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Albatros Aluminium

Poznań, February 23rd 2022

**SUPPLEMENTARY STIPULATIONS
REGARDING REQUEST FOR PROPOSAL
FOR DELIVERY OF ALUMINUM EXTRUSION INGOTS MANUFACTURED
FROM 2 TYPES OF ALUMINUM ALLOYS**

I. CONTRACTING PARTY

ALBATROS ALUMINUM SP. Z O.O.

ul. Czartoria 1/27, 61-102 Poznań

NIP - 7781453822

REGON - 300808661

KRS - 0000306083

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e: l.kalenik@albatros-aluminium.pl

II. Mode of awarding the contract:

This proceeding is conducted pursuant to the competitive principle referred to in *Guidance on the eligibility of expenditure under the European Regional Development Fund, the European Social Fund and the Cohesion Fund 2014-2020*, and *Guidelines for the eligibility of expenditure under the Intelligent Development Operational Program 2014-2020*.

The provisions of the Act of 29 January 2004, Public Procurement Law, do not apply to this inquiry, except as expressly reserved in the abovementioned guidelines.

III. DESCRIPTION OF THE SUBJECT OF ORDER

The subject of the order is the delivery of aluminum extrusion ingots manufactured from 2 types of aluminum alloys for the project: "Opracowanie technologii wytwarzania wyrobów długich o zmiennym przekroju ze stopów aluminium do zastosowań między innymi w słupach oświetleniowych". The project is co-financed by European funds under the Operational Program Innovative Development 2014-2020 under Submeasure 1.1.1 "Szybka ścieżka", contract for co-financing no POIR. 01.01.01-00-1337/20-00.

Order CPV Code:

14721000-1 aluminum

The Contracting party does not allow partial or variant offers to be submitted.

The subject of proceeding is the delivery of aluminum extrusion ingots specified below:

„Albatros Aluminium” Sp. z o.o. based in Poznań, ul. Czartoria 1/27, 61-102 Poznań, Entered into the register of entrepreneurs maintained by the District Court in Poznań, VIII Commercial Division of the National Court Register under KRS number 0000306083, NIP 778-145-38-22, share capital PLN 6,600,500.00



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1. alloy 6005A - 25 tons (acceptable tolerance +/- 15%)
2. alloy 6063 - 25 tons (acceptable tolerance +/- 15%)

The alloy must meet the requirements of the standard EN 573-3 or equivalent.

Required ingot parameters in terms of length thereof 5,8 - 7,0 meters (acceptable tolerance +/- 10 mm), to be specified upon call - off.

Diameter 250 – 305 mm, to be specified upon call - off.

Place of delivery: Wałcz, ul. Południowa 36

Incoterms 2000 delivery formula: DDP Wałcz

If the description of the subject of the order includes: the name of the particular manufacturer, the name of the particular product, this should be treated only as a help in the description of the subject of the order. In each case, products equivalent in terms of design, materials, functionality are acceptable. If the description of the subject of the order indicates any trademark, patent or origin, it is to be assumed that the patents, trademarks and origin indicate technical, operational and usability parameters, which means that the Contracting Party accepts proposals in this part of the subject of the contract with equivalent technical, operational and usability parameters.

IV. DEADLINES

1. Should the Contracting Party accept any of the offers made, execution of the contract shall take place by giving a representation accepting the specific offer placed in this proceeding. Specific orders will be executed on a one-off basis and/or partially upon the Contracting Party's call - offs.
2. Deadline of delivery calculated as off call-off: 30 days. Last call-off shall take place not later than on August 31st 2022.
3. Contractors remain bound by the submitted offers for 90 days as of laps of deadline for submitting offers hereto specified.

V. CONDITIONS OF PARTICIPATION IN THE PROCEDURE AND THE DESCRIPTION OF THE EVALUATION OF COMPLIANCE WITH THESE CONDITIONS

1. Contractors who are involved in the procedure should meet the following conditions:
 - 1.1. Entities related personally and financially with the Contracting Party are excluded from the proceedings. Capital or personal relations are understood as mutual connections between the Contracting Party or persons authorised to enter into obligations on behalf of the Contracting Party or persons performing on behalf of the Contracting Party any tasks



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associated with implementation of a procedure of choosing a contractor, and the contractor, in particular:

- a) the participation in the company as a partner of a civil or other partnership;
- b) possessing at least 10% of shares, unless the lower threshold is not legally defined or has not been defined by the IZ in the program guidelines,
- c) acting as a member of the supervisory or management board, proxy, plenipotentiary;
- d) remaining in a marriage relationship, in a family relationship or affinity in a straight line, relationship or affinity in the collateral line to the second degree, or in a relationship of adoption, guardianship or custody.

2. In order to confirm the fulfillment of the conditions referred to above, the Contractor will submit the following documents:

- 1) Contractor's statement of absence of relations constituting Appendix No. 2 to this inquiry.
3. The assessment of the fulfillment by the Contractor of the conditions mentioned above will be conducted on the basis of the information presented in the submitted documents.
4. The evaluation criteria in the assessment of proposals will apply solely to the offers from the Contractors who have met the conditions for the participation in the proceeding.

VI. CRITERIA FOR EVALUATION OF NON-REJECTED OFFERS AND DESCRIPTION OF EVALUATION PROCESS

1. When selecting the most advantageous offer, the Contracting Party will use the following criteria and their significance, as well as use the following method to evaluate the offers according the criteria:

Criterion 1	Number of points (weight)
Offered <i>premium</i> rate (for 1 st quarter of 2022) + upcharge (for 1 st quarter of 2022) for 1 ton of aluminum ingot, calculated as arithmetic average of both alloys being subject of this proceeding	100

2. In criterion 1, the highest number of points (i.e. 100) will be awarded to the offer with the lowest amount, converted into PLN, of the *premium* (for 1st quarter of 2022) + upcharge (for 1st quarter of 2022) for 1 ton of aluminum ingots, calculated as arithmetic average of both alloys being subject of this proceeding .



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The number of points for each subsequent offer will be calculated as follows:

$$\text{Number of points} = \left[\frac{\text{lowest arithmetic average offer}}{\text{evaluated arithmetic average offer}} \right] \times 100$$

Average arithmetic offer shall be calculated in a following manner:

$$\text{Average arithmetic offer} = \frac{\left[\begin{array}{l} \text{(premium+upcharge for 1 tonne of alloy 6005A)+ (premium+upcharge for 1 tonne of alloy} \\ \text{6063)} \end{array} \right]}{2}$$

Premium and upcharge should be given to 2 decimal points.

For the reason of this proceeding, including but not limited to perform assesment within criterion 1, amounts expressed in EURO or USD shall be converted into PLN pursuant to middle exchange rates of NBP published on <http://www.nbp.pl/home.aspx?c=/asex/archa.asex> from the day fixed hereto as the last day of deadline for submitting offers.

Reservation: aluminum base price shall be set by phone/online due to LME 3 mth Ask in USD within a period between call – off up to 7 days prior to planned delivery date and adjusted including contango/backwardation.

Total fixed net price for the delivery of respective aluminum ingot in question shall be calculated in a following manner:

[LME 3mth Ask/1 tonne of aluminum alloy + premium/1 tonne + upcharge/1 tonne] x 25

And shall be converted into Euro pursuant to LME currency rate as of the date of pricing.



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The price shall include all the requirements of this request for quotation and include all the costs related to the timely and complete execution of the order and to conditions and guidelines set by the Contracting Party, relating to the subject of the contract.

3. The offer that receives the highest number of points will be considered the most advantageous. An offer can earn a maximum of 100 points.
4. The rating will be accurate to two decimal places.
5. In the event that several offers receive the same number of points, the Contracting Party will choose the most advantageous one in terms of environmental and climate impact (environmental criterion). The parameter to be evaluated will be rate of usage of recycled materials in the process of manufacture of alloy for Contracting Party. Under the criterion in question, the Contractor will undertake to achieve, specified by him, percentage rate of recycled materials used in manufacture of each tonne of alloy supplied to Contracting Party, which will help reduce the negative impact of the technology on the environment. The Contractor shall only be obliged to perform the above parameter if their bid is chosen as the most favorable on the basis of such criterion, under pain of liability. Verification of the criterion will be based on the declaration of consumption given by the Tenderer in item 5 of their Offer. The offer declaring the highest percentage rate of recycled materials used in manufacture of each tonne of alloy supplied to Contracting Party will be deemed more favourable.
6. The Contracting Party will reject the offer if:
 - a. its content does not correspond to the content of the inquiry, the offer is submitted after the deadline or any of the circumstances referred to under section IX occurs;
 - b. it is invalid pursuant to separate provisions, in particular the Civil Code,
 - c. was submitted by an entity:
 - not fulfilling the conditions for participation in proceedings;
 - related personally or in equity with the contracting party or persons referred in this inquiry;
7. The Contracting Party will award the contract to the Contractor, whose tender will receive the highest total number of points, upon criterion 1, and in the case of equal number of points in this criterion the contract will be awarded the Contractor with the offer deemed the best according to the environmental criterion hereto described.
8. The price presented by the Contractor, as well as other terms and conditions of performance of the contract are not negotiable during the assessment.



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9. Should the Contractor whose bid has been chosen abstain from the conclusion of the contract and/or fulfilment of its subject, the Contracting Party may choose the most favorable offer from the remaining bids without re-examination and evaluation.

VII. DESCRIPTION OF THE METHOD OF THE OFFER PREPARATION

1. The offer must be prepared in accordance with the specimen, enclosed in Appendix No. 1 to this request.
2. With the offer the Contractor will submit:
 - 1) an extract from the relevant register or from the central business register or a printout from the electronic system corresponding to the extract or other equivalent document;
 - 2) power of attorney to submit an offer, if the right to sign the offer is not substantiated by other documents attached to the offer;
3. The offer must be submitted in writing signed or scanned and e-mailed or submitted by <https://bazakonkurencyjnosci.funduszeuropejskie.gov.pl/>.
4. The offer and any other representations from the Contractor must be signed by a duly authorised person acting on behalf of and for the benefit of the Contractor.

VIII. CONDITIONS FOR CHANGING THE AGREEMENT CONCLUDED AS A RESULT OF THE PROCEEDINGS

1. The Contracting Party does not envisage a possibility of making changes to the provisions of the contract in relation to the content of the tender, on the basis of which the Contractor has been selected.
2. The above does not exclude the Contracting Party's right to make changes the contract which are not relevant.

IX. PLACE AND DEADLINE FOR SUBMISSION OF OFFERS

The offer, with a set of attachments, should be submitted in a sealed opaque envelope marked with the name and address of the entity submitting the offer or by sending a scan of the offer together with set of attachments by e-mail or submitted by <https://bazakonkurencyjnosci.funduszeuropejskie.gov.pl/>. The offer should be sent to the address of the Contracting Party given **under section I**, submitted in person at the Contracting Party's premises or sent to l.kalenik@albatros-aluminium.com or submitted by <https://bazakonkurencyjnosci.funduszeuropejskie.gov.pl/>, by **March 27th 2022**.

Opening of offers will take place immediately at the Contracting Party's premises. The Contracting Party will verify the offers submitted according to the requirements specified in the inquiry. In the case of any defects in the offer, doubts and failure to supply all required documents, the Contracting Party shall once again call the tenderer to submit additional explanations or supplement any deficiencies within 7 days from the date of receipt of such



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request. In the event of a lapse of the above deadline or failure to remove such deficiencies and doubts despite any explanations or supplements, such offer will be rejected. The main body of the offer, construed as the scope of Contractor's obligations, cannot be supplemented.

The Contracting Party will publish information on the outcome of this inquiry on the website <https://bazakonkurencyjnosci.funduszeuropejskie.gov.pl/>

Contact person:

Łukasz Kalenik

Tel. +48 883373303

e-mail: l.kalenik@albatros-aluminium.com

X. OTHER INFORMATION

1. All costs related to the preparation of the offer shall be borne by the Tenderer.
2. Until the deadline for submission of tenders, the Contracting Party reserves the right to change or supplement the content of this request or its attachments.
3. The Contracting Party reserves the right to correct in the text of the submitted tenders obvious clerical or accounting mistakes and other errors consisting in the non-conformity of the offer with the inquiry, unless it causes material changes in the offer, without delay informing the given Tenderer.
4. The Contracting Party reserves the right to terminate the procedure at any stage without selecting any offer and without any reason given, in particular if:
 - the price of the most advantageous bid exceeds the amount that the Contracting Party may use to finance the order;
 - there was a significant change in circumstances that render the order not in the interest of the Contracting Party, which could not be foreseen at the time of the initiation of the proceeding;
 - the proceedings are subject to a drawback that the contract will be in conflict with the provisions of the project co-financing agreement.

In the event of termination of the proceedings without the choice of any offer, the Tenderers shall not be entitled to any claim against the Contracting Party.

5. The Contracting Party does not provide for the possibility of awarding supplementary contracts.
6. Submission of an inquiry, as well as the receipt of an offer in the result is not equivalent to the award of the contract. The above inquiry does not constitute an offer within the meaning of the Civil Code.

XI. ATTACHMENTS:

Attachment No. 1 Offer Form

„Albatros Aluminium” Sp. z o.o. based in Poznań, ul. Czartoria 1/27, 61-102 Poznań, Entered into the register of entrepreneurs maintained by the District Court in Poznań, VIII Commercial Division of the National Court Register under KRS number 0000306083, NIP 778-145-38-22, share capital PLN 6,600,500.00



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Attachment No. 2 Sample declaration of absence of relation with the Contracting Party