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| Procurement notice |
| in a Public Procurement Procedure in the field of science entitled: |

**‘****Supply of a Field Microprofiling System’**

**Reference No. DZP.382.3.12.2024**

# Name (company) and address of the Contracting Authority:

University of Silesia in Katowice

ul. Bankowa 12

40-007 Katowice

phone: 032 359 13 34

e-mail: [dzp@us.edu.pl](mailto:dzp@us.edu.pl)

Website: [www.dzp.us.edu.pl](http://www.dzp.us.edu.pl)

Address of the platform where the procedure is conducted: <https://platformazakupowa.pl/pn/us>

Tax Identification Number (NIP): 634-019-71-34

REGON (National Business Registry Number): 000001347

Public Procurement Department office hours: 7:30 a.m. – 3:30 p.m.

# Legal basis.

## This procedure is conducted under the rules specified by the Contracting Authority based on Article 11(5)(1) of the Public Procurement Law Act of 11 September 2019 (consolidated text: Journal of Laws of 2023, item 1605, as amended). According to this provision, the regulations of the Act do not apply to contracts for supplies or services intended exclusively for research, experimental, scientific, or development purposes, which are not aimed at enabling the Contracting Authority to conduct mass production for market profitability or to cover the costs of research or development, provided that the contract value is below EU thresholds.

## The procedure is conducted in accordance with the principles set out in Article 469 of the Act of 20 July 2018 – Law on Higher Education and Science (consolidated text: Journal of Laws of 2023, item 742, as amended).

# Subject of the contract:

1. The subject of the contract is the supply of a field microprofiling system (1 set) in accordance with the description of the subject of the contract, which constitutes Annex No. 2 to this notice, hereinafter referred to as the ‘System’ or the ‘subject of the contract’. The offered subject of the contract must be brand new, unused, originating from current production (production year not earlier than 2023), and having the necessary certificates allowing it to be sold and used within the Republic of Poland.
2. The software included in the set must not infringe any legal provisions, the personal or property rights of third parties, or any rights related to intangible assets, particularly copyright, related rights, rights from registered industrial designs, and trademark protection rights.
3. The scope of the contract includes: the purchase of the System along with delivery, transportation, unloading, and placement within the Contracting Authority's premises, as well as installation, commissioning of the System, and free technical service during the warranty period.
4. Names and Codes Related to the Subject of the Contract According to the Common Procurement Vocabulary (CPV): **38500000-0 – Checking and testing apparatus.**
5. The Contracting Authority does not allow for the submission of partial bids.
6. The Contracting Authority does not allow for the submission of variant bids.
7. The detailed description of the subject of the contract, along with the required technical parameters, is provided in Annex No. 2 to the notice (Description of the Subject of the Contract).
8. In cases where trademarks, patents, origin, source, or specific processes characterizing certain products or services are mentioned in the description of the subject of the contract, it indicates that the Contracting Authority is unable to describe the subject of the contract in a sufficiently precise and clear manner due to the specific nature of the subject matter. In such situations, any reference to the above-mentioned indicators should be interpreted as ‘or equivalent’. The Contracting Authority specifies in the description of the subject of the contract the criteria used to assess equivalence.
9. The Contractor who references equivalent solutions described by the Contracting Authority is obliged to demonstrate that the supplies they offer meet the requirements set by the Contracting Authority at a level no lower than that specified in the description of the subject of the contract.
10. In situations where the Contracting Authority describes the subject of the contract by referring to standards, technical assessments, technical specifications, and systems of technical references, equivalent solutions to those described are permitted. The Contractor who references equivalent solutions is obliged to demonstrate that the supplies they offer meet the requirements set by the Contracting Authority. In such cases, the contractor shall include in the bid a list of proposed equivalent solutions along with their descriptions or references to the relevant standards.
11. In cases where the Contracting Authority specifies an acceptable margin of tolerance or minimum range of required technical parameters in the description of the subject of the contract, the parameters of the offered subject must fall within the intervals and ranges of tolerance indicated by the Contracting Authority in Annex No. 2 to this notice, under pain of rejection of the bid.

# Conditions for the execution of the contract.

## The required maximum deadline for the execution of the contract is up to 6 weeks from the date of entering into contract.

*The contractor may shorten the deadline for the execution of the contract in relation to the required deadline specified above. Bids that propose a reduced execution time will receive points in the bid evaluation based on the criterion for selecting the most advantageous offer, in accordance with the provisions of Section VII of this notice.*

## The required minimum offered warranty period for the multimeter, field stand, and motorised sensor mount is: **12 months.**

## The warranty period begins on the date of signing the Acceptance Protocol.

*The contractor may extend the offered warranty period beyond the required minimum warranty period specified above. Bids that propose an extended warranty period will receive points in the bid evaluation based on the criterion for selecting the most advantageous offer, in accordance with the provisions of Section VII of this notice.*

Warranty period for the remaining components of the system – in accordance with the manufacturer's warranty.

## The Contracting Authority requires the provision of technical service during the warranty period.

## Delivery Address:

## University of Silesia in Katowice

## Faculty of Natural Sciences, Institute of Biology, Biotechnology and Environmental Protection

## ul. Jagiellońska 28, room: A-39

## 40-032 Katowice.

## The contractor may delegate the execution of part of the contract to subcontractors.

## The Contracting Authority does not require the contractor to personally perform the key parts of the contract.

## The contractor should indicate in the bid the parts of the contract that they intend to assign to subcontractors and provide (if known) the names (companies) of those subcontractors, in accordance with Annex No. 1 to the notice.

## If the contractor does not specify in the bid the parts they intend to assign to subcontractors, the Contracting Authority will assume that the contractor will perform the contract personally.

## The detailed conditions for the execution of the contract and the payment terms are specified in the draft agreement, which constitutes Annex No. 3 to the notice.

# **Conditions for participation** in the procedure.

The Contracting Authority does not specify conditions for participation in this procedure.

# Documents Required in the Procedure (to be submitted together with the bid).

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| --- | --- | --- |
| No. | Type of Document | Required Form and Timing of Submission |
| 1. | To confirm that the person acting on behalf of the contractor is authorized to represent them, the Contracting Authority requires the contractor to provide a copy or information from the National Court Register, the Central Register and Information on Economic Activity, or another relevant register. The contractor is not obligated to submit the aforementioned documents if the Contracting Authority can obtain them from free and publicly accessible databases, provided that the contractor has provided the data necessary for accessing these documents. | The original document must be submitted in electronic form, either as an electronic version with a trusted or personal signature, or as a true copy in the form of a digital reproduction of a paper document, certified by the contractor’s qualified, trusted, or personal signature, or by a notary public with a qualified signature. The document is to be submitted together with the bid.  In the case of submitting a bid in written form: the original or a true copy certified by the contractor. |
| 2. | A power of attorney or another document confirming the authorization to represent the contractor (if the person acting on behalf of the contractor is not authorized by the documents mentioned in point 1 above).  The above requirement also applies to the person acting on behalf of contractors jointly applying for a public procurement contract. Contractors jointly applying for the contract are required to attach to the bid a power of attorney authorizing them to represent them in the procurement procedure or to represent them in the procedure and conclude a contract for the public procurement. | The original document must be submitted in electronic form, either as an electronic version with a trusted or personal signature, or as a true copy in the form of a digital reproduction of a paper document, certified by the principals’s qualified, trusted, or personal signature, or by a notary public with a qualified signature. The document is to be submitted together with the bid.  In the case of submitting a bid in written form: the original or a true copy certified by the Principal. |
| 3. | To confirm the compliance of the offered supplies with the requirements specified in the description of the subject of the contract by the Contracting Authority, the contractor is required to submit with the bid a technical description of the offered System, indicating all technical parameters in relation to the requirements specified in Annex No. 2 to this notice.  *It will be sufficient to submit a correctly completed and signed description of the subject of the contract (Annex No. 2 to the notice).* | The original document must be submitted in electronic form, either as an electronic version with a trusted or personal signature, or as a true copy in the form of a digital reproduction of a paper document, certified by the contractor’s qualified, trusted, or personal signature, or by a notary public with a qualified signature. The document is to be submitted together with the bid.  In the case of submitting a bid in written form: the original or a true copy certified by the contractor. |

# Description of bid evaluation criteria, including weights and methods of evaluation.

1. **Description of bid evaluation criteria, including weights and methods of evaluation.**

### The most advantageous bid will be the one that presents the best ratio of quality to price, thus containing the most favorable balance of points in the criteria:

|  |  |  |  |
| --- | --- | --- | --- |
| No. | Criterion | Weight | Number of points |
| a) | Gross Price (C) | 60% | 60 |
| b) | Deadline for Contract Execution (T) | 20% | 20 |
| c) | Warranty period for the multimeter, field stand, and motorised sensor mount (G) | 20% | 20 |

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### Description of Applied Criteria and Method of Bid Evaluation:

#### Rules for awarding points in the criterion **‘Gross Price’ (C)**:

* Price – refers to the total gross price for the complete execution of the subject of the contract in accordance with the procurement documents. The price indicated in the bid form will be evaluated as follows:
* ∑C pkt – total points for the ‘price’ criterion
* The Contracting Authority will award a maximum of 60 points under this criterion.

#### Rules for awarding points in the criterion **‘Deadline for Contract Execution’ (T)**:

* + the evaluation for this criterion will be calculated based on the statement submitted by the contractor in the bid form – Annex No. 1 to this notice;
  + Points in this criterion will be awarded for shortening the execution time according to the following principle:

6 weeks – 0 points

4 weeks – 10 points

2 weeks – 20 points

* + the execution time will be calculated from the date of entering into an agreement;
  + The execution time must be stated both numerically and in words. In the event of any discrepancies between the numerically stated execution time and that given in words, the Contracting Authority will consider the time stated in words as binding;
* If the contractor offers the maximum execution time, in accordance with the provisions of Section IV, Paragraph 1 of the notice, i.e. 6 weeks from the date of entering into the agreement, they will receive 0 points in the ‘deadline for execution’ criterion.
* If the execution time offered in the bid exceeds the maximum permissible period according to the provisions of Section IV, Paragraph 1 of the notice, i.e. if it is longer than 6 weeks from the date of entering into the agreement, or if the contractor does not complete the statement regarding the execution time, the bid will be rejected as non-compliant with the conditions of the contract.
* If the execution time indicated is shorter than 2 weeks, the Contracting Authority will award the maximum number of points, i.e. 20 points.

The contractor should specify the execution time in full weeks.

* + If the execution time is specified in a measure other than 6/4/2 weeks, the Contracting Authority will round the time upwards to 6/4/2 weeks for scoring purposes (e.g., specifying a duration of 3 weeks means the Contracting Authority will round it up to 4 weeks and award points accordingly), while the execution time in the agreement will be recorded according to the bid.
  + If the execution time is specified in incomplete weeks, e.g. 5.5 weeks, the Contracting Authority will round the specified time upwards to the nearest full week for scoring purposes (e.g., specifying a duration of 5.5 weeks means the Contracting Authority will round it up to 6 weeks).
  + The Contracting Authority will award a maximum of 20 points under this criterion.

#### Rules for awarding points in the criterion ‘**Warranty Period for the Multimeter, Field Stand, and Motorised Sensor Mount (G)’:**

Points for the criterion ‘Warranty Period for the Multimeter, Field Stand, and Motorized Sensor Mount’ will be awarded as follows:

* + the evaluation for this criterion will be calculated based on the statement submitted by the contractor in the bid form – Annex No. 1 to this notice;
  + The evaluated warranty period applies to the following components of the System: the multimeter, field stand, and motorized sensor mount.
  + The contractor must provide the same warranty period for all components of the System mentioned in the above clause. If different warranty periods are specified for individual components, the Contracting Authority will consider the shortest period indicated by the contractor for scoring purposes, while the warranty periods in the agreement will be recorded according to the contractor's bid.
  + The warranty period must be specified in full months, and the value should be provided both numerically and in words. In the event of any discrepancies between the numerically stated warranty period and that given in words, the Contracting Authority will consider the period stated in words as binding;
  + Points in this criterion ‘Warranty Period for the Multimeter, Field Stand, and Motorized Sensor Mount’ will be awarded for extending the warranty period according to the principle:

12 months – 0 points

24 months – 10 points

36 months or more – 20 points

* + the warranty period begins on the date of signing the Acceptance Protocol.
  + The minimum required warranty period according to the provisions of the notice is 12 months. If the contractor offers the minimum required warranty period, they will receive 0 points in this evaluation criterion.
  + If the contractor specifies a warranty period that is different from 12/24/36 months, the Contracting Authority will round the indicated period down to 12, 24, or 36 months for scoring purposes and award points accordingly. However, the warranty period in the agreement will be recorded according to the contractor's bid.
  + If the contractor specifies a warranty period longer than 36 months, the Contracting Authority will award the contractor the maximum number of points, i.e. 20 points.
  + If the warranty period offered in the bid is shorter than the minimum warranty period according to the provisions of Section IV, Paragraph 2, or if the contractor fails to submit a statement regarding the offered warranty period, the bid will be rejected as non-compliant with the conditions of the contract.

The Contracting Authority will award a maximum of 20 points under this criterion.

### The final score will be calculated by summing the points obtained for the following criteria: gross price + deadline for contract execution + warranty period for the multimeter, field stand, and motorized sensor mount.

### The point calculation will be performed with an accuracy of two decimal places, in accordance with mathematical rounding rules. The maximum total score in the criteria mentioned above is 100 points.

### The bid considered the most advantageous will be that of a contractor not subject to exclusion, which is not subject to rejection, and which receives the highest total score based on the established evaluation criteria.

### If it is not possible to select the most advantageous bid because two or more bids present the same balance of price or cost and other evaluation criteria, the Contracting Authority will choose from these bids the one that received the highest score in the criterion with the greatest weight.

### If the bids receive the same score in the criterion with the highest weight, the Contracting Authority will select the bid with the lowest price or cost.

### If it is not possible to select a bid as described in point 7, the Contracting Authority will invite the contractors who submitted those bids to submit additional offers within a timeframe specified by the Contracting Authority, containing a new price or cost.

# Information on electronic communication means for communication between the contracting authority and contractors.

## Communication in this procedure, including the submission of bids, exchange of information, and the transmission of documents or declarations between the contracting authority and contractors, shall be conducted using electronic communication means, subject to Chapter IX, subsection 6, sentence 2.

## The procedure is conducted in Polish, via the procurement platform called [platformazakupowa.pl](https://platformazakupowa.pl/) (hereinafter referred to as the "platform") at the following address: <https://platformazakupowa.pl/pn/us>.

## To shorten the response time to inquiries, the preferred communication channel between the contracting authority and contractors, including the submission of all declarations, applications, notifications, and information in electronic form, is the form titled ‘Send a message to the Contracting Authority’ available at <https://platformazakupowa.pl/pn/us>.

## The date of submission (receipt) of declarations, applications, notifications, and information to the contracting authority shall be deemed to be the date of their transmission via https://platformazakupowa.pl/pn/us using the button: ‘Send a message to the Contracting Authority’. The consequence of using the above function is the appearance of a message indicating that the message has been sent to the contracting authority.

## The contracting authority will transmit information to contractors electronically via the platform. Information regarding requests for clarification of the content of the notice, amendments to the notice, and changes to the deadlines for submission and opening of bids will be posted by the contracting authority on the platform in the ‘Notifications’ section and on the website of the ongoing procedure. Correspondence that, in accordance with applicable regulations, is addressed to a specific contractor shall be transmitted electronically via [platformazakupowa.pl](http://platformazakupowa.pl) to that specific contractor.

## As a professional entity, the contractor is obligated to verify messages and notifications directly on the platform sent by the contracting authority, due to the possibility of system failure or the potential redirection of notifications to the SPAM folder.

## The individuals authorised to contact the contractors are: **Aneta Szturc-Krawczyk, MSc; Ewa Słowik, MSc; Artur Baran, MSc Eng.** E-mail: [dzp@us.edu.pl](mailto:dzp@us.edu.pl). In correspondence with the contracting authority, the reference number of the procedure must be used.

## **Information on the technical and organisational requirements for preparing, sending, and receiving electronic correspondence.** The contracting authority specifies the necessary hardware and software requirements to operate on [platformazakupowa.pl](https://platformazakupowa.pl/), namely:

### Continuous access to the Internet with a guaranteed bandwidth of no less than 512 kb/s,

### A PC or MAC computer with the following configuration: at least 2 GB RAM, Intel IV 2 GHz processor or a newer version, running one of the following operating systems – MS Windows 7, Mac OS X 10.4, Linux, or their newer versions,

### Any internet browser installed, with Internet Explorer requiring a minimum version of 10.0,

### JavaScript support enabled,

### Adobe Acrobat Reader or another program that supports .pdf file format installed,

### The platform operates according to the standard adopted in network communication - UTF8 encoding,

### The timestamp for data receipt by the procurement platform is represented by the date and exact time (hh:mm:ss) generated according to the local server time synchronised with the clock of the Central Office of Measures.

## The contractor, upon entering this public procurement procedure:

### accepts the terms of use of [platformazakupowa.pl](https://platformazakupowa.pl/) as specified in the Regulations posted on the website at the following address: <https://platformazakupowa.pl/strona/1-regulamin> in the "Regulations" tab and considers it binding,

### is familiar with and complies with the Instructions for Submitting Bids available at the following address: <https://drive.google.com/file/d/1Kd1DttbBeiNWt4q4slS4t76lZVKPbkyD/view>

## The contracting authority is not responsible for the submission of a bid in a manner inconsistent with the Instructions for using the platform, particularly in a situation where the contracting authority becomes acquainted with the content of the bid before the deadline for bid submission (e.g., by submitting the bid in the "Send a message to the Contracting Authority" section). Such a bid will be regarded by the contracting authority as a commercial offer and will not be considered in the ongoing procedure due to the failure to meet the requirement that the contracting authority must not be able to access the bid before the submission deadline.

## The contracting authority informs that the instructions for using the platform, particularly regarding logging in, submitting requests for clarification of the notice, submitting bids, and other actions taken in this procedure using [platformazakupowa.pl](https://platformazakupowa.pl/), can be found in the ‘Instructions for Contractors’ tab on the website at the following address:

## <https://platformazakupowa.pl/strona/45-instrukcje>

## Recommendations.

### The file formats used by contractors should comply with the Regulation of the Council of Ministers of 21 May 2024 on the National Interoperability Framework, minimum requirements for public registers and the electronic exchange of information, and minimum requirements for information and communication technology systems (Journal of Laws of 2024, item 773);

### The contracting authority recommends using the following formats: .pdf, .doc, .xls, .jpg (.jpeg), with a particular emphasis on .pdf;

### For potential data compression, the contracting authority recommends using one of the following formats:

* 1. .zip
  2. .7Z

### Common formats not listed in the regulation include: .rar, .gif, .bmp, .numbers, .pages. Documents submitted in such files will be considered submitted ineffectively;

### The contracting authority points out the size limitations for files signed with a trusted profile, which is a maximum of 10MB, and the file size limitation for documents signed in the eDoApp application used for personal signatures, which is a maximum of 5MB;

### Due to the low risk of file integrity violations and easier signature verification, the contracting authority recommends, where possible, converting files that make up the bid to .pdf format and affixing them with a qualified PadES signature;

### Files in formats other than PDF should be affixed with an external XAdES signature. The contractor should ensure that the signed file is submitted together with the document being signed;

### The contracting authority recommends that when signing a file by multiple persons, the same type of signatures should be used. Using different types of signatures, e.g., personal and qualified, may lead to verification issues;

### The contracting authority recommends that the contractor test the ability to correctly use the chosen method of signing the bid files well in advance;

### Communication with contractors should only take place on the platform via the ‘Send a message to the Contracting Authority’ form;

### The bid should be prepared with due diligence and with appropriate time allowed before the bid submission deadline;

### When signing files, it is recommended to use the SHA2 hash algorithm instead of SHA1;

### In the case of compressing documents, e.g., in a ZIP file, it is advisable to sign each of the compressed files beforehand;

### The contracting authority recommends using a signature with a qualified timestamp;

### The contracting authority advises against making any changes to files after they have been signed with a qualified signature. This may result in a violation of file integrity, which would equate to the necessity of rejecting the bid in the procedure.

# Description of the Method for Preparing Bids.

## The contractor may submit only one bid in the procedure.

## The bid and all documents submitted by the contractor during the procedure must be signed by persons authorised to make declarations of intent on behalf of the contractor, in accordance with the representation rules arising from the provisions of relevant legal regulations, contracts, resolutions, or a properly prepared power of attorney.

## In the case of contractors jointly applying for the contract (e.g., consortia, civil partnerships) – they must appoint a proxy to represent them in the procurement procedure or to represent them in the procedure and conclude the public procurement contract.

## Contractors jointly applying for the contract must include a statement in their bid indicating which part of the contract will be performed by each contractor (in accordance with the content of the bid form – Annex No. 1).

## The bid and the documents required in the notice must be prepared in electronic form, in data formats specified in regulations issued under Article 18 of the Act of 17 February 2005 on the computerisation of entities performing public tasks, taking into account the provisions of this notice and the type of transmitted data, and must be submitted using electronic communication means, specifically via [platformazakupowa.pl](https://platformazakupowa.pl/), at the address: <https://platformazakupowa.pl/pn/us>.

## The bid and the documents required in the procedure must be submitted in electronic form (an electronic version with a qualified electronic signature) or in electronic form with a trusted or personal signature, in Polish, in accordance with the law and the procurement documents, provided that the contracting authority allows the submission of the Description of the subject matter of the contract (Annex 2 to the notice) in English. The contracting authority also permits the submission of the bid and the transmission of documents or declarations between the contracting authority and contractors in written form, at the contractor's discretion. Additionally, the contracting authority provides documentation along with its translation into English.

## If the documents required in the procedure, including documents confirming the authority to represent, have been issued by authorised entities as paper documents, a digital copy of this document, signed with a qualified electronic signature, trusted signature, or personal signature, must be submitted, certifying that the digital copy corresponds with the paper document. A digital copy is understood as an electronic document that is an electronic version of the content recorded on paper, allowing for review and understanding of this content without direct access to the original.

## During the submission of the bid and other documents on the platform, the qualified electronic signature, trusted signature, or personal signature may be affixed directly on the document, which is then submitted to the platform (an option recommended by the contracting authority), and additionally for the entire package of documents, in step 2 of the Bid Submission or Application Form (by clicking the ‘Proceed to Summary’ button).

## In the case of transmitting an electronic document in a format that compresses the data, applying a qualified electronic signature to the file containing the compressed documents is equivalent to applying a qualified electronic signature to all documents contained in that file.

## The qualified signatures used by contractors to sign any files must meet the requirements of the Regulation of the European Parliament and Council on electronic identification and trust services for electronic transactions in the internal market (eIDAS) (EU) No. 910/2014.

## In the case of using the external XAdES signature format, the contracting authority requires the submission of the appropriate number of files, namely the signed files containing data and XAdES files.

## The maximum size of a single file submitted via dedicated forms for the submission, modification, or withdrawal of a bid is 150 MB, while for communication the maximum file size is 500 MB.

## The bid should be submitted in accordance with the content of the bid form, which is Annex 1 to this notice (the contracting authority allows the re-creation of the text of the form) stating the net value of the set, the rate, and the added value of VAT, the gross price for the subject matter of the contract,[[1]](#footnote-1) as well as the time and conditions for the execution of the contract and the warranty period.

## The contract execution time and warranty period should be provided numerically and in words. In the case of discrepancies between the numerical and written forms, the contracting authority will accept the written form.

## If the execution time offered in the bid exceeds the maximum permissible period according to the provisions of Section IV, Paragraph 1 of the notice, i.e. if it is longer than 6 weeks from the date of entering into the agreement, or if the contractor does not complete the statement regarding the execution time, the bid will be rejected as non-compliant with the conditions of the contract.

## If the warranty period offered in the bid is shorter than the minimum warranty period according to the provisions of Section IV, Paragraph 2, or if the contractor fails to submit a statement regarding the offered warranty period, the bid will be rejected as non-compliant with the conditions of the contract.

## The contractor must specify in the bid form (Annex 1 to the notice) the offered subject matter of the contract in relation to all components of the System, as specified in the bid form, providing the manufacturer’s name along with the model/type or other features assigned exclusively to that product (e.g., catalogue number) that unambiguously identify the offered subject matter of the contract. In the case of the subject matter of the contract that does not have the aforementioned markings and is custom-made, the contractor must indicate in the bid form in the model/type column – ‘custom-made product’, ‘own product’ or another equivalent phrase.

## Documents prepared in a foreign language must be submitted along with a translation into Polish.

## **Description of the Method of Pricing Calculation.**

### The price offered for the subject matter of the contract must take into account all the requirements set by the contracting authority specified in this procurement notice and must encompass all costs incurred by the Contractor for the execution of the contract, in accordance with the requirements specified by the Contracting Authority in the documentation of this procedure, as well as those not explicitly mentioned but necessary to perform the contract. This includes: the cost of the System (as per Appendix No. 2 to the Notice), the cost of providing a software license, the cost of delivering the license, licensing fees, the cost of delivery, transportation, unloading, and placement into the Contracting Authority’s premises, as well as the cost of installation and commissioning of the System, costs of free technical support during the warranty period, and also general costs, all taxes, fees, and other dues payable by the Contractor, as well as any elements of risk associated with the execution of the contract, any potential customs duties, and the Contractor’s profit.

### The price should be expressed in Polish zloty/EUR[[2]](#footnote-2).[[3]](#footnote-3) In the case of bids submitted by foreign contractors in EUR, to compare the bids, the contracting authority will convert bids submitted in EUR according to the average exchange rate of the National Bank of Poland (NBP) on the date of publication of the procurement notice on the contracting authority’s website. If, on the date of publication of the procurement notice on the contracting authority’s website, the NBP has not published information on the average exchange rate, the conversion will be based on the average exchange rate published by the NBP on the first subsequent day when such information is made available.

### The gross remuneration must include VAT at a rate consistent with applicable regulations (this does not apply to foreign contractors). The gross price of the bid will be evaluated, and in the case of contractors not being VAT taxpayers, the final price specified in the bid will be evaluated, encompassing all pricing elements;

### Settlements with the contractor will be conducted in Polish zloty (PLN)/EUR

### The method of calculating and presenting the bid price is included in Annex 1 to this notice;

### The gross bid price should be stated both numerically and in words;

### The price should be quoted to two decimal places in accordance with mathematical rounding rules, i.e., ‘5’ in the third decimal place – round up, and below ‘5’ – round down;

### The price stated in the bid will not be increased and will not be subject to indexing during the term of the contract, except for changes provided for in the template contract;

### If an offer is submitted that would create a tax obligation for the Contracting Authority in accordance with the Act of 11 March 2004 on Goods and Services Tax, the Contracting Authority will add the amount of VAT that would need to be settled under these regulations to the price presented in the offer for the purpose of applying the price or cost criterion. When submitting the offer, the Contractor informs the Contracting Authority whether the selection of the offer will result in the Contracting Authority incurring a tax obligation. The Contractor should specify the name (type) of the goods or services whose delivery or provision will lead to this tax obligation, indicating their value excluding the tax amount, as well as the applicable tax rate according to the Contractor's knowledge.

## **Trade secret.**

### Information constituting a trade secret as defined by the Act of 16 April 1993 on unfair competition shall not be disclosed if the contractor has specified, upon submitting such information, that it is not to be made available and has demonstrated that the information withheld constitutes a trade secret. The contractor may not withhold information about names or surnames, as well as the registered offices or places of business or residences of contractors, nor information regarding prices or costs contained in bids;

### According to the provisions of Article 11(2) of the Act of 16 April 1993 on unfair competition, a trade secret is understood to be technical, technological, organisational, or other information with economic value that, as a whole or in specific combinations and compilations of its elements, is not commonly known to persons usually dealing with such information or is not readily accessible to such persons, provided that the entitled person has taken due care to maintain its confidentiality;

### If electronic documents in the procedure, transmitted using electronic communication means, contain information constituting a trade secret, the contractor must submit this information in a separate and appropriately marked file to maintain its confidentiality. On the platform, the bid submission form includes a designated section for attaching the part of the bid that constitutes a trade secret.

# Method and Deadline for Submitting Bids.

## **Deadline for Submitting Bids.**

Bids, along with the required documents, must be submitted by the deadline of 11.10.2024 by 11:00 a.m. Late submissions will be rejected.

## **Method of Submitting Bids in Written Form.**

* + - 1. In the case of submitting a bid in written form, the bid along with the documents must be submitted by the deadline specified above to the General Office of the University of Silesia in Katowice, ul. Bankowa 12, 40-007 Katowice, room 17, ground floor, in a sealed envelope marked as follows:

‘Contractor’s Name and Address:

Reference No. DZP.382.3.12.2024

‘Supply of a Field Microprofiling System’

Do not open before 11.10.2024 at 11:15 a.m.’

* + - 1. In the case of submitting a bid by post, the validity of the submission will be determined solely by the date it is received by the contracting authority.

## **Method of Submitting Bids in Electronic Form.**

## The bid, along with the required documents, must be uploaded to [platformazakupowa.pl](http://platformazakupowa.pl) at: <https://platformazakupowa.pl/pn/us> before the deadline for submission mentioned in point 1;

### After completing the Bid Submission Form and attaching all required annexes, click the ‘Proceed to Summary’ button;

### The bid submitted electronically must be signed with a qualified electronic signature, trusted signature, or personal signature. In the process of submitting the bid via [platformazakupowa.pl](http://platformazakupowa.pl), the contractor should sign directly on the documents submitted through [the platform](http://platformazakupowa.pl). It is recommended to apply the signature to each attached file separately;

### The date of submission will be considered the date of transmission in the system (platform) during the second step of submitting the bid by clicking the ‘Submit Bid’ button and displaying the message that the bid has been encrypted and submitted;

### Detailed instructions for contractors regarding the submission, modification, and withdrawal of bids in electronic form before the deadline for bid submission can be found on the website at: <https://platformazakupowa.pl/strona/45-instrukcje>;

### **Modification and withdrawal of a bid in the case of a written submission.** The contractor may modify or withdraw the bid in written form before the deadline for submission. A declaration regarding the changes made or the withdrawal of the bid must be delivered to the contracting authority in writing, under pain of nullity, before the deadline for submitting bids. Both the modification of the bid and its withdrawal must be submitted in the same manner and according to the rules applicable to bid submission, i.e., in an appropriately marked envelope (package) with the annotation “MODIFICATION OF BID” or “WITHDRAWAL OF BID.” In the case of submitting multiple “MODIFICATION OF BID” envelopes (packages), each modification should be additionally marked “MODIFICATION OF BID no...”. Each modification will be opened at the designated time set by the contracting authority when opening the bid of the contractor who made the modifications. After confirming the correctness of the modification procedure, the contracting authority will attach them to the bid of the contractor who made such modifications. Only a person authorised to make declarations on behalf of the contractor may carry out both the modification and withdrawal of the bid. Along with the declaration of withdrawal or modification of the bid, the contractor is obliged to submit the relevant registration document indicating the authorisation of the person making the declaration to represent the contractor. If the declaration is made by an agent, a properly drafted power of attorney will also be required.

# Deadline and Procedure for Opening Bids. Binding Period for Bids.

## **Deadline for Opening Bids.**

### The opening of bids will take place immediately after the deadline for submission, but no later than the next day following the deadline. The contracting authority will open the bids on 11.10.2024 at 11:15 a.m.

### In the event of a failure of the IT system used by the contracting authority for opening bids, if the failure prevents the opening of bids within the specified timeframe, the opening will occur immediately after the failure has been resolved. The contracting authority will inform about such an occurrence through a relevant notice published on the website of the ongoing procedure;

### The contracting authority will notify any changes to the bid opening date on the website of the ongoing procedure.

## **Procedure for Opening Bids.**

### The contracting authority will make available on the website of the ongoing procedure, no later than before the opening of bids, information on the amount it intends to allocate for financing the contract.

### Immediately after opening the bids, the contracting authority will publish on the website of the ongoing procedure – <https://platformazakupowa.pl/pn/us> in the ‘Communications’ section information regarding:

#### the names or surnames and addresses of the contractors whose bids were opened;

#### the prices or costs included in the bids.

## **Binding Period for Bids.** The contractor will be bound by their bid for a period of 30 days from the deadline for bid submission. If the selection of the bid does not occur within this period, the contracting authority may request an extension of this period for an additional 30 days. The contractor may extend the binding period of the bid on their own initiative or agree to the selection of their bid after the binding period has expired.

# Protection of Personal Data.

## **Information Clause** Regarding the Processing of Personal Data Directly from the Data Subject in Connection with the Public Procurement Procedure:

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 regarding the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ EU L 119 of 04.05.2016, p. 1), hereinafter referred to as ‘GDPR’ we inform you that we will process your personal data according to the following principles:

### **Personal data controller.** The controller of your personal data is the University of Silesia in Katowice. You can contact the controller of your personal data in the following way:

#### by post, to the address: ul. Bankowa 12, 40-007 Katowice

#### by e-mail: administrator.danych@us.edu.pl

### **Data protection officer** A data protection officer may be contacted by you on all matters concerning the processing of your personal data and the exercise of rights related to the processing of the data, in the following way:

#### by post, to the address: ul. Bankowa 12, 40-007 Katowice

#### by e-mail: iod@us.edu.pl

### **Purpose of Data Processing.** Your personal data will be processed based on Article 6(1)(c) of the GDPR for the purpose related to the public procurement procedure No. DZP.382.3.12.2024, titled ‘Delivery of a Field Microprofiling System’ conducted under the procedure specified by the Contracting Authority based on Article 11(5)(1) of the Act of 11 September 2019 on Public Procurement (Journal of Laws 2023, item 1605, as amended) – a procurement in the field of science.

The obligation to provide your personal data is a statutory requirement specified in the Public Procurement Act, related to participation in the public procurement procedure; the consequences of not providing the specified data arise from this Act. Regarding your personal data, decisions will not be made in an automated manner, in accordance with Article 22 of the GDPR.

### **Data Recipients** The recipients of your personal data will be individuals or entities to whom the documentation of the procurement procedure will be made available based on Articles 18 and 74–76 of the Act of 11 September 2019 on Public Procurement (Journal of Laws 2023, item 1605, as amended), as well as based on Article 6 of the Act of 6 September 2001 on Access to Public Information (Journal of Laws 2020, item 2176). The sharing of data applies to all personal data, except for the data referred to in Article 9(1) of the GDPR (sensitive data), collected during the procurement procedure.

### **Period of Storage of Personal Data.** Your personal data will be stored in accordance with Article 78(1) of the Public Procurement Law for a period of 4 years from the date of completion of the procurement procedure. If the duration of the contract exceeds 4 years, the storage period will cover the entire duration of the contract.

### Rights Related to the Processing of Personal Data. You have:

#### the right to access your personal data under Article 15 of the GDPR.

#### When exercising this right, the contracting authority may request additional information to specify the name or date of the completed procurement procedure;

#### the right to rectify your personal data under Article 16 of the GDPR. Exercising the right to rectification may not affect the outcome of the public procurement procedure or change the provisions of the contract in a manner inconsistent with the Public Procurement Law, nor may it violate the integrity of the minutes of the procedure and its annexes

#### the right to request the administrator to limit the processing of personal data under Article 18 of the GDPR, subject to the exceptions mentioned in Article 18(2) of the GDPR.

#### In the procurement procedure, the request to limit processing does not limit the processing of personal data until the completion of that procedure (especially regarding the use of legal protection measures). If the request to exercise the right to limit processing leads to a restriction of personal data processing contained in the minutes or annexes of the procedure, the contracting authority will not disclose these data from the day the procurement procedure is completed, unless the conditions in Article 18(2) of the GDPR apply (to protect the rights of another natural or legal person or due to important public interest considerations of the European Union or a member state);

#### the right to lodge a complaint with the President of the Personal Data Protection Office if you believe that the processing of your personal data violates the provisions of the GDPR.

### **You do not have:**

#### the right to erase personal data under Article 17(3)(b), (d), or (e) of the GDPR;

#### the right to data portability as stated in Article 20 of the GDPR;

#### the right to object to the processing of personal data under Article 21 of the GDPR, as the legal basis for processing your personal data is Article 6(1)(c) of the GDPR.

### **Information Obligations of the Contractor Under the GDPR**

The contractor applying for the public procurement is obliged to fulfill the information obligation set out in Article 13 of the GDPR regarding individuals whose personal data are being processed and from whom the contractor has directly obtained this data (this will particularly include individuals assigned to carry out the contract, subcontractors, entities providing resources, proxies, members of management bodies). The information obligation under Article 13 of the GDPR will not apply when and to the extent that the individual whose data is being processed already possesses this information (Article 13(4) of the GDPR).

Moreover, the contractor is obliged to fulfill the information obligation under Article 14 of the GDPR regarding individuals whose data is being provided to the contracting authority and whose data the contractor has indirectly obtained, unless at least one of the exemptions mentioned in Article 14(5) of the GDPR applies. To ensure that the contractor has fulfilled the aforementioned information obligations and to protect the legally justified interests of a third party whose data have been provided in connection with the contractor's participation in the procedure, the contracting authority requires the contractor to submit a declaration confirming the fulfillment of its information obligations as provided in Article 13 or Article 14 of the GDPR. A template for the appropriate declaration has been provided in the offer form constituting Annex 1 to the notice. **The appropriate declaration template has been included in the offer form, which is Annex 1 to the notice.**

# List of Annexes.

Annex No. 1 – Tender Offer Form

Annex No. 2 – Detailed description of the subject of the contract

Annex No. 3 – Draft Agreement

Approved by:

Vice-Chancellor for Investments and Logistic Management

- Msc Agnieszka Maj

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| Instructions for Conducting the Procurement Procedure |

1. The contracting authority sets the deadline for the submission of tenders, taking into account the time necessary for potential contractors to prepare and submit their bids. Any bid submitted after the deadline specified by the contracting authority shall be rejected.
2. The contracting authority may amend the content of the notice or other documents constituting annexes to the notice prior to the deadline for the submission of tenders. The contracting authority shall make appropriate information regarding the amendment available on the website (platform) where the notice was published.
3. During the examination and evaluation of the submitted tenders, the contracting authority may invite contractors who have not submitted the required declarations, documents, or powers of attorney within the specified timeframe, or who have submitted documents or declarations containing errors, or submitted defective powers of attorney, to submit these within a designated timeframe, unless the contractor's bid would still be rejected even after completion, or it would be necessary to annul the procedure.
4. The contracting authority may request additional clarifications from contractors regarding the content of their submitted tenders and documents. Additionally, it may correct obvious clerical and arithmetic errors in the submitted bids and other discrepancies between the tender and the content of the procurement notice that do not result in significant changes to the bid, informing the contractor whose bid has been corrected.
5. In this procurement procedure, declarations, applications, notifications, and information shall be transmitted electronically by both the contracting authority and the contractors.
6. The contracting authority shall reject a contractor’s bid if:
   1. it was submitted after the deadline for the submission of tenders,
   2. it was submitted by a contractor who does not meet the participation conditions or who has not submitted the required documents (after exhausting the procedure of requesting their completion),
   3. it was submitted by a contractor who directly undertook actions related to the preparation of the ongoing procedure or who relied on individuals involved in those actions for the preparation of the bid, unless that contractor's participation does not hinder fair competition,
   4. its content does not correspond to the content of the procurement notice, as well as to the content of the attachments to the notice, if provided (particularly the description of the subject of the contract),
   5. it is invalid based on separate provisions, including those relating to the form of legal acts,
   6. it contains errors in price calculation (particularly concerning the application of an incorrect VAT rate),
   7. it contains a grossly low price (after exhausting the procedure for clarifying elements affecting its determination),
   8. the contractor did not agree within the designated timeframe to correct another error related to the discrepancy between the bid and the content of the procurement notice, which does not cause significant changes to the content of the bid,
   9. its submission constitutes an act of unfair competition within the meaning of the provisions of the Act on Counteracting Unfair Competition.

**6 A. In accordance with the entry into force of the Act of 13 April 2022 on special solutions for counteracting support for aggression against Ukraine and for the protection of national security (Journal of Laws of 2022, item 835), which came into effect on 16 April 2022, based on Article 7(1) of the aforementioned Act, the contracting authority shall exclude from the public procurement procedure:**

1. a contractor or competition participant listed in the registers specified in Council Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures in view of the situation in Belarus and Belarus’s involvement in Russia’s aggression against Ukraine (OJ EU L 134 of 20.05.2006, p. 1, as amended) – ‘Regulation 765/2006’ – and Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining the territorial integrity, sovereignty, and independence of Ukraine or threatening them (OJ EU L 78 of 17.03.2014, p. 6, as amended) – ‘Regulation 269/2014’ – or listed based on a decision on listing as referred to in Article 1(3) of the Act;
2. a contractor or competition participant whose ultimate beneficial owner, as defined by the Act of 1 March 2018 on counteracting money laundering and terrorist financing (Journal of Laws of 2023, item 1124, as amended), is a person listed in the registers specified in Regulation 765/2006 and Regulation 269/2014 or listed or being such a beneficial owner since 24 February 2022, provided that they were listed based on a decision on listing as referred to in Article 1(3) of the Act;
3. a contractor or competition participant whose dominant entity, as defined by Article 3(1)(37) of the Act of 29 September 1994 on accounting (Journal of Laws of 2023, item 120, as amended), is an entity listed in the registers specified in Regulation 765/2006 and Regulation 269/2014 or listed or being such a dominant entity since 24 February 2022, provided that they were listed based on a decision on listing as referred to in Article 1(3) of the Act.
4. The contracting authority selects the most advantageous bid based on the evaluation of criteria specified in the procurement notice. If it is not possible to choose the most advantageous bid due to two or more bids presenting the same balance of price and other evaluation criteria, the contracting authority shall select the bid with the lower price from among those bids.
5. If, in a procedure where the sole evaluation criterion is price, it is not possible to select the most advantageous bid due to the submission of bids with the same price, the contracting authority shall invite the contractors who submitted these bids to submit additional bids within a timeframe specified by the contracting authority. When submitting additional bids, contractors may not offer prices higher than those proposed in their submitted bids.
6. Each contractor who submitted bids shall be promptly notified electronically:
   1. of the selection of the most advantageous bid, specifying the name (company) or first and last name, the registered office or place of residence and address of the contractor whose bid has been selected, the justification for its selection, and the names (companies) or first and last names, registered offices or places of residence and addresses of the contractors who submitted bids, as well as the scores awarded to the bids in each evaluation criterion and the total score,
7. regarding contractors whose bids have been rejected (with a statement of reasons).

Immediately after the selection of the most advantageous bid, the contracting authority shall publish the information mentioned in point 1 above on the website (platform) of the contracting authority where the procurement notice was made available.

1. The contracting authority shall annul the procedure if:
   1. no bids have been submitted that are not subject to rejection,
   2. the price of the most advantageous bid or the bid with the lowest price exceeds the amount that the contracting authority intends to allocate for financing the procurement, unless the contracting authority can increase this amount to match the price of the most advantageous bid,
2. the procedure is burdened with an irremediable flaw, resulting in a situation where it is impossible to conclude a contract for the public procurement that is not subject to annulment,
3. a significant change in circumstances has occurred that makes the conduct of the procedure or the execution of the contract not in the interest of the contracting authority, which could not have been anticipated earlier.
4. A contractor may inform the contracting authority during the procedure of any actions by the contracting authority that are inconsistent with the provisions of these instructions, the principles described in Article 469 of the Act on Higher Education and Science, or other generally applicable laws. If the information provided is deemed valid, the contracting authority shall repeat the action or carry out the omitted action, informing the contractors of this in the manner prescribed for that action. No appeal shall lie against actions taken in this procedure within the meaning of the Public Procurement Law.
5. A contract shall be concluded with the contractor whose bid is deemed the most advantageous, on the terms set out in the model contract constituting Annex 3 and in the bid submitted by the contractor.
6. If the contractor whose bid has been selected evades entering into the contract, the contracting authority may select the most advantageous bid from the remaining bids without re-evaluating them, unless there are grounds for annulling the procedure as mentioned in subsection 10.
7. Immediately after the award of the contract, the contracting authority shall post information on the website of the ongoing procedure about the procedure, stating the name (company) or first and last name of the entity with which the contract for the public procurement was concluded. In the event of the contract not being awarded, the contracting authority shall promptly post information about the non-award on the website.
8. The contract shall be executed in accordance with the law applicable in the Republic of Poland. In matters not regulated by this procurement notice, the provisions of the Act of 23 April 1964 - Civil Code, the Act of 11 September 2019 - Public Procurement Law, and other relevant provisions of generally applicable law shall apply.

1. Not applicable to foreign contractors. [↑](#footnote-ref-1)
2. . Not applicable to foreign contractors. [↑](#footnote-ref-2)
3. . According to contractor’s offer. [↑](#footnote-ref-3)