

Wydział Mechaniczny  
Energetyki i Lotnictwa

DZIEKAN



**TENDER SPECIFICATION**  
**AFTER CHANGES 4**

in the procurement procedure conducted electronically via the purchasing platform available at the following address <https://platformazakupowa.pl/>

Supply of a table (single axis motion simulator) with no temperature chamber for the Laboratory of Aviation and Autonomous Systems for the project entitled: *"The Mazovian platform of material and sensor technologies and applications in energy conversion and storage, electromobility, aviation and autonomous systems"* RPMA.01.01.00-14-e214/20 for the Institute of Aeronautics and Applied Mechanics (IAAM) of the Faculty of Power and Aeronautical Engineering of Warsaw University of Technology

this public procurement procedure is conducted under the basic procedure pursuant to Article 275(1) of the PPL Bill

Approved by:

the Dean of the Faculty of Power and  
Aeronautical Engineering

of the Warsaw University of Technology

Wydziału Mechanicznego Energetyki i Lotnictwa  
Politechniki Warszawskiej

Prof. dr hab. inż. Janusz Frączek

Prof. Dr hab. inż. Janusz Frączek

Warsaw, 23.03.2023



Rzeczpospolita  
Polska



Unia Europejska  
Europejski Fundusz  
Rozwoju Regionalnego



**Tender Specification includes:**

- Part I:** **Instruction for Economic Operators, hereinafter referred to as IEO**
- Part II:** **Statement forms:**
- Appendix no. 1a:** Statement form confirming that the Bidder is not subject to exclusion;
- Appendix no. 1b:** Statement form concerning meeting the conditions for participation in the procedure;
- Appendix no. 1c:** Statement form concerning belonging or not belonging to the same capital group;
- Appendix no. 1d:** Commitment of other entities form;
- Part III:** **Bid Form including appendices – Detailed Price Calculation**
- Appendix no. 2:** Statement form provided by the Economic Operator concerning the entities who will take part in the completion of the contract (Subcontractors);
- Part IV:** **Detailed description of the contract hereinafter referred to as DDC**
- Part V:** **Draft provisions of the public procurement contract to be incorporated in the Contract, hereinafter referred to as DPC**

This Tender Specification shall be referred to as Tender Specification, TS, or specification.

**PART I**

**INSTRUCTION FOR ECONOMIC OPERATORS (IEO)**

### Contracting Authority.

Warsaw University of Technology, Faculty of Power and Aeronautical Engineering,

ul. 24 Puławska Street, 00-665 Warsaw,

NIP (tax identification) no.: 525-000-58-34; REGON (entrepreneurs data base) no.: 000001554

Information concerning this procedure:

Office hours: from 08:00 to 16:00 (official working hours in the Republic of Poland) on working days, with working days being days other than public holidays (Sundays and holidays); and other days determined by the Contracting Authority in accordance with the Decision of the Rector of Warsaw University of Technology.

#### 1.1. Mailing address:

Warsaw University of Technology, Faculty of Power and Aeronautical Engineering,

ul. Nowowiejska 21/25, 00-665 Warsaw

The building of Technika Ciepłna (Heat Technology), room no. 8

email: [zampub.meil@pw.edu.pl](mailto:zampub.meil@pw.edu.pl)

phone +48 22 234 66 33

#### 2. Persons authorised to contact the economic operators:

Magdalena Sosińska; Agnieszka Kiersz, Małgorzata Lesiak

email: [zampub.meil@pw.edu.pl](mailto:zampub.meil@pw.edu.pl)

In the procurement procedure, communication between the Contracting Authority and Economic Operators shall be carried out here:

- <https://platformazakupowa.pl/>

#### 3. Procedure ref. no.

This document refers to the procedure ref. no.: [MELBDZ.261.2.2023](#).

Economic Operators shall refer to the above-mentioned ref. no. in all communications with Contracting Authority.

#### 4. Procedure

The procurement procedure is conducted under the basic procedure, in which all interested Economic Operators may submit bids in response to the contract notice, pursuant to Article 275(1) of the Bill of 11 September 2019 Public Procurement Law (Journal of Laws of 2021, item 1129, as amended), hereinafter referred to as the PPL Bill.

#### 5. Description of the contract

The subject of this contract is **the supply of a table (single axis motion simulator) with no temperature chamber for the Laboratory of Aviation and Autonomous Systems for the project entitled: "The Mazovian platform of material and sensor technologies and applications in energy conversion and storage, electromobility, aviation and autonomous systems" RPMA.01.01.00-14-e214/20** for the Institute of Aeronautics and Applied Mechanics (IAAM) of the Faculty of Power and Aeronautical Engineering of Warsaw University of Technology under the conditions specified in the Detailed Description of the Contract constituting Part IV and V of this TS.

CPV: 38970000-5 Research, testing, and scientific-technical simulators

Wherever trademarks, patents, origin, source, or a specific process that characterises the products or services provided by a particular Economic Operator, or where standards, technical evaluations, technical specifications, or technical reference systems are quoted in the TS, the Contracting Authority shall allow offering equivalent products or solutions, i.e. solutions that ensure technical, utility and operational parameters that are not worse than those defined in the documentation, and the Economic Operator offering equivalent solutions shall prove in his tender that they meet the requirements specified by the Contracting Authority.

**Economic Authority may submit only one bid that covers the whole contract specified by this TS.**

*The Contracting Authority asserts that pursuant to Article 91(2) of the PPL Bill the division of the contract into parts in the case of procedure conducted under the basic mode for the supply of a table (single-axis motion simulator) without a temperature chamber for the Laboratory of Aeronautical and Autonomous Systems for the implementation of the project titled "The supply of a table (single-axis motion simulator) without a temperature chamber for the Laboratory of Aeronautical and Autonomous Systems" RPMA.01.01.00-14-e214/20 is unjustified, the table (single-axis motion simulator) is a complete device and it is not possible to purchase it as divided into parts without losing its technical characteristics. It is not possible to divide the machine into parts.*

5.1 *The Contracting Authority does not permit partial bids.*

5.2 The Contracting Authority does not provide for awarding contracts referred to in Article 214 (1) (8) of the PPL Bill.

5.3 The Contracting Authority does not permit variant bids.

#### **6. Contract completion date:**

The Contracting Authority requires that the contract be completed: **no later than 154 days from the day of signing the contract.**

#### **7. Conditions that must be met by the Economic Operators in order to participate in the procedure. The Contracting Authority requires the Economic Operators to meet the following conditions:**

7.1. Economic Operators participating in the procedure must meet the conditions for participation in the procedure relating to:

7.1.1. the ability to act in business transactions (trading);

7.1.2. authorizations necessary to conduct specific business or professional activities, if required by separate regulations;

7.1.3. economic and financial situation – CONTRACTING AUTHORITY SETS NO SPECIFIC REQUIREMENTS

7.1.4. technical or professional capacity – CONTRACTING AUTHORITY SETS NO SPECIFIC REQUIREMENTS

Evaluation of the fulfilment of the above conditions will be made according to the "meets/fails to meet" formula.

7.2. Economic Operator may apply for a public contract if he is not subject to exclusion from the procedure under:

7.2.1. Article 108(1) of the PPL Bill;

7.2.2. Article 109 (1)(5), (8), and (10) of the PPL Bill;

Evaluation of the fulfilment of the above conditions will be made according to the "meets/fails to meet" formula, based on the statements/documents described in item 8 of the TS and submitted by the Economic Operator.

7.3. In the cases provided for in Article 109(1)(1-5) or (7) the Contracting Authority may not exclude the Economic Operator if it is clear that the exclusion is disproportionate, particularly when the amount of overdue taxes or social security contributions is small or the economic or financial standing of the Economic Operator referred to in Article 109(1)(4) is sufficient to perform the contract.

7.4. Economic Operator shall not be subject to exclusion under the circumstances specified in Article 108(1)(1)(2) and (5) or Article 109(1)(2-5) and (7-10) if he proves his reliability to the Contracting Authority in accordance with Article 110 of the PPL Bill.

7.5. The Contracting Authority will exclude the Economic Operator with respect to whom the circumstances referred to in Article 7(1)(1-3) of the Bill of 13 April 2022 on the special solutions to counter support for aggression against Ukraine and to protect national security (Journal of Laws of 2022, item 835).

7.6. At any stage of the procurement procedure, the Contracting Authority may exclude the Economic Operator.

7.7. In the case of Economic Operators jointly bidding for the contract, the condition specified in item 7.1.1. should be met by each Economic Operator. The condition specified in item 7.1.3. should be fulfilled by at least one of the Economic Operators independently. The conditions specified in item 7.1.4. **should be met by the Economic Operators jointly.** Members of the consortium and the Economic Operator together with third parties shall demonstrate jointly meeting the conditions for the participation in the procedure but it is not allowed to sum up the knowledge and experience of two entities (summing up the number of previously performed contracts) in a situation where a given contract is indivisible

7.8. In order to confirm that the conditions for participation in the procedure were met, the Economic Operator may rely on the technical or professional skills or financial or economic situation of other entities, regardless of the nature of the legal relationship between them.

As regards the conditions relating to education, professional qualifications (skills), or experience, Economic Operators may rely on the capacities of other entities, if these entities perform the supplies or services that require these abilities in order to be performed.

The entity that undertook to make the resources available shall be jointly and severally liable with the Economic Operator who relies on its financial or economic situation for the loss incurred 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

#### 7.8. Subcontracting

The Contracting Authority shall not reserve the obligation requiring the Economic Operator to personally execute key parts of the contract.

Pursuant to Article 462 of the PPL Bill, the Contracting Authority demands that the Economic Operator specifies in the bid the part of the contract he intends to delegate to subcontractors and lists subcontractors' companies (if known).

The Economic Operator who includes subcontractors in his bid, if his bid is found to be the most advantageous, will be obliged to submit, immediately after the announcement of this decision and before signing the contract, to the Contracting Authority represented by Magdalena Sosińska/ Agnieszka Kicz/ Małgorzata Lesiak, Faculty of Power and Aeronautical Engineering, 00-665 Warsaw, ul. Nowowiejska 24, documents referred to in § 8 of Part VI of the TS.

### **8. List of statements or documents, submitted by the Economic Operator in order to confirm that he is not subject to exclusion from the procedure and meets the conditions for participation in the procedure.**

#### **8.1. The following is submitted by the Economic Operators together with the bid:**

8.1.1. A statement confirming that there are no grounds for exclusion (Appendix no.1a included in Part II of the TS), if Economic Operators bid jointly, the statement is submitted by each of the Economic Operators who are jointly applying for the contract;

8.1.2. A statement confirming that the conditions for participation in the procedure have been met (Appendix no.1b included in Part II of the TS).

8.1.3. Documents (in Polish) confirming that the offered products (goods) meet the requirements specified by the Contracting Authority: i.e. technical specification of the proposed equipment (i.e. printouts, descriptions, folders, data sheets, etc.), which further certify that all required parameters presented in the description of the contract have been ensured. **NOTE!! IT IS NOT SUFFICIENT FOR AN ECONOMIC OPERATOR TO SPECIFY THE MODEL IN THE TABLE – PRICE FORM.**

8.2. After submitting the bids, the Contracting Authority will call on the Economic Operator whose bid received the highest rating to submit, within no less than 5 days, updated statements or documents confirming fulfilment of the conditions and the absence of grounds for exclusion listed below:

8.2.1. In terms of demonstrating that the Economic Operator meets the conditions referred to in item 7.1:

a document confirming that the Economic Operator is registered in one of the professional or commercial registers kept in the country in which their registered office or place of residence is located, in particular, an extract, or information from the National Court Register or the Central Register and Information on Business Activity issued no earlier than 6 months prior to submission thereof; however, the Contracting Authority informs that there will be no call for submission of the aforementioned document. The Contracting Authority informs that there will be no call for submission of the

above-mentioned document if the Economic Operator provides information in the bid form – Part III, item 12 – concerning a free and publicly available database from which it is possible to download the relevant registration document.

8.2.2. In terms of confirmation of not being subject to exclusion, the Contracting Authority requires submission of:

1) a statement of the Economic Operator, under the scope of Article 108 (1) (5) of the Bill, confirming that the Economic Operator does not belong to the same capital group as defined by the Bill of 16 February 2007 on competition and consumer protection (Journal Of Laws of 2020, item 1076 and 1086) with another Economic Operator who submitted a separate bid, partial bid or request to participate in the procedure, or a statement of affiliation with the same capital group, together with documents or information confirming the preparation of a bid, partial bid or request to participate independently of another Economic Operator belonging to the same capital group;

8.2.3. The Contracting Authority shall require the Economic Operator who relies on the capacities or situation of other entities on the principles specified in Article 118 of the PPL Bill, to submit, in relation to those entities, the documents listed in items 8.1.1., 8.1.2, 8.2.1.1 and other relevant documents from among those listed in item 8.2.1.

8.2.4. The Contracting Authority shall not call for submission of evidence in question if:

1) they can obtain with the help of free and publicly available databases, in particular, public, registers as defined by the Bill of 17 February 2005 on Informatisation of the Activity of Entities Performing Public Tasks, provided that the Economic Operator indicated in the single document the data enabling access to those means;

2) the evidence in question shall be a declaration, the content of which corresponds to the scope of the declaration referred to in Article 125(1).

8.2.5. The economic operator shall not be required to submit the evidence in question which is in the possession of the Contracting Authority if the Economic Operator indicates the evidence in question and confirms its accuracy and validity

## **9. How to prepare bids, description.**

9.1 An Economic Operator may submit only one bid.

9.2 A bid shall include a filled-in "Bid" form presented in Part III of the TS and the documents listed below:

9.3 A power of attorney to sign the bid, the original copy or a copy confirmed by a civil law notary, if the right to sign the bid fails to stem from other documents submitted with the bid. In the case of Economic Operators bidding jointly for the award of the contract, they should appoint a proxy to represent them in the procurement procedure or to represent them in the procedure and to conclude the public procurement contract;

9.3.1 An obligation of other entities pursuant to provisions of Article 118 of the PPL Bill (obligation of other entities to make available to the Economic Operator the resources necessary for the performance of the contract), if applicable, **drawn up on a form compliant with the contents of appendix no. 4 to Part II;**

9.3.2 Information concerning Subcontractors ("Subcontractors") with whom the Economic Operator intends to execute the contract, on a form complying with the contents of Appendix no. 2 to part III.

9.3.3 Statement that there are no grounds for exclusion (appendix no. 1a constituting a part of part II of the TS) and the conditions of participation in the procedure have been met (Appendix 1b constituting a part of Part II of the TS);

9.3.4 Declaration of the Economic Operator/subcontractor/entity providing resources, submitted pursuant to Article 7.1 of the Bill of 13 April 2022 on special solutions to counteract the support of aggression to Ukraine and to protect national security, constituting Appendix No. 3 to the bid form.

9.4 The bid and the other documents for which the Contracting Authority has specified templates in Parts II and III of the TS should be drawn up in accordance with these templates as regards content and description of columns and lines.

### **9.5 Description of how to prepare bids and the documents required by the Contracting Authority in the TS**

1) The bid, the application, and the evidence in question (if required) submitted electronically must be signed electronically with a **qualified signature** or a **trusted signature**, or a **personal signature**. In the process of submitting a bid, an application including the evidence in question on the platform, a **qualified electronic**

**signature** or a **trusted signature** or a **personal signature** shall be affixed by the Economic Operator directly to the document which is then uploaded to the system.

- 2) Certification confirming a true copy shall be performed respectively by the Economic Operator, an entity on whose capabilities or situation the Economic Operator relies, Economic Operators jointly applying for public procurement or a subcontractor, with regard to the documents which concern each of them. An original document is defined as a document signed with a qualified electronic signature or a trusted signature or a personal signature by an authorised person(s). A true copy is defined as executed electronically, signed with a qualified electronic signature or a trusted signature, or a personal signature by the authorised person(s).
- 3) The bid should be:
  - a) Made based on the appendices to this TS in Polish,
  - b) **submitted electronically, i.e. via [platformazakupowa.pl](https://platformazakupowa.pl),**
  - c) signed with a qualified electronic signature or a trusted signature, or a personal signature by an authorised person(s).
- 4) Qualified signatures used by the Economic Operators to sign any files must comply with the "Regulation of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market (eIDAS) (EU) No 910/2014, from 1 July 2016".
- 5) If the XAdES external signature format is used. The Contracting Authority requires that an appropriate number of files be attached, i.e. signed data files and signature files in XAdES format.
- 6) Pursuant to Article 18(3) of the PPL Bill, the information constituting a trade secret as defined by the law on combating unfair competition shall not be disclosed. If, by the time-limit determined for the submission of the bids, an Economic Operator has undoubtedly reserved that they may not be disclosed and demonstrated, by enclosing relevant explanations, that the proprietary information constitutes a company secret. On the platform, in the form for submitting a bid, a space has been designated for attaching the part of the bid that constitutes a trade secret.
- 7) An Economic Operator may, via [platformazakupowa.pl](https://platformazakupowa.pl), withdraw a bid before the deadline for submission expires. In order to learn how to withdraw the bid, please visit the instructions posted on the website at:  
<https://platformazakupowa.pl/strona/45-instrukcje>
- 8) Each Economic Operator may submit only one bid. Submission of more than one bid or a bid containing variants will be subject to rejection.
- 9) Bid prices must include all costs to be paid by the Economic Operator in order to complete the contract with due diligence, as well as any possible discounts.
- 10) Documents and declarations submitted by the Economic Operator should be in Polish unless otherwise allowed in the TS. If documents prepared in a language other than the permitted one are enclosed, the Economic Operator is obliged to enclose a translation into Polish.
- 11) According to the definition of an electronic document presented in Article 3(2) of the Bill on informatisation of the activity of entities performing public tasks, affixing a qualified electronic signature to a file containing compressed data is equivalent to signing the original document, except copies certified respectively by another Economic Employer applying jointly with them for the award of the contract, by an entity on whose capabilities or situation the Economic Operator relies, or by a subcontractor.
- 12) The maximum size of a single file sent through the dedicated forms for submission, modification, and withdrawal of a bid is 150 MB, while in the case of communication, the size of the file is a maximum of 500 MB.

#### **9.6 Information concerning the way the Contracting Authority communicates with Economic Operators and shares statements or documents**

- 1) **The procedure is conducted in Polish via [platformazakupowa.pl](https://platformazakupowa.pl)**
- 2) In order to shorten the time necessary to answer the questions, communication between the Contracting Authority and Economic Operators regarding:
  - sending questions to the Contracting Authority on the content of the TS;
  - sending answers to the Contracting Authority's request for submission of evidence in question;



- sending answers to requests from the Contracting Authority to submit/correct/complete the statement referred to in Article 125(1), evidence in question, other documents or statements to be submitted in the procedure;
- sending answers to requests from the Contracting Authority concerning explanations regarding the content of the statement referred to in Article 125(1) or submitted personal evidence or other documents or statements submitted in the procedure;
- sending answers to requests from the Contracting Authority for clarification as to the content of the evidence in question;
- sending answers to other requests from the Contracting Authority under the Bill on Public Procurement Law;
- sending requests, information, and statements of the Economic Operator;
- sending an appeal/other

is done via [platformazakupowa.pl](https://platformazakupowa.pl) and the "Send a message to the Contracting Authority" form.

The date of sending (receipt) of statements, applications, notices and information is the date of sending thereof via [platformazakupowa.pl](https://platformazakupowa.pl) by clicking the "Send a message to the Contracting Authority" button, after which a message will appear that the message has been sent to the Contracting Authority.

- 3) The Contracting Authority will provide information to Economic Operators via [platformazakupowa.pl](https://platformazakupowa.pl). Information concerning answers to questions, changes to specifications, changes to the deadline for submission, and opening of bids will be published by the Contracting Authority on the platform in the "Announcements" section. Correspondence that, according to the applicable regulations, is addressed to a specific Economic Operator will be sent via [platformazakupowa.pl](https://platformazakupowa.pl) to a specific Economic Operator.
- 4) A professional entity, the Economic Operator is obliged to check messages and communications sent by the Contracting Authority directly on [platformazakupowa.pl](https://platformazakupowa.pl), as the notification system may fail or the notification may end up in the SPAM folder.
- 5) In accordance with the Regulation of the Prime Minister of 31 December 2020 on the way of drawing up and sending information and technical requirements for electronic documents and means of electronic communication in a public procurement procedure or competition (Journal of Laws of 2020 item 2452), Contracting Authority specifies the necessary equipment or application related requirement that enables working on [platformazakupowa.pl](https://platformazakupowa.pl), i.e.:
  - a) permanent access to the Internet with a guaranteed bandwidth of at least 512 kbps,
  - b) a PC or MAC computer with the following configuration: minimum 2 GB Ram, processor Intel IV 2 GHZ or later, one of the operating systems - MS Windows 7, Mac Os x 10 4, Linux, or later,
  - c) any web browser installed, in the case of Internet Explorer at least version 10.0,
  - d) JavaScript enabled,
  - e) Adobe Acrobat Reader or other .pdf-compatible software installed,
  - f) encryption on [platformazakupowa.pl](https://platformazakupowa.pl) is done with the help of TLS 1.3 protocol.
  - g) The time indication of data reception by the purchasing platform is the date and the exact time (hh:mm:ss) generated according to the local time of the server synchronised with the clock of the Central Measurement Office.
- 6) By entering into this public procurement procedure, the Economic Operator:
  - a) accepts the terms and conditions for the use of [platformazakupowa.pl](https://platformazakupowa.pl) as set out in the Terms and Conditions placed on the website under the link in the "Terms and Conditions" tab and acknowledges them as binding,
  - b) Familiarized and follows the instruction concerning submitting bids/applications [under the link: https://platformazakupowa.pl/strona/45-instrukcje](https://platformazakupowa.pl/strona/45-instrukcje)
- 7) The Contracting Authority shall not be liable for bids submitted in a way that is inconsistent with the instructions for use of [platformazakupowa.pl](https://platformazakupowa.pl), in particular, if the Contracting Authority becomes aware of the contents of the bid before the deadline for submission of bids (e.g. submission of a tender in the "Send a message to the Contracting Authority" tab). Such a bid will be considered by the Contracting Authority as a commercial offer and will not be taken into account in the present procedure, as the obligation imposed by Article 221 of the Public Procurement Bill has not been fulfilled.
- 8) The Contracting Authority informs that the instructions for using [platformazakupowa.pl](https://platformazakupowa.pl) concerning, in particular, logging in, submitting requests for clarification of the content of the TS, submitting bids, and other

actions undertaken in this procedure using [platformazakupowa.pl](https://platformazakupowa.pl) can be found in the tab "Instructions for Economic Operators" on the website at: <https://platformazakupowa.pl/strona/45-instrukcje>

## 9.7 Recommendations

The file formats used by the Economic Operators should be consistent with the "NOTICE OF THE PRIME MINISTER OF 9 November 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 the exchange of information in electronic form and minimum requirements for ICT systems".

Below we present a list of suggested entries to the specification:

- 1) The Contracting Authority recommends the use of the formats: .pdf .doc .xls .jpg (.jpeg) **with particular emphasis given to .pdf**
- 2) For possible data compression, the Contracting Authority recommends the use of one of the formats:
  - a) .zip
  - b) .7Z
- 3) The common formats that **are NOT present** in the regulation include .rar .gif .bmp .numbers .pages. **Documents submitted in such files will be deemed to have been submitted ineffectively.**
- 4) The Contracting Authority underlines the limitations of the size of files signed with the Trusted Profile, which is a maximum of 10MB, and the limitation of the size of files signed in the eDoApp application used for personal signatures, which is a maximum of 5MB.
- 5) Because of the low risk of compromising the integrity of the file and the easier verification of the signature, the Contracting Authority recommends, if possible, that the files comprising the bid be converted to .pdf format and signed with a PAdES qualified signature.
- 6) Files in formats other than PDF are recommended to be signed with an external XAdES signature. The Economic Operator should remember to submit the signature file together with the signed document.
- 7) The Contracting Authority recommends that when a file is signed by several persons, signatures of the same type should be used. Signing with different types of signatures, e.g. personal and qualified, may lead to problems in file verification.
- 8) The Contracting Authority recommends that the Economic Operator tests the possibility of the correct use of the chosen method of signing the bid files well in advance.
- 9) It is recommended that communication with Economic Operators should only take place on the Platform with the help of the "Send a message to the Contracting Authority" form, not via email address.
- 10) The person submitting the tender should be the contact person presented in the documentation.
- 11) The bid should be prepared with due diligence for the bidder applying for the award of the contract and an appropriate time gap until the end of the acceptance of bids/applications should be kept (it should be sent well in advance). We suggest submitting the bid 24 hours before the deadline for submission of bids/applications.
- 12) When signing files, it is recommended to use the SHA2 hash algorithm instead of SHA1.
- 13) If the Economic Operator compresses documents e.g. in a ZIP file, we recommend signing each of the compressed files in advance.
- 14) The Contracting Authority recommends the use of a signature with a qualified time stamp.
- 15) The Contracting Authority recommends that no changes are made to files after they have been signed with a qualified signature. This may result in a violation of file integrity, which will be equivalent to the rejection of the bid in the procedure.

9.8 Documents (except for the bid bond, powers of attorney, and obligations of other entities, which shall be submitted in the original) shall be submitted in the original or a digital copy (scan) certified to be true copies of the original by the Economic Operator. In the case of Economic Operators competing jointly for the award of the contract, scans of documents concerning the Economic Operators shall be certified to be true copies of the originals by the Economic Operator concerned, respectively. In the case of other entities on whose resources the Economic Operator relies pursuant to provisions specified in Article 118 of the PPL Bill, scans of documents related to the Economic Operator or such entities respectively shall be certified to be true copies of the originals by the entity concerned. If the scans of documents are certified to be true copies of the originals by a person(s) not listed in the Economic Operator's registration document, an

appropriate power of attorney should be attached to the bid. Statements and documents prepared in a foreign language shall be submitted with their translation into Polish. All other documents must be submitted in Polish.

9.9 Should a bid contain information constituting a trade secret as defined by the law on combating unfair competition, the Economic Operator shall undoubtedly reserve which of the information contained in the bid constitutes a trade secret and prove that the proprietary information constitutes a company secret. Such information should be placed in a separate file and marked as "Annex constitutes a trade secret", and then, together with files constituting the non-confidential part, compressed into a single archive file (ZIP). Information made known at the opening of the bids, i.e. information concerning the price, cannot constitute a trade secret.

#### **10. Place and the deadline for submission of bids.**

10.1 The bid along with the required documents should be placed at [https://platformazakupowa.pl/pn/pw\\_edu](https://platformazakupowa.pl/pn/pw_edu) in accordance with the Bill on the website of the conducted proceedings by 30.03.2023 by 10:00.

10.2 The bid must be accompanied by all the documents required in the TS.

10.3 After completing the Bid or Application Submission Form and attaching all required appendices, please, click on the "Proceed to Summary" button.

10.4 A bid or application submitted electronically must be signed with an electronic qualified signature, trusted signature, or personal signature.

In the process of submitting a bid via [platformazakupowa.pl](https://platformazakupowa.pl), the Economic Operator should sign the documents sent via [platformazakupowa.pl](https://platformazakupowa.pl) directly. We recommend using a signature on each attached file separately, in particular, those listed in Article 63(1)(2) of the PPL Bill, where it is underlined that bids, applications to participate in proceedings and the statement referred to in Article 125(1) shall be drawn up, under pain of invalidity, in an electronic form and bear, as appropriate to the value of the proceedings, a qualified electronic signature, a trusted signature or a personal signature.

10.5 The date on which the bid is submitted shall be the date on which it is submitted in the system (platform) in the second step of submitting the bid by clicking on the "Submit Bid" button, after which a message is displayed that the bid has been encrypted and submitted.

10.6 Detailed instructions for Bidders on how to submit, amend and withdraw a bid can be found on the website at: <https://platformazakupowa.pl/strona/45-instrukcje>.

#### **11. Description of the way of providing explanations regarding the content of this TS and a statement about whether the Contracting Authority intends to convene a meeting of Economic Operators.**

11.1 An Economic Operator may request the Contracting Authority to clarify the content of the TS. The Contracting Authority shall answer the question immediately, no later than 2 days before the deadline for submission of bids, provided that the request for clarification of the content of the TS was received by the Contracting Authority no later than 4 days before the deadline for submission of bids. The Contracting Authority will post the content of the questions and answers on its own website: [platformazakupowa.pl](https://platformazakupowa.pl).

11.2 If a request for clarification of the content of the TS was received by the Contracting Authority after the deadline for submission of the request referred to above, or relates to the clarifications provided, the Contracting Authority may either provide the clarifications or leave the request unprocessed. Extension of the deadline for submission of bids shall not affect the deadline for submission of the request referred to in the first sentence. Questions should be asked in the manner indicated in item 2. of the TS.

11.3 The Contracting Authority does not intend to convene a meeting of Economic Operators.

11.4 In the event of any discrepancies between the content of this TS and the content of the answers provided, the content of the letter containing the subsequent statement of the Contracting Authority shall be deemed to be binding.

11.5 In particularly justified cases, the Contracting Authority may modify the content of this TS at any time before the deadline for submission of bids. The modification may result from questions asked by Economic Operators or they may be done on the Contracting Authority's own initiative.

11.6 In the situation described in clause 11.8. the Contracting Authority will extend the deadline for submission of bids taking into account the time necessary to introduce in bids the changes resulting from the modification of the content of the TS.

11.7 The Contracting Authority shall appoint the secretary of the Tender Committee to communicate with Economic Operators using the communication methods listed in item 2.

**12. Term until which the Economic Operator will be bound by the bid submitted.**

12.1. The binding term of the bid shall expire on: 28.04.2023 (30 days as of the deadline for submission of bids), whereas, the first day of the bid validity period will be the day on which the deadline for submission of bids expires.

12.2. In justified cases, at least 3 days before the expiry of the bid validity period (binding period), the Contracting Authority may ask the Economic Operators only once for consent to extend the term referred to in item 12.1 by a specified period not exceeding 60 days. The Contractor's consent to extend the bid validity period shall require a written statement (e.g. by e-mail) of consent to extend the bid validity period. If the Contracting Authority requires a bid bond, the extension of the bid validity period shall take place together with the extension of the bid bond validity period or, if possible, upon the submission of a new bid bond for the extended bid validity period. Refusal to agree to an extension of the bid validity period shall not result in the forfeiture of the bid bond.

**13. Place and the deadline for the opening of bids.**

13.1. Bids shall be opened on 30.03.2023, at 10.30. Bids will be opened with the help of the bid decryption mechanism available on the [platformazakupowa.pl](https://platformazakupowa.pl).

**14. Information about the mode of opening and evaluating the bids.**

14.1. Bid opening shall not be public.

14.2 Immediately before the opening of bids, the Contracting Authority shall announce the amount it intends to allocate to finance the contract on the website of the conducted proceedings.

14.3 Bids shall be opened immediately after the deadline for submission of bids, but no later than on the day following the day on which the deadline for submission of bids expired.

14.4 If the opening of bids is carried out using an IT system, in the event of a breakdown of this system which makes it impossible to open bids within the time limit set by the Contracting Authority, the opening of bids shall take place immediately after the breakdown is resolved.

14.5 The Contracting Authority shall announce the change of the bid opening date on the website of the conducted procedure.

14.6 Immediately after the opening of bids, the Contracting Authority shall share on the website dedicated to the procedure information concerning:

1) the names or first and last names as well as registered offices or places of business or residence of the Economic Operators whose bids have been opened;

2) prices or costs presented in the bids;

And the information will be published on the website dedicated to the procedure [https://platformazakupowa.pl/pn/pw\\_edu](https://platformazakupowa.pl/pn/pw_edu) in the tab "**Announcements**" section.

14.7 The evaluation of the bids will be carried out by the Tender Committee. Contracting Authority may appoint external experts to participate in the bids' evaluation.

14.8 The Contracting Authority shall reject each bid if any of the prerequisites specified in Article 226(1) of the PPL Bill occur in relation to it.

14.9 In the course of examining and evaluating bids, the Contracting Authority may require Economic Operators to provide explanations regarding the contents of their bids.

14.10 If the price or cost offered, or their significant components, seem abnormally low in relation to the subject matter of the contract or raise Contracting Authority's doubts as to the possibility of executing the subject matter of the contract in compliance with the requirements specified by the Contracting Authority or resulting from separate regulations, the Contracting Authority shall request explanations, including submission of evidence, regarding the calculation of the price or cost. In particular in the following scope:

14.11 It is the Economic Operator who is obliged to proof that a bid does not contain an abnormally low price.

14.12 The Contracting Authority shall correct obvious typo errors, obvious calculation errors, and other errors not causing significant changes in the contents of a bid, immediately notifying thereof the Economic Operator whose bid has been corrected.

14.13 The Contracting Authority shall treat as other errors which do not cause significant changes in the contents of a bid the errors which consist in particular in:

14.13.1 discrepancy between the gross bid price provided in words and the price given in numbers, the Contracting Authority shall accept as the correct price the gross bid price resulting from the sum of the net price and the amount of VAT;

14.13.2 Lack of any item in the submitted bid form shall not be corrected and shall result in the rejection of the offer.

**15. Criteria for selecting the best bid**

15.1 The Contracting Authority will select the most advantageous bid. Selecting the most advantageous bid, the Contracting Authority will apply the following bid evaluation criteria:

- Price – 60 points;
- Delivery date – 40 points

15.2 In the criterion “price” the following formula will be applied:  $\text{Score} = \{(\text{lowest price among the prices specified in the non-rejected bids}) / (\text{the price of the evaluated bid})\} \times 60 \text{ points}$ .

15.3 The Contracting Authority shall award points for the “delivery date” of the subject matter of the contract that is below the required maximum of 56 days specified in the detailed description of the subject matter of the contract, as follows:

Offered completion date	Number of points
From 113 to 140 days	0 points
From 99 to 112 days	20 points
Up to 98 days	40 points

Economic Operator is obliged to specify the delivery date in item 2 of the Bid form.

**15.4 Negotiations and additional bids**

15.5 The Contracting Authority does not intend to carry out negotiations

**16. Invalidation of the proceedings.** The Contracting Authority shall invalidate the proceedings in cases specified in Article 255 or 256 of the PPL Bill.

The Contracting Authority shall simultaneously inform the Economic Operators who submitted bids of the invalidation of the award procedure, providing the factual and legal reasons, and shall promptly make this information available on the website of the proceedings.

**17. Award of the contract.**

17.1 Before awarding the contract, the Contracting Authority shall call upon the Economic Operator whose bid was evaluated the best, to submit, within the deadline specified, the statements and documents valid as of the date of submission of the statements and documents listed in items 7 and 8.

17.2. Contracting Authority shall award the contract to the Economic Operator whose bid was recognized as the most advantageous.

17.3. The Contracting Authority will immediately notify the Economic Operators who applied for the award of the contract of the selection of the most advantageous bid.

**18. Requirements concerning the bid bond.** – Contracting Authority does not require a bid bond.

**19. Description of how to calculate the bid price.**

19.1. The bid price shall be calculated by the Economic Operator on the basis of the Bid Form drawn up on the basis of the description of the subject matter of the contract specified in Part IV.

19.2. The Economic Operator shall enter the net values calculated in the Detailed Price Calculation on the bid form according to the formula provided in Part III.

19.3. **Wherever origin (brand, trademark, manufacturer, supplier) is indicated in the description of the subject matter of the contract, the Contracting Authority shall allow offering equivalent materials or devices provided that they guarantee technical parameters not worse than those presented in the Subject Matter of the Contract.**

19.4. The bid price should cover the total cost of the contract execution, including all accompanying costs referred to in Part VI, as well as the VAT tax, should it be required.

**19.5 The Contracting Authority admits the possibility of submitting a bid in a currency other than the Polish zloty.**

**Bid prices presented in currencies other than PLN will be converted in accordance with the exchange rate of the National Bank of Poland applicable on the day preceding the opening of bids. The net prices will be subject to evaluation**

**19.6 Unit prices and rates specified by the Economic Operator will not be changed during the execution of the contract and will not be subject to valorization.**

**20. Performance bond – CONTRACTING AUTHORITY DOES NOT REQUIRE PERFORMANCE BOND**

**21. Additional provisions**

21.1. The Economic Operator whose bid is recognized as the most advantageous is obliged to submit to the Contracting Authority immediately after the announcement of that decision and before signing the contract:

1) if a bid submitted by Economic Operators who are jointly bidding for the award of the contract is considered the most advantageous, a contract regulating the cooperation of these entities, which indicates the leading entity and authorises the such entity to issue and submit invoices constituting settlements with the Contracting Authority made by each of those entities;

**22. Information concerning legal protection measures**

Economic Operators, as well as other entities, if they have or have had an interest in obtaining the contract and have sustained or may sustain damages if the Contracting Authority violates any of the provisions of the PPL Bill, shall be entitled to legal protection measures outlined in Part IX of the PPL Bill. Organizations enrolled in the list referred to in Article 469(15) of the PPL Bill shall also be entitled to legal protection measures against the contract announcement and the TS.

**23. Information clause under Article 13 of the Contracting Authority's GDPR - for purposes related to the above-provided procedure**

23.1. In accordance with Article 13(1) and (2) of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons 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) (Official Journal UE of the EU L 119 of 04.05.2016, page 1), hereinafter referred to as "GDPR", and the Bill of 21 February 2019 on amending relevant bills in order to ensure application of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons 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), the Contracting Authority is hereby informing that:

**23.2.** your personal data is administrated by the **Warsaw University of Technology, represented by the Rector whose responsibilities as the Controller are fulfilled at the Faculty of Power and Aeronautical Engineering by the Dean of the aforesaid Faculty;**

**23.3.** the Controller appointed the Data Protection Officer responsible for supervising the correctness of personal data processing, who can be contacted at the following email address: **iod@pw.edu.pl;**

**23.4.** personal data provided to the Contracting Authority in connection with this procedure will be processed pursuant to Article 6(1)(c) of the GDPR for purposes connected with the public procurement procedure, the data are necessary to carry out the statutory tasks imposed on Warsaw University of Technology, which is a public university, under the rules laid down in the Public Procurement Law in connection with Article 44(4) of the Public Finance Bill which shall be achieved by selecting an Economic Operator in accordance with the PPL Bill;

**23.5.** the recipients of the personal data referred to in item 23.3. will be persons or entities to whom the procedure's documentation will be disclosed under Article 18 and Article 74(1) and (2) of the PPL Bill and to those who have the right of inspection under separate provisions, in addition, they will be shared under the law defining the access to public information;

**23.6.** the Controller shall process personal data under the framework of the aforementioned procedure, as referred to in item 23.3., which aims at selecting a tender submitted by an Economic Operator with whom a public procurement contract will be signed or at negotiating provisions of such a contract. This means that the data protected under the framework of the procurement procedure will include all personal data included in tenders and/or any other documents submitted by the Economic Operator in the course of the procedure. The processing applies to personal data of natural persons only, such as the Economic Operators, subcontractors, third parties providing their capacity, their proxies, employees, representatives of legal persons, etc., disclosed in the course of the procedure at each stage thereof. At the same time, the Contracting Authority emphasises that it will be sufficient to list only the data that the Contracting Authority explicitly requests and/or the data that directly confirms that the Economic Operator meets the requirements;

**23.7.** the Controller does not intend to transfer your personal data outside the European Economic Area,

**23.8.** personal data referred to in item 23.3 shall be stored in accordance with Article 78(1) of the PPL Bill for 4 years from the date of completion of the procurement procedure, and if the term of the public contract exceeds 4 years, the storing period shall cover the entire duration of the contract and the data shall be archived for the period specified by internal legal regulations applicable to the archiving of documents;

**23.9.** the obligation to provide personal data that applies to you directly is a statutory requirement defined by the PPL Bill, connected with the participation in public procurement procedure; consequences of failure to provide the data in the public procurement procedure have been defined by the PPL Bill;

**23.10.** with regard to personal data provided by the Economic Operator, decisions will not be made in an automated manner (they will not be subject to profiling), as per Article 22 of the GDPR;

**23.11.** the person whose personal data has been provided to the Contracting Authority has:

**23.12.** the right to access his personal data pursuant to Article 15 of the GDPR. Where compliance with the obligations referred to in Article 15(1-3) of the Regulation 2016/679 would require a disproportionate effort, the Contracting Authority may require the data subject to provide additional information to clarify the request, in particular, the name or date of the (completed) public procurement procedure;

**23.13.** the right to rectify his personal data pursuant<sup>1</sup> to Article 16 of the GDPR, provided that the exercise of the right to rectify shall not result in the change of the result of the public procurement procedure or the change of the provisions

---

<sup>1</sup> Clarification: the exercise of the right to rectify shall not result in the change of the result of the public procurement procedure or in the change of the provisions of the Contract to the extent inconsistent with the PPL Bill, and shall not violate the integrity of the protocol and the appendices thereof.

of the contract to the extent inconsistent with the PPL Bill, and shall not violate the integrity of the protocol of procedure and the appendices thereof;

**23.14.** according to Article 18 of the GDPR<sup>2</sup>, the right to request the Controller to restrict the processing of personal data, subject to the cases referred to in Article 18(2) of the GDPR; making the request referred to in Article 18(1) of the GDPR does not restrict the processing of personal data until the end of the public procurement procedure;

**23.15.** the right to lodge a complaint with the President of the Office for Personal Data Protection if a person considers that the processing of his personal data violates the provisions of the the GDPR;

**23.16.** the person whose personal data has been provided to the Contracting Authority is not entitled to:

**23.17.** the right to remove personal data in connection with Article 17(3)(b), (d) or € of the GDPR;

**23.18.** the right to transfer personal data referred to in Article 20 of the GDPR;

**23.19.** the right to object the processing personal data according to Article 21 of the GDPR because the legal grounds for the processing of your personal data have been defined by Article 6(1)(c) of the GDPR.

**23.20.** **When acquiring personal data for the purposes of this procurement procedure, the Economic Operator, subcontractor, third party will have to comply with the information obligations defined by Article 13 of the GDPR with respect to natural persons to whom the personal data relates and from whom the data is directly acquired.**

#### **24. Other information**

**24.1.** Information about a framework agreement – not applicable.

**24.2.** Information about a dynamic purchasing system – not applicable.

**24.3.** Information about an electronic auction – not applicable.

**24.4.** Information on the requirement or possibility of submitting bids in the form of electronic catalogues or attaching electronic catalogues to the bid, in the situation specified in Article 93(1) of the PPL Bill – not applicable.

**24.5.** Information about technical dialogue – not applicable.

---

<sup>2</sup> Clarification: the right to restrict processing does not apply to storing, in order to ensure the exercise of legal remedies or to protect the rights of another natural or legal person, or on important grounds of public interest of the European Union or a Member State.



## PART II

### ENTITY STATEMENT FORMS

Appendix no. 1a

**Declaration provided by the Economic Operator/ SUBCONTRACTOR CONCERNING GROUNDS FOR EXCLUSION FROM THE PROCEDURE**

submitted pursuant to Article 273(2) of the Bill of 11 September 2019 Public Procurement Law (hereinafter referred to as PPL Bill)

**Contracting Authority:**

**Warsaw University of Technology**

**Faculty of Power and Aeronautical Engineering,**

**ul. 24 Nowowiejska Street**

**00-665 Warszawa**

Name (company)/first and last name of the Economic Operator -

.....

Address of the Economic Operator/Subcontractor (street, building number, apartment number, city and post code) -

.....

depending on the entity, NIP/PESEL no.: .....

REGON no.: .....

depending on the entity: KRS/CEiDG): .....

represented by: ..... (name,  
position/grounds for representation)

For the purpose of the public procurement procedure and awarding a contract for the **Supply of a table (single axis motion simulator) with no temperature chamber for the Laboratory of Aviation and Autonomous Systems for the project entitled: "The Mazovian platform of material and sensor technologies and applications in energy conversion and storage, electromobility, aviation and autonomous systems" RPMA.01.01.00-14-e214/20** for the Institute of Aeronautics and Applied Mechanics (IAAM) of the Faculty of Power and Aeronautical Engineering of Warsaw University of Technology marked MELBDZ.261.2.2023 and conducted by the Faculty of Power and Aeronautical Engineering of Warsaw University of Technology, I hereby state the following:

**There are no grounds to exclude me**

1. I declare that I am not subject to exclusion from the proceedings pursuant to Article 108(1) of the PPL Bill, pursuant to which the following are excluded from the procurement proceedings:

1. An Economic Operator is excluded from the procurement proceedings in the following instances:

1) a natural person who has been validly convicted of the following offence:

(a) participation in an organised criminal group or association aimed at committing a crime or fiscal offence, as referred to in Article 258 of the Criminal Code,

b) trafficking in human beings as referred to in Article 189a of the Criminal Code,

c) [offence] referred to in Articles 228-230a, 250a of the Criminal Code or in Article 46 or Article 48 of the Bill of 25 June 2010 on sport,

d) financing of an offence of a terrorist nature referred to in Article 165a of the Criminal Code or an offence of preventing or hindering the ascertainment of the criminal origin of money or the concealment of its origin referred to in Article 299 of the Criminal Code,

e) [offence] of a terrorist nature, as referred to in Article 115(20) of the Criminal Code, or aimed at committing this offence,

f) entrusting work to a minor foreigner, referred to in Article 9(2) of the Bill of 15 June 2012 on the results of delegation of work to foreigners unlawfully residing on the territory of the Republic of Poland (Journal of Laws item 769).

g) [offence] against economic turnover referred to in Articles 296-307 of the Criminal Code, an offence of fraud referred to in Article 286 of the Criminal Code, an offence against reliability of documents referred to in Articles 270-277d of the Criminal Code, or a fiscal offence,

h) [offence] referred to in Article 9 (1) and (3) or Article 10 of the Bill of 15 June 2012 on the consequences of delegating work to foreigners unlawfully residing on the territory of the Republic of Poland or for a relevant prohibited deed as defined by the foreign law;

2) if a member-in-office of their management or supervisory body, a partner in a general partnership (Polish: spółka jawna) or partnership (Polish: spółka partnerska) or a general partner in a limited partnership (Polish: spółka komandytowa) or a

limited joint-stock partnership (Polish: spółka komandytowo-akcyjna), or a proxy has been validly convicted of an offence referred to in item 1;

3) against whom a valid (final) court verdict or a final administrative decision related to the overdue payment of taxes, fees or contributions for social or health insurance has been issued, unless the Economic Operator, appropriately before the deadline for submitting requests to participate in the procedure or before the deadline for submitting bids, has made payments of due taxes, fees or contributions for social or health insurance together with interest or fines, or has concluded a binding agreement on the repayment of the aforesaid receivables;

4) against whom a valid ban on competing for public procurement has been issued;

5) if the Contracting Authority is able to determine, based on reliable grounds, that the Economic Operator concluded an agreement with other Economic Operators aimed at distorting competition, in particular, if they belonged to the same group as defined by the Bill of 16 February 2007 on Competition and Consumer Protection and submitted separate bids, partial bids or requests to participate, unless they prove that they prepared the aforesaid bids or requests independently of each other;

6) if in the instances referred to in Article 85(1), there has been a distortion of competition resulting from prior involvement of that Economic Operator or an entity that is a member of the same group with the Economic Operator as defined by the Bill of 16 February 2007 on Competition and Consumer Protection, unless the distortion of competition caused thereby can be eliminated otherwise than by excluding the Economic Operator from participation in the procurement procedure.

I declare that I am not subject to exclusion from the proceedings pursuant to the following items Article 109 (1) of the PPL Bill, according to which the Contracting Authority may exclude from the procurement proceedings:

5) [an entity] who has culpably committed a serious breach of professional obligations, which compromises their integrity, in particular when the Economic Operator, as a result of a deliberate action or gross negligence, has failed to perform or has performed improperly the contract, which the Contracting Authority is able to demonstrate by means of relevant evidence;

8) [an entity] who, as a result of a deliberate action or gross negligence, misled the Contracting Authority when presenting information that they are not subject to exclusion, meet the conditions for participation in the procedure or the selection criteria, which could have had a significant influence on the Contracting Authority's decision in the procurement procedure, or who withheld such information or is not able to provide the required evidence in question;

10) [an entity] who, as a result of recklessness or negligence, provided misleading information which could have had a significant influence on the decisions taken by the Contracting Authority in the procurement procedure.

**There are grounds to exclude me**

I declare that, even though there are grounds for excluding me from the proceedings pursuant to Article ..... PPL Bill (please, provide applicable grounds for exclusion), I have taken the following corrective measures:

.....  
.....

I declare that all information provided in the above declarations is up-to-date and truthful and has been presented in full knowledge of the consequences of misleading the Contracting Authority when presenting the information.

please, tick the applicable

....., on..... (date)

(city)

.....

(signature)

**STATEMENT BY THE ECONOMIC OPERATOR**

**CONCERNING THE FULFILMENT OF THE CONDITIONS FOR PARTICIPATION IN THE PROCEDURE**

Submitted pursuant to Article 273(2) of the Bill of 11 September 2019 Public Procurement Law (hereinafter referred to as PPL Bill)

Contracting Authority:

**Warsaw University of Technology  
Faculty of Power and Aeronautical Engineering,  
ul. 24 Nowowiejska Street  
00-665 Warszawa**

<sup>3</sup>Name (company)/name of the Economic Operator -

.....

Address of the Economic Operator (street, building number, apartment number, city, and post code) -

.....

depending on the entity, NIP/PESEL no.: .....

REGON no.: .....

depending on the entity: KRS/CEiDG: .....

Represented by: .....

(name, position/grounds for representation)

For the purpose of the public procurement procedure and awarding a contract for the **Supply of a table (single axis motion simulator) with no temperature chamber for the Laboratory of Aviation and Autonomous Systems for the project entitled: "The Mazovian platform of material and sensor technologies and applications in energy conversion and storage, electromobility, aviation and autonomous systems" RPMA.01.01.00-14-e214/20 for the Institute of Aeronautics and Applied Mechanics (IAAM) of the Faculty of Power and Aeronautical Engineering of Warsaw University of Technology** marked MELBDZ.261.2.2023 and conducted by the Faculty of Power and Aeronautical Engineering of Warsaw University of Technology, I hereby state the following:

I declare that I meet the conditions for participation in the procedure specified by the Contracting Authority in the Tender Specification regarding:

1. the ability to act in business transactions (trading);
2. I have authorizations necessary to conduct specific business or professional activities if required by separate regulations;
3. financial or economic situation
4. technical or professional capacity:

I declare that out of the Economic Operators jointly applying for the award of the contract, the following Economic Operators :

1) .....

in the following scope: .....

.....

(Specify the entity and relevant scope for the indicated entity).

2) .....

in the following scope: .....

<sup>3</sup> Economic Operators who apply for the contract jointly must multiply the part of the text up to the line beginning with "represented by" to properly reflect the number of the Economic Operators.

.....  
(Specify the entity and relevant scope for the indicated entity).

I declare that, in order to demonstrate the fulfilment of the conditions for participation in the procedure, as specified by the Contracting Authority in the Tender Specification, I rely on the resources of the following entity(s):

.....  
.....  
.....

in the following scope: .....

.....  
(Specify the entity and relevant scope for the indicated entity).

I declare that all information provided in the above declarations is up-to-date and truthful and has been presented in full knowledge of the consequences of misleading the Contracting Authority when presenting the information.

\* please, tick the applicable

....., on..... (date)  
(city)

Economic Operator)

.....  
(signature and stamp of the authorized representative of the

**STATEMENT FORM CONCERNING BELONGING  
OR NOT BELONGING TO THE SAME CAPITAL GROUP**

pursuant to Article 273(1) item 1 of the Bill of 11 September 2019 (hereinafter referred to as PPL Bill)

Contracting Authority:

**Warsaw University of Technology  
Faculty of Power and Aeronautical Engineering,  
ul. 24 Nowowiejska Street  
00-665 Warszawa**

Name (company)/first and last name of the Economic Operator –

Address of the Economic Operator (street, building number, apartment number, city, and post code) –

depending on the entity, NIP/PESEL no.: .....

REGON no.: .....

depending on the entity: KRS/CEiDG): .....

represented by: ..... (name,  
position/grounds for representation)

Submitting a bid under the procedure conducted under the name **Supply of a table (single axis motion simulator) with no temperature chamber for the Laboratory of Aviation and Autonomous Systems for the project entitled: "The Mazovian platform of material and sensor technologies and applications in energy conversion and storage, electromobility, aviation and autonomous systems" RPMA.01.01.00-14-e214/20 for the Institute of Aeronautics and Applied Mechanics (IAAM) of the Faculty of Power and Aeronautical Engineering of Warsaw University of Technology marked MELBDZ.261.2.2023 and conducted by the Faculty of Power and Aeronautical Engineering of Warsaw University of Technology**, I hereby state the following:

I declare that I belong to the same capital group as defined by the Bill of 16.02.2007 on competition and consumer protection, with the below-mentioned Economic Operators, who submitted separate bids, partial bids in this procedure:

No.	Name of the entity
1.	
2.	
3.	
4.	

I declare that I do not belong to the same capital group as defined by the Bill of 16.02.2007 on competition and consumer protection, with the Economic Operators, who submitted separate bids, partial bids in this procedure:

please, tick the applicable

....., on..... (date)  
(city)

.....  
(signature)

Appendix no. 1d

**COMMITMENT OF OTHER ENTITIES**

submitted pursuant to Article 118(3) of the Bill of 11 September 2019 Public Procurement Law (hereinafter referred to as PPL Bill)

Contracting Authority:

**Warsaw University of Technology**  
**Faculty of Power and Aeronautical Engineering,**  
**ul. 24 Nowowiejska Street**  
**00-665 Warszawa**

We, the undersigned .....  
acting on behalf and for: .....

(Name (company) and exact address of the Entity)  
shall provide for the Contracting Authority's disposal:

(name (company) and exact address of the Economic Operator(s))

necessary resources relating to:

- 1) technical capacities\*;
- 2) professional capabilities\*;
- 3) financial situation\*;
- 4) economic situation\*;

for the purpose of executing the contract as a result of awarding the contract under the public procurement procedure for **the Supply of a table (single axis motion simulator) with no temperature chamber for the Laboratory of Aviation and Autonomous Systems for the project entitled: "The Mazovian platform of material and sensor technologies and applications in energy conversion and storage, electromobility, aviation and autonomous systems" RPMA.01.01.00-14-e214/20** for the Institute of Aeronautics and Applied Mechanics (IAAM) of the Faculty of Power and Aeronautical Engineering of Warsaw University of Technology marked as MELBDZ.261.2.2023

The above-mentioned resources will be made available as follows:

- 1) scope of available resources: .....
  - 2) way of using the resources: .....
  - 3) scope and period of participation during the execution of the contract .....
  - 4) nature of the relationship with the Economic Operator .....
- (e.g. Cooperation Contract of ..... r. or other reasons for providing)

we declare the following:

- 1) we shall not participate in the performance of the contract\*;
- 2) we shall participate in the performance of the contract as\*

\*delete as appropriate.

(Please, provide name, e.g. Subcontractor, Advisor, Consultant.)

As regards the conditions relating to education, professional qualifications (skills), or experience, Economic Operators may rely on the capacities of other entities, if these entities perform the construction works or services that require these abilities in order to be performed.

The Economic Operator who relies on the financial or economic standing of other entities shall be jointly and severally liable together with the entity which undertook to make the resources available for damage sustained by the Contracting Authority as a result of a failure to make the resources available unless they are not at fault for making the resources available.

....., on..... (date)  
(city)

.....  
(signature and stamp of  
the authorized representative of other entity)

**PART III**

**THE BID FORM  
INCLUDING APPENDICE FORMS  
BID**

Contracting Authority:

**Warsaw University of Technology  
Faculty of Power and Aeronautical Engineering,  
ul. 24 Nowowiejska Street  
00-665 Warszawa**

Name (company)/first and last name of the Economic Operator<sup>4</sup>:

.....

Address of the Economic Operator (street, building number, apartment number, city, and postcode):

.....

depending on the entity, NIP/PESEL no.: .....

REGON no.: .....

depending on the entity: KRS/CEiDG): .....

Economic Operator is a small or medium-sized enterprise YES / NO\*

Type of Economic Operator\*:  micro-enterprise,  small enterprise,  medium-sized enterprise,  
 sole proprietorship,  natural person not running a business,  other

\*delete as appropriate.

Bill of 6 March 2018 Entrepreneurs' Law (Journal of Laws of 2018, item 646): Article 7(1)(2) Small enterprise is operated by an entrepreneur who in at least one of the last two financial years fulfilled jointly the following conditions: a) employed, on an average annual basis, less than 50 employees, and b) made an annual net turnover from sales of goods, products and services as well as from financial operations that is below the PLN equivalent of EUR 10 million, or the total assets of his balance sheet as at the end of one of those years did not exceed the PLN equivalent of EUR 10 million - and who is not a micro-entrepreneur; Article 7(1)(3) Medium-sized enterprise is operated by an entrepreneur who in at least one of the last two financial years fulfilled jointly the following conditions: a) employed, on an average annual basis, less than 250 employees and b) made the annual net turnover from sales of goods, products and services as well as from financial operations that is below the PLN equivalent of EUR 50 million, or the sum of assets of his balance sheet as at the end of one of those years did not exceed the PLN equivalent of EUR 43 million - and who is not a micro or small entrepreneur.

Represented by: .....

(name, position/grounds for representation)

Address of the Economic Operator (street, building number, apartment number, city, and postcode):

.....

The person authorised to contact the Contracting Authority .....

Telephone: - ....., fax - .....

<sup>4</sup> Economic Operators who apply for the contract jointly must multiply the part of the text up to the line beginning with "represented by" to properly reflect the number of the Economic Operators.

email: .....

In response to the announced public procurement procedure conducted under the following name: **Supply of a table (single axis motion simulator) with no temperature chamber for the Laboratory of Aviation and Autonomous Systems for the project entitled: "The Mazovian platform of material and sensor technologies and applications in energy conversion and storage, electromobility, aviation and autonomous systems" RPMA.01.01.00-14-e214/20 for the Institute of Aeronautics and Applied Mechanics (IAAM) of the Faculty of Power and Aeronautical Engineering of Warsaw University of Technology** marked MELBDZ.261.2.2023 conducted under the basic procedure under Article 275 item 1 of the PPL Bill, we hereby submit our bid:

1. We offer to perform the contract in accordance with the terms and conditions stipulated in the TS for remuneration:

of a net amount: ..... PLN/USD/EURO\*

in words: ..... PLN/USD/EURO\*

after adding to the aforesaid amount .....% VAT amounting to..... PLN/USD/EURO\*

gross: ..... PLN/USD/EURO\*

in words: ..... PLN/USD/EURO\*

in accordance with the tender estimate attached to the tender.

2. We offer the following delivery date: .....

3. We accept the terms of payment specified by the Contracting Authority in the Tender Specification.

4. We hereby declare that we shall perform the contract independently / together with the following subcontractors\*:

1) Subcontractor's company\*\*:.....

The part of the contract that we intend to delegate to the subcontractor\*\*:

1).....;

2) .....

\*delete as appropriate.

\*\*fill in for each subcontractor

5. We hereby declare that we present/do not present\* a written commitment of other entities to provide us with the necessary resources for the period they will be used to perform the contract - according to the specimen specified in **Appendix no. 1d in Part II of the TS.**

\*delete as appropriate.

6. We declare that, with the exception of information and documents included in the tender and presented on the following pages ....., this tender and any attachments thereto are open and do not contain any information constituting a trade secret as defined by the law on counteracting unfair competition.

7. We consider ourselves bound by this tender until .....

8. We hereby declare that we have familiarised ourselves with the TS provided by the Contracting Authority and we raise no objections thereto. We also declare that we obtained the necessary information to prepare our bid and we undertake to meet all the requirements mentioned in TS.

9. If our bid is selected, we will sign a contract on the conditions presented in the TS and at the time and place specified by the Contracting Authority.

10. I declare that in accordance with Article 13(13) or Article 14 of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons 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) (Official Journal UE L 119 of 04.05.2016, page 1), the so called GDPR, I have complied to provide information to individuals from whom I have directly or indirectly obtained personal data in order to compete for a public contract in this procedure.



11. Having familiarised with Article 297 § 1 of the Criminal Code: "Whoever, in order to obtain, for himself or for someone else, from a bank or an organisational unit conducting similar business operation under the the law or from an authority or institution disposing of public funds, a loan, a cash loan, a surety, a guarantee, a letter of credit, a grant, a subsidy, bank's confirmation of a liability under a surety or a guarantee or a similar cash benefit for a specific economic purpose, electronic payment instrument or public procurement, submits a forged, counterfeited document, or a document attesting false information or an unreliable document or unreliable written statement concerning circumstances that are material for obtaining the aforesaid financial support, payment instrument or contract, will be subject to a penalty of deprivation of liberty for a term between 3 months and 5 years", we hereby declare that the information and data we have submitted are accurate and factually correct.

12. Please be informed that the registration documents are available in the following free and publicly accessible databases

- 1) [https://ekrs.ms.gov.pl/web/wyszukiwarka-krs:\\*](https://ekrs.ms.gov.pl/web/wyszukiwarka-krs:*)
- 2) [https://prod.ceidg.gov.pl/CEIDG/Ceidg.Public.Ul/Search.aspx:\\*](https://prod.ceidg.gov.pl/CEIDG/Ceidg.Public.Ul/Search.aspx:*)
- 3) Other\*\*: .....

\*delete as appropriate

\*\*Please provide the online addresses of publicly available, accessible, and free databases, if the Economic Operator's registration data has been presented in a database different than the one mentioned in items 1 and 2.

13. Obligation to conduct remote training related to the service for minimum 5 people. Training shall be provided remotely.

14. This bid is submitted on \_\_\_ consecutively numbered pages.

15. This form is submitted with the following attachments that constitute an integral part of the bid:

- 1) .....  
(Document's name) .....  
(page numbers in the tender)

....., on..... (date)  
(place)  
Operator's

.....  
(signature and stamp of the Economic  
authorised representative)

\*delete as appropriate.

<b>PRICE FORM - DETAILED PRICE CALCULATION</b>
--

(Economic Operator(s) stamp)

Submitting my bid in response to the announcement about a contract under the public procurement procedure conducted under basic procedure entitled: Supply of a table (single axis motion simulator) with no temperature chamber for the Laboratory of Aviation and Autonomous Systems for the project entitled: "The Mazovian platform of material and sensor technologies and applications in energy conversion and storage, electromobility, aviation and autonomous systems" RPMA.01.01.00-14-e214/20 for the Institute of Aeronautics and Applied Mechanics of the Faculty of Power and Aeronautical Engineering of Warsaw University of Technology, marked as MELBDZ.261.2.2023 I provide the following list

No.	List of items	Name of the offered commodity consistent with the description of the contract (OPZ) including the name, manufacturer, and model / (to be filled in by the Economic Operator)	NUMBER OF ITEMS/SETS	NET UNIT PRICE PLN/USD/EURO*	NET value PLN/USD/EURO*	GROSS value PLN/USD/EURO* for 23% VAT
1	2	3	4	5	6 = 4 x 5	7
1	A TABLE single axis motion simulator		1			
2	Interface					
3	Training					
	Total					

\_\_\_\_\_ on \_\_\_\_\_.20\_\_

\_\_\_\_\_  
(Economic Operator(s) signature)

According to item 8.1.3. of the TS I attach documents (in Polish) confirming that the offered supplies meet the requirements specified by the Contracting Authority: i.e. technical specification of the proposed equipment (i.e. printouts, descriptions, folders, data sheets, etc.), which further certify that all required parameters presented in the description of the contract have been ensured.

\*delete as appropriate.

**APPENDIX NO. 2**  
to the tender form

<b>SUBCONTRACTORS</b>
-----------------------

*(Economic Operator(s) stamp)*

Submitting our bid in response to the announced contract under the public procurement procedure conducted under the basic procedure for the **Supply of a table (single-axis motion simulator) with no temperature chamber for the Laboratory of Aviation and Autonomous Systems for the project entitled: "The Mazovian platform of material and sensor technologies and applications in energy conversion and storage, electromobility, aviation and autonomous systems" RPMA.01.01.00-14-e214/20 for the Institute of Aeronautics and Applied Mechanics (IAAM) of the Faculty of Power and Aeronautical Engineering of Warsaw University of Technology** marked MELBDZ.261.2.2023 and conducted under basic procedure we declare that in order to execute the contract, we shall engage Subcontractors who will execute the following scope of works:

No.	Subcontractor's name	Scope of works**	Value <sup>5</sup> of the part of the contract delegated to the Subcontractor	
1	2	3	4	
			Net	Gross

\*Please quote the relevant part of the procedure, fill in separately for each part

\_\_\_\_\_ on \_\_.\_\_.20\_\_

\_\_\_\_\_  
*(Economic Operator(s) signature)*

<sup>5</sup> Please provide net and gross value in PLN/USD/EURO

**Appendix 3 to the Bid Form**

Statement submitted according to Article 71(1) of the Bill of 13 April 2022 on the special solutions to counter support for aggression against Ukraine and to protect national security

**1. CONTRACTING AUTHORITY:**

**Warsaw University of Technology  
Faculty of Power and Aeronautical Engineering,**

**2. ECONOMIC OPERATOR\*/SUBCONTRACTOR\*/THIRD PARTY ENTITY PROVIDING THE RESOURCES\*:**

.....  
(full name/company, address, depending on the entity: NIP/PESEL, KRS/CEiDG)  
represented by:

.....  
(name, position/grounds for representation)

For the purpose of the public procurement procedure and awarding a contract for the **Supply of a table (single axis motion simulator) with no temperature chamber for the Laboratory of Aviation and Autonomous Systems for the project entitled: "The Mazovian platform of material and sensor technologies and applications in energy conversion and storage, electromobility, aviation and autonomous systems" RPMA.01.01.00-14-e214/20 for the Institute of Aeronautics and Applied Mechanics (IAAM) of the Faculty of Power and Aeronautical Engineering of Warsaw University of Technology reference no.**

**MELBDS.261.2.2023**, I declare that I am not subject to exclusion from the proceedings on the basis of Article 7(1) of the Bill of 13 April 2022 on special solutions to prevent support for aggression against Ukraine and to protect national security, i.e.:

- 1) I am not/I am\* an Economic Operator or a participant in the competition included in the lists set out in Council Regulation (EC) No. 765/2006 and Council Regulation (EU) No. 269/2014 or included in the list based on a decision on inclusion in the list that is conclusive in terms of the application of the measure referred to in Article 1 item 3 of the Bill mentioned in the introduction to the calculation;
- 2) I am not / I am\* an Economic Operator or a participant in a competition whose real beneficiary as defined by the Bill of 1 March 2018 on the prevention of money laundering and terrorist financing (Journal of Laws of 2022, item 593, as amended) is a person included in the lists set out in Council Regulation (EC) No. 765/2006 and Council Regulation (EU) No. 269/2014 or listed or being such a beneficial owner as of 24 February 2022, provided that such person has been listed on the basis of a decision on inclusion in the list that is conclusive in terms of the application of the measure referred to in Article 1(3) of the Bill mentioned in the introduction to the calculation;
- 3) I am not/I am\* an Economic Operator or a participant in the competition whose parent company as defined by Article 3(1)(37) of the Accounting Bill of 29 September 1994 (Journal of Laws of 2021, item 217, as amended) is an entity included in the lists set out in Council Regulation (EC) No. 765/2006 and Council Regulation (EU) No. 269/2014 or listed or being such a company as of 24 February 2022, provided that such company has been listed on the basis of a decision on inclusion in the list that is conclusive in terms of the application of the measure referred to in Article 1 item 3 of the Bill mentioned in the introduction to the calculation;

***electronic signature of the person(s) authorized to  
act on behalf of the Entity***

\*Delete as appropriate

## PART IV

## DETAILED DESCRIPTION OF THE CONTRACT

The subject of this contract is **the Supply of a table (single axis motion simulator) with no temperature chamber for the Laboratory of Aviation and Autonomous Systems for the project entitled: "The Mazovian platform of material and sensor technologies and applications in energy conversion and storage, electromobility, aviation and autonomous systems" RPMA.01.01.00-14-e214/20 for the Institute of Aeronautics and Applied Mechanics (IAAM) of the Faculty of Power and Aeronautical Engineering of Warsaw University of Technology**

Wherever trademarks, patents, origin, source, or a specific process that characterises the products or services provided by a particular Economic Operator, or where standards, technical evaluations, technical specifications, or technical reference systems are quoted in the ToR, the Contracting Authority shall allow offering equivalent products or solutions, i.e. solutions that ensure technical, utility and operational parameters that are not worse than those defined in the documentation, and the Economic Operator offering equivalent solutions shall prove in his tender that they meet the requirements specified by the Contracting Authority.

**Technical specification**

Table (single axis motion simulator) with no temperature chamber - a device designed for calibration and verification of inertial navigation systems based on inertial sensors using MEMS technology (electromechanical microcircuit technology) or FOG (Fiber Optic Gyroscopes). Technical specification of the device:

**General definition**

- a) Drive: brushless electric motors
- b) RPM range: unlimited
- c) Encoders: relative optical encoder
- d) Rotary interface:
  - 50 channels
  - Receiver; 20 channels at 2 amps
  - Sender, expandable for two axes; 30 channels

**1. Payload**

- a) Maximum load: minimum 40 kilograms
- b) Nominal load: minimum 25 kilograms
- c) Nominal load inertia: minimum 0.05 kilograms.metre squared around the spinning axis
- d) Rotary tabletop diameter: minimum 450 millimetres

**2. Precision (Mechanical parameters)**

- a) Positioning accuracy:  $\pm 5$  angular second
- b) Position resolution: 0.0001 degrees minimum
- c) Repeatability of position:  $\leq \pm 2$  angular second
- d) Axis wobble:  $\leq 5$  angular second

**3. Dynamic characteristics**

- a) Rate of accuracy and rate stability:  $\leq 0.0005$  % average over 360 degrees
- b) Spee
- c) d resolution rate: 0.0001 degrees/second minimum
- d) Rate of accuracy and speed stability:  $\leq 0.001$  % average in 360 degrees
- e) Bandwidth (-3 decibel/90 degrees):  $> 100$  hertz
- f) Nominal acceleration:  $> \pm 1000$  degrees/second squared
- g) Maximum speed rate  $\pm 500$  degrees/second

**4. Power and control electronics module specifications**

- a) Controller: 3-axis nGine real-time controller
- b) Real-time digital interface: RS-232 or RS-422
- c) Controller interface (not real-time): RS-232 or RS-422, Ethernet
- d) Control frequency: minimum 1 kilo-hertz
- e) Operating modes: angular position, angular velocity, angular acceleration, sinusoidal amplitude, sinusoidal frequency, sinusoidal phase
- f) Display: user-configurable; position, velocity, angular displacement, operating mode, limits, error messages, remote operation

**5. Product description**

- a) Mechanical interface: upgradable to three axes and a thermal chamber

**6. Other:**

- a) Training for at least 5 people (remote)
- b) Warranty at least 12 months

**PART VI**

Draft provisions of the public procurement contract to be incorporated in the Contract

**Draft CONTRACT NO. ....**

On ..... 2023 in Warsaw

Warsaw University of Technology, Faculty of Power and Aeronautical Engineering, 00-665 Warsaw, 24 Nowowiejska St., NIP (tax identification number): 525-000-58-34, Regon (register of entrepreneurs): 000001554, hereinafter referred to as the "CONTRACTING AUTHORITY", represented by: The Dean of the Faculty of Power and Aeronautical Engineering of the Warsaw University of Technology, prof. dr hab. inż. Janusz Frączek, acting on behalf of the Rector of Warsaw University of Technology pursuant to the power of attorney no. .... of .....

and

.....  
signed a Contract under the public procurement procedure conducted in accordance with Article 275 item 1 of the Bill of 11 September 2019 Public Procurement Law (i.e. Journal of Laws of 2022 r., item 1170, as amended) conducted under basic procedure no. MELBDZ.261.27.2022. for **the supply of a table (single axis motion simulator) with no temperature chamber for the Laboratory of Aviation and Autonomous Systems for the project entitled "The Mazovian platform of material and sensor technologies and applications in energy conversion and storage, electromobility, aviation and autonomous systems" RPMA.01.01.00-14-e214/20** for the Institute of Aeronautics and Applied Mechanics (IAAM) of the Faculty of Power and Aeronautical Engineering of Warsaw University of Technology

the Parties conclude the Contract which reads as follows:

§ 1

1. The Economic Operator shall supply the Contracting Authority with the table (in accordance with the bid of..... (date), which constitutes an integral appendix to this Contract.
2. In case of pulling the offered equipment out from sales/production, the Contracting Authority agrees to the delivery of equipment representing parameters equal to the ones specified in the bid, consistent with the Terms of Reference, for the same price.

§ 2

1. The Economic Operator declares that he meets the conditions defined in Article 112 of the Public Procurement Law.
2. The Economic Operator shall be fully liable for any damages incurred directly or indirectly by the Contracting Authority and resulting from the untrue representation provided above.

§ 3

Delivery time shall be ..... days as of signing the Contract.

§ 4

1. The Economic Operator shall deliver the subject of the contract to the registered office of the Awarding Entity – the Faculty of Power and Aeronautical Engineering of the Warsaw University of Technology, i.e. Warsaw, 24 Nowowiejska Street.

2. Conduct remote training related to the service for minimum 5 people.

#### § 5

1. The Economic Operator shall receive a net remuneration for the delivery of the subject of the Contract, amounting to: ..... **PLN/USD/EURO** (in words: ..... 00/100), plus VAT amounting to ..... **PLN/USD/EURO** (in words: ..... 00/100); total gross remuneration amounting to ..... **PLN/USD/EURO** (in words: .....00/100).
2. The net remuneration referred to in section 1 will be payable in accordance with the delivery stages specified in the Schedule of Works and Expenditures, which will be delivered to the Contracting Authority within 3 days from the date of signing the contract. The schedule will specify in particular the dates and material scope of individual parts of the delivery.
3. Settlement for the performance of the subject of the contract will be made on the basis of partial VAT invoices and the final VAT invoice.
4. Warsaw University of Technology declares that it is a VAT payer and has the following NIP (tax identification) number: 525-000-58-34.
5. In connection with the performance of this Contract, the Contracting Authority declares that it has the status of a large entrepreneur as defined by the Bill 8 March 2013 on preventing excessive delays in commercial transactions (Journal of Laws of 2021, item 424)

#### § 6

1. The Contracting Authority shall pay the remuneration for the delivered subject of the Contract by bank transfer sent to the Economic Operator's account within 21 days as of the day of receiving a correct invoice.
2. The partial invoices and final invoice shall be issued on the basis of the device's acceptance protocol as specified in § 7 of the Contract.

#### § 7

1. The Contract shall be confirmed as performed by the acceptance protocol (partial confirming the scope and value of the completed delivery stage and the final stage containing a list of all delivery stages along with their values) drafted and signed by both parties.
2. Before commencing the acceptance, the Economic Operator shall provide the Contracting Authority with a detailed specification of the elements of the equipment, the warranty cards and manuals in Polish or English.
3. In case of any concerns relating to the delivered equipment, the Awarding Entity shall provide the Contractor with a deadline for the delivery of defect-free equipment.

#### § 8

The Economic Operator shall provide the Contracting Authority with a warranty covering the subject of the Contract in accordance with the bid.

#### § 9

Within 7 days as of the moment of being notified about any concerns, the Economic Operator shall undertake to service under the warranty. If the repair exceeds 14 days as of the moment of notification, the Economic Operator shall deliver replacement equipment of at least matching parameters.

#### § 10

If, after a third repair, the equipment continues to demonstrate the notified defect, the Economic Operator shall replace the faulty equipment with a new one, without any additional payments, even if the prices of such equipment increase in the meantime.

§11

Detailed conditions, including the term of the warranty matching the ones specified in §9 and §10 shall be specified by the warranty cards of individual delivery elements, attached to the Contract as an appendix.

§12

The persons authorised to carry out technical arrangements and acceptance of the contract are as follows:

- 1) on behalf of the Contracting Authority: .....
- 2) on behalf of the Economic Operator: .....

§ 13

- 1. The Parties agree that the compensation in force shall be the contractual penalties in respect of and amounting to:  
The Economic Operator shall pay the Contracting Authority contractual penalties:
  - 1) 10% net of the Contract value referred to in § 5 section 1 for withdrawing from the Contract because of the reasons attributable to the Economic Operator,
  - 2) 0.1% of the total net remuneration referred to in § 5 section 1 thereof per each day of delay for a delay in performing the subject of the Contract.
- 2. The maximum total amount of contractual penalties that may be claimed by the parties on all grounds is 30% of the gross value of the Contract referred to in § 5 section 1.
- 3. The Parties may claim compensation exceeding contractual penalties pursuant to general rules.
- 4. The Contracting Authority shall pay the Economic Operator contractual interests in case of a delayed payment of remuneration.

§ 14

- 1. In accordance with Article 144 of the Public Procurement Law, the Contracting Authority anticipates amendments to the concluded Contract regarding, respectively, amending the contractual value, the scope of the contract or the contract completion date in case the following circumstances start to apply:
  - 1) the offered equipment was withdrawn from production/sales,
  - 2) as a result of extended (exceeding the deadlines defined by the Code of Administrative Procedure) administrative procedures and other time limits of the official matters, including order completion date – documented;
  - 3) statutory changes of the VAT rate;
  - 4) if it is necessary to undertake actions aiming to limit the effects of an unforeseeable circumstance caused by external factors, which could not be foreseen with certainty, in particular the one that is a direct threat to the life or health of people or poses a risk of damage that is unproportionally bigger than the damage caused by action or omission violating public funding discipline.
- 2. Introduction of changes in the concluded Contract is subject to drafting a "Necessity Protocol" signed by the Parties, specifying the reasons for changes and confirming the occurrence of (respectively) at least one of the circumstances listed in section 1. Necessity Protocol shall be attached to the Annex referred to in § 18 section 2 thereof.

§ 15

- 1. The Contracting Authority may withdraw from the Contract:
  - 1) within 30 days from the date of becoming aware of a material change of circumstances resulting in the performance of the Contract not being in the public interest, which could



not have been foreseen at the time of entering into the Contract, or if further performance of the Contract could endanger the essential interest of national security or public safety;

2) if one or more of the following circumstances apply:

- a) the Contract has been amended in violation of Article 454 and Article 455,
- b) at the time of concluding the Contract, the Economic Operator was subject to exclusion pursuant to Article 108,
- c) The Court of Justice of the European Union found, under the procedure provided for in [Article 258](#) of the Treaty on the Functioning of the European Union, that the Republic of Poland failed to fulfil its obligations under the Treaties, Directive 2014/24/EU, Directive 2014/25/EU, and Directive 2009/81/EU, as the Contracting Authority awarded the contract in violation of the provisions of European Union law.

2. In the case referred to in section 1 item 2 letter a, the Contracting Authority shall withdraw from the Contract in relation to the part affected by the change.

3. In the case described in section 1 above, the Economic Operator may only demand remuneration for the performed part of the Contract.

### § 16

1. The Parties to the Contract shall immediately and mutually inform each other of the impact of the circumstances related to the occurrence of COVID-19 on the due performance of this Contract if such impact has occurred or may occur. The Parties to this Contract shall confirm this impact by attaching to the information referred to in the first sentence, statements or documents which may relate in particular to:
  - 1) absence of employees or persons performing paid work on a basis other than an employment contract, who participate or could participate in the performance of the Contract;
  - 2) decisions issued by the Chief Sanitary Inspector or a voivodeship sanitary inspector acting under his authority, in connection with counteracting COVID-19, imposing an obligation on the Economic Operator to take specific preventive or control actions;
  - 3) orders issued by heads of voivodeships or decisions issued by the Prime Minister, connected with counteracting COVID-19;
  - 4) suspension of deliveries of products, product components or materials, difficulties in access to equipment, or difficulties in the performance of transport services;
  - 5) circumstances listed in items 1-4, insofar as they relate to a Subcontractor or further Subcontractor.
2. Either Party to the Contract referred to in section 1 may request the submission of additional statements or documents confirming the impact of the circumstances related to the occurrence of COVID-19 on the due performance of this Contract.
3. On the basis of the received declarations or documents referred to in sub-sections 1 and 2, a Party to the Contract referred to in sub-section 1 shall, within 14 days of receipt thereof, communicate to the other party its position, including reasons, regarding the impact of the circumstances referred to in sub-section 1 on the proper performance thereof. If a Party to the Contract has received further statements or documents, the time limit shall be counted from the day of receipt thereof.
4. Upon determining that the circumstances related to the occurrence of COVID-19 referred to in section 1 may affect or affect the proper performance of the Contract referred to in section 1, the Contracting Authority may, in consultation with the Economic Operator, amend the Contract as defined by Article 454 and Article 455 of the Bill of 11 September 2019 Public Procurement Law, in particular by:
  - 1) changing the date of the performance of the Contract or part thereof, or temporarily suspending the performance of the Contract or its part,
  - 2) changing the manner of performing supplies, and services;
  - 3) changing the scope of the Economic Operator's performance and introducing the corresponding change in the Economic Operator's remuneration, provided

that the increase in remuneration resulting from each subsequent change does not exceed 50% of the value of the original Contract.

5. In the contention referred to in section 3, the Economic Operator shall set forth the effect of the circumstances connected with the occurrence of COVID-19 on the due performance thereof and the effect of the amendment to the Contract pursuant to section 4 on the reasonableness of the determination and recovery of such penalties or damages, or the amount thereof.
6. Upon finding out that the circumstances related to the occurrence of COVID-19 may affect or affect the proper performance of their agreement, which is related to the performance of the public contract or its part, the Economic Operator and the subcontractor shall agree on an appropriate amendment to their agreement, in particular they may change the deadline for the performance of the agreement or part thereof, temporarily suspend the performance of the agreement or part thereof, change the manner of performance of the agreement or change the scope of mutual performances.
7. In the case of amending the Contract referred to in section 1, if such amendment involves a part of the Contract that was delegated to be performed by a subcontractor, the Economic Operator and the subcontractor shall agree on an appropriate amendment to their agreement to ensure that the conditions for performance thereof by the subcontractor are not less favourable than the conditions for performance thereof referred to in section 1, amended in accordance with section 4, by the Economic Operator.
8. Sections 6 and 7 shall apply to an agreement concluded between a Subcontractor and a further subcontractor.

#### § 17

Contracting Authority declares in accordance with Article 13(1)(2) of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons 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) (Official Journal of the EU L 119, page 1) - hereinafter referred to as GDPR, the Contracting Authority informs that:

- 1) The Personal Data included in the documents submitted by the Economic Operators during the public procurement procedure, in particular, the requests to join the procedure and in the bids shall be administered by the Contracting Authority, i.e. Warsaw University of Technology, represented by the Rector, on behalf of whom, the task of Controller at the Faculty of Power and Aeronautical Engineering is carried out by the Dean of the Faculty.
- 2) Personal data is provided voluntarily, however, it is not essential for participating in the procedure and concluding the contract.
- 3) Personal data shall be processed pursuant to Article 6(1)(b) GDPR in order to carry out the public procurement procedure and perform the concluded contract and shall be disclosed to the authorised entities under the law in force;
- 4) Personal data shall be stored in accordance with Article 97 section 1 of the Public Procurement Law for the period of 4 years as of the day of finalising the procedure and if the term of the contract exceeds 4 years, for the term of the Contract. Personal data under the Contract concluded shall be kept for the period during which any claims may be revealed in connection with the concluded Contract.
- 5) Any person whose personal data is processed shall have the right to:
  - a) access their personal data,
  - b) rectify their personal data,
  - c) remove their personal data and restrict processing thereof under the law in force;
- 6) Any person whose personal data is processed shall have the right to lodge a complaint with a supervisory body if in their opinion the processing of personal data violates the law.

7) To contact the Contracting Authority's Data Protection Officer, please write to: [iod@pw.edu.pl](mailto:iod@pw.edu.pl)

§ 18

1. To all matters not regulated by this Contract, the provisions of the Bill of 11 September 2019 Public Procurement Law, the Bill of 23 April 1964 Civil Code, and the Bill of 17 November 1964 Code of Civil Procedure Code shall apply.
2. All amendments or additions to the Contract shall require the consent of both Parties and shall be made as a written Annex or otherwise null and void.
3. Any assignment of debt under this Contract requires the consent of the Contracting Authority.
4. In case of any disputes connected with the performance of this Contract, the Contracting Authority shall exhaust the complaint procedure by addressing the claims at the Economic Operator. If the Economic Operator refuses to acknowledge the claim or fails to provide a response within 21 days as of the date of lodging the claim, the Contracting Authority may take the case to the court.
5. The Parties should strive to settle the disputes amicably, in particular, to summon a conciliation hearing as defined by Article 184-186 of the Code of Civil Procedure.
6. Any disputes that may result from the performance of the contract shall be settled by the Court with jurisdiction over the registered office of the Contracting Authority.
7. This contract has been drafted in two (2) identical copies, one (1) copy for each Party.

**CONTRACTING AUTHORITY**

**ECONOMIC OPERATOR**

