

Białystok, 18.10.2022

CALL FOR OFFERS NO. NCBR-D2-10/2022
under the project entitled

„Development of multi-diode laser source technology based on diodes with a wavelength of 350 - 550 nm, allowing easy adjustment of the laser beam parameters to optimize the processes of cutting, engraving and sintering of materials used in industry.”, implemented in accordance with grant agreement no. **POIR.01.01.01-00-0526/20-00**

concluded under .1: Support for R&D Activity of Enterprises Subactivity 1.1.1: Industrial research and experimental development carried out by enterprises under the Smart Growth Operational Programme 2014-2020

I. PURCHASING ENTITY:

Tomorrow's System Sp. z o.o
Kazimierza Pułaskiego St. 125/35
15-337 Białystok
NIP No. (taxpayer identification number): 5423238556
<https://optlasers.com/>

II. AUTHORIZED CONTACT PERSON:

Ms. Karolina Bednarska
Phone: +48 513 932 054
e-mail: karolina.bednarska@optlasers.com
Mr. Kamil Birkholc
Phone: +48 515 180 752
e-mail: kamil.birkholc@optlasers.com

Questions should be sent only through the “Baza Konkurencyjności”, through the functionality found in the announcement on the portal: <https://bazakonkurencyjnosci.funduszeuropejskie.gov.pl>. At the same time the person asking the question through the “Baza Konkurencyjności” is obliged to inform about it the contact persons by e-mail mentioned above.

The deadline for questions is set for 27.10.2022 until 12:00 p.m. (UTC+1)

III. CONTRACT AWARD MODE:

The order will be executed in accordance with:

1. The principle of competitiveness as defined in the Guidelines on the eligibility of expenditure under the European Regional Development Fund, the European Social Fund and the Cohesion Fund for 2014-2020, issued on the basis of Article 5 (1) (5) of the Act of 11 July 2014 on the principles for the implementation of programmes in the area of cohesion policy financed in the financial perspective 2014-2020 - call for Offers

IV. SUBJECT OF THE INQUIRY:

The subject of the order is the purchase and delivery of laser diodes for prototype assembly, divided into the following parts, according to specifications (type/parameters).

The order consists of 3 separate parts indicated in the table below:

No.	Category	Name	Type / Specifications
Part 1	Laser diodes for prototype assembly part E	Laser diode C	Specifications: Nominal output power: ~3W Wavelength: 402nm TO-5 or TO-18 packaging Single emitter Number of pieces: 15
Part 2	Laser diodes for prototype assembly part E	Laser diode D	Specifications: Nominal output power: ~5W Wavelength: 447nm TO-5 or TO-18 packaging Single emitter Number of pieces: 20
Part 3	Laser diodes for prototype assembly part E	Laser diode F	Specifications: Nominal output power: >0.5W Wavelength: 380nm TO-5 or TO-18 packaging Single emitter Number of pieces: 25

1. The subject of inquiry includes shipping to address indicated by the Purchasing Entity: Baletowa St. 30c, 02-867 Warszawa
2. The Purchasing Entity allows the order of smaller batches of elements in stages, according to prior agreement of the date of purchase. Total quantities will be ordered in accordance with the quantities indicated in the inquiry, and on price conditions contained in the offer and the contract with the selected Vendor.
3. The Purchasing Entity does not allow for variant bids.
4. The Purchasing Entity allows submitting partial offers.
5. The Purchasing Entity allows for equivalent solutions in relation to the parameters and component designations indicated. Equivalence is understood as maintaining the relevant parameters and properties of the offered items.
6. In case the subject matter of the contract is described by standards, approvals, technical specifications, the Purchasing Entity shall allow equivalent solutions.

CPV codes:

31712340-5 Diodes

31712348-1 Laser diodes

V. TERMS AND CONDITIONS OF PARTICIPATION IN THE PROCEEDINGS AND DESCRIPTION OF THE METHOD USED TO ASSESS THEM:

1. The following shall be excluded from the procedure for the award of this contract:

Tomorrow's System Sp. z o. o.

Pułaskiego 125/35

15-337 Białystok

- a) entities with personal or capital relations with the Purchasing Entity. Capital or personal links mean mutual links between the Purchasing Entity or persons authorized to incur liabilities on behalf of the awarding authority or persons performing activities related to the preparation and execution of the Vendor selection procedure on behalf of the awarding authority and the Vendor, consisting in particular in:
- participating in the company as a partner in a civil law partnership or a private partnership,
 - holding at least 10% of shares or stocks, unless a lower threshold results from legal provisions or was defined by the Managing Authority of the Operational Programme,
 - being a member of the supervisory or managing body, proxy, attorney,
 - being married, in the relation of kinship or affinity in direct line, kinship of the second degree or affinity of the second degree in side line, or in the relations of adoption, custody or guardianship.
- b) Entities and persons who support, directly or indirectly, the hostilities of the Russian Federation or are responsible for them and are excluded from the proceedings on the basis of the following provisions:
- Council Regulation (EC) No. 765/2006 of May 18, 2006 concerning restrictive measures in view of the situation in Belarus and the participation of Belarus in Russia's aggression against Ukraine (Journal of Laws UE L 134 of 20 May 2006, p. 1) , as amended);
 - Council Regulation (EU) No 269/2014 of 17 March 2014 on restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (Journal of Laws UE L 78 of 17.3.2014, p. 6, as amended);
 - Regulation (EU) No. 833/2014 of 31 July 2014 on restrictive measures in view of Russia's actions destabilizing the situation in Ukraine (Journal of Laws UE L 229 of 31.07.2014, p. 1. as amended);
 - The Act of April 13, 2022 on special solutions in the field of counteracting supporting aggression against Ukraine and serving the protection of national security (Journal of Laws of 2022, item 835) (hereinafter referred to as the Act)
- c) entities against which bankruptcy proceedings have been initiated or whose bankruptcy has been announced.
- d) entities that are in a court dispute with the Purchasing Entity.
2. The conditions indicated in Point 1 will be evaluated using the zero-one method i.e. fulfilled-not fulfilled on the basis of the statement submitted in accordance with Appendix no. 2 to this Call.
3. An offer which fails to meet any of the conditions specified in Point 1 shall be rejected.
4. AUTHORIZATION TO PERFORM SPECIFIC BUSINESS ACTIVITIES OR ACTIVITY: Not applicable
5. KNOWLEDGE AND EXPERIENCE: Not applicable
6. TECHNICAL POTENTIAL: Not applicable
7. PERSONS CAPABLE OF PERFORMING THE CONTRACT: Not applicable
8. ECONOMIC AND FINANCIAL SITUATION: Not applicable

VI. AIM OF ORDER

The inquiry is carried out in connection with the ongoing research project and the results planned to be achieved.

VII. SUPPLEMENTARY ORDERS

The Purchasing Entity reserves the right to award supplementary contracts to the current Vendor, within 3 years of awarding the main contract, in the amount not exceeding 25% of the contract value defined in the agreement concluded with the Vendor, provided that such contracts are consistent

with the subject and scope of the main contract. Supplementary orders for the supply mentioned above will consist in the supply of similar equipment to that indicated in the above-mentioned inquiry, with identical or similar parameters.

VIII. PLACE AND DATE OF SUBMISSION OF OFFERS

1. The offer should be submitted until the following date 28.10.2022 until 16:00 CET
2. The offer submission is available through:
 - a) The Competitiveness Database Portal:
<https://bazakonkurencyjnosci.funduszeuropejskie.gov.pl/>, or
 - b) Electronically in the form of a scanned signed document in pdf format sent by email to the following address: **oferty@optlasers.com** (signed scan) or
 - c) In paper form, in a closed envelope, in writing or in person at the registered office of the Purchasing Entity indicated in Point 1 herein, i.e. at the following address:
Tomorrow's System Sp. z o.o
Kazimierza Pułaskiego St. 125/35
15-337 Białystok

With the notation:

„CALL FOR OFFERS no. NCBR-D2-10/2022– do not open”

(the date of receipt by the Purchasing Entity shall be considered)

3. Offers submitted after the specified date will not be considered. The date and time the offer is received by the company will count.
4. In case of doubts related to the content of the submitted offers, the Purchasing Entity reserves the right to call the Bidder to submit clarifications or additions.
5. The Bidders will be informed about the selection of the best offer in writing, by fax or e-mail.
6. The Purchasing Entity allows the possibility of changing or withdrawing the Offer by the Bidder before the deadline of submission of offers.
7. Notification of changes must be submitted according to the same rules as the submitted offer, properly labeled with a note „AMENDMENT”.

IX. TIME LIMIT FOR BEING BOUND BY THE OFFER AND COMPLETION OF THE SUBJECT OF THE INQUIRY

1. The Bidder shall remain bound by the submitted offer for a period of 30 days, with the bid validity period starting at the end of the deadline for submission of offers. The validity period must be confirmed in the submitted offer form.
2. Period for execution of the contract: up to 60 days from the date of signing the contract with the selected Vendor/Vendors or from the date of placing the order by the Purchasing Entity.
3. Approximate date of signing the contract: 11.2022
4. The Purchasing Entity reserves the right to change the date of order completion of the subject of the inquiry. New dates will be determined in consultation with the chosen Vendor/Vendors.
5. During the examination and evaluation of the offer, the Purchasing Entity may request clarification from the Bidders on the content of the submitted offers.

X. LIST OF REQUIRED DOCUMENTS:

1. Offer form (Appendix no. 1 to this proceeding)
2. Declarations (Appendix no. 2 to this proceeding)
3. Information on the principles of data processing (Appendix no. 3 to this proceeding)

XI. DESCRIPTION OF OFFER PREPARATION:

1. The offer shall be prepared on the Offer Form, which constitutes Attachment no. 1 to this Call for Offers.
2. The offer should contain description of components/additional equipment and technical parameters.
3. Each Bidder can submit only one offer and propose only one price. Submission of more than one offer or offer containing alternative solutions will cause rejection of the offer.
4. The offer must be signed by person or persons authorized to represent the Bidder.
5. Templates of the documents attached to this Call for Offers shall be filled in by the Bidder and attached to the offer or prepared by the Bidder in the content consistent with the Call.
6. The Bidder shall bear all costs associated with preparation and submission of the offer.
7. The Bidders are not entitled to any claims against the Purchasing Entity due to not accepting the offer.
8. The offer should be made in writing or electronically in one copy in Polish or English language.
9. The Bidder may stipulate in the offer that the Purchasing Entity shall not be able to disclose information constituting a trade secret in the meaning of the provisions on unfair competition, i.e. technical, technological, organizational and other information of economic value not disclosed to the public, with regard to which the entrepreneur has taken necessary steps to maintain its confidentiality.
10. Pages of the offer being the secret of the company within the meaning of the Act on Combating Unfair Competition, which the Bidder reserves that they cannot be made available to other participants of the proceedings, must be submitted as a separate part of the offer or put in a separate envelope, marking it accordingly.

XII. DESCRIPTION OF BID PRICE CALCULATION METHOD:

1. The price in the offer must be expressed in PLN or EUR/USD to two decimal places.
2. Total net and gross price in PLN or net EUR/USD.
3. If the prices in the offer are expressed in a currency other than PLN, they will be converted using the sales exchange rate announced by the National Bank of Poland, valid on the date of the offer.
4. The price indicated in the offer shall be final, complete, unequivocal, and shall take into consideration all requirements set forth by the Purchasing Entity in this Call for Offers, all liabilities of the Bidder, and shall include all costs that the Bidder will incur for proper execution of the entire order.
5. The price of the offer is the price defined in art. 3 item 1 of the Act of July 5, 2001 on prices (Journal of Laws of 2001 No. 97 item 1050 as amended), that is: The price is the value expressed in monetary units that the buyer is obliged to pay to the entrepreneur for a good or service; the price includes the goods and services tax and excise tax if under separate regulations the sale of goods (services) is subject to the goods and services tax and excise tax.
6. The price of the offer shall be the amount (including applicable VAT) for the execution of the subject matter of the order as specified in the Offer Form.

XIII. OFFER EVALUATION:

1. Offers of the Bidders who prove that they are not subject to exclusion and that they meet the conditions for participation in the proceedings, will be examined for their compliance with the requirements set out in the description of the subject of the inquiry.
2. During the evaluation of submitted offers, the Purchasing Entity may require the Bidder to provide explanations regarding the content of the submitted offer. The Purchasing Entity shall call on the Bidders who failed to submit statements or documents confirming the fulfillment of conditions for participation in the proceeding, or who failed to submit power of attorney or who submitted documents containing errors or who submitted defective power of attorney, to submit them within the designated time limit, unless their submission is rejected or it would be necessary to invalidate the proceeding.
3. Bids which do not comply with the requirements specified in the Call shall be rejected, and the remaining bids shall be allowed to be evaluated.
4. The Purchasing Entity shall evaluate the submitted bids based on the following bid evaluation criteria for the entire contract:

No.	Criterion name	Criterion importance
1.	Offer price (part) – net	100%

5. The price of an offer in this procedure shall be the net price for a given part of the contract as indicated in Appendix no. 1 to the Call for Offers.
6. The bid which obtains the highest number of points according to the above criteria, calculated as follows, will be considered the most advantageous:

$$C = (C_{min}/C_{of}) \times 100$$

where:

C – numer of points awarded for the criterion offer price

C_{min} – the lowest price among the submitted offers

C_{of} – price of the given offer for the given part

7. If the Purchasing Entity is unable to select the most advantageous offer due to the fact that the bids received the same number of points, the Purchasing Entity shall call upon the Bidders to provide detailed explanations and determine the additional selection criterion from the perspective of environmental protection.

XIV. INFORMATION ABOUT THE SELECTION OF THE MOST ADVANTAGEOUS OFFER:

1. The Purchasing Entity will inform all Bidders who submitted bids in this procedure (via the Competitiveness Database) about the selection of the most advantageous offer.
2. The contract will be signed with the Bidder, who submitted the most advantageous offer.
3. In case when the Bidder, who submitted the most advantageous offer evades signing the contract, the Purchasing Entity has the right to choose the most advantageous offer from among remaining submitted offers.

XV. TERMS OF AMMENDING THE CONTRACT

The Purchasing Entity provides for the possibility of making changes in the provisions of the contract in relation to the content of the offer, on the basis of which the Vendor was selected,

primarily if it is beneficial to the Purchasing Entity and was not possible to foresee at the stage of signing the contract. Changes will be allowed in particular as:

1. Changes in the deadline for completion of the subject matter of the contract at the request of the Purchasing Entity or for reasons independent or justified by the Vendor,
2. An update of the Vendor's and Purchasing Entity's name, address of registered office change, change of legal form, etc.
3. Changes in generally applicable law in the scope affecting the implementation of the contract,
4. Occurrence of circumstances caused by external factors, e.g. force majeure, other circumstances e.g. change of parameters of components, due to the ongoing research process and the results and progress achieved in it, which may affect the implementation of the contract,
5. Awarding additional contracts to the Vendor, not included in the main contract and not exceeding 25% of the value of the main contract, necessary for its proper performance (according to the provisions of Chapter 6.5 Contracts awarded as part of projects, point 7. f) 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),
6. Objective reasons beyond the control of the Purchasing Entity or the Vendor/Bidder
7. Receipt of decisions or recommendations from the Project Financing Authority regarding changes in the implemented project, to which the Purchasing Entity will be obliged, and which may affect the validity and type of expenditures incurred under this contract
8. Any amendments and supplements to the contract concluded with the selected Vendor shall be made in the form of written annexes to the contract signed by the parties, or confirmation by e-mail of the agreed changes. However, amendments submitted by e-mail are valid provided that they are accepted by the Purchasing Entity or are made on its initiative on the terms and conditions indicated in this Call for Offers.

XVI. CANCELLATION OF THE PROCEEDINGS:

The Purchasing Entity reserves the right to cancel the proceedings, in particular if:

1. No non-rejectable/excludable offer was submitted;
2. The price of the most advantageous offer exceeds the amount that the Purchasing Entity intends to allocate to finance the contract, unless the Purchasing Entity is able to increase this amount to the price of the most advantageous offer;
3. There has been a significant change of circumstances rendering the procedure pointless, which could not have been predicted beforehand;
4. The procedure has an irremovable defect which makes it impossible to conclude a valid agreement.
5. Formal and procedural errors were found in it, and when there are reasons beyond the control of the Ordering Party, preventing the implementation of the subject of the contract or it is necessary to introduce other changes in the subject of the contract.

XVII. MEANS OF PUBLISHING INFORMATION ABOUT THE CONTRACT AND THE SELECTION OF THE MOST ADVANTAGEOUS OFFER:

European Funds Competitiveness Database

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

Number of the notice on the Competitiveness Database: **2022-24074-131034**

XVIII. APPENDICES:

1. Appendix no. 1. Offer Form Template
2. Appendix no, 2. Declarations
3. Appendix no. 3. Information on the principles of data processing

Respectfully,

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