**BRIEF INFORMATION**

**FOR FOREIGN CONTRACTOR**

**Name of the procedure:**

**Delivery of a magnetic measurement systems**

**procedure no.: EZP.270.107.2023**

**The public procurement proceeding is conducted by open tender in accordance with Article 132 - of the Public Procurement Law, hereinafter referred to as the "PPL Law".**

**The binding document is a document in Polish (SWZ with attachments), which contains FULL information for Contractors to submit the bid.**

1. The procurement procedure is conducted in accordance with the provisions of the Act of September 11, 2019. Public Procurement Law (Journal of Laws of 2023 item 1605, as amended), hereinafter referred to as the Public Procurement Law.
2. The Contractor participating in the procedure must have a qualified electronic signature.
3. The Ordering Party indicates a link to the list of qualified trust service providers

<https://esignature.ec.europa.eu/efda/tl-browser/#/screen/home>

1. The proceedings are conducted in Polish using electronic means of communication via the Purchasing Platform at: <https://platformazakupowa.pl/pn/ncbj>.

The instructions for using the Platform are posted on <https://platformazakupowa.pl/pn/ncbj>

1. The Contracting Authority anticipates the possibility of cancelling the contract award procedure on the basis of Article 257 of the PPL Act if the public funds that the Contracting Authority intended to allocate to finance all or part of the contract are not awarded to him.
2. The Contracting Authority envisages granting an advance payment to the Contractor in the amount of 60% of the contract value for execution of the Subject of the contract.

The granting of the aforementioned advance payment must be secured by the Contractor pursuant to Article 442 (4) of the PPL Act. The advance payment security may be provided in one or more of the forms specified in Article 442(3) of the PPL Act.

Details of the granting of the advance payment are set forth in TOM II SWZ PPU (Draft Contract Provisions).

1. Based on Article. 20 sec. 3 of the Public Procurement Law, the Ordering Party allows the possibility of submitting the bid, statements or other documents in a language commonly used in international trade - English. Subject matter, subject matter evidence and other documents or statements may be prepared in Polish or English. Documents or statements drawn up in a foreign language shall be provided by the Contractor together with a translation into Polish.
2. The scope of the subject matter of the contract consists of development of a technical design and delivery to the Orderer premises of a magnetic measurement system for undulators, including a measurement system with a Hall probe and a measurement system with a flip coil, placed on a common granite bench, together with the installation and commissioning of the system and the training of the Ordering Party's employees.
3. The subject matter of the contract is described in detail in TOM III SWZ\_OPZ (Description of the subject matter of the contract) and the terms of performance in TOM II SWZ PPU (Draft Contract Provisions).
4. The minimum required warranty period for the subject of the contract shall be 12 months from the date of signing the final acceptance report of the Subject of the contract, without reservation.
5. The Orderer reserves the obligation of the Contractor to personally perform key tasks:

Execution of the technical design of the device

1. The required term of execution of the subject matter of the contract: not later than 16 months after signing of the Contract.

The Subject matter of the contract will be executed in the following steps and dates:

1. Development of the Technical design documentation of the system – up to 4 months from the date of conclusion of the Contract;
2. Delivery installation and commissioning of the Devices at the Orderer premises – till 16 months after signing of the Contract.
3. NCBJ personnel training regarding the operation of the system – on the date agreed between the Parties, however, not later than 16 months from the Contract date.
4. The contracting authority specifies the conditions for participation in the procedure:

The condition will be fulfilled if the Contractor demonstrates experience in the construction and use of magnetic measuring systems, supported by the demonstration of having made or performed in the last 5 years before the deadline for submission of tenders, and if the period of activity is shorter - in this period, at least two supplies of magnetic measuring systems intended for the characterization of undulator or electromagnet type devices, with a value of at least PLN 600,000.00 net each;

In the case of Contractors jointly bidding for the contract, the fulfillment of the above condition must be demonstrated by at least 1 Contractor independently.

*If the fulfillment of the aforementioned condition is demonstrated in a currency other than PLN, the value of the currency will be converted into PLN according to the average exchange rate of the National Bank of Poland on the day on which the announcement was published in the Official Journal of the European Union*.

1. A Contractor in respect of whom any of the circumstances referred to:

(a) in Article 108 (1) of the PPL Act;

b) in Article 7 (1) of the Law on Special Solutions to Counteract Support for Aggression against Ukraine and to Protect National Security ;

(c) referred to in Article 5k of Regulation (EU) No. 833/2014 of July 31, 2014 concerning restrictive measures in connection with Russia's actions destabilizing the situation in Ukraine (Official Journal of the EU No. L 229 of 31.7.2014, p. 1 as amended) as amended by Regulation 2022/576 (Official Journal of the EU No. L 111 of 8.4.2022, p. 1).

The Contracting Authority indicates that with regard to the exclusion premise referred to in item b) above, the Contractor shall submit a statement in Part III Section D of the single document "Grounds for exclusion of a purely domestic nature".

In addition, the Contracting Authority, as part of the verification of the grounds for exclusion referred to above, reserves the right to call on the Contractor to submit explanations.

1. The Contractor may request the Ordering Party to clarify the content of the SWZ. The request should be sent via the Platform and the "Send a message to the Ordering Party" form.

The Ordering Party requests that questions also be submitted in editable form, as this will shorten the time for clarification.

1. The Offer does not have to be secured by a bid security.
2. All submitted documents should be signed by the Contractor with a qualified electronic signature.
3. Together with the Bid, the Contractor is obliged to submit via the Platform:
4. a copy or information from the National Court Register, the Central Register and Information on Business Activity or another relevant register issued not earlier than 3 months before its submission, unless the Ordering Party can obtain them using free and publicly available databases and the Contractor in the Form 2.1 of the OFFER indicated data (e.g. website address) allowing access to these documents;
5. power of attorney or other document confirming the authorization to represent the Contractor, unless the authorization to represent results from the documents referred to in point 15 point 1 above;
6. power of attorney or other document confirming the power to represent all Contractors jointly applying for the contract (e.g. agreement on cooperation). A proxy may be appointed to represent the Contractors in the proceedings or to represent them in the proceedings and conclude the contract.
7. commitment required by the provisions of item. 11.3. IDW - TOM I SWZ, if the Contractor relies on the abilities of the entities providing resources in order to confirm the fulfillment of the conditions for participation in the proceeding, together with powers of attorney, if the right to sign a given commitment does not arise from the documents referred to in item. 16.6. item 1) IDW - TOM I SWZ;- (*if applicable)* - template Form 3.2;
8. Statement Contractors jointly applying for the award of a contract in the scope referred to in Art. 117 section 4 of the PPL Act (if applicable) - template Form 3.3;
9. Statement on sanctioning provisions related to the war in Ukraine on Form 3.6. (Submitted by: Contractor, each of the Contractors jointly bidding for the contract, the entity providing resources). This statement shall be transmitted in electronic form and bear a qualified electronic signature.
10. Evidence referred to in Form 2.2. - List of technical parameters.

If the Contractor fails to submit the evidence in question or the submitted evidence is incomplete, the Contracting Authority will call on the Contractor to submit or supplement the evidence by the specified deadline.

1. The contracting authority, before selecting the most advantageous bid, will call on the Contractor whose bid was the highest evaluated, to submit, within a specified period of time, not less than 10 days, current on the date of submission of subjective evidence:
2. European Single Procurement Document (ESPD)  
   The statement (European Single Procurement Document (ESPD)) shall be submitted, under pain of invalidity, in electronic form (i.e. bearing a qualified electronic signature). These documents should be signed by a person authorized to represent the Contractor, in accordance with the form of representation of the Contractor specified in the register or other document appropriate for the given organizational form of the Contractor, or by an authorized representative of the Contractor.
3. a) information from the National Criminal Register regarding:

* Article 108 (1) (1) and (2) of the PPL Act,
* Article 108 (1) (4) of the PPL Act, concerning the ruling of prohibition to apply for a public contract as a criminal measure,

made no earlier than 6 months before its submission;

b) the Contractor's statement, within the scope of Article 108 (1) (5) of the PPL Act, on not being a member of the same capital group, within the meaning of the Act on Competition and Consumer Protection of February 16, 2007 (Journal of Laws of 2020, item. 1076 and 1086), with another Economic Operator who submitted a separate bid, partial bid or a statement of affiliation to the same capital group, together with documents or information confirming the preparation of a bid, partial bid independently of another Economic Operator belonging to the same capital group; - the form of which is Form 3.5;

c) the Contractor's statement on the validity of the information contained in the statement referred to in Article 125 (1) of the PPL Act with respect to the grounds for exclusion from the proceedings indicated by the Contracting Authority, referred to in:

- art. 108 (1) (3) of the PPL Act,

- article 108 (1) (4) of the PPL Act regarding the ruling of a prohibition to compete for a public contract as a preventive measure,

- article 108(1)(5) of the PPL Act concerning entering into an agreement with other Economic Operators to distort competition,

- Article 108(1)(6) of the PPL Act,

If the Contractor has a registered office or place of residence outside the Republic of Poland, instead of:

1) information from the National Criminal Register, he shall submit information from a relevant register, such as a court register, or, in the absence of such a register, another equivalent document issued by a competent judicial or administrative authority of the country in which the Economic Operator has its registered office or place of residence, within the scope of Article 108 (1) (1), (2) and (4) of the PPL Act;

The document should be issued no earlier than 6 months prior to its submission.

2) If in the country where the Economic Operator has its seat or domicile the documents referred to in point 1) are not issued, or if these documents do not refer to all cases referred to in Art. 108 par. 1 points 1, 2 and 4 of the PPL Act, they shall be replaced in whole or in part, respectively, by a document containing a statement of the Economic Operator, indicating the person or persons authorized to represent him, or a statement of the person to whom the document relates, made under oath, or, if in the country where the Economic Operator has its registered office or place of residence there are no provisions for a statement under oath, made before a judicial or administrative body, notary, professional or economic self-government body competent for the Economic Operator's registered office or place of residence. The document should be issued no earlier than 6 months prior to its submission.

3) In order to confirm the fulfillment of the conditions for participation by the Contractor in the procedure, the Economic Operator shall submit:

a) a list of supplies made, and in the case of recurring or continuous services, also made, in the last 5 years, and if the period of activity is shorter - in this period, together with an indication of their value, object, dates of execution and entities for which the supplies or services were made or are performed, and the attachment of evidence specifying, whether these supplies were made or are performed duly, with the evidence in question being references or other documents drawn up by the entity for which the supplies or services were made, and in the case of recurring or continuous services are performed, and if the contractor, for reasons beyond its control, is unable to obtain these documents - a statement by the contractor; in the case of recurring or continuous services, references or other documents confirming their due performance should be issued within the last 3 months; (sample Form 3.7 LIST OF DELIVERIES);

17. The OFFER Form 2.1 and the statement (European Single Procurement Document (ESPD)) shall be submitted, under pain of invalidity, in electronic form (i.e. bearing a qualified electronic signature). These documents should be signed by a person authorized to represent the Contractor, in accordance with the form of representation of the Contractor specified in the register or other document appropriate for the given organizational form of the Contractor, or by an authorized representative of the Contractor.

1. The Ordering Party provides in version in English the documents and forms:
2. Form 2.1. OFFER;
3. Form 2.2. List of technical parameters;
4. Form 3.1. European Single Procurement Document (ESPD);
5. Form 3.2 Commitment to provide the Contractor with the necessary resources for the implementation of the order; (if applicable)
6. Form 3.3. STATEMENT Contractors jointly applying for the award of a contract in the scope referred to in Art. 117 section 4 of the PPL Act; (if applicable)
7. Form. 3.4. STATEMENT regarding the validity of information in the ESPD;
8. Form 3.5. STATEMENTconcerning the capital group;
9. Form 3.6 STATEMENT on sanctions provisions related to the war in Ukraine;
10. Form 3.7 LIST OF DELIVERIES;
11. Formal requirements for documents submitted in the proceedings:
    1. Where the evidence in question (subject evidence, object evidence), other documents or documents evidencing authority to represent have been issued by authorized parties:
12. as an electronic document - the Contractor provides this document;
13. as a paper document - the Contractor provides a digital copy of this document with a qualified signature, certifying that the digital reproduction is consistent with the paper document;

Certification of the conformity of the digital reproduction with the document in paper form, referred to in subsection 2) above, shall be performed by a notary or:

1. in the case of subject evidence and documents confirming the power of attorney to represent - respectively, the Contractor, the Contractor jointly applying for the award of the contract, the entity providing resources, each in the scope of the document that concerns him;
2. in the case of other documents - the Contractor or the Contractor jointly applying for the award of the contract, respectively, each to the extent of the document that concerns him;
3. in the case of the means of proof in question, the Contractor or the Contractor jointly applying for the award of the contract, respectively.

21.2. Subject evidence, including the statement referred to in item. 16.6.(6) of IDW - SWZ, commitment(s) of the entity providing the resources, subject evidence not issued by authorized entities and required powers of attorney:

1) the Contractor shall submit in electronic form and bear a qualified electronic signature;

2) when they have been prepared as a document in paper form and bear a handwritten signature, the Contractor shall submit a digital reproduction of these documents bearing a qualified electronic signature certifying the conformity of the digital reproduction with the document in paper form.

Certification of the conformity of the digital reproduction with the document in paper form, referred to in subsection 2) above, shall be performed by a notary public or:

a) in the case of subjective means of proof - respectively, the Contractor, the Contractor jointly applying for the award of the contract, the entity providing the resources, each to the extent of the document that concerns him;

b) in the case of subjective means of proof or the statement referred to in para. 16.6. item 6) IDW - SWZ, commitment of the entity providing resources - the Economic Operator or the Economic Operator jointly applying for the award of the contract, respectively;

c) in the case of a power of attorney - the principal.

1. The evidence in question or other documents or statements prepared in a foreign language shall be submitted by the Contractor together with a translation into Polish.
2. Bids should be submitted via the Platform by 21.12.2023, at 10:00 a.m.
3. The bids will be opened on 21.12.2023 at 11:00 a.m. via the Platform.
4. The Contractor is bound by the bid from the date of submission of bids until 19.03.2024.
5. When choosing the most advantageous bid, the Ordering Party will apply the criteria for evaluation of bids:

Price "C" - 90% = 90 points

(lowest price/reviewed price x 90 points)

Warranty period "G" - 10% = 10 points

The contracting authority will award a maximum of 10 points to the tested bid, and the number of points for the tested bid will be awarded according to the scoring:

1) 12 months - 0 points

2) 13-24 months - 5 points

3) More than 24 months - 10 points

*In the absence of an indication of the offered warranty period in Form 2.1 - OFFER in point 5 of the offered warranty period or an indication other than in the table above, the Ordering Party will consider that the contractor declares a 12-month guarantee, thus awarding 0 points.*

1. Immediately after selecting the most advantageous bid, the Ordering Party shall simultaneously inform all Contractors who submitted bids of the following:
2. selection of the most advantageous bid, stating the name or surname, registered office or place of residence, if it is the place of business of the Contractor whose bid was selected, and the names or surnames, registered offices or places of residence, if they are the places of business of the Contractors who submitted bids, as well as the score awarded to the bids in each bid evaluation criteria and the total score,
3. Contractors whose bids were rejected,

- stating the factual and legal reasons.

28. The Ordering Party will provide the information referred to in point 24 subpoint. 1) of IDW- SWZ, on the Platform.

29. The Ordering Party will sign the Contract for the execution of the order with the selected Contractor within the deadline specified in Art. 264 section 1, subject to Art. 264 section 2 of the Public Procurement Law.

30. The Ordering Party requires performance bond prior to the conclusion of the contract : 2,5% of the gross price quoted in the bid in the forms specified in Article 450(1) of the PPL Act.