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Request for Bid no. 15/2020
(refers to purchasing Individual Pellet Hardness Tester for MAKROChem Research and Development Centre in Chruściel, including delivery, installation, trial operation and training of personnel)

I. THE EMPLOYER

"MAKROCHEM" S.A.
ul. Mariana Rapackiego 2
20-150 Lublin
VAT ID (NIP): 712-324-05-44, COMPANY ID (REGON): 060741528, KRS: 0000378832

II. PROCUREMENT AWARD

The procurement shall be awarded in the mode of Bidding Procedure, based on competition.

The Employer hereby represents that this Request for Bid is implemented under the Operational Programme Smart Growth 2014-2020.

2. Priority axis – Support for the environment and capacity of enterprise for R&D&I activity.

Measure 2.1 - Support for investments in R&D infrastructure of enterprises.

Project title - Establishment of R&D Centre for MAKROChem S.A.

III. CPV CODE

38540000-2- Machines and apparatus for testing and measuring

IV. SUBJECT OF PROCUREMENT

1. The subject of procurement is purchasing of Individual Pellet Hardness Tester for MAKROChem Research and Development Centre in Chruściel, Płoskinia Commune, Warmińsko-Mazurskie Voivodeship, including delivery, installation, trial operation and training of personnel.

Specification of Individual Pellet Hardness Tester:

The Individual Pellet Hardness Tester (IPHT) is an automated tester to determine individual crush strength of carbon black pellets.

The device should meet the following requirements:

- 1) Measuring capabilities:
 - pellet hardness,
 - pellet diameter,
 - pellet stiffness,
 - calculate statistics about pellet characteristics.
- 2) Force measuring specification:
 - range Up to 250 cN,
 - absolute accuracy ± 2 cN,
 - relative accuracy (between two measurements) ± 1 cN.
- 3) Pellet size measuring specification:
 - range from 0.8 to 3 mm (interchangeable sample tip for different pellet size range),
 - absolute accuracy ± 0.1 mm,
 - relative accuracy ± 0.02 mm.
- 4) Compliance with standards:
 - ASTM D5230 Constant support speed in mm/sec
 - ASTM D3313 Constant force rate in cN/sec
- 5) The device should be equipped with and connected to the standard PC computer or equivalent.

Other conditions, including guarantee and servicing:

1. The supplier is obliged to provide at least 12 month guarantee for the equipment.
2. The Bid has to cover delivery, installation, trial operation and training of Employer's personnel provided by supplier's personnel at Employer's R&D Centre in Chruściel.
3. Delivered equipment has to be complete, ready to use by the Employer, free from defects and damages.
4. The equipment has to meet the requirements of all applicable standards - CE certificate required.
5. The supplier undertakes to ensure availability of spare parts, guarantee and post-guarantee servicing by supplier's personnel.
6. The subject of procurement has to be completed in accordance with:
 - a) terms and conditions of this Request for Bid,
 - b) applicable standards, regulations and state-of-the-art, in the manner that enables reaching of indicated parameters.

The Employer permits alternative solutions, provided that trademark, patent or origin is indicated, as well as the sources or specific process. The Employer permits the implementation of alternative solutions, however the parameters of the devices proposed by the supplier should not be worse than the minimum parameters described in this Request for Bid.

V. PARTICIPATION IN BIDDING PROCEDURE

1. Only Bidders who satisfied below requirements may participate in Bidding Procedure:

- a) They have the required knowledge and experience as well as engineering potential and personnel capable of implementing the subject of procurement.
 - b) Their financial and economic standing guarantees their completion of the subject of procurement.
 - c) They run business operations in the area consistent with the subject of procurement.
 - d) They are licensed to perform specific operations or actions, should provisions of law impose an obligation to hold such license.
 - e) They provide at least 12 months of guarantee for the device, calculated from the date of signing the protocol of final acceptance.
2. In order to confirm satisfying the requirements for participation in the procedure as indicated in:
- V.1.(a) to (d) - the Bidder shall be obliged to provide relevant declarations, as per the specimen in Appendix 2 (either Polish or English version) hereto;
 - V.1.(e) - the Bidder shall be obliged to fill in the Clause 3 of Appendix 1 (either Polish or English version) hereto, indicating the guarantee period in months.

VI. TIME FOR COMPLETION OF THE PROCUREMENT

Completion date for the Subject of Procurement (including delivery, installation, trial operation and training of personnel): by **28.12.2020**.

The confirmation of the completion of the Subject of Procurement is signing of a bilateral protocol of final acceptance.

VII. PREPARATION OF BID

Bids should be submitted on the form as attached hereto in Appendix 1 (either Polish or English version).

Each Bid should be:

- affixed with company stamp
- dated
- contain address of Bidder's registered office, TAX ID (NIP) and information on person responsible for contacts,
- signed by Bidder or by a person authorized to make declarations of will on behalf of the Bidder.

Each Bid should be attached with the following:

- document referred to in Article XIX item 2 (either Polish or English version) of this Request for Bids,
- photocopy of extract from Register of Companies, from Record of Businesses or equivalent register, issued within last six months prior to the date of Bid submission, pursuant to Article VIII(1) of this Request for Bids.

VIII. VENUE AND DEADLINE FOR SUBMISSION OF BIDS

1. The Bid should be delivered by email at magdalena.balawender@makrochem.com, mail, messenger services or in person, at ul. Mariana Rapackiego 2, 20-150 Lublin, by 20.11.2020, including the photocopy of extract from Register of Companies, from Record of Businesses or equivalent register, issued within last six months prior to the date of Bid submission.

2. In the event of delivery by mail, the date of Bid receipt by the Employer shall prevail, and in the event of delivery by email, the date and hour of email message receipt shall prevail.
3. Bids submitted after the deadline prescribed in the Request for Bids shall be rejected due to their failure to satisfy participation conditions of Bidding Procedure.

IX. BID VALIDITY PERIOD

A Bidder shall be bound with his Bid for the period of 90 days. Such period starts with expiration of Bid submission deadline.

X. EVALUATION OF BIDS

The Employer shall evaluate valid Bids based on the following criteria:

Net price in PLN 100%

"Net price in PLN" shall be understood by the Employer as the total net price as specified by a Bidder for completion for the subject of procurement indicated in Bid Form. Evaluation under the criterion "Net price in PLN" shall be calculated using the following formula:

$$Kc = \frac{Cn}{Co} \times 100\% \times 100$$

where:

Cn – the lowest proposed net price

Co – net price proposed in evaluated Bid

Kc – points awarded to evaluated Bid in the criterion "Net price in PLN"

Each Bid may be awarded the maximum of 100 pts.

In the event that net price of the subject of procurement is quoted in foreign currency, such price shall be converted to PLN at the average NBP exchange rate on the date preceding the date of Bid opening.

Resulting prices shall be rounded to two decimal places. The Employer shall award the Procurement to the Bidder whose Bid shall satisfy all conditions and requirements and is granted the largest point score.

XI. SELECTING THE BEST BID

1. Bids shall be evaluated on 23.11.2020 and results of evaluation and selection of the best Bid shall be announced via Competitiveness Base at <https://bazakonkurencyjnosci.funduszeuropejskie.gov.pl>.
2. Bids submitted after the deadline shall not be considered.
3. Bidders shall be notified on selection of the best Bid via Competitiveness Base at <https://bazakonkurencyjnosci.funduszeuropejskie.gov.pl>.

XII. PARTIAL, VARIANT AND COMPLEMENTARY BIDS

1. The Employer does not permit submission of partial Bids.
2. The Employer permits subletting the procurement to subcontractors, after prior notification of the Employer and obtaining his consent.

3. The Employer does not permit submitting variant Bids.
4. The Employer reserves the right to award a supplier selected in accordance with the principle of competition, within 3 years from the date of awarding the basic contract, the service or construction works provided in the Request for Bid, connected with repeating similar service or construction works.

XIII. PROHIBITION OF PERSONAL OR CAPITAL AFFILIATIONS

1. No personal or financial affiliates of the Employer are permitted to participate in the procedure. Financial or personal affiliation is understood as relationship between the Employer, or persons authorized to take obligations on his behalf, or persons acting on his behalf in preparation and conducting the Supplier Selection procedure, and the Supplier, consisting in particular in the following:
 - participating in the partnership, as a partner in civil company or partnership;
 - ownership of at least 10% shares or stocks; provided that the lower threshold does not result from legal regulations or has not been defined by the Managing Body;
 - acting as a member of the supervisory or managing body, proxy, power of attorney holder;
 - matrimony, kinship or direct affinity, second degree kinship or second degree affinity, or adoption, care or custody.

XIV. AMENDING THE AGREEMENT

1. The Employer reserves himself the right to amend the agreement, either already executed or before signing, in particular with regard to reducing the contractual price, modifying terms of payment, modifying milestone dates with the successful Bidder for the following reasons:
 - justified changes in the subject of procurement completion method, e.g. due to engineering causes;
 - objective causes outside the control of the Employer and the Supplier;
 - circumstances of Force Majeure;
 - changes in provisions of laws applicable on the date of execution of the agreement;
 - obtaining of decision by entity financing the project that contains changes in the scope of works, dates of completion, or additional obligations of the Supplier.
2. The above shall be conditional to consent of both parties and possible consent of Mediating Body.

XV. TERMS OF PAYMENT

The grounds for payment of Supplier's compensation shall be the protocol of final acceptance or Supplier's invoice issued to the Employer.

XVI. EXCLUSIONS

Bids shall be rejected:

- which content does not correspond with the content of Request for Bids,
- which were submitted by Bidders who does not meet requirements specified in Request for Bids,
- which were submitted after the Bid submission deadline,
- which were submitted by Bidders subject to exclusion due to existing personal or capital affiliations.

XVII. ADDITIONAL INFORMATION

1. Requests for Bids are placed in Competitiveness Base at <https://bazakonkurencyjnosci.funduszeuropejskie.gov.pl>
2. Submission of a Bid is equivalent with corresponding Bidder's consent to disclose details of his Bid to other Bidders. Bidders are entitled to refuse their consent to disclose engineering details of the subject of procurement.
3. Bidders are entitled to modify or withdraw their Bids before the deadline for submission of Bids.
4. The Employer reserves himself the right to modify the request for Bids, without stating cause, before expiration of the deadline for submission of Bids, and to cancel the procedure, at any time, without stating the cause.
5. In the event of cancelling the procedure, Bidders shall not be entitled to any claims vis-a-vis the Employer.
6. Bid Price has to be complete, unambiguous and final. In the absence of a required appendix, as per the content of the procedure, or in the absence of required data/information necessary to meet the requirements defined in this Request for Bids, the Employer permits the possibility of supplementing such missing data/information by Bidders.
7. At the stage of Bid Evaluation, Bidders may be requested by the Employer to provide such documents as testimonials, protocols of final acceptance or any other documents confirming correct completion of similar subjects of procurement.
8. In the event of discrepancies between information/data in the Bid, the Employer shall accept as correct the information/data provided on Bid Form, attached hereto as Appendix 1 (either Polish or English version) and in the Declaration, attached hereto as Appendix 2 (either Polish or English version).
9. The Employer notifies that the procedure is not implemented pursuant to Public Procurement Act of 29 January 2004, and therefore no appeal remedies defined therein shall be available.
10. This proceedings is conducted in two language versions - in Polish and in English.

XVIII. CONTACT

For additional information, please contact Mr Cezary Dębek at phone number 512-774-013 and at email address: cezary.debek@makrochem.com

XIX. APPENDICES

1. Specimen: Bid form
2. Specimen: Declaration on meeting the requirements for participation in the procedure.