



Warsaw University of Technology
Faculty of Physics

**SPECIFICATION OF THE TERMS OF A CONTRACT (hereinafter referred to as the
STC)**

in the public procurement procedure conducted under the open tender procedure for:

Delivery of a system to produce nanocomposites based on 2D materials for Faculty of Physics

Warsaw University of Technology

Order type: supply

Procedure ID: **WF/6/ZP/2021**

Approved by:

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Zatwierdziła osoba odpowiedzialna za opis
przedmiotu zamówienia:

Pełnomocnik Dziekana ds. Zamówień
Publicznych:

Dr inż. Przemysław Duda, prof. PW

Warsaw, 13 December 2021 r.



Note: The English translation of the SPECIFICATION OF THE TERMS OF A CONTRACT (hereinafter referred to as the STC) is provided by Faculty of Physics, Warsaw University of Technology solely for information purposes. The Faculty of Physics, Warsaw University of Technology takes no responsibility for the accuracy and completeness of this translation. The Polish language version should be considered the only authentic text of the STC.

The English translation of the Act of 11 September 2019 – Public Procurement Law provided by the Polish Public Procurement Office (PPO) is available: <https://www.uzp.gov.pl/en>

Spis treści

I.	Name and address of the Contracting Authority.	4
II.	Procedures for awarding public contracts.	4
III.	Description of the subject-matter of the contract.	5
IV.	The period of implementation of the contract.	7
V.	Conditions for participation in the procedure and grounds for exclusion.	7
VI.	List of qualitative means of proof:	10
VII.	Information on means of proof relating to the subject-matter of a contract:	14
VIII.	Persons authorized to contact the Economic Operators:	15
IX.	Information concerning foreign currencies in which settlements between the Contracting Authority and the Economic operator can be made, if the contracting authority envisages to settle contracts in foreign currencies.....	15
X.	Communication between the Contracting Authority and the Economic Operators (does not apply to the placement of offers and requests).....	15
XI.	The way of submitting offer	17
XII.	Description of the method of preparation and submission of the tender.....	19
XIII.	Description of the calculation method of the tender price.....	22
XIV.	The tender binding period	23
XV.	Place and date of submission and opening of tenders.	24
XVI.	Description of criteria, evaluation of tenders along with the weighting of these criteria and the method of evaluation of tenders.	25
XVII.	Information on formalities that must be performed after selecting an tender in order to conclude a contract, contract template.	28
XVIII.	Requirements for securing the proper performance of the contract.	29
XIX.	Information on legal protection measures available to the Economic Operator during the procurement procedure.....	29
XX.	Information on the processing of personal data.....	31
XXI.	Final provisions.	33

I. Name and address of the Contracting Authority.

1. Name of the Contracting Authority

Warsaw University of Technology, Plac Politechniki 1, code : 00-661 Warsaw, Poland, VAT no.: 5250005834; REGON: 000001554.

Website of the Contracting Authority: <https://www.pw.edu.pl/>.

2. Organizational unit of the Contracting Authority handling the procedure:

Warsaw University of Technology, Faculty of Physics, Koszykowa 75, code: 00-662 Warsaw, Poland
Office hours: from 08:00 to 16:00 (official time in the territory of the Republic of Poland) on working days (working days - days other than: public holidays and days established by the Contracting Authority as non-working days).

The address of the website of the procedure and the address of the website where changes and explanations of the content of the STC and other procurement documents directly related to the procurement procedure will be made available: https://platformazaupowa.pl/pn/pw_edu

II. Procedures for awarding public contracts.

1. Procurement procedure is conducted in the form of an open tender, pursuant to Art. 132 of the Act of September 11, 2019, Public Procurement Law (Journal of Laws of 2019, item 2019, as amended), hereinafter referred to as the "Public Procurement Law", executive regulations issued on its basis and this Specification of Terms of the Contract (STC).
2. The procedure described in this document is marked with the reference number: **WF/6/ZP/2021**. Economic Operators are required to refer to the designation above in all contacts with the Contracting Authority.
3. The procedure is conducted in Polish and English, with Polish as the leading language.
4. The procurement is covered by the Government Procurement Agreement (GPA)
5. The Contracting Authority does not provide for an advance payment
6. The Contracting Authority shall allow subcontractors to carry out the contract. The Economic Operator is obliged to indicate in the tender a part of the contract to be subcontracted to a subcontractor and the name of the subcontractor if the latter is already known. In such a case the Economic Operator is obliged to indicate in the bid form constituting **Annex 1 to the SWZ** whether he will entrust the execution of the contract to subcontractors and in what scope, with the reservation that failure to indicate the scope shall be equivalent to sole execution of the contract by the Economic Operator.
7. This procedure is conducted using the WUT Purchasing Platform: https://platformazaupowa.pl/pn/pw_edu
8. **Funding Source:** RPO Województwa Mazowieckiego 2014 – 2020 „Mazowiecka platforma

technologii materiałowych i sensorycznych oraz zastosowań w konwersji i magazynowaniu energii, elektromobilności, lotnictwie oraz systemach autonomicznych”, nr projektu/umowy: **RPMA.01.01.00-14-e214/20** z dnia 29.12.2020 r.

III. Description of the subject-matter of the contract.

1. Type of contract: **supply.**
2. Description of the subject matter of the contract: **Delivery of a system for the production of nanocomposites based on 2D materials for the Faculty of Physics, Warsaw University of Technology**
3. The Detailed Description of the Subject-Matter of the Contract (SOPC) is included in **Annex No 4 to the STC.**
4. The conditions for the performance of the subject matter of the contract are included in the draft provisions of the public procurement contract, which will be introduced to the public procurement contract, constituting **Annex No 5 to STC.**
5. The place of delivery:

**Politechnika Warszawska, Wydział Fizyki,
ul. Koszykowa 75, 00-6662
Warszawa**

6. Contracting Authority, describing the subject -matter of the contract pursuant to Art. 99 sec. 3 of the Public Procurement Law, used the following codes and names specified in the **Common Procurement Vocabulary (CPV):** 38500000; 42940000
7. Contracting Authority shall allow for partial offer in the following scope:
 - a. Part 1: **Delivery of an automatic plate press with heating**
 - b. Part 2: **Delivery of a co-rotating twin-screw extruder**
8. Other requirements regarding the description of the subject matter of the contract:
 - 9.1 Information on partial tenders. The contract has been divided into two parts: **part 1 and part 2.** Economic Operator may submit a tender for one or two parts. For each part of the contract, it will be selected the tender that obtains the highest number of points based on the selection criteria of the most advantageous tender.
 - 9.2 The Contracting Authority does not envisage the possibility of submitting variants of the tender.
 - 9.3 The Contracting Authority does not envisage a conclusion of a framework agreement.
 - 9.4 The Contracting Authority does not envisage the possibility to carry out an on-site inspection by the Economic Operator (both optional and obligatory) or the verification of the documents necessary for the performance of the contract, referred to in **Art.**

131 para. 2 of the Public Procurement Law.

- 9.5 The Contracting Authority does not envisage the selection of the most advantageous tenders using an electronic auction.
- 9.6 According to the **art. 455 para. 1** of the Public Procurement Law, Contracting Authority envisages the possibility of introducing changes to the contract on the terms specified in the draft provisions of the public procurement contract, which will be introduced to the public procurement contract, constituting **Annex No 5 to the STC**.
- 9.7 The Contracting Authority envisages the possibility of awarding the contract referred to in **Art. 214 para. 1 p. 8** of the Public Procurement Law, in the case of awarding the previous Economic Operator a basic contract, contracts for additional supplies, the purpose of which is partial replacement of the delivered products or installations or increasing current supplies or extension of existing installations, if a change of the economic operator would oblige the contracting authority to purchase materials with different technical properties, which would result in technical incompatibility or great technical difficulties in the use and maintenance of the products or installations.
- 9.8 **The Contracting Authority does not allow submitting a tender in the form of electronic catalogs or attaching electronic catalogs to the tender referred to in Art. 93 of the Public Procurement Law.**
- 9.** The requirements referred to in **Art. 95** of the Public Procurement Law **[Not applicable]**
- 10.1 The Contracting Authority **does not require** employment by a Economic Operator or a subcontractor of persons on the basis of an employment relationship who perform the activities indicated by the Contracting Authority listed in the description of the subject matter of the contract
- 10.2 **[Not applicable]** The Economic Operator undertakes that the persons referred to in p. 10.1 will be employed on the basis of an employment contract within the meaning of the provisions of the Act of 26 June 1974 - Labor Code (Journal of Laws of 2019, items 1040, 1043 and 1495).
- 10.3 **[Not applicable]** The rules of employing persons under an employment contract, the method of documenting this condition and penalties resulting from failure to meet the condition have been specified in the draft provisions of the public procurement contract, which will be introduced to the public procurement contract, constituting Annex 5 to the STC.
10. **[Not applicable]** The requirements referred to in **Art. 96 sec. 2** of the Public Procurement Law
11. **[Not applicable]** Information on the Economic Operator's obligation to personally perform key parts of the contract (Article 60 of the Public Procurement Law).



12. As provided for in **Art. 462** of the Public Procurement Law, Contracting Authority requires the Economic Operator to indicate in the tender a part of the contract, the performance of which it intends to entrust to subcontractors and their names, if they are already known. In the absence of such information in the content of the tender, the Contracting Authority will assume that the Economic Operator will execute the contract entirely by itself.
13. The Economic Operator, who will indicate subcontractors in the tender, if its tender is considered the most advantageous, will be required, before signing the contract, to submit a document - contract with subcontractors for the implementation of the scope of supplies entrusted to them and consistent with the Economic Operator's tender.

IV. The period of implementation of the contract.

1. The Contracting Authority requires that the subject matter of the contract be completed within:
 - a. **8 Weeks from the day of signing the contract for part 1**
 - b. **16 Weeks from the day of signing the contract for part 2**

V. Conditions for participation in the procedure and grounds for exclusion.

1. The following Economic Operators can take part in the public procurement procedure who:
 - a. **have the ability to participate in the course of trade -**
[Contracting Authority does not specify the conditions for participation in this scope],
 - b. **are authorized to conduct specific business or professional activities, as long as it results from separate regulations -**
[Contracting Authority does not specify the conditions for participation in this scope],
 - c. **are in an appropriate economic or financial situation -**
have general liability insurance in the scope of their activities related to the subject matter of the contract for a guaranteed sum not lower than **60 000.00 EUR for part 1 and 150 000.00 EUR for part 2.**
 - d. **have the appropriate technical or professional capacity, i.e. :**
they performed in **the last three years** before the deadline for submitting tenders, and if the period of business activity is **shorter** - in this period, at least **two supplies** of a similar nature and value to the one submitted in the offer (i.e. with value of min. 60 000.00EUR each/gross for part 1 and with value of min. 160 000.00EUR each/gross for part 2)
2. Assessment if the Economic Operator comply with the above-mentioned the conditions of participation will have the **meets / does not meet form** on the basis of the submitted

declarations and documents.

3. When assessing the technical or professional capacity, the Contracting Authority may, at any stage of the procedure, state that the Economic Operator does not have the required capacity if the Economic Operator's conflicting interests, in particular the involvement of the Economic Operator's technical or professional resources in other economic activities of the Economic Operator may have a negative impact on the implementation of the contract.

4. Requirements for economic operators jointly applying for the award of the contract:

- a. The Contracting Authority does not prescribe any specific, objectively justified manner of meeting the conditions for participation in the procedure in which Economic Operators jointly apply for the award of the contract
- b. The condition relating to the authorization to conduct a specific business or professional activity referred to in [Art. 112 para. 2 p. 2](#) of the Public Procurement Law, is met if at least one of the Economic Operators jointly applying for the award of the contract is authorized to conduct a specific business or professional activity and will perform the supplies for which this authorization is required.
- c. With regard to the conditions relating to education, professional qualifications or experience, Economic Operators jointly applying for the award of the contract may rely on the abilities of those Economic Operators who will perform the construction works or services for which these abilities are required.
- d. In the case referred to in Art. 117 para. 2 and 3 of the Public Procurement Law, Economic Operators jointly applying for the awarding of the contract, attach to the tender a statement, which shows **supplies** which will be made by individual economic operators.
- e. Economic operators jointly applying for the award of the contract shall appoint a plenipotentiary to represent them during the procurement procedure or to represent them in the procedure and conclude a public procurement contract.
- f. If the Economic Operator refers to experience in the implementation of **supplies** performed jointly with other economic operators, then in the above list of **supplies** it is obliged to provide only those **supplies** in which the Economic Operator participated directly, and in the case of repeated or continuous services in which it participated in the past or participates now.

5. Making resources available

- a. The Economic Operator may, in order to confirm the fulfilment of the conditions for participation in the procurement procedure or selection criteria, where appropriate and

- for a particular contract, or part thereof, rely on the technical or professional ability or the financial or economic standing of the
- b. entities that provide capacities regardless of the legal nature of its legal relationship with them with regard to the conditions relating to education, professional qualifications or experience, Economic Operators may rely on the abilities of resource providers, if these entities perform construction works or services for which these abilities are required.
 - c. The Economic Operator, who relies on the capabilities or situation of entities providing resources, submits, along with the tender, an obligation of the entity providing the resources to provide it with the necessary resources for the implementation of a given tender or another qualitative means of proof confirming that the Economic Operator, when executing the tender, will have necessary resources supplied by these entities.
 - d. The obligation of the entity providing the resources referred to in Art. 118 sec. 3 of the Public Procurement Law, confirms that the relationship between the Economic Operator and the entities providing resources guarantees real access to these resources and specifies in particular:
 - i. the scope of the resources of the entity providing the resources shared with the Economic Operator;
 - ii. the manner and period of sharing resources of the entity with the Economic Operator and the manner and period of using these resources by it in the performance of the contract;
 - iii. whether and to what extent the entity providing the resources carries out construction works or services with the capabilities on which the Economic Operator relies in relation to the conditions for participation in the procedures regarding education, professional qualifications or experience.
 - e. The Contracting Authority shall assess whether the technical or professional ability or financial or economic standing made available to Economic Operator by the entity providing the resources allow the economic operator to demonstrate its compliance with the conditions for participation in the procurement procedure, referred to in Article 112 para. 2 points 3 and 4, and, where applicable, the selection criteria, and shall examine whether there are no grounds for exclusion in respect of this entity, which have been provided for in respect of the Economic Operator.
 - f. The entity which has committed itself to make available the resources shall be jointly liable with the economic operator who relies on its financial or economic standing, for

any damage suffered by the Contracting Authority as a result of the failure to make the resources available, unless the entity is not at fault for the failure to make the resources available.

- g. Where the technical or professional ability, the economic or financial standing of the entity making the resources available does not confirm that the economic operator meets the conditions for participation in the procurement procedure or there are exclusion grounds in respect of that entity, the Contracting Authority shall require the Economic Operator, within a time limit set by the Contracting Authority, to replace that entity with another entity or entities or demonstrate that it fulfils itself the conditions for participation in the procurement procedure.
 - h. The Economic Operator may not, after the deadline for submission of tenders, rely on the capabilities or situation of entities providing resources, if at the stage of submitting applications for participation in the procedure or tenders, it did not rely on the capabilities or situation of entities providing resources.
6. **Application of the procedure referred to in Art. 139 sec. 1 of the Public Procurement Law.** The Contracting Authority envisages the possibility of examining and evaluating tenders, and then qualifying the Economic Operator whose tender has received the highest assessment taking into account the lack of grounds for exclusion and meeting the conditions for participation in the procedure.
7. The Contracting Authority will exclude the Economic Operator from the procedure pursuant to: **Art. 108. para. 1 p. 1-6** of the Public Procurement Law.
8. The Contracting also envisages the exclusion of the Economic Operator from the procedure on the basis of: **art. 109 ust. 1 p. 1, 4, 5, 7, 8 and 10** of the Public Procurement Law;
9. With regard to **Art. 110 para. 1** of the Public Procurement Law, the Economic Operator may be excluded by the Contracting Authority at any stage of the procurement procedure, subject to Art. 110 para. 2 of the Public Procurement Law.

VI. List of qualitative means of proof:

1. The Economic Operator is obliged to attach a declaration that it does not be excluded and it meets the conditions for participation in the procedure on the form of a European Single Procurement Document ("ESPD"), drawn up in accordance with the standard form specified in the Commission Implementing Regulation (EU) 2016/7 of January 5, 2016 establishing the standard form of the European Single Procurement Document (Journal of Laws UE L 3 of 06.01.2016, p. 16). The Contracting Authority will make available Economic Operator an **ESPD** for completion. The ESPD initially prepared by the Contracting Authority for this

procedure constitutes **Annex No 3 to the STC**. ESPD is a proof that there are no grounds for exclusion, and that the Economic Operator meets the conditions for participation in the procurement procedure, as at the date of submission of tenders, temporarily replacing the qualitative means of proof required by the Contracting Authority.

- 2. Economic Operator shall fill in the part I, part II and part III of ESPD to confirm that it cannot be excluded from the procedure.**
- 3. The Economic Operator, in order to confirm the fulfillment of the conditions for the Economic Operator's participation in the procedure, fills in the ESPD, part IV " Selection criteria".**
4. In the event of a joint application by Economic Operators for the contract, the declaration referred to in **p.1.**), is submitted by each of the Economic Operators. These declarations confirm the lack of grounds for exclusion and the fulfillment of the conditions for participation in the procedure to the extent to which each of the Economic Operators demonstrates compliance with the conditions for participation in the procedure.
5. The Economic Operator, in the case of relying on the capacity or situation of entities providing resources, presents, along with the statement referred to in p.1, also the declaration of the entity providing the resources, confirming the lack of grounds for excluding this entity and meeting the conditions for participation in the procedure accordingly, to the extent to which the Economic Operator refers to its resources.
6. The Economic Operator fills in the ESPD as an electronic document. It may use the ESPD tool available at the link: <https://espd.uzp.gov.pl/> or other available tools or software that enable the completion of ESPD and the creation of an electronic document.
7. Submission of ESPD along with the tender on a data carrier (e.g. CD, pendrive) is unacceptable, as it does not constitute its submission by means of electronic communication within the meaning of the provisions of the Act of July 18, 2002 on the provision of electronic services.
8. When the Economic Operator creates or generates the electronic document ESPD, it signs the above-mentioned document with a qualified electronic signature, issued by a qualified trust service provider, which is an entity providing certification services - electronic signature, meeting the security requirements specified in the Act.
9. Before selecting the best tender, The Contracting Authority will request the Economic Operator whose tender has been assessed the highest to submit within the set time limit, but not shorter than 10 days, to submit the qualitative means of proof valid on the date of submission which confirms that the Economic Operator is not subject to exclusion from the procedure on the basis of the conditions set out in **Chapter V STCD**, in the form of:
 - a. information from the [National Criminal Register](#) regarding: [art. 108 para. 1 p. 1](#)

- and 2 of the Public Procurement Law and [art. 108 para. 1 p. 4](#) of the Public Procurement Law, concerning the prohibition of applying for a public contract as a penal measure, drawn up not earlier [than 6 months before its submission](#),
- b. The Economic Operator's statements under the [Art. 108 para. 1 p. 5](#) of the Public Procurement Law, on the lack of belonging to the same capital group within the meaning of the Act of February 16, 2007 on competition and consumer protection (Journal of Laws of 2020, items 1076 and 1086), with another Economic Operator who submitted a separate tender, partial tender, or declarations of belonging to the same capital group together with documents or information confirming the preparation of the tender, partial tender, regardless of another economic operator belonging to the same capital group. The Contracting Authority recommends that the statement should have the form in conformity of the template in [Annex No 1b to Offer Form](#),
 - c. a certificate of the competent head of the tax office confirming that the Economic Operator is not in arrears with paying taxes and fees, within the scope of [art. 109 para. 1 p. 1](#) of the Public Procurement Law, issued not earlier than 3 months before its submission, and in the case of arrears in paying taxes or fees the Contracting Authority requests the Economic Operator to submit , together with certificate, the documents confirming that the Economic Operator has made the payment of taxes or fees due with interest or fines, respectively, before the deadline for submitting tenders or has entered into a binding agreement on the repayment of these debts – **Contactoꝛ's annex**
 - d. a certificate or other document of the appropriate local organizational unit of the [Social Insurance Institution](#) the Social Insurance or the relevant regional branch or the appropriate local branch of the Agricultural Social Insurance Fund, confirming that the Economic Operator is not in arrears with the payment of social and health insurance contributions, within the scope of [art. 109 para. 1 p. 1](#) of the Public Procurement Law, issued not earlier than [3 months](#) before its submission, and in the case of arrears in paying social or health insurance contributions the Contracting Authority requests the Economic Operator to submit , together with certificate, the documents confirming that the Economic Operator has made the payment of social or health insurance contributions with interest or fines, respectively, before the deadline for submitting tenders or has entered into a binding agreement on the repayment of these debts - **Contactoꝛ's annex**
 - e. an excerpt or information from the [National Court Register](#) or the [Central Register and Information on Economic Activity](#), within the scope of [art. 109 para. 1 p. 4](#) of

the Public Procurement Law, drawn up not earlier than **3 months** before its submission, if separate provisions require an entry in the register or records.

- f. The Economic Operator's statement that the information contained in the declaration referred to in Art. 125 para. 1 of the Public Procurement Law, with regard to the grounds for exclusion from the procedure referred to in:
- i. art. 108 para. 1 p. 3 of the Public Procurement Law,
 - ii. art. 108 para. 1 p. 4 of the Public Procurement Law, regarding the prohibition of applying for public contracts as a preventive measure,
 - iii. art. 108 para. 1 p. 5 of the Public Procurement Law, regarding the conclusion of an agreement with other economic operators to disrupt competition,
 - iv. art. 108 para. 1 p. 6 of the Public Procurement Law,
 - v. art. 109 par. 1 p. 1 of the Public Procurement Law, with regard to breach of obligations regarding the payment of local taxes and fees, referred to in the Act of 12 January 1991 on local taxes and fees (Journal of Laws of 2019, item 1170),
 - vi. art. 109 paragraph. 1 p. 5 ,7, 8 and 10 of the Public Procurement Law,

it is recommended to draw up a statement in accordance with the template constituting **Annex No. 1a to Offer Form.**

10. Before selecting the most advantageous tender, The Contracting Authority will request the Economic Operator whose tender has received the highest score to submit within the specified time limit, not shorter than **10 days**, qualitative means of proof valid as of the date of submission, confirming that the Economic Operator meets the conditions for participation referred to in **Chapter V of the STC**, in the form of:

- a. a document confirming that the Economic Operator has the general liability insurance covering the scope of its activities related to the subject matter of the contract with the warranty sum referred to in **Chapter V p.1d) of STC**,
- b. a list of **supplies** made, and if the period of business activity is shorter - in this period, along with their value, subject matter, dates and entities for which the **supplies** were performed or are being performed, and **attaching proofs that these supplies have been made or are being performed properly**, but these means of proof are references or other documents drawn up by the entity for which the **supplies** were made, and in the case of repeated services or continuous operations

they are performed, and if the Economic Operator is not able to obtain these documents for reasons beyond its control - the Economic Operator's declaration; in the case of repeated or continuous services, references or other documents confirming their proper performance should be issued within the last 3 months. The Contracting Authority recommends to prepare a list according to the template in **Annex No 1e to Offer Form**. If the Economic Operator refers to experience in the implementation of supplies performed jointly with other economic operators, then in the above list of **supplies** it is obliged to provide only those **supplies** in which the Economic Operator participated directly, and in the case of repeated or continuous services in which it participated or participates.

- c. If it is necessary to ensure the proper conduct of the procurement procedure, the Contracting Authority may, at any stage of the procedure, request Economic Operators to submit all or some of the qualitative means of proof, valid at the date of submission.
- d. If there are reasonable grounds to believe that the qualitative means of proof previously submitted is no longer valid, the Contracting Authority may, at any time, require the Economic Operator or economic operators to submit all or some of the qualitative means of proof valid at the time of submission.

VII. Information on means of proof relating to the subject-matter of a contract:

1. The Contracting Authority requests the Economic Operator to submit the means of proof relating to the subject-matter of a contract.
 - a. Document confirming that the equipment manufacturer has implemented ISO 9001 quality management system (ISO 9001 certificate) or equivalent standard – a printout from the website is acceptable; the document confirming cannot be older than 12 months, and valid on the date of submission of the tender – **Contractor's annex**
 - b. Document confirming that the offered devices complies with the CE marking standard – CE declaration of conformity – a printout from the website is acceptable - **Contractor's annex**
 - c. document confirming that the service company has implemented the ISO 9001 quality system (ISO 9001 certificate) or an equivalent standard for the provision of maintenance services and a document confirming that the service will be carried out by the Manufacturer or an Authorized Service Partner (a printout from the website is acceptable) - **Contractor's annex**
 - d. Technical description of the offered devices together with a catalog card confirming meeting the requirements described in Annex no 4 to STC - Contractor's annex



2. If the Economic Operator fails to submit such evidence or if the submitted evidence is incomplete, the Contracting Authority shall call for its submission or completion within the prescribed time limit.
3. The provisions of paragraph 2 shall not apply if the evidence in question serves to confirm compliance with the characteristics or criteria set out in the description of the criteria for evaluation of tenders or, despite the submission of the evidence in question, the tender is rejected or there are grounds for invalidation of the procedure.

VIII. Persons authorized to contact the Economic Operators:

1. The Contracting Authority appoints the following persons to contact the Economic Operators: in matters related to the subject matter of the contract: **prof. dr hab. inż. Mariusz Zdrojek** mariusz.zdrojek@pw.edu.pl and in formal matters: **Karolina Chojecka** karolina.chojecka@pw.edu.pl; **dr inż. Przemysław Duda**, **prof. PW** przemyslaw.duda@pw.edu.pl i **dr inż. Urszula Laudyn** urszula.laudyn@pw.edu.pl, from Monday to Friday, from **8:00-16:00**

IX. Information concerning foreign currencies in which settlements between the Contracting Authority and the Economic operator can be made, if the contracting authority envisages to settle contracts in foreign currencies

1. The settlements will be made between the Contracting Authority and the Economic operator in **EUR**.

X. Communication between the Contracting Authority and the Economic Operators (does not apply to the placement of offers and requests).

1. In the procurement procedure, communication between a contracting authority and a supplier is carried in Polish and English by means of electronic communication via: https://platformazakupowa.pl/pn/pw_edu. Unless it is stated differently in the Specification of term of the terms and contract communication in the proceeding, especially submitting documents, declarations, requests (other than the request to participate in a tender procedure), notifications, inquiries or transmitting information is held electronically through

platformazakupowa.pl and **Send a message form**.

2. Hereby § X does not apply to placing offers and requests, because messages are not encrypted
3. Communication through the Send a message form enables you to attach files or archives (attachments) to the message. The limitation on the size and number of files or archives attached is 10 files or archives with a maximum size of 500 MB each.
4. In case of emergency, such as a breakdown of platformazakupowa.pl, the contracting party has a right to communicate with suppliers also via other forms of communication indicated in the Public procurement notice, Specification of the terms of contract (SWZ) or the invitation to tender.
5. Electronic documents, declarations, and electronic copies of documents and declarations are submitted by a supplier via **Send a message** button in the form of attachments. A method of preparing electronic documents, declarations, or electronic copies of documents and declarations must be compliant with requirements indicated in Prime Minister's Regulation of 27 June 2017 regarding the usage of electronic means of communication in Public Procurement Notice type of proceeding and making accessible and storing electronic documents, as well as with Regulation of Minister of Development of 29 June 2020 regarding types of documents that may be required by a contracting party from a supplier in Public Procurement Notice.
6. For your convenience, you can receive additional email notifications regarding messages published by a contracting party both in case of public messages or so-called private messages.
7. A condition for receiving notifications from the platformazakupowa.pl system in compliance with paragraph 6 is adding the proceeding to the watchlist (by clicking the star icon), submission of an offer or request, or sending a message by a supplier in the proceeding.
8. Supplier as a professional entity is obliged to check the information published in the Announcements section in the Offer/request placing form, as well as private messages from a contracting party available in the system because the system of notifications can crash or a notification may be qualified as SPAM.
9. As a date of transmitting submitted documents, declarations, requests (other than request to participate in a tender procedure), notifications, inquiries and transmitting information is treated the moment of clicking the **Send a message** button after which the notification about sending a message to a contracting party will be displayed.

XI. The way of submitting offer

1. In the procurement procedure, communication between a contracting authority and a supplier is carried through platformazakupowa.pl unless it is stated differently in the Specification of the terms of contract.
2. As stated by a contracting party, questions:
 - a. connected with technical issues such as the functioning of the system, should be addressed to the Client Support Center of platformazakupowa.pl. Its telephone number is +48 22 101 02 02 and email address cwk@platformazakupowa.pl.
 - b. connected with the specification, should be addressed to persons appointed by a contracting party whose contact details are provided in the Specification of the terms of contract
3. Technical requirements and limitations are described in **Rules and regulations of platformazakupowa.pl** which is the supplement to this instruction.
4. The Contractor, by entering into this public procurement procedure:
 - a. accepts the terms and conditions for the use of https://platformazakupowa.pl/pn/pw_edu as set forth in the Terms and Conditions located on the website at the link under the "Terms and Conditions" and acknowledges them as binding,
 - b. has read and complies with the Instructions for Submission of Tenders/Applications available at the link. The Contracting Authority shall not be liable for submission of a tender in a manner inconsistent with the Instructions for Use of https://platformazakupowa.pl/pn/pw_edu, in particular for a situation where the Contracting Authority becomes aware of the content of the tender before the deadline for submission of tenders (e.g. submission of a tender in the "Send a message to the Contracting Authority" tab). Such an offer will be considered by the Contracting Authority as a commercial offer and will not be taken into account in the proceedings in question as the obligation imposed in art. 221 of the Public Procurement Law has not been fulfilled.
5. There is the limitation on the size and number of files or archives attached in the scope of one offer or request and it is **10 files or archives** (you can add files to an archive in accordance with pt 8) with a maximum size of 150 MB each.
6. File formats used by contractors should be in accordance with the "Announcement of the Prime Minister of November 9, 2017 on the announcement of the consolidated text of the Regulation of the Council of Ministers on the National Interoperability Framework, minimum requirements for public registers and exchange of information in electronic form and

minimum requirements for ICT systems". The Contracting Authority recommends using the following formats: **.pdf .doc .jpg (.jpeg)** with particular emphasis on **.pdf** In order to compress the data, the Contracting Authority recommends using one of the following formats: **.zip .7zip**. The following formats are common but NOT included in the regulation: **.rar .gif .bmp .numbers .pages**. Documents submitted in such files will be considered as invalid.

7. **If you want to submit an offer, it is advisable to do it at least 24 hours before the deadline** in order to place an offer in due time in case of force majeure such as platformazakupowa.pl breakdown, Internet connection failure, technical difficulties connected with e.g. not having an updated Internet browser, etc.
8. In case of larger files, we recommend you use the instruction on how to divide larger files into e.g. 150 MB each
9. Date of submitting an offer or request is a date of submitting an offer or request in our system through clicking the "Place offer" button in the second step of the offer placing form as well as a display of notification stating that an offer was submitted.
10. Supplier submits an offer or request to participate in a tender procedure through the **Offer/request placing form** available on platformazakupowa.pl in a specific public procurement proceeding.
11. If a contracting party did not state differently in the Specification of the terms of contract (SWZ) or the invitation to tender, all the information determined as confidential within the meaning of 4 the Unfair Competition Suppression Act of 16 April 1993, stipulated by a supplier as confidential information, should be attached separately in the first step of placing an offer, in the place dedicated to submitting company's confidential information.
12. In accordance with Article 1 Section 2 of REGULATION OF THE COUNCIL OF MINISTERS published on 30 December 2020 concerning the method of preparing and submitting information and technical requirements for electronic documents and electronic means of communication in a public procurement procedure or competition, it is required that documents containing information defined as a business secret within the meaning of the Act of 16 April 1993 On combating unfair competition, was provided by the contractor in a separate and appropriately marked file.
13. Together with an offer or request, you should attach all the required documents indicated in the Public procurement notice, Specification of the terms of contract (SWZ) or the invitation to tender, including the European Single Procurement Document (ESPD) and the means of proof in electronic form.
14. Having filled in the **Offer/request placing form** and having attached all the required documents, you must click **Go to the summary** button.

15. An offer, request and other means of proof (if required) submitted via electronic means in case of procedures equal to or exceeding EU procurement threshold must be signed with a qualified electronic signature. While submitting an offer or request, a supplier should put a signature directly on the document and then send them to our system (**option recommended by platformazakupowa.pl**). Additionally, you can sign the whole package of documents in the second step of the **Offer/request placing form** (after clicking **Go to the summary** button).
16. Regarding different legal opinions whether signature put on the package of documents (compressed file) is compliant with law, we recommend you follow the instructions described in pt 9 and sign each attached file separately. It refers in particular to documents indicated in Article 63 paragraph 1 and 2 of Public Procurement Law, where it was stated that offers, requests for participation in a proceeding and declarations mentioned in Article 125 paragraph 1, are prepared under the pain of nullity in electronic form and according to the value of the procedure it should be signed with qualified electronic signature
17. Suppliers can withdraw an offer or request through the Offer placing form before the due date of placing offers.
18. Because of the fact that offers or requests are encrypted, it is impossible to edit them. By changing an offer or request is understood as a submission of a new offer and withdrawal of the previous one; however, you have to do it before the due date of placing offers.
19. Withdrawal of an offer or request is possible before the due date of placing offers.

XII. Description of the method of preparation and submission of the tender.

1. The Economic Operator may submit only one tender.
2. The tender should be made in Polish or in English, in electronic form and **signed with a qualified electronic signature issued by a qualified trust service provider**, who is the entity providing certification services - electronic signature, meeting the security requirements specified in the Act. Such entities are entered into the register of the Minister of Digital Affairs kept by the National Certification Center. The list of entities providing the qualified electronic signature service is available at www.nccert.pl.
3. The tender must be signed with a qualified electronic signature by persons authorized to represent the Economic Operator in the procedure in question. The representation referred to in the preceding sentence must result from the excerpt or information provided by the Economic Operator from the National Court Register or the Central Register and Information on Economic Activity and the power of attorney attached to the tender.
4. **Electronic tender includes:**
 - a. **Tender form** signed with a qualified electronic signature, constituting **Annex No. 1**

to the STC;

- b. Product price form, signed with a qualified electronic signature constituting **Annex No. 2 to STC part no. 1 and part no. 2;**
 - c. **List of samples - Annex No..... to the tender form. [Not applicable]**
 - d. on means of proof relating to the subject-matter of a contract
 - e. statement on satisfying the conditions for participation in the proceeding and lack of grounds for exclusion in the form of Single European Procurement Document (JEDZ) - prepared according to the sample constituting **Attachment No. 3 to the STC** and signed with qualified electronic signature. In the case of Economic Operators acting jointly, the JEDZ statement shall be submitted by each Economic Operator to the extent to which it proves the fulfillment of the conditions for participation in the procedure and lack of grounds for exclusion.
 - f. [If applicable] Power of attorney authorizing the submission of an tender, provided that the tender is submitted by a proxy;
 - g. [If applicable] Power of attorney for the proxy to represent the Economic Operators jointly applying for the contract in the procedure - applies to tenders submitted by Economic Operators jointly applying for the contract;
 - h. [If applicable] **Annex No. 1c** to the Tender Form. Economic Operator's statement submitted pursuant to Art. 118 para. 3 of the Act of September 11, 2019 Public Procurement Law (Journal of Laws of 2019, item 2019, as amended) Obligation of the entity providing resources,
 - i. [If applicable] **Annex 1d to the Tender Form**. Economic Operator's statement submitted pursuant to Art. 117 paragraph. 4 of the Act of September 11, 2019, Public Procurement Law (Journal of Laws of 2019, item 2019, as amended). Statement of Economic Operators jointly applying for the contract.
5. In the case of the qualitative means of proof, means of proof relating to the subject-matter of a contract, other documents, including the documents referred to in **Art. 94 para. 2** of the Public Procurement Law, or documents confirming the authorization to represent the Economic Operator, the Economic Operators jointly applying for the award of a public contract, an entity providing resources on the terms specified in **Art. 118** of the Public Procurement Law or subcontractors who are not an entity providing resources on such terms, were issued by authorized entities other than the Economic Operator, Economic Operator jointly applying for the contract, entity providing resources or subcontractors, as an electronic document, this document is provided.
6. If the qualitative means of proof, the means of proof relating to the subject-matter of a contract, other documents, including the documents referred to in Art. 94 para. 2 of the Public

Procurement Law, or documents confirming the authorization to represent, have been issued by authorized entities as a paper document, a digital copy of this document with a qualified electronic signature is provided, confirming the compliance of the digital copy with the document in paper form.

7. Confirmation of the compliance of digital copy with a document in a paper form is made in the case of:
 - a. qualitative means of proof and documents confirming the authorization to represent - Economic Operator, Economic Operator jointly applying for the award of the contract, entity providing resources or subcontractors, respectively, in the scope of qualitative means of proof or documents confirming the authorization to represent, which relate to each of them;
 - b. the means of proof relating to the subject-matter of a contract - Economic Operator or Economic Operators, respectively, jointly applying for the contract;
 - c. other documents, including documents referred to in **art. 94 para. 2** of the Public Procurement Law, prepared by the Economic Operator or Economic Operator jointly applying for the award of the contract, in the scope of documents that relate to each of them.
8. qualitative means of proof, including the declaration referred to in **Art. 117 para. 4** of the Public Procurement Law, and the obligation of the entity providing resources, the means of proof relating to the subject-matter of a contract, documents referred to in **Art. 94 para. 2** of the Public Procurement Law, not issued by authorized entities, and the power of attorney are submitted in electronic form and bear a qualified electronic signature
9. Confirmation of the compliance of digital copy with a document in a paper form is made in the case of:
 - a. qualitative means of proof relating to the subject-matter of a contract - Economic Operator, Economic Operator jointly applying for the contract, entity providing resources or subcontractor, respectively, in terms of qualitative means of proof that relate to each of them;
 - b. the means of proof relating to the subject-matter of a contract, the document referred to in **art. 94 para. 2** of the Public Procurement Law, the declaration referred to in Art. 117 para. 4 of the Public Procurement Law, or obligations of the entity providing the resources - Economic Operator or Economic Operator applying for the contract;
 - c. powers of attorney – principal
10. It is forbidden to disclose information constituting a **trade secret** within the meaning of the Act of 16 April 1993 on combating unfair competition (Journal of Laws of 2019, items 1010 and 1649), if the Economic Operator, along with the provision of such information, reserved

that it cannot be shared and has demonstrated that the proprietary information is a trade secret. The Economic Operator cannot reserve the information referred to in **Art. 222 para. 5** of the Public Procurement Law.

11. All information constituting a trade secret within the meaning of the Act of 16 April 1993 on Combating Unfair Competition, which the Economic Operator reserves as a business secret, should be put in a separate file marked "This attachment constitutes a trade secret " and then compressed into a single archive (ZIP) file together with other files.
12. Pursuant to **Art. 11 para. 2** of the Act of April 16, 1993 on Combating Unfair Competition (Journal of Laws of 2019, item 1010, as amended) ", a trade secret is understood as technical, technological, organizational information of a company or other information of economic value, which as a whole or in a specific combination and set of its elements is not generally known to people who usually deal with this type of information or is not easily accessible to such people, provided that the person entitled to use the information or dispose of it has undertaken, with due diligence, actions in order to keep it confidential. The Contracting Authority will limit access to this information and provide protection and appropriate storage against unauthorized access. Pursuant to the wording of **Art. 18 para. 3** of the PPL, the Economic Operator, along with the provision of such information, made a reservation that it cannot be made available and demonstrated that the proprietary information is a trade secret.

XIII. Description of the calculation method of the tender price

1. The tender price will be set out by the Economic Operator on: The tender form (**Annex No. 1 to STC**)
2. The tender price should be understood as the sum of the **gross value** of all items of the product range. The **gross value** of individual items is the product of the quantity of a given product range and its net unit price, constituting the net value of a given item, increased by the amount of VAT due.
3. The tender price includes: all costs (direct and indirect) related to the implementation of this contract, in particular transport, insurance and **supply** costs including unloading to the warehouse of the Contracting Authority.
4. The tender price must include all costs related to the performance of the contract resulting directly from the Description of the subject matter of the contract, as well as other costs resulting from the draft provisions of the public procurement contract, which will be introduced to the public procurement contract, constituting **Annex No.5 to STC**.
- 5. The tender price must be given in EUR, with accuracy to two decimal places.**
- 6. In the case of submission of the tender which would cause the tax liability on the side of the Contracting Authority in accordance with the Act of March 11, 2004 on tax on goods and**

services (Journal of Laws of 2018, item 2174, as amended), therefore, for the purposes of applying the price criterion, the Contracting Authority adds to the price presented in this tender (respectively for the task) the amount of VAT tax that it would be obliged to settle.

7. In the case referred to in p. 6 The Economic Operator is obliged :
 - i. to inform the Contracting Authority that the selection of its tender will lead to a tax liability on the site of the Contracting Authority;
 - ii. to indicate the name (type) of goods or services which supplies will give rise to a tax obligation;
 - iii. to indicate the value of the taxable good or service covered by the tax liability on the site of the Contracting Authority, without the tax amount;
 - iv. to indicate the rate of tax on goods and services, which, according to the Economic Operator's knowledge, will be applicable.
8. The Contracting Authority corrects in its tender:
 - a. obvious written errors,
 - b. obvious calculation errors, taking into account the accounting consequences of the corrections,
 - c. other errors, causing that the tender is not in compliance with the procurement documents, but these errors are not significant changes to the content of the tender,
 - d. and immediately notifies about it the Economic Operator, whose tender has been corrected.
9. In the case referred to in p. 8, The Contracting Authority will give the Economic Operator a suitable time limit to agree to rectify an error in the tender or to oppose to its rectification. **Failure to reply within the prescribed period is recognized as the agreement to correct the mistake.** The given price is valid for the entire period of validity.

XIV. The tender binding period

1. The Economic Operator is bound by the tender no longer than **60 days** from the deadline for submitting tenders (i.e. **from 24.01.2022 to 24.03.2022 2021**), with the first day of the tender validity being the day on which the deadline for submission of tenders expires.
2. If the best tender is not selected before the tender binding period expires, the Contracting Authority will ask the Economic Operators once for their consent to extend this period for a period not **longer than 60 days**. The extension of the tender binding period requires the submission of a written declaration of consent to the extension of the tender binding period by the Economic Operator. The extension of the tender binding period follows the extension of the validity period of the bid bond or, if this is not possible, the lodging of a new bid bond for

the extended tender binding period.

3. The Contracting Authority does not requests the Economic Operators to submit a bid bond

XV. Place and date of submission and opening of tenders.

1. The electronic tender together with all the required documents should be submitted by the day **24.01.2022 by 10:00 am hour**
2. **The tender has to accompanied by all documents required in the STC**
3. The opening of tenders will take place on **24.01.2022 at 11:00 am**
4. The tender may be submitted only until the deadline for submission of tenders.
5. In the event of a failure of the ICT system, which makes it impossible to open tenders within the time limit specified by the Contracting Authority, the tenders will be opened immediately after the failure has been removed.
6. The Contracting Authority will inform on the change of the date of opening tenders on the website of the conducted procedure.
7. The Contracting Authority, before the opening of tenders at the latest, will make available the information on the amount it intends to allocate for financing the contract on the website of the procedure.
8. The Contracting Authority, immediately after the opening of tenders, makes available on the website of the conducted procedure information on:
 - a. names or first names and surnames as well as registered offices or places of business activity or places of residence of Economic Operators whose tenders have been opened;
 - b. prices or costs included in the tenders.
9. The tender evaluation shall be carried out by the Tender Committee. The Contracting Authority may appoint external experts to participate in the evaluation of tenders.
10. he Contracting Authority shall reject each tender if it meets prerequisites specified in art. 226 item 1 of the PPL Act.
11. During the examination and evaluation of tenders the Contracting Authority may require clarifications from Economic Operators concerning the content of their tender.
12. If the price or cost offered, or significant components thereof, appear to be grossly inadequate in relation to the subject matter of the contract or give rise to doubts as to the ability of the Contracting Authority to perform the subject matter of the contract in compliance with requirements specified by the Contracting Authority or resulting from separate regulations, the Contracting Authority shall request explanations, including submission of evidence, regarding

calculation of the price or cost.

13. The Economic Operator shall be obliged to prove that the tender does not contain an abnormally low price.

XVI. Description of criteria, evaluation of tenders along with the weighting of these criteria and the method of evaluation of tenders.

1. Tenders submitted by Economic Operators who have not been excluded from the procurement procedure and who are not subject to rejection will be subject to the evaluation procedure in accordance with the following criteria.
2. Scoring awarded to tenders will be calculated with accuracy to two decimal places.
3. Contracting Authority will select the tender that obtains the highest score (max. 100 points).
4. The Contracting Authority will award the contract to the Economic Operator whose tender will meet all the requirements set out in the Public Procurement Law and in the STC and will be assessed as the most advantageous based on the evaluation criteria.
5. With respect to Economic Operators who meet the conditions for participation in the procurement procedure, the Contracting Authority will evaluate the non-rejected tenders on the basis of the following criteria:

Part 1:

Item	Criterion	Weight in %	Possible number of points
1)	Tender price	60 %	60 p.
2)	warranty	15 %	15 p.
3)	Service response time	15%	15 p.
4)	Post-training support	10%	10 p.

'Tender price' criterion. The gross tender price entered in the tender form. Under the 'Tender price' criterion, points will be awarded on the basis of the following formula: (lowest gross price / gross price of the evaluated offer) x 60. The most advantageous tender will receive 60 points in this criterion, and the remaining tenders will receive proportionally less; The Contracting Authority will award a maximum of 60 points under this criterion.

Warranty criterion. The evaluation shall be based on the declared period of warranty services described in appendix no. 4 to the STC: Description of the subject matter of the contract.

An offer with a warranty period of 24 months shall receive 0 points. Each additional 12 months of



warranty time shall be awarded 5 points. The Contracting Authority will award a maximum of 15 points under this criterion

NOTE: Failure to provide the value of the required criterion "warranty time" or providing it in a shorter period than 24 months will result in rejection of the offer, in accordance with art. 226 par. 5, as it does not comply with the terms and conditions of the contract

The "Service response time" criterion evaluates the declared service response time counted from the moment of notification by the Contracting Authority to the moment of service action. An offer with a response time of 24 hours will receive 15 points; an offer with a response time of 48 hours will receive 10 points; an offer with a response time of 72 hours will receive 0 points;

NOTE: Failure to provide the required response time or providing a response time longer than 72 hours will result in rejection of the offer in accordance with art. 226 par. 5 as not complying with the terms of contract

The "Post-Training Support" criterion evaluates the declared duration of telephone or e-mail support for the operation and use of the equipment. A tender with 6 months time will receive 15 points; a tender with 3 months time will receive 10 points; a tender with 2 months time will receive 5 points; a tender with 1 month time will receive 0 points.

NOTE: Failure to provide the value of the required "post-training support" criterion or providing it for less than 1 month will result in rejection of the bid as not meeting the terms of the contract in accordance with art. 226.5

The total number of points a tender will receive will be calculated using the following formula:

$$L = C + P_g + P_r + P_s$$

where:

L – total number of points,

C – Points scored in the "Total gross bid price" criterion,

P_g - points scored in the "warranty" criterion,

P_r – points obtained in the "service response time" criterion,

P_s - Points for the criterion "post-training support"

Part 2:

Item	Criterion	Weight in %	Possible number of points
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1)	Tender price	60 %	60 p.
2)	warranty	15 %	15 p.
3)	Service response time	15%	15 p.
4)	Post-training support	10%	10 p.

'Tender price' criterion. The gross tender price entered in the tender form. Under the 'Tender price' criterion, points will be awarded on the basis of the following formula: (lowest gross price / gross price of the evaluated offer) x 60. The most advantageous tender will receive 60 points in this criterion, and the remaining tenders will receive proportionally less; The Contracting Authority will award a maximum of 60 points under this criterion.

Warranty criterion: The evaluation shall be based on the declared period of warranty services described in appendix no. 4 to the STC: Description of the subject matter of the contract.

An offer with a warranty period of 24 months shall receive 0 points. Each additional 12 months of warranty time shall be awarded 5 points. The Contracting Authority will award a maximum of 15 points under this criterion

NOTE: Failure to provide the value of the required criterion "warranty time" or providing it in a shorter period than 24 months will result in rejection of the offer, in accordance with art. 226 par. 5, as it does not comply with the terms and conditions of the contract

The "Service response time" criterion evaluates the declared service response time counted from the moment of notification by the Contracting Authority to the moment of service action. An offer with a response time of 24 hours will receive 15 points; an offer with a response time of 48 hours will receive 10 points; an offer with a response time of 72 hours will receive 0 points;

NOTE: Failure to provide the required response time or providing a response time longer than 72 hours will result in rejection of the offer in accordance with art. 226 par. 5 as not complying with the terms of contract

The "Post-Training Support" criterion evaluates the declared duration of telephone or e-mail support for the operation, use of the equipment and polymer processing. A tender with 12 months time will receive 15 points; a tender with 6 months time will receive 10 points; a tender with 3 months time will receive 5 points; a tender with 3 month time will receive 0 points.

NOTE: Failure to provide the value of the required "post-training support" criterion or providing it for less than 1 month will result in rejection of the bid as not meeting the terms of the contract in accordance with art. 226.5

The total number of points a tender will receive will be calculated using the following formula:

$$L = C + P_g + P_r + P_s$$

where:

L – total number of points,

C – Points scored in the "Total gross bid price" criterion,

P_g - points scored in the "warranty" criterion,

P_r – points obtained in the "service response time" criterion,

P_s- Points for the criterion "post-training support"

6. If it is not possible to select the most advantageous tender as a result of two or more tenders having the same balance of price or cost and other tender evaluation criteria, the Contracting Authority will select from among these tenders the one that received the highest score in the criterion of highest weighting.
7. If it is not possible to select a tender in the manner referred to in point 6, the Contracting Authority shall call upon the Economic Operators who submitted such tenders to submit additional tenders containing a new price or cost within the time limit specified by the Contracting Authority

XVII. Information on formalities that must be performed after selecting a tender in order to conclude a contract, contract template.

1. The Contracting Authority will award the contract to the Economic Operator whose tender will meet all the requirements contained in the Public Procurement Law, the STC and will be assessed as the most advantageous on the basis of the tender evaluation criteria referred to in **Chapter XV of the STC**.
2. The Contracting Authority will determine the date and place of the conclusion of contract for the Economic Operator whose tender is selected as the most advantageous one .
3. The Contracting Authority concludes a public procurement contract within a period not shorter than **10 days** from the date of sending the notification on the selection of the best tender, after the expiry of the time limit for submitting legal protection measures.
4. The Contracting Authority may conclude a public contract before the time limit referred to in **p. 17.3**), if only one tender was submitted.
5. Before signing the contract, the Contracting Authority will demand a copy of the contract regulating the cooperation of Economic Operators referred to in **Art. 59** of the Public Procurement Law (if applicable).
6. The Economic Operator, who indicates subcontractors in its tender, and if its tender is considered the

most advantageous one, will have to, before signing the contract, submit a document - agreements concluded with subcontractors on the implementation of the entrusted scope of **supply** under the Economic Operator's tender

7. The Contracting Authority requires the conclusion of a public contract on the terms set out in the draft provisions of the public procurement contract which will be introduced into the public procurement contract, **constituting Annex No 5 to STC.**

XVIII. Requirements for securing the proper performance of the contract.

The Contracting Authority will not require the Economic Operator to provide a security on due performance of the contract

XIX. Information on legal protection measures available to the Economic Operator during the procurement procedure.

1. Legal protection measures specified in the Section IX of the Public Procurement Law are granted to economic operator participating in the competition or other entity if they have or had interest in being awarded the contract and suffered or may suffer a damage as a result of the violation of the provisions of the Public Procurement Law by the Contracting Authority. Legal protection measures against the notice initiating the procurement procedures or competition notice and procurement documents shall be also available to organizations entered in the list referred to in Art. 469 p. 15, and the Spokesman for Small and Medium Enterprises. **(Article 505 (1) and (2) of the PPL).**
2. An appeal:
 - a. an appeal shall be admissible against actions incompliant with the provisions of the PPL, performed by the Contracting Authority during procurement procedure or competition, including the draft provision of the contract
 - b. against failure to act which the Contracting Authority is bound to perform under this Act.
 - c. failure to carry out procurement procedure or arrange a competition under the PPL, despite the fact that the Contracting Authority was bound to perform this obligation.
3. An appeal shall be lodged to the President of the Chamber in a written form or electronic form, s, however, the appeal and accession to the appeal procedure, must be signed with a trusted signature. Written letters are submitted via the postal operator, within the meaning of the Act of 23 November 2012 - Postal Law, personally, by courier, and electronic letters are submitted by means of electronic communication **(Article 508 section 1 and section 2 of the PPL).**

4. The applicant shall provide the Contracting Authority with the appeal lodged in electronic form or a copy of the appeal, if it was submitted in writing, before the deadline for lodging the appeal in such a way that the Contracting Authority can become familiar with its content before the expiry of this period. **(Article 514 (2) of the PPL).**
5. The deadlines for submission of an appeal are specified in **Art. 515 para. 1 p. 1 l. a and l. b** of the Public Procurement Law. In the case of contracts, the value of which is equal to or exceeds the EU thresholds, the deadlines for submission of an appeal are, as follow:
 - a. 10 days from the date of providing information on the Contracting Authority's action which is the basis for its submission, if the information was provided via electronic means of communication; or
 - b. within 15 days from the date of providing information on the Contracting Authority's action which is the basis for its submission, if the information was provided in a different manner than that specified in p. 19.5.1.
6. Appeals against the content of the notice initiating procurement procedures or against the content of the procurement documents shall be submitted within: 10 days from the date of publication of the notice in the Official Journal of the European Union or publication of the procurement documents on the website, in the case of contracts which value is equal to or exceeds the EU thresholds.
7. An appeal in cases other than those specified in p. 19.6 shall be lodged within: 10 days from the date on which it was got the information, or with due diligence it was possible to become aware of the circumstances giving rise to the appeal, in the case of contracts which value is equal to or exceeds EU thresholds.
8. If the Contracting Authority has not published a notice of intention to conclude a contract or, despite such an obligation, fail to sent a notification of the selection of the best tender to the Economic Operator, the appeal shall be lodged no later than:
 - a. 30 days from the date of publication of the contract award notice in the Official Journal of the European Union,
 - b. 6 months from the conclusion of the contract, if the Contracting Authority has not published a contract award notice in the Official Journal of the European Union.
9. The parties and participants of the appeal procedure may appeal to the court against the decision of the Chamber.
10. In the proceedings conducted as a result of the lodging a complaint, the provisions of the Act of November 17, 1964 - Code of Civil Procedure related to the appeal shall apply accordingly, unless the provisions of the Public Procurement Law provide otherwise.
11. The complaint should be lodged with the district court in Warsaw - the public procurement court.

12. The complaint should be lodged through the President of the Chamber within 14 days of the day, on which the Chamber's ruling was submitted, sending simultaneously its copy to the complaint's opponent. Submitting the complaint in a postal facility of an operator appointed within the meaning of the Act of 23 November 2012 – Postal Law (Journal of Laws item 1529) shall be considered as lodging thereof.

XX. Information on the processing of personal data.

1. Pursuant to Art. 13 para. 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 04/05/2016, p. 1), hereinafter "GDPR" and the Act of February 21, 2019 on amending certain acts in connection with ensuring the application of the Regulation of the European Parliament and of the Council (EU 2016/679 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 Data Protection Regulation), I would like to inform you that:
 - a. The controller of your personal data is Politechnika Warszawska, Plac Politechniki 1, 00-661 Warszawa;
 - b. The controller has designated a Data Protection Officer supervising the correctness of data processing, who can be contacted at the following e-mail address: iod@pw.edu.pl;
 - c. Your personal data will be processed on the basis of art. 6 para. 1 l. c of GDPR for the purposes related to the above procedure;
 - d. Persons or entities having the documentation of the procedure pursuant to art. 18 and art. 74 of the Public Procurement Law will be the recipients of your personal data - regulations on access to public information.
2. The controller will process personal data in the scope of the procedure to select a Economic Operator and conclude the contract, under which a public contract will be awarded. This means that the data protected during the procedure for awarding contracts will be any personal data contained in tenders and any other documents submitted by the Economic Operator during the procedure for awarding the contract. This provisions applies to personal data only of natural persons, such as: personal data of Economic Operators submitting an tender, including consortium members, subcontractors, third parties sharing their resources, their proxies, employees, etc.

3. At the same time, it is advised that it will be sufficient to provide only the data explicitly requested by the Contracting Authority or that explicitly confirm that the Economic Operator meets the requirements.
4. The Controller does not intend to transfer your personal data outside the European Economic Area; Your personal data will be stored in accordance with art. 97 para. 1 of the Public Procurement Law, for a period of 4 years from the date of completion of the procurement procedure, and if the duration of the contract exceeds 4 years, the storage period covers the entire duration of the contract, but no longer than until the expiry of the limitation period for claims arising from this procedure and the contract concluded in the result of this procedure. In addition, these data will be archived in accordance with the regulation of the Prime Minister of 18 January 2011 on office instructions, uniform material lists of files and instructions on the organization and scope of operation of company archives (Journal of Laws of 2011, No. 14, item 67, as amended), which is an executive act to the Act of 14 July 1983 on the national archival resource and archives (Journal of Laws of 2019, item 553, as amended).
5. The obligation to provide personal data directly concerning you is a statutory requirement specified in the provisions of the PPL Act, related to participation in the procurement procedure; the consequences of not providing specific data result from the Act on Public Procurement Law
6. With regard to your personal data, decisions will not be made in an automated manner and profiling will not be performed, in accordance with art. 22 GDPR. You have: -
 - a. pursuant to the Article. 15 GDPR, the right of access to your personal data. Where the performance of the obligations referred to in Art. 15 para. 1-3 GDPR would require a disproportionate effort, the Contracting Authority may request the data subject to indicate additional information to specify the request, in particular the name or date of the public procurement or competition procedure;
 - b. pursuant to the Article. 16 GDPR, the right to rectification of your personal data. The exercise by the data subject of the right to rectification or completion, as referred to in art. 16 GDPR may not violate the integrity of the protocol and its annexes;
 - c. pursuant to the Article. 18 para. 1 GDPR the right to obtain from the controller restriction of processing of personal data, subject to the cases referred to in art. 18 para. 2 GDPR
7. The request referred to in Art. 18 GDPR, does not limit the processing of personal data until the end of the procurement procedure or competition; - the right to lodge a complaint to the President of the Personal Data Protection Office, if you think that the processing of your personal data violates the provisions of the GDPR; you are not entitled to:

8. Pursuant to the Art. 17 para. 3 l. b, d or e of GDPR, the right to delete personal data;
9. the right to transfer personal data referred to in art. 20 GDPR;
10. on the basis of the Article. 21 of GDPR, the right to object to the processing of personal data, because the legal basis for the processing of your personal data is art. 6 para. 1 l. c of GDPR.

XXI. Final provisions.

1. In matters not covered by this STC, the provisions of the Public Procurement Law and executive acts issued thereto, the Civil Code Act of 23 April 1964 (consolidated text, Journal of Laws of 2019, item 1145, as amended) shall apply.
2. Annexes to the STC:

Annex No 1 to the STC: Tender Form,

Annex No 1a to the Tender Form Economic Operator's declaration of the validity of the information contained in the declaration referred to in Art. 125 para. 1 of the Act of September 11, 2019, Public Procurement Law (Journal of Laws of 2019, item 2019, as amended), as regards the grounds for exclusion from the procedure referred to in: Art. 108 para. 1 p. 3 of the Public Procurement Law, art. 108 para. 1 p. 4 of the Public Procurement Law, regarding the prohibition of applying for public contracts as a precautionary measure, Art. 108 para. 1 p. 5 of the Public Procurement Law, regarding the conclusion of an agreement with other economic operators to distort the competition, Art. 108 para. 1 p. 6 of the Public Procurement Law, art. 109 para. 1 p. 1 of the Public Procurement Law, with regard to violation of obligations regarding the payment of local taxes and fees, referred to in the Act of 12 January 1991 on local taxes and fees (Journal of Laws of 2019, item 1170), Art. 109 para. 1 p. 5 and 7 of the Public Procurement Law,

Annex No 1b to the Tender Form The Economic Operator's declaration to confirm that it is not subject to exclusion from the procedure referred to in Art. 108 para. 1 p. 5 of the Act of September 11, 2019 Public Procurement Law (Journal of Laws of 2019, item 2019, as amended) **Declaration of belonging or not belonging to the same capital group,**

[If applicable] Annex No 1c to the Tender Form Economic Operator's declaration submitted pursuant to Art. 118 para. 3 of the Act of September 11, 2019 Public Procurement Law (Journal of Laws of 2019, item 2019, as amended) **Obligation of the entity providing resources,**

[If applicable] Annex No 1d to the Tender Form, Economic Operator's declaration submitted pursuant to Art. 117 para. 4 of the Act of September 11, 2019, Public Procurement Law (Journal of Laws of 2019, item 2019, as amended), **Declaration of Economic Operators jointly participating in the contract award procedure,**

Annex No 1e to the Tender Form Economic Operator's declaration to confirm the fulfillment of the condition of participation referred to in Art. 112 para. 2 p. 4 of the Act of September 11, 2019, Public Procurement Law (Journal of Laws of 2019, item 2019, as amended). **List of delivered supplies in the last 3 years,**

Annex No 2. to STC Product range and price form, for part 1 and for part 2,

Annex no 3 to the STC Single European Procurement Document,

Annex no 4 to the STC The Detailed Description of the Subject Matter of the Contract,

Annex No 5 to the STC Draft provisions of the public procurement contract to be introduced into the public procurement contract.