

REQUEST FOR PROPOSAL no. ZMM/02/06/2022

With regard to the implementation of the following project: *“The modernisation and improvement of the safety of EUROWAGON Sp. z o.o.’s freight wagons in terms of reducing noise emissions by replacing iron-cast brake pads with composite brake pads”* for the co-financing of which the Contracting Entity is applying under the Operational Programme Infrastructure and Environment 2014–2020, Measure 5.2 “Development of Railway Transport beyond TEN-T”, Eurowagon Sp. z o.o. announces a tender for the supply of **wheelsets with axle-boxes for 25TN bogies**.

I. NAME AND ADDRESS OF THE CONTRACTING ENTITY

Eurowagon Sp. z o.o.
61-894 Poznań, pl. Władysława Andersa 7
REGON (business registry number): 368195777
Tax ID – NIP: 7010713113
website: <https://www.euro-wagon.com/>

II. CONTRACT AWARD PROCEDURE AND TYPE OF CONTRACT

The procedure shall be conducted through a request for proposal in compliance with the competitiveness principles defined in the Cost Eligibility Guide for the European Regional Development Fund and the Cohesion Fund for the years 2014–2020, version of 21 December 2020. The Public Procurement Law of 11 September 2019 (Polish Journal of Laws / Dz. U. of 2019, item 2019, as amended) does not apply to this Request for Proposal.

III. SUBJECT OF THE CONTRACT

- 3.1. Category: Supply.
- 3.2. Subcategory: Other supplies
- 3.3. Warranty period: min. 12 months (the warranty shall be granted for the period defined in the tender in calendar months).
- 3.4. The subject of the contract is the supply of 450 new or used wheelsets with axle-boxes for 25TN bogies.
The subject of the contract has been divided into 10 parts. One part of the contract refers to the supply of 45 wheelsets with axle-boxes for 25TN bogies.
- 3.5. In the case of used wheelsets that have undergone prior repairs, it is required that said repairs were conducted in a facility that had been successfully audited by the ECM (Entity in Charge of Maintenance)¹ at least once.
- 3.6. In the case of new wheelsets, it is required that the tendered component be manufactured in a facility that had been successfully audited by ECM (Entity in Charge of Maintenance) at least once.
- 3.7. The subject of the contract entails the delivery of each part to the location indicated by the Contracting Entity.
- 3.8. In addition, the subject of the contract includes:
 - at least a 12-month warranty period for the subject of the contract (with respect to every part of the contract).
The warranty shall be granted for the period defined in the tender in calendar months.
- 3.9. The minimum technical requirements for the components are defined in Annex no. 4 to this request for proposal. Tenders that fail to meet the minimum technical parameters shall not be considered.

¹ A Certified Entity in Charge of Maintenance as defined in Article 14 of Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety.

- 3.10.** The subject of the contract that was previously used may not have been co-financed from EU funds or domestic grants within 7 years counted in months as of the deadline for tender submission.
- 3.11.** Category of the subject of the contract pursuant to the Common Procurement Vocabulary (CPV):
34300000-0 - Parts and accessories for vehicles and their engines
34600000-3 - Railway and tramway locomotives and rolling stock and associated parts
34900000-6 - Miscellaneous transport equipment and spare parts
- 3.12.** The Contracting Entity allows the submission of partial tenders, provided that the partial tender covers at least one part of the subject of the contract as detailed in the minimum technical requirements (Annex no. 4 to the Request for Proposal), i.e. 15 wheelsets with axle-boxes for 25TN bogies.
- 3.13.** The Contracting Entity does not allow the submission of alternate tenders.

IV. PLACE OF CONTRACT PERFORMANCE

- 4.1.** Each part must be delivered at the expense of the Economic Operator to one location in Poland that will be agreed upon with the Contracting Entity at least two weeks before the delivery.

V. CONTRACT PERFORMANCE AND PAYMENT PERIODS

- 5.1.** Each part of the contract shall be performed in accordance with the schedule (the final delivery date shall be agreed upon when signing the contract with selected tenderers):

- Part 1 – the supply of 45 wheelsets in October 2022 week 40.
- Part 2 – the supply of 45 wheelsets in October 2022 week 41.
- Part 3 – the supply of 45 wheelsets in October 2022 week 42.
- Part 4 – the supply of 45 wheelsets in November 2022 week 44.
- Part 5 – the supply of 45 wheelsets in November 2022 week 45.
- Part 6 – the supply of 45 wheelsets in November 2022 week 46.
- Part 7 – the supply of 45 wheelsets in November 2022 week 47.
- Part 8 – the supply of 45 wheelsets in December 2022 week 49.
- Part 9 – the supply of 45 wheelsets in December 2022 week 50.
- Part 10 – the supply of 45 wheelsets in December 2022 week 51.

- 5.2.** Contract signing is planned for July 2022.
- 5.3.** The Contracting Entity allows partial payments.

VI. ELIGIBILITY CONDITIONS AND GROUNDS FOR EXCLUSION

ELIGIBILITY CONDITIONS FOR THE PROCEDURE

(refers to every part of the contract)

- 6.1.** Economic Operators that meet the following conditions may apply for contract award:

6.1.1. Licence to conduct a particular business or perform a specific activity

In this respect, the Contracting Entity does not stipulate any requirements the meeting of which the Economic Operator would need to specifically show.

Method of condition evaluation:

The Contracting Entity shall deem an Economic Operator to satisfy this requirement if the Economic Operator submits a declaration on eligibility for the procedure (Annex no. 2 to the Request for Proposal).

6.1.2. Knowledge and experience

The Contracting Entity shall deem an Economic Operator to satisfy this requirement if the Economic Operator proves that within the 3 years directly preceding the deadline for the submission of tenders or, if the business has operated for a shorter period of time, within the time of business operation, the Economic Operator completed at least one delivery of a total of 15 wheelsets with the load bearing capacity of 20 tonnes or more.

Method of condition evaluation:

The condition will be verified on the basis of a declaration and a list of completed deliveries itemising the types and dates of delivery, and entities for which the sets were delivered, with documents proving that such deliveries were duly performed (e.g. a delivery acceptance certificate) attached.

(The Contracting Entity allows referencing the same experience with regard to every part of the contract).

6.1.3. Technical capacity

In this respect, the Contracting Entity does not provide for any requirements whose meeting the Economic Operator would need to specifically show.

Method of condition evaluation:

The Contracting Entity shall deem an Economic Operator to satisfy this requirement if the Economic Operator submits a declaration on eligibility for the procedure (Annex no. 2 to the Request for Proposal).

6.1.4. Economic or financial standing

In this respect, the Contracting Entity does not stipulate any requirements the meeting of which the Economic Operator would need to specifically show.

Method of condition evaluation:

The Contracting Entity shall deem an Economic Operator to satisfy this requirement if the Economic Operator submits a declaration on eligibility for the procedure (Annex no. 2 to the Request for Proposal).

GROUND FOR EXCLUSION FROM THE PROCEDURE

(refers to every part of the subject of the contract)

6.2. Grounds for exclusion

6.2.1. Entities that have personal or capital ties to the Contracting Entity are excluded from the procedure.

Capital or personal ties shall be understood as a mutual relation between the Contracting Entity or persons authorised to incur obligations on behalf of the Contracting Entity, or acting on behalf of the Contracting Entity in relation to preparing and conducting the selection procedure of the economic operators, and the Tenderer, based on, in particular:

- a) being a partner in a civil law partnership [*in Polish: spółka cywilna*] or a firm [*in Polish: spółka osobowa*],
- b) holding at least 10% of shares or stock, unless legal regulations provide for a lower threshold or it has been set by the OP MA,
- c) serving as a member of a supervisory or managing body, registered attorney, representative,
- d) being married, directly related by blood or by marriage, being a relative within the second degree of secondary consanguinity or affinity, or being in the relation of adoption, protection and guardianship.

Assessment of lack of grounds for exclusion:

The satisfaction of this condition shall be verified based on the Economic Operator's declaration of lack of the above-mentioned personal or equity links with the Contracting Entity made in accordance with Annex no. 3 to the Request for Proposal.

6.3. Tenders submitted by Tenderers that show their compliance with the requirements and the lack of grounds for their exclusion shall be admitted to examination and evaluation. The meeting of the above conditions shall be evaluated in accordance with the following formula: "meets – does not meet". A tenderer that fails to meet any of the conditions shall be rejected in the course of the procedure. Tenders that are incomplete or not compliant with the subject of the request will be rejected (however, submitted documents may be supplemented once, as provided for in item 12.1).

VII. METHOD OF PRICE CALCULATION

- 7.1.** Method of tender price calculation: the price must be calculated as net and gross price for the total value of the tendered part, and as a net unit price for one wheelset; the prices must be entered in the tender form.
- 7.2.** Tenders submitted in a currency other than PLN will be converted to PLN at the average exchange rate announced by the National Bank of Poland as at the deadline for tender submission.
- 7.3.** The price must cover all costs related to the preparation and performance of the subject of the contract.
- 7.4.** It will not be possible to modify the price stated in the tender in the course of contract performance, save situations specified in item XIII of this Request for Proposal.

VIII. THE CONTRACTING ENTITY'S CRITERIA OF TENDER SELECTION

- 8.1.** The same evaluation criteria apply to each part of the contract. The method of comparing and evaluating tenders is presented in the description of each criterion. From among all the tenders that have not been rejected, the Contracting Entity will select 10 parts with the highest score (the number of selected best parts of tenders will be such that it ensures the supply of all the required parts of the contract).
- 8.2.** In its evaluation of tenders, the Contracting Entity shall apply the following criteria:
- Price – 70%
 - Age of the oldest component of the wheelset – 10%
 - Warranty – 10%
 - Payment Period – 10%.
- 8.3.** The score will be obtained in accordance with the following formula:

$$O_P = P_C + P_W + P_G + P_T$$

where:

- O_P - score-based evaluation of the tender
- P_C - score obtained for the "Price" criterion
- P_W - score obtained for the "Age of the oldest component of the wheelset" criterion
- P_G - score obtained for the "Warranty" criterion
- P_T - score obtained for the "Payment Period" criterion

- 8.4.** score (P_C) obtained for the "Price" criterion
- Tenders will receive a score (separately for each part) rounded to two decimal places calculated according to the following formula:

$$P_C = \frac{C_N}{C_B} * 70 \text{ pkt}$$

where:

- P_C - score obtained for the "Price" criterion, separately for each part
- C_N - lowest net price (without VAT) of one part from among all scored tenders
- C_B - net price (without VAT) of a given part, offered in the examined tender

A tender may receive a maximum score of 70 points for this criterion. (With regard to each part.)

The above means that every given part of the contract in the examined tender will be compared with a given part of the contract for which the lowest net price (without VAT) was proposed from among all scored tenders.

8.5. Score (P_W) for the “Age of the oldest component of the wheelset” criterion.

Tenders will be scored (separately for each part) according to the following formula:

- Age of the oldest component of the wheelset: 10 years of less – 10 points
- Age of the oldest component of the wheelset: more than 10 years, but not more than 20 years – 5 points
- Age of the oldest component of the wheelset: more than 20 years – 0 points

Tenders may be scored the maximum of 10 point for this criterion (for each given part).

Tenders for sets with the oldest component being older than 30 years will be rejected (except for bearings, for which the maximum permitted age is 25 years).

8.6. Score (P_G) obtained for the “Warranty” criterion

Tenders will receive a score (separately for each part) rounded to two decimal places calculated according to the following formula:

$$P_G = \frac{G_B}{G_N} * 10 \text{ pkt}$$

where:

- P_G - score obtained for the “Warranty” criterion, separately for each part
- G_N - the longest warranty period in months offered for a given part from among all scored tenders
- G_B - warranty period in months offered for a given part in the examined tender

A tender may receive a maximum score of 10 points for this criterion. (With regard to each part.)

The above means that every given part of the contract in the examined tender will be compared with a given part of the contract for which the longest warranty period was proposed from among all scored tenders.

Tenders with a warranty agreement for a period shorter than 12 months will be rejected.

8.7. Score (P_T) obtained for the “Payment Period” criterion

Tenders will receive a score (separately for each part) rounded to two decimal places calculated according to the following formula:

$$P_T = \frac{T_B}{T_N} * 10 \text{ pkt}$$

where:

- P_T - score obtained for the “Payment period” criterion, separately for each part
- T_N - the longest payment period in days offered for a given part from among all scored tenders
- T_B - payment period expressed in days for a given part in the examined tender

A tender may receive a maximum score of 10 points for this criterion. (With regard to each part.)

The above means that every given part of the contract in the examined tender will be compared to a given part of the contract for which the longest payment period was proposed from among all scored tenders.

IX. PLACE AND DATE OF TENDER SUBMISSION AND OPENING

- 9.1.** Tenders shall be submitted by the deadline of 22 July 2022, 12:00 p.m.:
- electronically to: contact@euro-wagon.com, as scanned documents signed by the Economic Operator in accordance with the requirements specified in items 10.3 and 10.4, or
 - electronically via Baza Konkurencyjności, in accordance with the requirements specified in “Instrukcja oferenta w BK 2021” [*Tenderer's Manual in BK 2021*] [https://archiwum-bazakonkurencyjnosci.funduszeuropejskie.gov.pl/info/web_instruction], as scanned documents signed by the Economic Operator in accordance with the requirements specified in items 10.3 and 10.4, or
 - in hard copies to: Eurowagon Sp. z o.o., 61-894 Poznań, pl. Władysława Andersa 7, signed by the Economic Operator in accordance with the requirements specified in items 10.3 and 10.4.
- 9.2.** The date and time of receipt by the Contracting Entity shall be decisive in terms of compliance with the deadline.
- 9.3.** Tenders submitted past the deadline will not be considered.
- 9.4.** The Contracting Entity does not expect a public opening of Tenders.

X. TENDER PREPARATION METHOD

- 10.1.** An Economic Operator may submit one tender for one or more parts of the subject of the contract. Submission of more than one tender will result in the rejection of all tenders submitted by that Economic Operator.
- 10.2.** Tenders shall be drawn up in Polish or English.
- 10.3.** Tenders and annexes thereto must be signed by persons authorised to represent the Economic Operator, as shown in a relevant register or based on a granted power of attorney. Copies of documents submitted with hard-copy tenders must be certified as true copies of the original.
- 10.4.** If a person(s) signing the tender (representing the Economic Operator) acts on the basis of power of attorney, the letter of power of attorney must be attached to the tender.
- 10.5.** A tender must contain:
- a)** A tender form (as per Annex no. 1 to the Request for Proposal),
 - b)** Declarations and documents listed in section VI of the Request for Proposal,
 - c)** A list of tendered wheelsets (as per Annex no. 5 to the Request for Proposal),
 - d)** a transcript or information from the National Court Register, the Central Registration and Information on Business or another relevant register to confirm that the person acting on behalf of the economic operator is authorised to represent them, unless the Contracting Entity can verify up to date information in free and publicly available databases, in particular in public registers as defined by the Act of 17 February 2005 on computerisation of the operation of entities performing public tasks (consolidated text: Polish Journal of Laws / Dz. U. 2020, item 346, as amended). An Economic Operator whose registered office or place of residence are outside the Republic of Poland shall submit a document or documents issued in the country of their registered office or residence.
 - e)** a letter of power of attorney to act on behalf of the Economic Operator with a transcript or information from the National Court Register, the Central Registration and Information on Business or another relevant register to confirm that the person granting the power of attorney on behalf of the economic operator is authorised to represent them, unless the Contracting Entity can verify up to date information in free and publicly available databases, in particular in public registers as defined by the Act of 17 February 2005 on computerisation of the operation of entities performing public tasks (consolidated text: Polish Journal of Laws / Dz. U. 2020, item 346, as amended). An Economic Operator whose registered office or place of residence are outside the Republic of Poland shall submit a document or documents issued in the country of their registered office or residence (if applicable).

- 10.6.** For tenders submitted by email, please use the following subject: “Oferta na dostawę podzespołów, Zapytanie Ofertowe ZMM/02/06/2022”. [Tender for the supply of components, Request for Proposal ZMM/02/06/2022] For tenders submitted in hard copies, please include the following note on the envelope: “Oferta na dostawę podzespołów, Zapytanie Ofertowe ZMM/02/06/2022”. [Tender for the supply of components, Request for Proposal ZMM/02/06/2022] Tenders submitted via Baza Konkurencyjności do not need to be titled.
- 10.7.** Before the time limit for the submission of tenders expires, the Economic Operator may amend or withdraw the tender they submitted. Tenders shall be amended or withdrawn on the same conditions as tender submission. For tenders submitted by email, please use the following subject: “Zmiana oferty na dostawę podzespołów, Zapytanie Ofertowe ZMM/02/06/2022” [Amendment of a tender for the supply of components, Request for Proposal ZMM/02/06/2022] or “Wycofanie oferty na dostawę podzespołów, Zapytanie Ofertowe ZMM/02/06/2022” [Withdrawal of a tender for the supply of components, Request for Proposal ZMM/02/06/2022] For tenders submitted in hard copies, please include the following note on the envelope: “Zmiana oferty na dostawę podzespołów, Zapytanie Ofertowe ZMM/02/06/2022” [Amendment of a tender for the supply of components, Request for Proposal ZMM/02/06/2022] or “Wycofanie oferty na dostawę podzespołów, Zapytanie Ofertowe ZMM/02/06/2022” [Withdrawal of a tender for the supply of components, Request for Proposal ZMM/02/06/2022] Tenders submitted via Baza Konkurencyjności do not need to be titled.
- 10.8.** Tenderers are obliged to carefully read the information contained in the Request for Proposal and all possible changes to the text of the request, clarifications and responses published by the Contracting Entity in the course of the procedure, and to prepare their Tender in accordance with the Contracting Entity's requirements.

XI. METHOD OF COMMUNICATION BETWEEN THE CONTRACTING ENTITY AND THE ECONOMIC OPERATORS, AUTHORISED CONTACT PERSONS

- 11.1.** In the course of the procedure, the Contracting Entity and Economic Operators shall exchange declarations, requests, notifications and information in Polish and/or English.
- 11.2.** The receipt of any and all notifications, declarations, requests and information provided in an electronic form must be immediately confirmed at the request of each party.
- 11.3.** If the Economic Operator fails to confirm the receipt of correspondence, the Contracting Entity shall deem the correspondence sent by the Contracting Entity to the email address provided by the Economic Operator and via the “Pytania” [Enquiries] tab on Baza Konkurencyjności [<https://bazakonkurencyjnosci.funduszeuropejskie.gov.pl/>] delivered in such a manner that the Economic Operator could read it.
- 11.4.** Any correspondence related to this procedure shall be sent to: contact@euro-wagon.com
- 11.5.** In the correspondence related to this procedure, Economic Operators should reference the following procedure number: Request for Proposal no. ZMM/02/06/2022
- 11.6.** Persons authorised to communicate with Economic Operators:
- Marek Gołębiewski
- Maciej Małąg
- 11.7.** Information, clarification or response to enquiries intended for the Contracting Entity shall not be provided verbally or over the phone.
- 11.8.** Possible enquiries concerning this request shall be sent by email to the above-mentioned email address or submitted via the “Pytania” (Enquiries) tab on the Baza Konkurencyjności website [<https://bazakonkurencyjnosci.funduszeuropejskie.gov.pl/>] no later than 3 days before the tender submission deadline. The preferred method of enquiring is via Baza Konkurencyjności.
- 11.9.** Responses to enquiries and more details concerning the Request will be published in relation to enquiries of potential Contractors will be published on bazakonkurencyjnosci.funduszeuropejskie.gov.pl and, if the enquiry was submitted by email, sent to the enquiring entity.

XII. TENDER EVALUATION AND ANNOUNCEMENT OF THE RESULTS

- 12.1.** In the course of examining and evaluating tenders, the Contracting Entity may request that Economic Operators supplement the submitted tenders (as long as it does not violate competitiveness) and provide clarifications as to their contents. The Contracting Entity may also request that obvious calculation errors and mistakes be corrected.
- 12.2.** In the course of tender evaluation, the Contracting Entity reserves the right to verify the credibility of documents, declarations, lists, data and information presented by Economic Operators.
- 12.3.** The selected Tenderer(s) will be notified about the time and place of contract signing by phone or email. The Contract shall be deemed concluded after it is signed by both Parties. The Contract shall be signed in writing (in hard copy with handwritten signatures) or electronically (signed with qualified electronic signatures ²). The model Contract is attached as Annex no. 6 to the Request for Proposal.
- 12.4.** Should the Tenderer(s) that submit the most advantageous Tender fail to sign the Contract, the Contracting Entity reserves the right to sign the Contract with the Tenderer that obtained the next highest score (but was not selected for any of the defined parts) without conducting another tender procedure.

XIII. CONTRACT MODIFICATION

- 13.1.** The Contracting Entity reserves the right to significantly modify the provisions of the concluded contract compared to the tender based on which the Economic Operator was selected in the following scope and circumstances:
- 13.1.1.** legislative changes in the European Union or domestic law in a scope that impacts the performance of the Contract (in particular changes to VAT rates);
- 13.1.2.** correction of technical parameters of the components due to a solution update caused by technological progress, without any impact on the gross lump sum
- 13.1.3.** the period of Contract implementation is extended due to the need to perform additional works that are necessary for the proper performance of the Contract, and which the Contracting Entity, acting with due diligence, could not have foreseen, save item 13.1.6 below;
- 13.1.4.** extension of the period of Contract implementation due to force majeure with all the consequences related to the extension of said period;
- 13.1.5.** a modification of parameters of the subject of the Contract which does not lead to a change in the nature of the Contract – technological changes, in particular: the necessity to perform the Contract using different technical/technological, material solutions than those provided for in the Request for Proposal, if the application of the solutions that had been provided for could result in non-performance or defective performance of the Contract, save item 13.1.7 below;
- 13.1.6.** a change concerning the provision of additional supplies or services of the Economic Operator that are not covered by the Contract, if they became necessary and if the following conditions are jointly met:
- the Economic Operator may not be replaced for economic or technical reasons, in particular for reasons concerning the fungibility or interoperability of the equipment, services or installations ordered as a part of the primary subject of the Contract,
 - a change of the Economic Operator would cause a significant inconvenience or a significant increase in costs for the Contracting Entity,
 - the value of each subsequent change does not exceed 50% of the value of the original subject of the Contract net;

² Qualified electronic signature as defined in the Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC

- 13.1.7.** the modification does not lead to a change in the nature of the Contract and the following conditions have been met jointly:
- Contract modification is necessitated by circumstances that the Contracting Entity, acting with due diligence, could not have foreseen,
 - the value of the change does not exceed 50% of the value of the original subject of the Contract net;
- 13.1.8.** The Economic Operator is to be replaced by a new economic operator:
- as a result of a merger, division, transformation, bankruptcy, restructuring or acquisition of the Economic Operator or their enterprise, provided that the new economic operator is eligible for participation in the procedure, grounds for exclusion are not applicable and that the change does not cause other significant changes to the Contract,
 - as a result of the Contracting Entity taking over the obligations of the Economic Operator to their subcontractors.
- 13.1.9.** Contract modification does not lead to a change in the nature of the Contract, and the total value of modifications is lower than EUR 214,000 and at the same time lower than 10% of the value of the original subject of the Contract net.
- 13.2.** The Contracting Entity allows insignificant modifications to the concluded Contract compared to the tender based on which the Economic Operator was selected.
- 13.3.** Changes to the Contract shall be made in the form of an amendment signed by both parties; changes can be made only if they have been approved by the Contracting Entity.

XIV. MISCELLANEOUS INFORMATION

- 14.1.** The Contracting Entity reserves the right to amend or supplement the Request for Proposal before the period for submission of tenders expires. Information on amending or supplementing the Request for Proposal shall be published where the request has been published.
- 14.2.** If the amended or supplemented provisions of the Request for Proposal require a modification of tenders, the Contracting Entity will extend the period for tender submission by the time needed to amend the tenders.
- 14.3.** The Economic Operator shall incur all the costs related to the preparation and submission of their tenders.
- 14.4.** An Economic Operator that submits a tender shall remain bound by it for 90 days as of the deadline for tender submission.
- 14.5.** As a result of the procedure, the Contracting Entity may conclude a Contract(s) for the performance of the subject of the contract / part of the subject of the contract with the Economic Operator(s) whose offer is considered the most advantageous in the scope of each defined part. The selection of the most advantageous tender does not mean that the Contracting Entity is obliged to conclude the Contract with the Economic Operator(s).
- 14.6.** The Contracting Entity reserves the right to award to the Economic Operator additional contracts, not covered by the Subject of the underlying Contract in an amount not exceeding 50% of the value of the Subject of the underlying Contract, necessary for its proper performance and resulting, among others, from:
- the fact that for technical or economic reasons, the separation of the additional contract from the Subject of the underlying Contract would generate disproportionately high costs,
 - the performance of the Subject of the underlying Contract is conditioned on the performance of the additional contract.
- 14.7.** The Contracting Entity reserves the right to award the Economic Operator a supplementary contract (meeting the description of the subject of the underlying contract) in an amount not exceeding 50% of the value of the underlying contract specified in the contract concluded with the Economic Operator.
- 14.8.** The Contracting Entity reserves that:
- they have the right not to select any of the submitted Tenders;
 - they have the option to cancel this Tender Procedure at any time, with regard to the entire contract or its part, without stating the cause or giving the Tenderers any previous notice;

- they have the right to amend or supplement documents that form a part of the request for proposal, which will become its integral part;
 - may extend the period for tender submission;
 - may select an Economic Operator for any number of Contract parts,
- however, no Tenderer shall be entitled to any claims therefor against the Contracting Entity.

14.9. PERSONAL DATA PROTECTION

Upon the submission of tenders, the Contracting Entity shall become the controller of the personal data included in the tenders, as defined in Article 4(7) of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/ EC ("GDPR"). The Contracting Entity will process such data to evaluate the tenders, conclude the contract with the selected economic operator and for the purposes of performing such contract, i.e. under Article 6(1)(b) of the GDPR.

The Contracting Entity will transfer the personal data included in the submitted tenders under relevant legal provisions to authorised entities and institutions authorised to inspect projects co-financed from the European Union budget. The data shall be in particular transferred to the Intermediate Body – Centrum Unijnych Projektów Transportowych (Centre for EU Transport Projects), and the controller of such data shall be the minister competent for development under Article 71(1). Information on the scope of data processing by relevant institutions is published at: <https://www.funduszeuropejskie.gov.pl/strony/o-funduszach/ogolne-zasady-przetwarzania-danych-osobowych-w-ramach-funduszy-europejskich/>

The Contracting Entity will process personal data for the period in which it is obliged under relevant legal regulations to store the entire documentation concerning a project co-financed from the EU budget.

XV. LIST OF ANNEXES

The following documents constitute annexed to this Request for Proposal:

Annex reference	Name
Annex no. 1	Tender Form Template
Annex no. 2	Declaration of Eligibility for the Procedure with a list of completed deliveries
Annex no. 3	Template Declaration of no Personal/Capital Ties to the Contracting Entity
Annex no. 4	Minimum Technical Requirements
Annex no. 5	List of Tendered Wheelsets
Annex no. 6	Model Contract