

Zator, January 5th, 2022

REQUEST FOR QUOTATION

ENERGY 2000 spółka z ograniczoną odpowiedzialnością ENERGYLANDIA sp. k.

(correspondence address: Al. 3 Maja 2, 32-640 Zator, Poland)

REQUEST FOR QUOTATION
on the choice of the supplier of the innovative Gravity Rollercoaster device
("Request for Quotation")

The implementation of the subject of the Request for Quotation is planned as part of the project of ENERGY 2000 spółka z ograniczoną odpowiedzialnością ENERGYLANDIA sp. k.: „Innowacyjny Tilt Rollercoaster oparty na mechanizmie grawitacyjnym – nowa era rozrywki” (POIR.03.02.01-12-0010/17) under the Intelligent Development Operational Program "Support for innovation in enterprises", Measure 3.2 "Support for the implementation of R&D results", Subdivisions 3.2.1 "Research for the market" under the Intelligent Development Operational Program for 2014-2020.

This Request for Quotation is not conducted pursuant to the
Act of January 29, 2004 - Public Procurement Law.

I. INFORMATION ABOUT THE ORDERING PARTY

ENERGY 2000 spółka z ograniczoną odpowiedzialnością ENERGYLANDIA sp. k.
address: Przytkowice 532a, 34-141 Przytkowice, Poland
correspondence address: Al. 3 Maja 2, 32-640 Zator, Poland
NIP (Tax Identification Number): 5511735768
REGON: 070883960
KRS: 0000605098

Note: offer submission address: Al. 3-go Maja 2, 32-640 Zator (Poland) - Energylandia office. The office is open from Monday to Friday, 9:00 a.m. - 3:00 p.m. (local time).

II. WEBSITE ADDRESS WHERE THE REQUEST FOR QUOTATION SHALL BE POSTED.

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

III. GENERAL PROVISIONS

1. An offer may be submitted by an entity meeting the conditions specified in this Request for Quotation.
2. The Ordering Party does not provide for the possibility of ordering supplementary orders.
3. The Ordering Party does not plan to conclude a framework agreement.
4. The Ordering Party does not anticipate an electronic auction.
5. The Request for Quotation has been made public on the website of the competition base (<https://bazakonkurencyjnosci.funduszeuropejskie.gov.pl>), hereinafter also referred to as the "Competitiveness Base".
6. Appendices to this Request for Quotation constitute its integral part.
7. It is explained that the terms "tenderer" and "contractor" have been used interchangeably in the content of the Request for Quotation unless the context stipulates otherwise.

IV. REQUEST FOR QUOTATION AWARDING MODE

The order is carried out **in accordance with the principle of competitiveness** - tender competition (the procedure is conducted in accordance with the information specified in this Inquiry for Quotation and the Guidelines on the eligibility of expenditure under the European Regional Development Fund, the European Social Fund and the Cohesion Fund for 2014-2020).

V. DATE OF ANNOUNCEMENT OF THE REQUEST FOR QUOTATION

January 5th, 2022

VI. DESCRIPTION OF THE ORDERED OBJECT

The subject of the order is to select an entity that shall deliver a brand new Roller Coaster – Gravity Rollercoaster (Tilt Rollercoaster) to the Energylandia Amusement Park - to the extent, under the conditions and parameters specified in the Inquiry, Agreement and Technical Specification constituting an integral part of the Inquiry (Appendix 5 to the Inquiry) - on the terms specified in this Inquiry.

The supplier of the above-described device shall be obliged to participate (assist) in its installation and start-up (supervise its commissioning) under the terms provided for in the agreement, taking into account the delivery terms specified in the agreement.

In accordance with the Technical Specification, the Tilt Rollercoaster shall be based on a gravity mechanism - which will be based on the implementation of the results of research and development works according to patent application P-420911 (Patent Office of the Republic of Poland - exclusive right number PAT.228085).

Information about the patent, and description of the patent application no: P-420911 (Patent Office of the Republic of Poland - exclusive right number PAT.228085) is available at <https://ewyszukiwarka.pue.uprp.gov.pl/search/pwp-details/P.420911> (website in Polish) and <https://ewyszukiwarka.pue.uprp.gov.pl/search/pwp-details/P.420911?lng=en> (website in English).

A roller coaster of this type is characterized by the fact that, using a special rotating platform, the wagons are transported from a horizontal position to a vertical position, followed by the driving process.

The Ordering Party specifies the minimum technical requirements for the Object of the Order in the technical specification constituting Annex 5.

VII. CPV CODE OF THE ORDER

34940000-8 RAILWAY EQUIPMENT

VIII. SUBMISSION OF PARTIAL OR VARIANT OFFERS

The Ordering Party does not allow partial submissions.

The Ordering Party does not allow variant offer submissions.

IX. DEADLINE FOR EXECUTION OF THE SUBJECT OF THE REQUEST FOR QUOTATION

1. Commencement: within 30 days from the date of signing the Agreement as a result of these proceedings.
2. Deadline for completing the entire subject of the Inquiry: **no later than 5th September 2023** (which means that the entire subject of the Inquiry must be delivered within this period, enabling the submission (installation) of the subject of the Inquiry and its commissioning no later than by 30th September 2023).
3. The Tenderer submitting the offer in this procedure is aware that the Ordering Party is obliged to implement the entire project entitled: *"Innowacyjny Tilt Rollercoaster oparty na mechanizmie grawitacyjnym - nowa era rozrywki"* (<https://mapadotacji.gov.pl/projekty/744839/>) by the end of October 2023, and thus is aware of the possible negative consequences of violating the above-mentioned deadlines.

X. LOCATION OF THE IMPLEMENTATION OF THE ORDER SUBJECT

Place of implementation of the subject of the Request for Quotation:

State	Poland
Voivodeship	małopolskie

„Innowacyjny Tilt Rollercoaster oparty na mechanizmie grawitacyjnym - nowa era rozrywki”

Projekt współfinansowany z Europejskiego Funduszu Rozwoju Regionalnego
w ramach Programu Operacyjnego Inteligentny Rozwój na lata 2014-2020

Powiat (county)	oświęcimski
Gmina (commune)	Zator
City	Zator (postal code: 32-640)
Street	Al. 3 Maja 2

XI. WARRANTY PERIOD

The subject of the Request for Quotation shall be covered by a warranty lasting at least **24 months** (starting from the preparation of the Commissioning Protocol of the Subject of the Inquiry).

The offer must indicate a warranty period of at least 24 months.

XII. TECHNICAL DOCUMENTATION

During the performance of the Contract with the Ordering Party, the Contractor shall provide him with the technical documentation in Polish.

XIII. DESCRIPTION OF THE CONDITIONS FOR THE PARTICIPATION IN THE PROCEDURE AND DESCRIPTION OF THE METHOD OF EVALUATING THE FULFILLMENT OF THESE CONDITIONS

Entities meeting the following conditions for participation shall be admitted participating in this procedure. Failure to meet any of the conditions for participation listed below shall result in rejection of the offer.

The tenderer shall meet the following conditions for participation:

- 1) **has the necessary knowledge and experience** in the (thematic) scope related to the subject of the Request for Quotation, and also **proves that he has completed in the last 3 (three) years** before the deadline for submitting offers in this procedure, and if the period of business activity is shorter - including during the period, **at least 2 (two) deliveries of the roller coaster type device, each of them worth a minimum of EUR 3,000,000 (three million euros) (gross)**,

The Ordering Party shall consider this condition to be met if the tenderer shall include in the offer:

- a) description of at least **2 (two) deliveries of the roller coaster type device** made in the last 3 (three) years before the deadline for submitting orders, each of them with a minimum value of EUR 3,000,000 (three million euros) (gross) - with their type, value (which may occur by indicating the value of such delivery or indicating that the value exceeded EUR 3,000,000), the date and place of implementation and the entity for which it was performed (the table with the description of deliveries can be found in the statement on meeting the conditions for participation in the procedure),
 - b) a statement that the performed services (deliveries referred to in point "a") have been properly performed. The statement may be submitted in the content of the statement on meeting the conditions for participation in the procedure.
- 2) **has or shall have persons capable of performing the subject of the Request for Quotation**, having experience and professional qualifications appropriate to the positions that shall be entrusted to them to perform the subject of the Request for Quotation (these persons shall be entitled to perform their duties under the provisions of law),
 - 3) **has or shall have the necessary technical potential** allowing for the implementation of the subject of the Request for Quotation,
 - 4) **the economic and financial situation** of the tenderer shall allow for the correct and timely implementation of the subject of the Request for Quotation (it is at least adequate to the value of the subject of the Request for

Quotation).

The fulfillment of the conditions described above shall be verified on the basis of the signed declaration constituting an element of the offer form - **Appendix No. 2** to the Request for Quotation. The assessment of meeting the above-described conditions for participation shall be made in accordance with the formula meets / does not meet.

The tenderer may rely on the technical or professional abilities or the financial or economic standing of other entities (hereinafter referred to as: "potential") to confirm that the conditions for participation in the procedure have been met, regardless of the legal nature of the legal relations between them. In such a situation, an additional statement of such entities should be attached to the offer - indicating that these entities have undertaken to make this potential available for the purpose of the implementation of the Subject of the Request for Quotation and their declaration regarding the lack of personal and capital connections, referred to in Appendix No. 3.

Regardless of the other provisions of the Request for Quotation, as well as the rights resulting from the rules of conduct under the principle of competition, the Ordering Party guarantees the right to request the delivery of documents confirming the fulfillment of the above-described conditions for participation (or the specified participation condition) by tenderers who submit an offer subject to consideration or only from of the tenderer whose offer has received the highest score - in the event of the necessity to confirm that the tenderer guarantees the proper performance of the subject of the Request for Quotation (e.g. in the event of the need to verify the truthfulness and reliability of the statements made in the declaration of meeting the conditions for participation, inter alia, due to the data contained in publicly available registers). Therefore, in the case of:

- a) the condition of having the necessary knowledge and experience - the Ordering Party may request a copy of the recipient's references of the indicated deliveries, acceptance protocols or other documents, which shall clearly show that the deliveries were performed properly and that the deliveries meet the requirements of this participation condition described in Request for Quotation,
- b) the condition of having people capable of implementing the subject of the Request for Quotation - the Ordering Party may request the presentation of a list of persons who shall participate in the implementation of the Subject of the Contract (indicating their role in the implementation of the Subject of the Contract, experience, professional qualifications (rights) and indicating the basis for disposing of these people),
- c) the condition of having the technical potential to implement the subject of the Request for Quotation - the Ordering Party may request the presentation of the list, which shall include the necessary technical potential of the tenderer to perform the Subject of the Contract (indicating the basis for having this technical potential). It is also explained that an example of a technical potential can be, for example, production equipment - in case the tenderer is a manufacturer of equipment; other devices necessary to implement the subject of the Request for Quotation,
- d) the condition of the economic and financial situation of the tenderer - the Ordering Party may request copies of documents confirming that the minimum annual revenues of the tenderer - in the current or previous calendar / accounting year (and if the business period is shorter - for this period) - are adequate to the value of subject of the Request for Quotation (i.e., at least not less than twice the value of the subject of the Inquiry). Document confirming the above may be, for example, a financial statement, if the preparation of the report is required by the regulations of the country in which the tenderer has its seat or place of residence, in the case of tenderers not obliged to prepare the financial statements, other documents specifying these revenues.

The request referred to above shall set the deadline for presenting these documents, but not shorter than 7 days from the delivery of such a request under pain of respectively rejecting the offer or invalidating the selection of the highest rated offer.

Entities related personally and financially with the Ordering Party **are excluded from participation in the procedure.**

By capital or personal relationships/links is understood:

- a) in accordance with the Guidelines on the eligibility of expenditure under the European Regional Development Fund, the European Social Fund and the Cohesion Fund for 2014-2020: interrelationships between the beneficiary or persons authorized to incur obligations on behalf of the beneficiary or persons performing activities on behalf of the

beneficiary preparing and conducting the procedure of selecting the contractor and the contractor, consisting in particular in:

- participating in the company as a partner in a civil partnership or partnership,
- owning at least 10% of shares or stocks, unless a lower threshold is required by law or has not been specified by the Managing Authority in the program guidelines,
- acting as a member of the supervisory or management body, attorney, proxy,
- being married, in relationship of kinship or affinity in a straight line, kinship of the second degree or affinity in the lateral line or in relation to adoption, care or guardianship,

b) in accordance with Art. 6c of the Act of November 9, 2000, on the establishment of the Polish Agency for Enterprise Development: "Personal or capital links are understood as links between the entity referred to in point 1, or members of the bodies of this entity, and the contractor or members of the contractor's bodies, consisting in:

- 1) participating in the company as a partner in a civil partnership or partnership,
- 2) owning at least 10% of shares or stocks,
- 3) acting as a member of the supervisory or management body, attorney, proxy,
- 4) remaining in such a legal or factual relationship that may raise justified doubts as to the impartiality in the selection of the contractor, in particular being married, in a straight lineage, kinship or affinity in a collateral line up to the second degree or in relation to adoption, custody or guardianship".

In connection with the above, the Contractor may not be personally, or capital related to the Ordering Party, both within the meaning of the Guidelines on the eligibility of expenditure under the European Regional Development Fund, the European Social Fund and the Cohesion Fund for 2014-2020, and within the meaning of Art. 6 c of the Act of November 9, 2000, on the establishment of the Polish Agency for Enterprise Development.

The Ordering Party requires the Tenderer to submit a declaration of the absence of the abovementioned connections, constituting **Appendix No. 3** to the Request for Quotation. The assessment of compliance with the above-described requirement shall be made in accordance with the formula meets - does not meet.

XIV. EXCLUSIONS AND REJECTION

With the procedure the Ordering Party excludes:

1. a tenderer who is personally or financially related to the Ordering Party - as defined in point XIII,
2. a tenderer in relation to whom liquidation has been opened, has been declared bankrupt, whose assets are managed by the liquidator or the court, has entered into an arrangement with creditors whose business activity is suspended or is in another situation of this type resulting from a similar procedure provided for in the regulations of the place of commencement of this procedures.

The rejection of the offer takes place in the cases described in the Request for Quotation, as well as offers that do not meet the conditions of this Request for Quotation (offers that do not correspond to the description of the subject of the Request for Quotation), as well as offers submitted after the deadline for submitting offers.

XV. LIST OF DECLARATIONS AND DOCUMENTS TO BE SUBMITTED BY OFFERS TO CONFIRM THE FULFILLMENT OF THE CONDITIONS FOR PARTICIPATION IN THE PROCEDURE

The tenderer is obliged to submit with the offer:

- a) tenderer's declarations on meeting the conditions for participation in the procedure - according to the template constituting **Appendix No. 2** to the Request for Quotation,
- b) statement about the lack of personal and capital ties - **Appendix No. 3**,
- c) up-to-date excerpt from the tenderer's registration documents (not applicable when excerpts from registration documents, e.g., CEIDG, KRS, may be obtained by the Ordering Party from free and public databases - in the case of foreign entities, the Ordering Party requests the website address of such database),
- d) original power of attorney or a power of attorney certified by a notary (or an entity authorized by law to certify documents) - in the case of submitting an offer through an attorney/proxy,
- e) in the case of using the potential of third parties referred to in point XIII, the original declarations of these persons (or certified by a notary or by an entity authorized under the provisions of the law to certify

documents) submitted by persons authorized to certify together with a registration document - on the terms described in point "c)" above, indicating that these entities undertook to make the given potential available to the bidder for the purposes of the implementation of the subject of the Request for Quotation (please indicate and specify the potential made available) and their statements regarding the lack of personal and capital ties, referred to in Appendix No. 3.

XVI. DEPOSIT REQUIREMENT

The Ordering Party does not require a deposit in the proceedings in question.

XVII. DESCRIPTION OF THE METHOD OF PROVIDING EXPLANATIONS OF THE ESSENTIAL TERMS OF THE REQUEST FOR QUOTATION

1. The tenderer may request the Ordering Party to clarify the content of the Request for Quotation (and Attachments) **by February 2nd, 2022, 15:00 local time**. The contracting authority shall respond without undue delay to the question asked on Monday - Friday, but not later than six days before the deadline for submission of tenders. Questions regarding the Request for Quotation (including attachments), together with the Ordering Party's explanations, shall be published on the portal of the competition database (in the "Questions and explanations" section regarding the Request for Quotation). Tenderers are obliged to constantly monitor the announcement of the Ordering Party's Request for Quotation on the portal of the competition database in order to get acquainted with any questions and answers of the Ordering Party.
2. Inquiries should be directed to the address of the authorized contact persons indicated in point XIX of the Request for Quotation or through the functionality of the Competitiveness Database that allows potential contractors to ask questions.

XVIII. DESCRIPTION OF THE METHOD OF CALCULATING THE PRICE

1. The offer price should include the total price for the implementation of the entire subject of the Request for Quotation. The price is flat rate.
2. The price of the offer should be expressed: in Polish zlotys (PLN) or in euro (EURO).
3. The price of the offer must include all costs related to the implementation of the Subject of the Request for Quotation, including costs associated with the performance of the work
4. The price of the offer should take into account all explanations of the Ordering Party (explanations shall be published on the Competitiveness Base) provided to tenderers in connection with their inquiries.
5. The price of the offer specified by the contractor is fixed during the contract performance and shall not be subject to changes or indexation. The risk of establishing a lump sum (flat rate) price rests with the contractor, therefore he must properly assess its value, as he cannot demand an increase in the lump sum price.
6. The method of payment and settlement for the implementation of the Subject of the Request for Quotation are specified in the draft contract constituting Appendix No. 6.
7. Settlements between the Ordering Party and the contractor shall be made in the currency of the offer.
8. The gross price should include VAT calculated in accordance with applicable regulations. In the case of intra-community delivery of goods - this should be noted.

XIX. PERSONS AUTHORIZED TO CONTACT THE TENDERERS

The person authorized to contact the tenderers is:

Name and surname	position	e-mail address
Rafał Smajek	Project manager	rafal@energy2000.pl

XX. DESCRIPTION OF THE METHOD OF PREPARING THE OFFER

1. A tenderer may submit only one offer.
2. The offer must be submitted in writing or via the Competitiveness Base. In the case of offers submitted in

„Innowacyjny Tilt Rollercoaster oparty na mechanizmie grawitacyjnym - nowa era rozrywki”

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writing, offers and attachments thereto should be signed in accordance with the rules of representation of the tenderer (more in point 4 below), in the case of offers sent via the Competitiveness Base, it is necessary to sign with a qualified electronic signature or a trusted profile (ePUAP) - in accordance with the principles of representation (with appropriate application of point 4 below to powers of attorney or authorizations addressed in such a way).

3. All statements and documents confirming the fulfillment of the conditions for participation in the procedure required by the provisions of this Request for Quotation are attached to the offer.
4. The offer must be signed by the tenderer (authorized representative / representatives of the tenderer) in accordance with the manner of his representation, and **all its pages must be initialed**. If the right to represent the person signing the offer does not arise from the registration document, the offer must also be accompanied by a power of attorney in the original or in the form of a certified copy by a notary (or an entity authorized under the provisions of the law to certify documents).
5. Any amendments to the content of the offer must be initialed by the person signing the offer.
6. The offer must be submitted in Polish or English (the Ordering Party provides a model offer in Polish and English).
7. The documents making up the offer may be submitted in the original or a copy certified to be true to the original by the tenderer.
8. Each document making up the offer must be legible.
9. The offer should contain all the required elements (the list of declarations and documents is provided in point XV), including:
 - a) date of preparation,
 - b) the tenderer's full name, address or registered office of the tenderer, contact details (e.g., telephone or e-mail address),
 - c) validity date of the offer (in the event of failure to indicate - it is considered that the validity date specified in the Request for Quotation shall be valid),
 - d) price (lump sum remuneration),
 - e) period of the warranty provided,
 - f) the statements contained in the offer form constituting Appendix 1 to the Request for Quotation.
10. If the information contained in the offer is a secret which the tenderer reserves that cannot be disclosed to other participants in the procedure, it must be marked with the clause "Information constituting a business secret". It is explained that the values of the offers, which are the criteria for their evaluation, are to be included in the protocol of the procedure.
11. The costs and risk of submitting an offer shall be borne by the person submitting the offer.

XXI. PLACE, DATE AND OTHER CONDITIONS FOR SUBMITTING OFFERS

1. Offers can be submitted until **February 15th, 2022, 15:00 local time** (deadline for submission of offers).
2. The offer should be submitted in writing by post, courier or in person (also by a messenger) **in a closed envelope with the title: "Oferta na dostawę urządzenia innowacyjny Rollercoaster Grawitacyjny"** or other marking on the envelope indicating the submission of the offer under this procedure - **to the address of the Ordering Party:**

ENERGY 2000 spółka z ograniczoną odpowiedzialnością ENERGYLANDIA sp. k.
Al. 3 Maja 2, 32-640 Zator, Poland (**place of offer submission**).

The Ordering Party requests that the envelope be marked with the following information: **"do not open before 15:01 on February 15th, 2022"**.

3. The date and time of receipt (delivery) of the offer to the Ordering Party at the address indicated in point 2 above. The Ordering Party's office is open every day on working days from 9:00 a.m. to 3:00 p.m. local time.
4. Offers submitted after the deadline shall not be considered. The envelope should contain the tenderer's data.
5. The Tenderer may introduce changes, corrections, modifications, and supplements to the submitted offer, provided that the Ordering Party receives a written notification of the changes (including changes,

corrections, modifications, or supplements to the submitted offer) before the offer submission deadline. The notification about the introduction of changes must be submitted according to the same rules as the submitted offer, i.e., in an envelope properly marked with the word "Change". Envelopes marked "Change" shall be opened when opening the offer of the tenderer who introduced the changes and after confirming the correctness of the procedure for making changes, they shall be attached to the offer.

6. The tenderer has the right to withdraw from the procedure by submitting a written notification before the deadline for submitting offers, according to the same rules as making changes and corrections with the inscription "Withdrawal" on the envelope. Envelopes marked in this way shall be opened first and after confirming the correctness of submission, the envelopes of withdrawn offers shall not be opened.
7. The offer submitted via the Competitiveness Base portal may be changed or withdrawn via the functionalities of the Competitiveness Base portal.

XXII. DATE OF OPENING OFFERS. CONSIDERATION OF OFFERS.

1. Opening date: immediately after the deadline for submitting offers, no later than the day after the deadline for submitting offers.
2. The deadline for selecting the best offer: within the offer validity period specified in the Request for Quotation. The results shall be published immediately after this selection is made on the Competitiveness Database.
3. In the course of examination and evaluation of the offers, the Ordering Party may request from the tenderers, within the prescribed period, explanations regarding:
 - a) the content of the submitted offers, statements as part of the procedure, as well as submitted documents,
 - b) prices (when it appears to be grossly low in relation to the subject of the Request for Quotation or raises doubts as to the possibility of completing the subject of the Request for Quotation in accordance with the requirements of the Request of Quotation - which questions whether the tenderer guarantees the proper performance of the subject of the Request for Quotation) the gross low price is understood in the manner specified in the provisions of the public procurement law, in this respect, the Ordering Party is entitled to demand explanations, including submission of evidence regarding the calculation of the price or cost, or their essential components.
4. The Ordering Party may request the tenderer, within the prescribed period, to submit, supplement or correct a document that does not affect the tender evaluation criteria and the content of the offer.
5. The Ordering Party may first evaluate the offers, and then examine whether the tenderer whose tender was assessed as the most advantageous is not subject to exclusion and whether it meets the conditions for participation in the procedure.

XXIII. OFFER BINDING DATE

1. Offer validity period - **90 days** from the offer submission deadline, the first day of the offer validity date being the day on which the offer submission deadline expires.
2. The Ordering Party may request tenderers to consent to the extension of the offer validity period.
3. In the event of a change in the offer submission date, the bid validity period begins with the expiry of the original offer submission date, unless the Tenderer agrees that this period begins to run from the revised (new) offer submission date.

XXIV. DESCRIPTION OF OFFER EVALUATION CRITERIA WITH INFORMATION ON POINTS

1. When selecting the most advantageous offer, the Ordering Party shall be guided by the following criteria and their importance, and shall evaluate the offers in the following manner:

#	Criterion	Maximum number of points
1	Price	85
2	Warranty Period	15
in total		100

Criterion No. 1 - Price (up to 85 points)

Points in this criterion shall be awarded according to the following dependency:

$$P = (LP/QP) * 85$$

Considering:

LP - net price of the offer with the lowest price to be assessed

QP - net price of the offer in question

It is reminded that the offers that have not been excluded, rejected, or left unrecognized in the light of the Request for Quotation regulation are subject to evaluation.

Criterion No. 2 – Warranty Period (up to 15 points).

the minimum required warranty period: 24 months (counted from the date of preparation of the Commissioning Protocol of the Subject of the Inquiry)

Points in this criterion will be awarded according to the following dependency:

Warranty Period - points:

- from 36 and more - 15 points
- from 31 to 35 - 10 points
- from 24 to 30 - 5 points

In case of:

- 1) indicates in the offers of amounts in the same currency - as part of the evaluation of the criterion, they are not converted into other currencies,
- 2) indicates amounts in various currencies in the offers - as part of the evaluation of the criterion, they are converted into Polish zlotys (PLN). In this case, the Ordering Party shall convert them into Polish zlotys (PLN) according to the average exchange rate of the National Bank of Poland (published on the website www.nbp.pl) on the day preceding the deadline for submitting offers (and if the average exchange rates were not published on that day, then the last day of publication of such courses before the deadline for submitting offers shall be taken into account).

The offer of the tender shall be considered the most advantageous if it meets all the conditions set out in this Request for Quotation and obtains the highest total number of points being the sum of points awarded under each of the given criteria (i.e., the sum of Criterion No. 1 "Price" and Criterion No. 2 "Warranty Period").

Scores shall be rounded up to two decimal places.

XXV. INFORMATION ON THE EXPECTED COMPLEMENTARY ORDERS

The Ordering Party does not anticipate any supplementary orders.

XXVI. ESSENTIAL CONTRACT PROVISIONS.

1. The Contractor undertakes to conclude a written contract at the place and time specified by the Ordering Party.
2. The draft contract is attached as **Appendix No. 6.**
3. The Ordering Party provides for the possibility of a significant amendment to the contract if there is a

change in generally applicable legal provisions affecting the performance of the subject of the contract in the scope relating to this change in the law, or in the event of force majeure - with regard to the duration of the force majeure affecting the date or manner of performance of the contract, subject to paragraph 4, in a manner consistent with the Guidelines on the eligibility of expenditure under the European Regional Development Fund, the European Social Fund and the Cohesion Fund for 2014-2020. The condition for making a change may be the prior consent of the Polish Agency for Enterprise Development (entity financing the project).

4. The occurrence of the case specified in paragraph 3 does not oblige the Ordering Party to amend the contract.

XXVII. DATE AND PLACE OF SIGNING THE CONTRACT

1. The Ordering Party shall indicate, within 7 days from the publication of the results of the procedure, the date and place of signing the Contract with the tenderer whose offer has been considered the most advantageous (the contract shall be signed within one month from the publication of the results of the procedure).
2. However, failure by the contractor - without valid reason - within the time limit set by the Ordering Party to conclude the contract (the contractor will withdraw from concluding the contract with the Ordering Party) is the basis for canceling the selection of the most advantageous offer and re-evaluation of the submitted offers.

XXVIII. OTHER PROVISIONS

1. The Ordering Party reserves the right to:
 - 1) changes to the terms of the contract - which shall be posted on the Competitiveness Database portal, and in cases where the changes could affect the content of tenders submitted in the procedure, the Ordering Party shall extend the deadline for submission),
 - 2) cancel the procedure without giving any reason - at any time, including when: the most advantageous offer exceeds the funds provided and available for the implementation of the subject of the Request for Quotation. The procedure may be canceled until the contract is signed with the contractor. Tenderers are not entitled to any claims against the Ordering Party.
2. Tenderers are not entitled to any claims against the Ordering Party, including in the event of rejection of their offers, exclusion or leaving the offer without consideration.
3. The submitted offers are made available to the Intermediate Authority, including entities carrying out an audit or control of the Applicant's Project - on the basis of legal regulations and a contract for co-financing: POIR.03.02.01-12-0010/17.
4. Offers and attachments to the offers shall not be returned to the tenderers.
5. This Request for Quotation does not oblige the Ordering Party to conclude a contract.
6. To the extent not regulated, the Guidelines on expenditure eligibility shall apply.
7. 7. The Ordering Party, pursuant to Article 13 sec. 1 and 2 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (general regulation on data protection) (Journal of Laws UE L 119 of 04/05/2016, page 1), "GDPR", informs that in the scope of data covered by the scope of the GDPR:
 - a) the administrator of personal data is the Ordering Party,
 - b) personal data shall be processed on the basis of Article 6 sec. 1 letter. c GDPR for the purposes related to the procurement procedure under the tender procedure described at the beginning of this document,
 - c) the recipients of personal data shall be persons or entities to whom the documentation of the procedure shall be made available on the basis of generally applicable provisions of law, including the provisions of: the Act of 11 July 2014 on the principles of implementation of programs in the field of cohesion policy financed in the financial perspective 2014-2020, the Act of November 29, 2015 on the establishment of the Polish Agency for Enterprise Development, Regulation of the European Parliament and of the Council (EU) No. 1303/2013, No. 1301/2013, 651/2014,
 - d) personal data shall be stored for the period of limitation of claims and the durability of the project

implemented by the Ordering Party, taking into account the period of possible control of the correctness of the project implementation - in accordance with the principle of competitive selection of the contractor - based on generally applicable provisions of law, including provisions on which referred to in point c) above,

- e) the obligation to provide personal data is a statutory requirement resulting from generally applicable provisions of law, including the provisions referred to in point c) related to participation in the procurement procedure; the consequences of not providing certain data result from the regulations described above,
 - f) with regard to personal data, decisions shall not be made in an automated manner, in accordance with Article 22 GDPR,
 - g) the data subject has:
 - pursuant to Article 15 GDPR, the right to access personal data,
 - pursuant to Article 16 GDPR, the right to rectification¹,
 - pursuant to Article 18 GDPR, the right to request the administrator to limit the processing of personal data, subject to the cases referred to in Article 18 sec. 2 GDPR ²,
 - the right to lodge a complaint to the President of the Personal Data Protection Office, if it considers that the processing of his personal data violates the provisions of the GDPR,
 - h) the data subject is not entitled:
 - in connection with Article 17 sec. 3 letter b, d or e GDPR, the right to delete personal data,
 - the right to transfer personal data referred to in Article 20 GDPR,
 - pursuant to Article 21 GDPR, the right to object to the processing of personal data, as the legal basis for the processing of personal data is Article 6 sec. 1 letter c GDPR.
8. Pursuant to GDPR, a contractor applying for a public contract is required to fulfill all formal and legal obligations related to participation in the procedure. The information obligation resulting from Article 13 GDPR shall not apply if and to the extent that the data subject already has this information (see: Article. 13 (4)). In addition, the contractor shall have to fulfill the information obligation under Article 14 GDPR in relation to natural persons whose data is provided to the ordering party and whose data he indirectly obtained, unless at least one of the exemptions referred to in Article 14 sec. 5 GDPR. In addition, the Ordering Party provides information clauses in Appendix 5 to the Request for Quotation. The Administrator has appointed a Data Protection Officer, who can be contacted by writing to the following e-mail address: iod@energylandia.pl.

We would like to invite you to submit offers

ENERGY 2000 spółka z ograniczoną odpowiedzialnością ENERGYLANDIA spółka komandytowa

List of appendixes:

- 1) Offer form (PL/ENG) - **Appendix No. 1**
- 2) Declaration on meeting the conditions for participation in the procedure (PL/ENG) – **Appendix No. 2**
- 3) Statement about the lack of personal and capital relationships/links (PL/ENG) - **Appendix No. 3**
- 4) Clause regarding the rules for the processing of personal data (PL/ENG) – **Appendix No. 4**
- 5) Technical specification (PL/ENG) – **Appendix No. 5**
- 6) Draft contract - **Appendix No. 6**

¹ Explanation: exercising the right to rectification may not result in a change of the outcome of the procurement procedure or a change to the provisions of the contract to the extent inconsistent with the provisions of law, including the principle of competition, and may not violate the integrity of the protocol and its appendixes.

² Explanation: The right to restriction of processing does not apply with regard to storage, to provide legal remedies or to protect the rights of another natural or legal person, or for reasons of important public interest of the European Union or a Member State.