers in the procedure may be submitted:
 - Electronically, using the option available in the Competitiveness Database (<https://bazakonkurencyjnosci.funduszeuropejskie.gov.pl>) or by e-mail to biuro@mjc.com.pl and jaroslav.korolenko@thebatteries.org
 - In person, by post or courier at the office of Project Manager - mjc sp. z o.o. at ul. Krośnieńska 32 lok. 2, 35-505 Rzeszów
- Offers submitted in person by post or courier are recommended to be submitted in a sealed envelope described as follows: the Contractor's address, the Employer's address, PostScript "Offer for delivery of software. Do not open until 23.04.2021 09:30 a.m."
- Electronic offers should be in the form of a hand-signed PDF file and then scanned or signed with a qualified electronic signature.
- An offer submitted electronically, if it is not signed with a qualified signature, should be signed by authorized persons, and then scanned and placed in the system in this form. In this case, the Ordering Party reserves the right to request the original offer.
- The date of submission of the offer is the date of its receipt at the seat of the Project Engineer - company mjc sp.z o.o. or the above e-mail addresses or the date visible in the Competitiveness Base system.
Offers that arrive after the deadline for submitting offers will not be considered.
- Each Contractor may submit only one offer. The ordering party does not allow variant and / or partial offers. Submission by the Contractor of more than one offer and / or variant offer will result with rejection of all submitted offers.
- The contractor may change or withdraw the offer before the deadline for submitting offers. To do this, follow the instructions published on the website <https://bazakonkurencyjnosci.funduszeuropejskie.gov.pl/pomoc> or submit an appropriate statement to the Ordering Party.
- It is recommended to submit the offer and all documents included in it in Polish. In the case of foreign-language documents, they should be translated into Polish. The ordering party does not require a sworn translation. The Contracting Authority recommends to fill in the offer form with a computer or machine letter
- The contracting authority recommends submitting bids in PLN. If the offer price is expressed in a different currency Party will convert it into PLN using the average exchange rate of the National Bank of Poland on the day of opening the bids.
- The offers will be opened on 23.04.2021 at 09:30 a.m. at mjc sp. z o.o. office at the address: ul. Krośnieńska 32 lok. 2, 35-505 Rzeszów.
- The period of binding the Contractor's offer is 30 days from the date set by the Employer as the deadline for submitting the offer.

9 Information on the prohibition of personal or capital ties

Offers within the framework of the conducted proceedings can't be submitted by the Contractor related to the Ordering Party in person or in capital.

By capital or personal ties, it is understood that the relationship between the beneficiary or the persons authorised to bind the beneficiary or the persons acting on behalf of the beneficiary to act in connection with the perform the selection procedures of the contractor and the contractor, consisting in particular of :

- a. Participating in the company as a partner in a civil partnership or partnership
- b. Owning at least 10% of shares or stocks, if the lower threshold is not provided for by law or has not been specified by the managing authority,
- c. Performing the function of a member of the supervisory or management body, proxy, attorney,
- d. Remaining in marriage, in relation to kinship or kinship in a straight line, second degree affinity or second degree affinity in the lateral line or in relation to adoption, care or guardianship.

10 Determining the terms and conditions of significant changes to the contract concluded as a result of the procurement procedure.

The terms of contract amendment, if provided, have been included in the text of the contract attached to this description of the subject of the contract.

11 Information about the possibility of submitting partial offers

The Purchaser does not allow partial offers.

12 Description of how to present variant offers and the minimum conditions that variant offers must meet, along with selected assessment criteria, if the ordering party requires or permits their submission

The ordering party does not allow variants. Each Contractor may submit only one offer. Submitting more offers will result in the rejection of all offers submitted by the Contractor.

13 Information about planned supplementary orders

The contracting party does not provide for supplementary orders under these proceedings.

14 Information on the method of communication of the contracting party with the contractors and persons entitled to communicate with the contractors

1. The persons authorized by the contracting authority to respond to this inquiry are: Michał Janas
2. In the contract procedure, communication between the Ordering Party and Contractors takes place using the system available on the Competitiveness Base www.bazakonkurencyjnosci.gov.pl or via e-mail biuro@mjc.com.pl

3. Inquiries regarding this inquiry may be submitted via e-mail to the address biuro@mjc.com.pl or via the system available at: <https://bazakonkurencyjnosci.funduszeuropejskie.gov.pl>
4. Questions asked in another way will not be answered by the ordering party.
5. Questions to the content of the enquiry:
 - a) The Contractor may request the orderer to clarify the contents of the Specification of Essential Terms of Contract. The ordering party is obliged to provide explanations immediately, but not later than 2 days before the deadline for submission of tenders, provided that the request for clarification of the terms of the contract has been received by the orderer no later than the end of the half of the deadline for submission of bids.
 - b) If the application for clarification of the content of the specification of essential terms of the contract was received after the deadline for submitting the application referred to in point a), or concerns explanations given, the orderer may provide explanations or leave the application without consideration.
 - c) Extending the deadline for submission of offers does not affect the time of submission of the application referred to in point a)
 - d) The content of the inquiries with explanations will be provided by the Contracting Authority to the Bidders to whom this inquiry was submitted, without disclosing the source of the inquiry and providing answers on the website on which the query was made available
 - e) The Ordering Party reserves the right not to answer the questions provided to it in a manner different than described above, in particular the Employer does not answer questions via the telephone
6. Changes in the content of the query:
 - a) In particularly justified cases, the Ordering Party may at any time, before the deadline for submission of tenders, modify the content of this inquiry. Modifications made in this way will be published on the website on which this query was made available.
 - b) Modifications are always binding for Tenderers
 - c) The contracting authority may extend the deadline for submitting tenders, taking into account the time necessary to introduce changes in the offers resulting from modification of the content of this inquiry. The Purchaser informs about the extension of the deadline for submitting offers by publishing the relevant information on the website on which he made this inquiry available.

15 Other provisions

1. The Ordering Party reserves the right to cancel the proceedings if one of the following circumstances occurs:
 - a. no non-reimbursable offer has been submitted,
 - b. the price of the best offer or the offer with the lowest price exceeds the amount that the contracting party intends to spend to finance the contract, unless the orderer can increase this amount to the price of the best offer
 - c. there is a significant change in circumstances that makes conducting proceedings or performing the contract not in the public interest, which could not have been foreseen earlier,
 - d. the proceedings are burdened with an impossible to remove defect that makes it impossible to conclude a non-annulment agreement on the public procurement,



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- e. if the funds from the European Union budget and non-recoverable means of assistance provided by the Member States of the European Free Trade Agreement (EFTA), which the contracting authority intended to allocate to finance the whole or a part of the contract, were not awarded to it
 - f. In other cases, on the basis of a decision of the contracting authority.
- 2. The bid bond - in the present proceedings is not required.

16 Attachments

- 1) Technical specification
- 2) Offer form
- 3) Contract template