

**Contract notice**  
**Delivery**  
**Delivery of a passenger car of the upper class (Brussels)**

**SECTION I - CONTRACTING PARTY**

**1.1.) The role of the contracting authority**

The procedure is conducted independently by the contracting authority

**1.2.) Name of the contracting authority:** Ministry of National Defence of Republic of Poland

**1.4) National Identification Number:** REGON 014872806

**1.5) Ordering party's address**

**1.5.1.) Street:** Aleja Niepodległości 218

**1.5.2.) City:** Warsaw

**1.5.3.) Postal code:** 00-911

**1.5.4.) Province:** Masovian Voivodeship

**1.5.5.) Country:** Poland

**1.5.6.) NUTS 3 location:** PL911 - City of Warsaw

**1.5.9.) E-mail address:** [plmilrep.adm@mon.gov.pl](mailto:plmilrep.adm@mon.gov.pl)

**1.5.10.) The ordering party's website address:** <https://www.gov.pl/web/obrona-narodowa>

**1.6.) Type of the contracting authority:** Ordering authority - public finance sector unit - public authority - government administration body (central or local)

**1.7.) Object of the contracting authority's activity:** Defense

**SECTION II - BASIC INFORMATION**

**2.1.) The notice concerns:**

Public procurement

**2.2.) The notice relates to social services and other specific services:** Not

**2.3.) Name of the contract or framework agreement:**

Delivery of a passenger car of the upper class (Brussels)

**2.4.) Identifier of the procedure:** ocds-148610-3a973464-f178-11ec-9a86-f6f4c648a056

**2.5.) Advertisement number:** 2022/BZP 00225251/01

**2.6.) Advertisement version:** 01

**2.7.) Advertisement date:** 2022-06-27 12:35

**2.8.) The contract or framework agreement has been included in the procedure plan:** Not

**2.11.) Only the economic operators referred to in Art. 94 of the Act:** Not

**2.14.) Does the contract or framework agreement concern a project or program co-financed by the European Union:** Not

**2.16.) The procedure for awarding the contract, including the legal basis**

The contract is awarded in the basic mode on the basis of: Art. 275 point 1 of the Act

**SECTION III - RELEASE OF CONTRACT DOCUMENTS AND COMMUNICATION**

**3.1.) Address of the website of the proceedings**

[platformazakupowa.pl/pn/damon](http://platformazakupowa.pl/pn/damon)

**3.2.) The contracting authority reserves access to the procurement documents:** Not

**3.4.) Contractors are obliged to submit offers, applications to participate in the procedure, statements and other documents only by means of electronic communication:** Yes

**3.5.) Information on the means of electronic communication by which the awarding entity will communicate with economic operators - website address:** platformazakupowa.pl/pn/damon

**3.6.) Technical and organizational requirements for electronic correspondence:** Communication between the contracting authority and

contractors takes place only by means of electronic communication via the purchasing platform, hereinafter referred to as the "purchasing platform".

2. The term "purchasing platform" should be understood as an application / computer program designed to carry out the process related to the conduct of this public procurement procedure in electronic form:

- 1) the contracting authority uses the Open Nexus IIc purchasing platform;
- 2) website address of the purchasing platform: <https://platformazakupowa.pl/pn/damon>

3. The Ordering Party, in accordance with the Regulation of the Prime Minister of 30 December 2020 on the method of preparing and submitting information and technical requirements for electronic documents and electronic means of communication in the procedure for granting a public procurement or a competition (Journal of Laws, item 2452), defines the necessary hardware and application requirements enabling work on the purchasing platform, i.e.:

- 1) permanent access to the Internet with a guaranteed bandwidth of not less than 512 kb / s;
- 2) a PC or MAC computer with the following configuration: memory min. 2 GB Ram, Intel IV 2 GHZ processor or a later version, one of the operating systems  
- MS Windows 7, Mac Os x 10 4, Linux, or their newer versions;
- 3) any web browser installed, in the case of Internet Explorer at least version 10 0;
- 4) JavaScript support enabled;
- 5) Adobe Acrobat Reader or any other program that supports the .pdf file format installed;
- 6) encryption on platformazakupowa.pl is performed using the TLS 1.3 protocol;
- 7) the time of data receipt by the purchasing platform is the date and the exact time (hh: mm: ss) generated according to the local time of the server synchronized with the clock of the Central Office of Measures.

4. The economic operator, by joining this public procurement procedure:

- 1) accepts the terms of use of the platformazakupowa.pl set out in the Regulations on the website in the "Regulations" tab and considers it binding: <https://platformazakupowa.pl/strona/1-regulamin>;
- 2) read and follow the Instructions for submitting offers: <https://platformazakupowa.pl/strona/45-inktyry>.

5. The Ordering Party shall not be liable for submitting the offer in a manner inconsistent with the Instructions for using platformazakupowa.pl.

6. The Ordering Party informs that the instructions for using the purchasing platform, in particular regarding logging in, submitting applications for clarifying the content of the announcement, submitting offers and other activities undertaken in this procedure using the purchasing platform, can be found in the "Instructions for Contractors" tab on the website at : <https://platformazakupowa.pl/strona/45-instrukcje>.

7. The offer and the declaration referred to in Art. 125 sec. 1 of the Public Procurement Law, shall be submitted, under pain of nullity, in electronic form (with a qualified electronic signature) or in an electronic form with a trusted signature or a personal signature, in accordance with Art. 63 sec. 2 of the Public Procurement Law

8. Qualified signatures used by contractors to sign all files must comply with the Regulation of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market (eIDAS) (EU) No 910/2014 - from 1 July 2016.

**3.8.) The contracting authority requires the preparation and presentation of tenders using electronic building data modeling tools or other similar tools that are not generally available:** Not

**3.12.) Offer - electronic catalog:** Not applicable

**3.14.) Languages in which the documents submitted in the proceedings may be drawn up:**

**Polish**

**English**

**3.15.) GDPR (information obligation):** Personal data protection.

Pursuant to Art. 13 sec. 1 and 2 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46 / EC (general regulation on data protection) (Journal of Laws UE L 119 of May 4, 2016, page 1), hereinafter referred to as "GDPR", the contracting authority informs the contractor that:

- 1) the administrator of personal data is the Minister of National Defense / Ministry of National Defense based in Warsaw, at al. Niepodległości 218, tel. +48 22 628 00 31;
- 2) the administrator has appointed a Data Protection Officer, who can be contacted by e-mail to the following address: [iod@mon.gov.pl](mailto:iod@mon.gov.pl)

or by post to the following address: Ministry of National Defense, al. Niepodległości 218, 00–911 Warsaw, with the annotation "Data Protection Officer";

- 3) personal data will be processed in order to conduct the public procurement procedure in question and conclude a contract, pursuant to art. 6 sec. 1 lit. b and c of the GDPR;
- 4) personal data may be transferred to entities processing personal data at the request of the administrator, as well as to persons or entities to whom the documentation of the procedure will be made available pursuant to art. 18 and art. 74 of the Public Procurement Law;
- 5) personal data will not be transferred to a third country or an international organization;
- 6) personal data obtained in connection with the procedure will be stored for a period of 5 years from the date of completion of the contract award procedure, and if the duration of the contract exceeds 5 years, the storage period covers the entire duration of the contract;
- 7) with regard to the personal data of persons participating in the proceedings in question, decisions will not be made in an automated manner, pursuant to art. 22 GDPR;
- 8) the data subject has the right to:
  - a) access to personal data (if you exercise this right, please specify the name or date in the application. completed proceedings);
  - b) demand their rectification or supplementation with the use of from the right to rectify or supplement, it may not result in a change in the result of the public procurement procedure or a change in the provisions of a public procurement contract to the extent inconsistent with the Public Procurement Law, and may not violate the integrity of the protocol and its attachments;
  - c) restriction of processing, subject to the cases referred to in art. 18 sec. 2 GDPR. I would like to inform you that the request to limit the processing of personal data only to their storage will be possible only after the end of the procedure;
  - d) the right to lodge a complaint to the President of the Personal Data Protection Office (address: 00–193 Warsaw, ul. Stawki 2);
- 9) the data subject is not entitled to:
  - a) the right to delete personal data;
  - b) the right to transfer personal data referred to in art. 20 GDPR;
  - c) the right to object, referred to in art. 21 GDPR;
- 10) the contractor's obligation to provide personal data directly concerning him and the personal data of persons participating in the procedure is a requirement specified in the provisions of the PPL Act, related to participation in the contract award procedure; the consequences of not providing certain data result from the PPL Act.

3.16.) GDPR (application restrictions): GDPR (information obligation), continued

2. When applying for the contract, the contractor is obliged to fulfill all formal and legal obligations related to participation in the procedure, including the obligations arising from the GDPR. In connection with the above, the contractor is obliged to submit in the contract award procedure a declaration of the fulfillment of the information obligations provided for in Art. 13 or article. 14 of the GDPR, in accordance with the content contained in Annex 1 to the SWZ. 3. The subcontractor is obliged to fulfill the information obligation resulting from the GDPR with regard to natural persons to whom the personal data relates and from whom he obtained the data directly when collecting personal data for the purposes of the contract award procedure in question. 4. The above provisions apply to the personal data of natural persons, obtained directly from them, and in particular to the personal data of: 1) the contractor who is a natural person; 2) a contractor who is a natural person running a sole proprietorship; 3) the contractor's proxy who is a natural person (e.g. personal data included in the power of attorney); 4) a member of the contractor's management body who is a natural person.

## SECTION IV - SUBJECT OF THE CONTRACT

### 4.1.) General information relating to the subject of the contract.

4.1.1.) Before the initiation of the procedure, market consultations were conducted: Not

4.1.2.) Reference number: 15 / ZP / 22

4.1.3.) Type of contract: Delivery

4.1.4.) The contracting authority shall award the contract in parts, each of which is the subject of a separate procedure: Not

4.1.8.) It is possible to submit partial offers: Not

4.1.13.) The contracting authority takes into account social and environmental aspects or labels in the description of the subject of the contract: Not

### 4.2. Detailed information relating to the subject of the contract:

#### 4.2.2.) Short description of the subject of the contract

The subject of the contract will be the delivery of a passenger car to Brussels. The description of the subject of the contract includes the specification of the terms of the contract.

4.2.6.) Main CPV code: 34100000-8 - Motor vehicles

4.2.8.) The order includes the following options: Not

**4.2.10.) Period of performance of the order or framework agreement:** 16 months

**4.2.11.) The contracting authority provides for the renewal of:** Not

**4.2.13.) The contracting authority envisages awarding the existing contractor with contracts for similar services or construction works:** Not

**4.3.) Criteria for the evaluation of offers**

**4.3.1.) Method of evaluation of offers:** 1. Criteria for evaluation of offers adopted in this procedure and their meaning:

PRICE (C) - 40%

DELIVERY TIME (D) - 45% ENERGY

CONSUMPTION (ZE) - 5% CARBON DIOXIDE

EMISSION (DW) - 5% POLLUTANT

EMISSIONS (EZ) - 5% It is assumed that 1% = 1 point

**4.3.2.) The method of determining the weight of the tender evaluation criteria:** Percentage

**4.3.3.) Applied tender evaluation criteria:** Price and quality criteria Criterion 1

**4.3.5.) Name of the criterion:** Price

**4.3.6.) Weight:** 40

**Criterion 2**

**4.3.4.) Type of criterion:**

after-sales service, technical support, terms of delivery such as the date, method or time of delivery, and the period of implementation.

**4.3.5.) Name of the criterion:** Delivery time

**4.3.6.) Weight:** 45

**Criterion 3**

**4.3.4.) Type of criterion:**

environmental aspects, including energy efficiency of the subject of the contract

**4.3.5.) Name of the criterion:** Energy consumption

**4.3.6.) Weight:** 5

**Criterion 4**

**4.3.4.) Type of criterion:**

environmental aspects, including energy efficiency of the subject of the contract

**4.3.5.) Name of the criterion:** Carbon dioxide emissions

**4.3.6.) Weight:** 5

**Criterion 5**

**4.3.4.) Type of criterion:**

environmental aspects, including energy efficiency of the subject of the contract

**4.3.5.) Name of the criterion:** Emissions of pollutants

**4.3.6.) Weight:** 5

**4.3.10.) The contracting authority defines social, environmental or innovative aspects, requests labels or applies life cycle costing in relation to the tender evaluation criterion:** Yes

**4.3.11.) Identification of social, environmental or innovation aspects, labeling or life-cycle costing with regard to tender evaluation criteria:**

in accordance with Art. 242 paragraph. 2 of the Act - environmental aspects

## SECTION V - QUALIFICATION OF CONTRACTORS

**5.1.) The contracting authority provides for optional grounds for exclusion:** Not

**5.3.) Conditions for participation in the procedure:** Not

**5.5.) The contracting authority requires the declaration referred to in Article 125 paragraph. 1 of the Act:** Yes

**5.6.) List of subjective means of proof confirming non-exclusion:** Not applicable

**5.7.) List of subjective means of proof to confirm that the conditions for participation in the procedure have been met:** Not applicable

**5.8.) List of the evidence in question:** Not applicable

**5.11.) List of other required statements or documents:**

Documents and statements to be submitted with the offer:

- 1) offer form - Annex 1 to the SWZ;
- 2) declaration on the grounds for exclusion from the procedure - Annex 2 to the SWZ;
- 3) power of attorney / powers of attorney for the person / persons signing the offer, if the offer is signed by a proxy (if applicable).

In the case of submitting a tender by contractors jointly applying for the contract - power of attorney to represent all contractors jointly applying for the contract or other document confirming authorization to represent the contractor

- the power of attorney may be drawn up according to the template constituting Annex 4 to the SWZ.

An attorney may be appointed to represent contractors in the procedure or to represent them in the procedure and conclude a contract.

## SECTION VI - CONDITIONS OF THE CONTRACT

**6.1.) The contracting authority requires or allows variants:** Not

**6.3.) The contracting authority anticipates an electronic auction:** Not

**6.4.) The contracting authority requires a deposit:** Not

**6.5.) The contracting authority requires a performance bond:** Not

**6.6.) Requirements for the submission of tenders by contractors jointly applying for the award of the contract:**

In the case of joint application of contractors for the award of the contract - the contracting authority examines whether there are grounds for exclusion with respect to each of these contractors.

The contractor's declaration of not being subject to exclusion from the procedure - the template of the declaration of not being subject to exclusion is attached as Appendix 2 to the SWZ. In the event of joint application for the contract by contractors (also applies to partners in a civil partnership), each contractor shall submit a declaration of non-exclusion.

**6.7.) The contracting authority provides for the annulment of the procedure, if the public funds which it intended to spend on financing all or part of the contract have not been awarded:** Not

## SECTION VII - DRAFT CONTRACT PROVISIONS

**7.1.) The contracting authority provides for advance payments:** Not

**7.3.) The contracting authority envisages changes to the contract:** Yes

**7.4.) Type and scope of changes to the contract and conditions for their introduction:**

The anticipated changes to the provisions of the contract, their type, scope and conditions are specified in the SWZ, Appendix 3 to the SWZ - Draft provisions of the contract.

**7.5.) The contracting authority took into account the social, environmental, innovative aspects or labels related to the implementation of the contract:** Not

## SECTION VIII - PROCEDURE

**8.1.) Deadline for submitting offers:** 2022-07-06 12:00

**8.2.) Place of offer submission:** The contractor submits an offer with attachments on the purchasing platform at [platformazakupowa.pl/pn/damon](https://platformazakupowa.pl/pn/damon) on the page regarding the appropriate procedure

**8.3.) Tender opening date:** 2022-07-06 13:30

**8.4.) Offer validity period:** until 2022-08-04

## SECTION IX - OTHER INFORMATION

The method of awarding points in the criterion:

Criterion 1 - PRICE (C):

In the PRICE criterion, the contracting authority will award points on the basis of the contractor's declaration in the offer form regarding the price.

The criterion will be assessed as follows:

In this criterion, the offer may receive a maximum of 40 points. Number of points in the above-mentioned the criterion will be calculated according to the formula:

$$C = (C_{min} / \text{Ret.}) \times 100 \times 40\%$$

where:

$C_{min}$ – this is the lowest price among the offers subject to evaluation;

Cof. - it is the price proposed in the evaluated offer;

C - the number of points obtained for the price by a given offer.

Criterion No. 2 - DELIVERY TIME (D):

In the DELIVERY TIME criterion, the contracting authority will award points based on the contractor's declaration in the Offer Form regarding the delivery time (expressed in Months).

The criterion will be assessed as follows:

Up to 7 months - 45 points. (%)

From 7 to 8 months - 35 points. (%)

From 9 to 10 months - 25 points. (%)

From 11 to 12 months - 10 points. (%)

From 12 to 16 months - 5 points (%)

Criterion No. 3 - ENERGY CONSUMPTION (ZE):

In the ENERGY CONSUMPTION criterion, the contracting authority will award points based on the contractor's declaration in the Tender Form regarding energy consumption.

The criterion will be assessed as follows:

The tender with the lowest value of energy consumption (MJ / km) will receive the highest number of points.

The remaining offers will be converted according to the formula below. The result will be treated as the point value of the offer in the "ENERGY CONSUMPTION" criterion.

$$ZE = (\text{lowest value of energy consumption from among submitted bids} / \text{value of energy consumption of the examined bid}) \times 5$$

Criterion No. 4 - CARBON DIOXIDE EMISSION (DW):

In the CARBON DIOXIDE EMISSION criterion, the contracting authority will award points based on the contractor's declaration in the Tender Form regarding carbon dioxide emissions. The criterion will be assessed as follows:

The tender with the lowest carbon dioxide emissions (g / km) will receive the highest number of points, the others proportionally less. The number of points will be calculated according to the formula given below. The result will be treated as the point value of the offer in the criterion "Carbon dioxide emissions".

$$DW = (\text{lowest value of carbon dioxide emissions from among the submitted bids} / \text{value of carbon dioxide emissions of the examined bid}) \times 5$$

Criterion 5 - EMISSIONS OF POLLUTANTS: nitrogen oxides, solid particles and hydrocarbons (EZ):

Under the POLLUTANT EMISSIONS criterion, the contracting authority will award points on the basis of the contractor's declaration in the Tender Form regarding the emission of pollutants: nitrogen oxides, solid particles and hydrocarbons. The criterion will be assessed as follows:

The tender with the lowest emission of pollutants expressed in g / km will receive the highest number of points, the remaining ones will receive proportionally less. The number of points will be calculated according to the formula given below. The result will be treated as the point value of the offer in the "Emission of pollutants" criterion.

$$EZ = \frac{\text{lowest total value of emissions of pollutants: nitrogen oxides, solid particles and hydrocarbons from among the submitted offers}}{\text{total value of emissions of pollutants: nitrogen oxides, solid particles and hydrocarbons from the examined offer}} \times 5$$

The contracting authority will award points in the above-mentioned criteria on the basis of the contractor's declaration submitted in the Tender Form. The evaluation of offers in terms of the criteria presented above will be made on a 100-point scale according to the formula:

$$S = C + D + ZE + DW + EZ$$

where:

S - is the sum of the points obtained;

C - points for the price;

D - points for the delivery time criterion;

ZE – these are points for the criterion of energy consumption;

DW - these are the points for the carbon dioxide emission criterion;

EZ - these are points for the pollutant emission criterion.

Order completion date:

The contractor is obliged to complete the subject of the contract within 16 months from the date of the contract (the contract completion date will be determined on the basis of the contractor's statement in the Offer Form, however, it will not exceed 16 months from the date of the contract).