Jonkowo, 01-04-2021

**ERKO spółka z ograniczoną odpowiedzialnością spółka komandytowa**

**ul. ks. Jana Hanowskiego 7, 11-042 Jonkowo**

**KRS (National Court Register)** **number 0000692932, NIP (Tax registration No.)** **7390204693**

**REQUEST FOR TENDER**

**No.** **14/1.1.1/2021/BPS** forthe purchase of software**under the project** **NEW GENERATION OF INTELLIGENT BUSBAR PROCESSING STATION**

POIR.01.01.01-00-0635/19-00

**of** 01 April 2021

in connection with the implementation of the project under:

Smart Growth Operational Programme

Measure 1.1 "R&D projects of enterprises",

Sub-measure 1.1.1 "Industrial research and development work conducted by enterprises" POIR

by ERKO spółka z ograniczoną odpowiedzialnością spółka komandytowa, you are invited to participate in the competitive bidding process.

**TERMS OF REFERENCE**

1. **INTRODUCTION**

a. The tendering procedure is carried out pursuant to the guidelines on eligibility of expenditures covered by the Smart Growth Operational Programme 2014-2020.

b. The procedure shall be conducted in accordance with the principles of fair competition, equal treatment of contractors, efficiency, openness and transparency.

c. The procedure is conducted in Polish.

1. **NAME AND ADDRESS OF THE CONTRACTING AUTHORITY**

ERKO spółka z ograniczoną odpowiedzialnością spółka komandytowa

ul. ks. Jana Hanowskiego 7, 11-042 Jonkowo *[Poland]*KRS 0000692932, NIP 7390204693

1. **CONTRACT DELIVERY TIME**

Max. software delivery date: 30.04.2022

The Contracting Authority shall award points:

|  |  |
| --- | --- |
| until 01.04.2022 | 30 points |
| until 15/04/2022 | 20 points |
| until 30.04.2022 | 10 points |

1. **DESCRIPTION OF THE SUBJECT OF THE CONTRACT**

The subject of the request for tender is the purchase of software under the project NEW GENERATION OF INTELLIGENT BUSBAR PROCESSING STATION

POIR.01.01.01-00-0635/19-00 (acronym: BPS).

The purchase of the software specified below is justified by the needs under the project NEW GENERATION OF INTELLIGENT BUSBAR PROCESSING STATION POIR.01.01.01-00-0635/19-00.

Whenever references to trademarks, names, patents or origin is made in the documentation describing the subject matter of the procurement, **the Contracting Authority shall accept equivalent solutions which ensure high performance parameters not worse than those specified in the documentation.** A Tenderer who provides equivalent solutions is obliged to prove that their products meet the requirements specified by the Contracting Authority. Proper names, if any, have been used in the description of the subject of the procurement only when it was impossible to describe the subject matter of the procurement in a sufficiently precise and comprehensible manner.

SOFTWARE (1 PIECE)

The detailed description of the subject matter of the procurement procedure is a trade secret. A potential Tenderer may be provided with details of the Project at a request after signing a Declaration of confidentiality (NDA) with the Contracting Authority.

1. **COMMON PROCUREMENT VOCABULARY (CPV)**

 **Code:** 72268000-1

**Description:** Software supply services

 **Code:** 31682210-5

 **Opis:** Instrumentation and control equipment

1. **DESCRIPTION OF PROCUREMENT PARTS – IF PARTIAL TENDERS ARE ACCEPTED**

Partial tenders are not accepted.

1. **PARTICIPATION CRITERIA**

Any Tenderer whose economic and financial condition ensures performance of the contract may apply for the award of the contract.

Contractors shall document their knowledge and experience by demonstrating that between 2015 and 2020 they performed at least three services of implementation of IT systems designed to monitor or control machines/equipment, with at least one service for the implementation of an IT system with a value of not less than PLN 1,000,000 net and at least one service for the implementation of an IT system for the industry.

The following documents which confirm due performance of the service shall be attached to the abovementioned list: a certificate of final acceptance or a statement of a Contracting Entity or an invoice with proof of payment.

1. **EXCLUSION FROM THE PROCEDURE**

A Tenderer shall be excluded from the procedure if:

* they submitted false information which may affect the outcome of the proceedings,
* they are affiliated with the Contracting Authority personally or by capital. Capital or personal ties mean a mutual relationship between the Contracting Authority or persons authorised to enter into binding commitments on behalf of the Contracting Authority or persons performing activities related to preparation and execution of the tender selection procedure on behalf of the Contracting Authority, in particular:

 - participation in a company as a partner in a civil law partnership or a partnership,

 - holding at least 10% of shares,

 - acting as a member of the supervisory or managing bodies, a registered agent or representative,

 - being married, being in direct, indirect or collateral kinship or affinity or in a relationship based on adoption, custody or guardianship.

The abovementioned condition will be verified on the basis of a statement submitted by the Tenderer (Appendix no. 4).

The Contracting Authority reserves the right to verify whether the Tenderer meets this condition based on their knowledge and available documents (e.g. information from the National Court Register).

1. in the course of examination and evaluation of tenders, the Contracting Authority may request the Tenderers to clarify the contents of submitted tenders or to supplement any missing or irregular documents;
2. the costs of preparation and submission of the tenders shall be borne by the Tenderer;
3. The validity period of the tender shall be at least 30 days from the date of opening of the tenders.
4. Each Tenderer may submit only one tender for the entirety of the subject of the procurement.
5. Financial settlements between the Contracting Authority and the selected Tenderer shall be made in Polish zloty (EUR/USD).[[1]](#footnote-1)
6. **INFORMATION ON THE METHOD OF COMMUNICATION BETWEEN THE CONTRACTING AUTHORITY AND THE TENDERER AND SUBMISSION OF STATEMENTS AND DOCUMENTS**

Under the current procedure the Contracting Authority allows the parties to submit statements, requests, notifications and information in writing to the Contracting Authority's e-mail address:

**dotacjezamowienia.jonkowo@erko.pl**

1. **PERSONS AUTHORISED TO COMMUNICATE WITH TENDERERS**

In order to communicate with Tenderers in matters relating to the procedure, questions should be sent to the e-mail address: **dotacjezamowienia.jonkowo@erko.pl**. Please quote the reference of the request for tender and the name of the subject of the procurement.

**11. LOCATION AND TIME-LIMIT FOR THE SUBMISSION OF TENDERS**

1. Tenders which constitute a reply to the request for tender shall be submitted by E-MAIL only. The title of the e-mail should include:

**Tender** forthe purchase of software **under the project** **NEW GENERATION OF INTELLIGENT BUSBAR PROCESSING STATION**

POIR.01.01.01-00-0635/19-00 **No. 14/1.1.1/2021/BPS** **of** 23 March 2021. **Do not open until 18-05-2021**

along with the name and address of the Tenderer sent to:

**dotacjezamowienia.jonkowo@erko.pl**

c. The deadline for the submission of tenders expires on **18 May 2021**.

Tenders sent after this date shall not be considered. The date and time of the tender reaching the e-mail address are of importance.

THE PROPOSAL should be secured with a password sent by the Tenderer in a separate e-mail. The Contracting Authority shall not be liable for early opening of bids not protected by passwords.

**12. LIST OF STATEMENTS AND DOCUMENTS TO BE SUBMITTED BY THE CONTRACTORS**
**IN ORDER TO CONFIRM WHETHER THE CRITERIA FOR PARTICIPATION IN THE PROCEDURE ARE MET AND OTHER REQUIRED DOCUMENTS**

1. Tender form (see the appendices).
2. A detailed technical description which allows a proper verification of the offered subject of the contract with regard to the requirements of the Contracting Authority.
3. A statement on technical resources and the ability to deliver the contract.
4. The documents which confirm due performance of the service: a certificate of final acceptance or a statement of the Contracting Authority or an invoice with proof of payment for each project.
5. In order to prove the lack of grounds for the exclusion from the procedure, the Tenderer shall submit:
* a statement on the lack of grounds for the exclusion,
* a statement on the lack of ties with the Contracting Authority,
* Current transcript from a relevant register of entrepreneurs or the National Court Register [KRS].

**13. DESCRIPTION OF THE CRITERIA TAKEN INTO ACCOUNT BY THE CONTRACTING AUTHORITY IN THE PROCESS OF SELECTING THE TENDER ALONG WITH THE INDICATION OF THEIR IMPORTANCE**

The following criteria shall be taken into account while selecting the most advantageous tender (maximum total result: 100 points).

|  |  |
| --- | --- |
| Criteria | NUMBER OF POINTS |
| Net price in PLN | 70 |
| Delivery time | 30 |

* **Net price in PLN**

The “Net price in PLN” criterion is understood by the Contracting Authority as the total net price specified by the Tenderer for the delivery of the subject of the procurement. The assessment under the “Net price in PLN” criterion is prepared on the basis of calculation with the use of the formula:

Kc = $\frac{Cn}{Co}$ x 70

Where:

Cn - the lowest offered net price for the subject of the procurement

Co - the net price for the subject of the procurement listed in the proposal

Kc - the number of points awarded to a given proposal in the “Net price in PLN” criterion

* **Delivery time**

The “Delivery time” criterion is understood by the Contracting Authority as the number of weeks calculated from the time of execution of the contract until the moment the Supplier delivers the subject of the procurement to a specified address. The “Delivery time” criterion shall be calculated with the use of the following formula:

*Cd =* $\frac{Cdn}{Cdo}$ *x 30*

Where:

Cdn - the shortest proposed delivery time

Cdo - the delivery time listed in the proposal

Cd - the number of points awarded to a given proposal in the “Delivery time” criterion

Under this criterion (Cd) the Contracting Authority awards points to each Tenderer who meets the abovementioned condition, in accordance to the delivery date proposed by them.

Offers which meet all requirements outlined in this request for tender shall be ranked from least favourable to most favourable with respect to each criterion. Then, each proposal shall be assigned points in accordance with the award methodology outlined above. The Tenderer who obtains the highest overall number of points under all criteria shall win the bidding procedure. In case of an identical number of points, the tender with the lower price shall be the winning one.

**14. CONTRACT AWARD OR ANNULMENT OF PROCEDURE**

1. The Contracting Authority shall award the contract to the Contractor whose offer meets all the requirements specified in this request for tender and has been considered the most advantageous on the basis of the abovementioned criteria.
2. The Contracting Authority shall annul the procedure especially if the following conditions occur:
* no tender was submitted that could not be rejected;
* the price of the most advantageous tender exceeds the amount the Contracting Authority intends to spend in order to finance the subject of the contract, unless the Contracting Authority is able to increase said amount to match the most advantageous proposal;
* there has been a substantial change of circumstances which leads to the fact that holding procedure or execution of the contract is not in the interest of the Contracting Authority, which could not have been foreseen;
* the procedure is burdened with an irremovable defect which makes it impossible to conclude a valid contract.
1. The Contracting Authority reserves the right to:
* annul the procedure at any time;
* terminate the procedure without selecting the Contractor;
* cancel the procedure, both before and after the selection of the most advantageous tender, without providing the reason.
1. In the cases referred to in items a, b and c above, the Contractor is not entitled to
any claims for damages from the Contracting Authority, nor are they entitled to any reimbursement of costs related to the preparation and submission of the tender.
2. After selecting the most advantageous proposal the Contracting Authority shall make the information on the results public in the same manner as for the request for tender. The course of action outlined hereinabove is also applied if the procedure was cancelled, provided that any proposals have been submitted.
3. If the Contractor whose tender has been selected fails to conclude the contract or an order, the Contracting Authority has the right to select the most advantageous tender among the remaining tenders, without their re-examination and re-assessment, unless there are grounds for cancellation of the procedure.

The contract template is enclosed to the request for tender and is subject to negotiations after the Contracting Authority selects the tender.

**15. DETERMINATION OF CONDITIONS FOR AMENDMENTS TO THE CONTRACT CONCLUDED AS A RESULT OF THE PROCEDURE**

The Contracting Authority provides for the possibility of amending the provisions of the contract or contract-like instrument with respect to the contents of the tender used in the process of selection of the contractor in the following scope:

1. The Delivery time of the contract is subject to change (it can be shortened or prolonged) in the following cases:
* in the case of the Contracting Authority’s delay to finalise the procurement for awarding the contract;
* following a justified request of the Contractor, in the event of circumstances which are outside the Contractor’s control, provided that the change is a result of the circumstances the Contractor could not have foreseen at the time of submitting the tender and is at no fault; in the event of force majeure, recognised by the Contracting Authority as an extraordinary external event, impossible to prevent (e.g. Covid-19 pandemics, flood, strike, unrest, administrative or national decisions).
1. The Contractor's **remuneration** specified in the contract/contract-like instrument may be amended in the event of a change in the official VAT rate or other legal and tax circumstances which affect the final price and remain outside the control of the Contracting Authority.
2. The Contracting Authority allows the final method of payment to be determined by way of negotiation.

**16. ADDITIONAL INFORMATION**

1. The Contracting Authority shall inform the Contractor whose tender was selected about the date of execution of the contract/contract-like intrument.
2. Immediately upon selection of the most advantageous tender, the Contracting Authority shall provide the selected contractor with a draft contract specifying the terms and conditions for the delivery of the contract.
3. Tenderers are not entitled to interim measures (protest, appeal, complaint) referred to in the provisions of the Public Procurement Law.
1. Tenders quoted in EUR/USD shall be converted at the NBP *[National Bank of Poland]* mid-rate of the date of opening of the tenders, i.e. the closing day for the submission of tenders, i.e. on 19.05.2021. [↑](#footnote-ref-1)