

INS/NO-39/2009

NOTICE OF PUBLIC PROCUREMENT IN THE RESTRICTED PROCEDURE

The object of the contract: supply of equipment, machines and devices within the project of
“The construction of CO₂ supercritical plant extraction research center”

I. Contracting Authority

INSTYTUT NAWOZOW SZTUCZNYCH

Al. Tysiąclecia Państwa Polskiego 13 A

PL - 24110 Puławy,

Poland

www.ins.pulawy.pl

ins@ins.pulawy.pl

waldemar.wawer@ins.pulawy.pl – formal matters

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Phone No: +48 81 473 14 00 Fax No: +48 81 473 14 10

II. Contract award procedure:

Contract award procedure is conducted in restricted tendering.

Legal basis for contract award procedure Art.10 paragraph 1 and Art. 47-53 of Public Procurement Law of the Republic of Poland.

Legal basis for specification of essential terms of contract:

- 1) Act of January 29th 2004. Public Procurement Law (consolidated text of the Official Journal of Laws of the Republic of Poland of 2007, No 223 section 1655 with further amendments).

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- 2) Regulation of Prime Minister of the Republic of Poland of May 19th 2006 concerning documents which may be required from economic operators and forms in which these documents might be submitted.
- 3) Regulation of Prime Minister of the Republic of Poland of December 19th 2007 concerning median PLN exchange rate to Euro constituting the basis for calculation of the value of public contracts.

III. Description of the object of the contract:

The object of the contract shall be supply of equipment, machines and devices within the project of “The construction of CO₂ supercritical plant extraction research center”, in accordance with Annex 1 to this Notice.

IV. Contracting Authority allows submission of tenders for lot.

Tender for lot shall mean particular purchase items. Requests to participate in further procedures may be submitted by interested suppliers for particular purchase items (at least one or more), listed in Annex 1: “List of equipment, machines and devices to be purchased by the Investor. Public procurement procedure: restricted tendering”. The contracting authority shall have the right to withdraw from the purchase of certain items listed in Annex 1 to this Notice if due to implemented technical solutions the purchase of those items shall appear to be unjustified.

V. Variants: Contracting authority allows submission of variant tender as long as they are envisaged in Specification of Essential Terms of Contract.

VI. Contract execution date:

Time schedule of implementation of the Project shall provide for (basic variant):

Date of start of equipment, machines and devices supply: February 15th, 2010.

Date of completion of equipment, machines and devices supply: September 15th, 2010.

VII. Conditions for participation in the award procedure.

1. Conditions for participation in the award procedure.

Eligible to compete for a contract shall be tenderers who:

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- 1) are authorized to perform specific activities or actions, if such authorizations are required by law;
- 2) have the necessary knowledge and experience, and have at their disposal the technical potential and personnel capable of performing the contract; or shall present written obligation of other entities to make technical potential and personnel available for performing the contract;
- 3) are in financial and economic situation ensuring the performance of the contract;
- 4) are not liable to exclusion from the award procedure;
- 5) shall prove that within the last three years prior to the contract award procedure (if the company has not operated for three years, within the operation of the company) they performed, and/or supplied equipment, machines and devices of required type and similar technical parameters. Lack of references shall exclude the tenderer from further procedure.

2. Evaluation of fulfillment of conditions in the procedure for a public contract.

Excluded from the contract award procedure shall be:

- 1) economic operators who do not fulfill the conditions of the contract award procedure, mentioned in Art.24 paragraph 1 of the Law of Public Procurement of the Republic of Poland;
- 2) economic operators who performed actions in connection with the preparation of the conducted procedure or while preparing a tender used persons performing those actions, excluding authors of local spatial management if the object of the procedure is design works resulting from local spatial management prepared by these authors;
- 3) economic operators who provided false information having impact on the outcome of the procedure;
- 4) economic operators who have not submitted declaration about the fulfillment of the conditions for participation in the procedure or documents submitted contain errors with reservation of Art. 26 paragraph 3 of Public Procurement Law of the Republic of Poland;

Evaluation of the fulfillment shall be: fulfils/does not fulfill

VIII. Information about declarations and documents which shall be submitted by economic operators confirming the fulfillment of the conditions for participation in the procedure:

Economic operators shall submit the following documents in order to confirm their authorization to perform specific activity and actions and the fact that they shall not be the subject to exclusion from the procedure in accordance with Art. 24 of Public Procurement Law of the Republic of Poland.

Documents required to participate in the procedure:

- 1) request to participate in the procedure – Annex 2 to this Notice;
- 2) the list of supplies performed during the last three years (if duration of economic operation is shorter - during the time of economic operation) of equipment, machines and devices required type and similar technical parameters with documents confirming the performance of supplies- Annex 3 to this Notice;
- 3) valid official copy of proper register or valid confirmation of the entry in business activity register, if other regulations require the registration; issued not earlier than 6 months prior the final date of submission of requests to participate in the procedure;
- 4) concession, permission or licence if the law requires so for the purpose of undertaking economic activity within the scope of this contract;
- 5) valid information of National Criminal Record or equivalent declaration of proper court or administrative body from the country of economic operator within the scope specified in Art. 24 paragraph 1 item 4-8 of Public Procurement Law of the Republic of Poland issued not earlier than 6 months prior the final date of submission of requests to participate in the procedure;
- 6) valid information of National Criminal Record within the scope specified in Art.24 paragraph 1 item 9 of Public Procurement Law of the Republic of Poland issued not earlier than 6 months prior the final date of submission of requests to participate in the procedure;
- 7) valid declaration of the head of Tax Office and proper Social Insurance Institution or Agricultural Social Insurance Fund confirming that that economic operator has not any arrears in taxes and health and social insurance premiums or declaration that he acquired legal exemptions from payments or payments delay or permission to pay

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arrears in installments or stay of execution of proper body issued not earlier than three months prior the final date of submission of requests to participate in the procedure;

- 8) economic operator residing outside the territory of Poland. If economic operator has his registered office or place of residence outside the territory of Poland, instead of documents mentioned in paragraph 3, 5, 6, 7 he shall submit document or documents issued in accordance with the Law of the country he has his registered office or place of residence confirming that:
- a) winding –up proceedings have not been opened against him and he has not been declared bankrupt;
 - b) he has not any arrears in taxes, health and social insurance premiums or that he acquired legal exemptions from payments or payments delay or permission to pay arrears in installments or stay of execution of proper body;
 - c) he has not been prohibited to participate in the procedure for a public contract;

Documents specified in item 8 letter a and c should be issued not earlier than 6 months prior the final date of submission of requests to participate in the procedure for a contract. Document specified in item 8 letter b should be issued not earlier than 3 months prior the final date of submission of requests to participate in the procedure. If such documents are not issued from Criminal Record within the scope specified in Art24 paragraph1 item 4-8 of Public Procurement Law of the Republic of Poland in the country where the economic operator has his registered office or place of residence they shall be replaced by declaration made before a notary public, competent court, administrative body or professional or economic organization. Items 5, 6 and 7 respectively shall refer to the dates of issuing such documents.

- 9) Declaration for the participation in the procedure for a contract- of Art 22 paragraph 1 of the Public Procurement Law- sample of declaration - Annex 4 to this Notice;
- 10) References confirming the fulfillment of the criteria specified in item VII.1.5).

Documents mentioned in paragraphs 3 - 7 and 10 might be submitted in original version or photocopied confirmed “in compliance with the original version” by the person/s authorized to sign the tender.

IX. Information about the number of economic operators who shall be invited to submit tenders.

All interested economic operators are entitled to submit request to participate in the procedure for a contract in response to the Notice of Public Procurement in the restricted procedure.

The contracting authority shall invite 5 economic operators to submit tenders for particular purchase items.

For each purchase item five of all economic operators, who have submitted requests with declarations and documents and have fulfilled the conditions and have acquired the highest evaluation scores of the requests to participate in the procedure, shall be invited to participate in the contract award procedure..

If the number of economic operators who have fulfilled conditions for participation in the procedure shall be smaller than 5 all economic operators shall be invited to submit tenders.

Economic operator who has not received invitation to participate in the contract award procedure shall be deemed as excluded from the contract award procedure.

Tenderers qualified for the further participation in the procedure are allowed to submit tenders for purchase items for which they received permission to participate in further procedure.

X. Information about deposit: contracting authority envisages deposit to be submitted by tenderers. The value of deposit shall be specified in Specification of Essential Terms of Contract.

XI. Criteria for evaluation of tenders and their meaning:

1) Criteria for evaluation requests to participate in the procedure

- a) The number of references - minimum1
 - for a minimum required - 100points
 - for each additional reference -1 point

2) Criteria for evaluation of tenders:

The selection of tender shall be made on the basis of the following criteria (criterion, weight, manner of scoring)

a) Price

Weighting: 80%

$$P_{\text{price}} = 80 \times \frac{P_{\text{min}}}{P_{\text{tender}}}$$

P_{price} - points for "price"

P_{min} - the lowest price of all tenders

P_{tender} - the price of tender analyzed

b) Delivery time of equipment, machines and devices

Weighting: 10%

$$T_{\text{delivery}} = 10 \times \frac{T_{\text{min}}}{T_n}$$

T_{delivery} - points for a delivery time

T_{min} - the shortest delivery time of all tenders

T_n - delivery time of tender analyzed

c) Guarantee period

Weighting: 10%

$$G_{\text{guarantee}} = 10 \times \frac{G_{\text{tender}}}{G_{\text{max}}}$$

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$G_{\text{guarantee}}$ – points for “guarantee period”

G_{tender} – guarantee period of tender analyzed

G_{max} – the longest guarantee period of all tenders

Minimum guarantee period required – 2 years from the date of delivery.

Total evaluation of tender

$$C_{\text{evaluation}} = P_{\text{price}} + T_{\text{delivery}} + G_{\text{guarantee}}$$

The tender with the maximal sum of points for all criteria shall be deemed as the most advantageous. Economic operator who shall acquire the highest score shall be entrusted with the execution of the contract.

XII. Place and final date of submission and opening of tenders:

1. Economic operators interested in participating in the procedure shall submit request to participate in the procedure for a contract in the registered office of the contracting authority:

INSTYTUT NAWOZOW SZTUCZNYCH

Al. Tysiąclecia Państwa Polskiego 13A

PL - 24110 Puławy

Poland

Room No 156, main building of INS, E-40

Monday- Friday, 7:00-15:00

Requests shall be submitted to the registered office of the contracting authority **until October 30th , 2009, 1 p.m. of Central European Time (CET).**

Requests shall be in the polish language. Requests, documents and tenders in the English language shall be accepted.

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Requests submitted after the final date of submission shall be returned unopened to the economic operators after the final date of submission of protests.

2. Place of opening of requests:

INSTYTUT NAWOZÓW SZTUCZNYCH

Al. Tysiąclecia Państwa Polskiego 13A

PL - 24110 Puławy

Poland

Room No 155, main building of INS, E-40

Date: October 30th, 2009, at 1.30 p.m. of CET

We hereby inform that economic operators who have submitted requests to participate in the procedure shall be informed about the evaluation results of the fulfillment of the conditions to participate in the procedure and economic operators qualified for the further participation in the procedure shall receive the Specification of Essential Terms of Contract and invitation to submit tenders from contracting authority.

We hereby inform that Instytut Nawozow Sztucznych is not a place accessible to the public and that the entrance card is required in order to arrive at the place. The procedure of obtaining entrance card shall last approximately 20 minutes.

XIII. Information about the intention to conclude a framework agreement:

The contracting authority does not envisage concluding a framework agreement.

XIV. Information about the envisaged selection of the best tender with the use of electronic auction procedure with website on which the auction shall be conducted:

The contracting authority does not envisage electronic auction.

XV. The contracting authority shall envisage the possibility of single source procurement of complementary or substitutable accessories for contract subject in the amount up to 15% of main contract price.

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XVI. Annexes:

Annex No 1 - List of equipment, machines and devices to be purchased by the Investor.
Public procurement procedure: restricted tendering.

Annex No 2 – The request to participate in the contract award procedure.under restricted tendering.

Annex No 3 - The list of supplies performed.

Annex No 4 - DECLARATION confirming the fulfillment of the conditions of Art 22 and Art 24 of The Public Procurement Law of the Republic of Poland.

Pulawy, September 29th, 2009

Signature of the authorized person

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Annex No 2

**THE REQUEST TO PARTICIPATE IN THE CONTRACT AWARD PROCEDURE UNDER
RESTRICTED TENDERING**

.....

(Seal of economic operator/operators)

ECONOMIC OPEARTOR DATA

(Economic Operators – in case of joint tender, with the indication of plenipotentiary):

Full name:.....

Address:.....post code.....place

Country:

Phone number.....fax number.....

1. In response to the invitation to submit tenders for a public contract under the restricted tendering procedure notified in Official Journal of EU, on the website www.ins.pulawy.pl and on the notice board, we hereby submit the request to participate in the procedure for a contract for a supply of equipment, machines and devices within the project of: “The construction of CO₂ supercritical plant extraction research center” in part:

.....

(fill in the number of selected purchase items)

2. Entering into contract under the restricted tendering we hereby declare that:

- We shall execute the contract under the conditions specified by the contracting authority in the Notice of the public procurement
- The conditions for the participation in the procedure for a public contract under the restricted tendering are known to us

3.1. We are/ we are not Value Added Tax payers; Our VAT Identification Number:.....

3.2. We are registered in the National Register of Business Entities,

REGON No:.....

4. We enclose the following documents and statements with the request:

.....
.....

Seal and signature of authorized representatives of the company

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Annex No 3

.....
Seal of Economic Operator/operators

LIST OF SUPPLIES PERFORMED

within the last three years (if the period of economic operation is shorter during this period)
for procurements of technical parameters and types relating to the object of this contract

.....
(name and address of the Economic Operator)

No	The object of the contract	Technical parameters	Contract performance start-end D/M/Y	Name of the contracting authority

I enclose references confirming due and diligent performance of the above mentioned contracts.

.....
Place, date

.....
seal and signatures authorized representatives if the company

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Annex No 4

.....
seal of the company

DECLARATION

Of the fulfillment of the conditions stipulated in Art.22 and 24 paragraph 1 and 2 of the Public Procurement Law of January 29th 2004 (Official Journal of Laws of 2004 No19 section 177 with further amendments), entering into the procedure for a public contract under the restricted tendering for a supply of equipment, machines and devices within the project of “The construction of CO₂ supercritical plant extraction research center”

I / we (name and surname)/ (names and surnames)

residing in

.....

Representing the Economic Operator/Economic Operators

.....

as (position/ power of attorney)

.....

On behalf of represented by me/us Economic Operator/ Operators I hereby declare that I fulfill the following conditions for the participation in the procedure:

1. I am/we are authorized to perform activities / actions stipulated in the contract if such authorizations are required by law.
2. I have/ we have the necessary knowledge and experience and have at my/our disposal the technical potential and personnel capable of performing the contract.
3. I am/ we are in a financial and economic situation ensuring the performance of the contract.
4. I am not liable to exclusion from the award procedure in accordance with Art.24 of the Public Procurement Law of the Republic of Poland.

I hereby declare that at any request of contracting authority I immediately provide proper documents confirming the truthfulness of any information contained in this declaration.

.....

(place, date)

.....

(names and surnames of persons authorized to

represent the Economic Operator)