Ożarów Mazowiecki, 25th February 2021

**Request for proposal No. SDM-WG/14 of 25th February 2021**

1. **General information**
   1. Contract: This request for proposal concerns a supply of goods required for the comprehensive making by VIGO System Spółka Akcyjna (a joint-stock company) with its registered office in Ożarów Mazowiecki of an investment under a project named “Sensors for industry 4.0 and IoT”; as part of the competition Path for Mazovia / 2019, application number: MAZOWSZE / 0090 / 19, the grant agreement of December 3, 2019, No. MAZOWSZE / 0090 / 19-00 concluded with the National Center for Research and Development.
   2. Contracting Party: VIGO System Spółka Akcyjna with its registered office in Ożarów Mazowiecki, ul. Poznańska 129/133, 05-850 Ożarów Mazowiecki, entered into the Register of Entrepreneurs of the National Court Register kept by the Regional Court for the capital city of Warsaw in Warsaw, 14th Commercial Division of the National Court Register, under KRS No. 000011394, holding NIP (tax identification number): 5270207340, REGON (statistical number): 010265179, having share capital of PLN 729,000.00 (paid up in full).
2. **Description of the subject of the contract**
   1. The subject of the contract is a supply of goods necessary for the Contracting Party’s implementation of a project named “Sensors for industry 4.0 and IoT”; as part of the competition Path for Mazovia / 2019, application number: MAZOWSZE / 0090 / 19, the grant agreement of December 3, 2019, No. MAZOWSZE / 0090 / 19-00 concluded with the National Center for Research and Development.
   2. The subject of the order is the supply of 200 pcs sapphire Al203 windows with a diameter of 13 mm and thickness of 0.4 mm, as specified in appendix no. 1 to this request for proposal.
   3. Whenever the description of the subject of the contract mentions any trademark, patent, type or specific origin, it should be assumed that the indicated trademarks, patents, types or origins determine the technical, operational and utility parameters, which means that the Contracting Party will accept tenders in this part of the subject of the contract with equivalent or better technical, operational and utility parameters. All indications of a particular type are given as examples for convenience.
   4. The Contracting Party shall not accept partial tenders. Division into lots is related to excessive technical difficulties or excessive costs of the contract. In addition, the need to coordinate the activities of the different economic operators when implementing different lots could seriously jeopardize the proper performance of the contract.
   5. The Contracting Party shall not accept variants.
3. Time-limit for completion of the Contract:

Time-limit for completion of the Contract amounts to **7 weeks from the placing the order.** The ordering party requires the application of the EXW Incoterms 2020 delivery principle. EXW (ex works), i.e. the moment of delivery of the goods is considered to be at the disposal of the buyer in the area indicated by the supplier (factory, plant, etc.).

1. **Conditions for participation and description of procedures aimed at evaluating the compliance with the aforementioned conditions**
   1. The Contractor applying for the contract should submit a signed **tender form**, prepared in accordance with the specimen set out in **Appendix 2** to the Request for Proposal.
   2. Regardless of the conditions indicated above, the Contractor:
      1. should have qualifications necessary to carry out specific activities or actions if so required by the provisions of the law;
      2. should have the necessary knowledge, experience as well as technical and human potential to perform the Order;
      3. should be in an economic and financial situation ensuring the performance of the Contract;
      4. should not be in arrears with payments of taxes, fees, or social insurance contributions.
   3. The fulfillment of the conditions for participation will be evaluated on the basis of **statements** submitted by the contractor.
   4. Contractors may run jointly for this contract. In such a case:
      1. the involved entities shall appoint a representative for the contract award procedure or to represent the contractor in the procedure and to execute the contract agreement and the agreement on the joint and several liability for contract performance under the terms of Article 366 of the Polish Civil Code;
      2. the involved entities, if their tender is chosen as the most advantageous one, shall submit to the Contracting Party, before signing the contract, a copy of the agreement governing the cooperation between these entities, certified as a true copy of the original;
      3. none of the entities running jointly for the contract award may be subject to exclusion from the contract award procedure;
      4. when assessing the tender submitted by Contractors jointly applying for the award of the contract, the Contracting Party will take into account the Contractor’s joint qualifications to perform the activities/ actions falling within the scope of the contract, their total technical or professional potential to perform the contract, and their combined economic or financial situation.
2. **Information about the scope of exclusion - related entities**
   1. The Contract cannot be awarded to entities related to the Ordering Party. An entity is considered to be a related contractor:
      1. associated or being a subsidiary, jointly controlled entity or parent in relation to the consortium leader or consortium or consortium member within the meaning of the Accounting Act of 29 September 1994;
      2. being an entity remaining with a Leader of consortium or consortium member or member of their bodies in such an actual or legal relationship that may raise reasonable doubts as to impartiality in the selection of the supplier of a good or service, in particular married, relationship of affinity up to the second degree, adoption, guardianship or tutelage, including through membership in the organs of a supplier of a good or service;
      3. being a related entity or partner entity in relation to the consortium leader or consortium member within the meaning of Regulation No. 651/2014;
      4. being an entity related personally to the consortium leader or consortium member within the Art. 32 section 2 of the Act of 11 March 2004 on tax on goods and services.
3. **List of statements and documents to be provided by the Contractors and the requirements regarding documents submitted by the Contractors** 
   1. The contracting authority requires that the contractor applying for the award of the contract together with the offer and statements (prepared in accordance with Appendix No. 2 - model bid form) submit a document indicating the persons authorized to represent the Contractor to the extent necessary to submit the offer;
   2. The offer and all other documents must be signed. The signature is considered to be a hand-made legible signature consisting of at least the name of the person (persons) authorized (entitled) to represent the entity in accordance with the form of representation specified in the registration document or other document appropriate for the Contractor or signature with the person's (person's) personal stamp or another signature allowing signature identification;
   3. The signed offer form and other required documents must be submitted in the form of the original, and in the case of submission of documents by electronic means - in the form of scans in PDF format. The offer in the form of a scan can be sent to the e-mail address provided in the ordinary form or provided with a secure electronic signature confirmed by a qualified certificate; other required documents may be submitted in the form of the original or a copy certified as true to the original by the Contractor, and in the case of submission of documents by electronic means in the form of scans in PDF format; in the case of signing documents or certifying compliance with the original of copies of documents by persons not mentioned in the Contractor's registration document, an appropriate power of attorney should be attached to the offer. The power of attorney should be presented in the form of the original or a copy certified to be a true copy of the original by a notary public or by the issuer of the power of attorney, and in the case of submitting documents electronically in the form of scans in PDF format;
   4. the offer form and the offer description should be submitted in Polish or English in accordance with Appendix 2, an extract from the company's register is allowed in one of the official European languages(for others, with a translation into these languages); The power of attorney should be submitted on the form attached to the question in question - Appendix 3. If the company's registration documents are submitted in a language other than one of the official European languages, the contracting authority will request the Contractor to be translated into one of these languages.
   5. The Employer requires that together with the offer of the Contractor jointly applying for the order submit a document (e.g. power of attorney) specifying at least its scope, parties appearing together and indicating the representative of the Contractors jointly applying for the award of the contract (the power of attorney should be presented in the original form, or a copy certified by a notary public or by its issuer, and in the case of submitting documents electronically in the form of scans in PDF format); in the case of contractors jointly applying for the award of the contract, copies of documents relating to each contractor respectively are certified as true copies by each of them separately or through a proxy authorized to act on behalf of the contractor; Contractors jointly applying for the contract are jointly and severally liable for the performance of the contract;
   6. For the avoidance of doubt, the Ordering Party allows any documents to be signed in accordance with the Inquiry in electronic form with a secure electronic signature confirmed by a valid qualified certificate.
   7. Contractors having their registered office or place of residence outside the territory of the Republic of Poland shall submit a relevant document or documents issued in the country in which they have their seat or place of residence.
4. **Criteria for tender evaluation, information on point or percentage weights and the description of the procedure of awarding points for meeting a tender evaluation criterion**
   1. Tenders will be evaluated according to the following criteria:
      1. **Total tender net price** – 100 points (100%);
   2. The method of calculating the criterion value as regards **tender price**:
      1. Points for the evaluated tender = the lowest net price for the performance of the subject of the Contract / net price of the evaluated tender x 100.
      2. 1% = 1 point.
      3. The maximum score that can be obtained under this criterion is 100.
   3. The selection of the most advantageous tender will be decided on the basis of the highest total number of points (max. of 100 points = 100%).
   4. All calculations will be rounded to second decimal place (rounding from 5 up).
   5. Other tenders will rank on subsequent places.
   6. If it is not possible to select the most advantageous offer due to the fact that two or more offers present the same balance of price and other offer evaluation criteria, the Ordering Party will select the offer with the lowest price from among these offers, and if they were submitted with the same price, the Ordering Party will call the Contractors who submitted these offers to submit, within the time limit specified by the Ordering Party, documents indicating environmental and climatic parameters, in order to select a more favorable offer in terms of environmental impact (in particular, lower energy consumption, water consumption, use of recycled materials).
5. **Time-limit for submission of tenders**
   1. The tender should be submitted by:  **4rd March 2021.**
   2. The Contractor should be bound by the submitted tender for a period of at least **60 days**. The period during which the submitted tender is binding commences at the end of the time limit for submission of tenders.
6. **Method of calculating the price and preparing the tender**
   1. Method of calculating the price:
      1. The Contractor in the presented offer should offer the complete net price, including the total, total cost of the subject of the contract, including all price-generating elements (**all costs of any nature resulting from the implementation of the subject of the contract).**

The amount of VAT (in the amount applicable on the day of submitting offers) and the net price should be clearly stated in the offer form.

* + 1. The Contracting Party requires that the Contractor express the price of the offer in Polish zlotys - PLN or in EURO - EUR.
    2. In the case of Contractors who, in accordance with point 9.1.2 above, express the price of the offer in EUR, for the purpose of selecting the offer, the Employer may convert the given amounts of a given currency at the average exchange rate announced by the National Bank of Poland on the day of opening the offers. In the absence of publication of the exchange rate by the National Bank of Poland on the day referred to above, the Ordering Party shall apply the last exchange rate announced by the National Bank of Poland before that day. The Contracting Party shall bear the foreign exchange risk.
    3. The price of the offer for Contractors not having their registered office or place of residence on the territory of the Republic of Poland is the net price, expressed in PLN or EUR (not including the tax on goods and services in force in Poland), including all costs related to the performance of the contract, all fees, taxes (without VAT) and all other costs of any kind that may arise in connection with the implementation of the subject of the contract.
    4. The price shall be expressed with two decimal places.
  1. The specimen of the tender form is attached hereto as **Appendix 2**. The Contractor must submit the tender concerning the performance of the Contract using the specimen of the tender form.
  2. The tender should contain the following attachments:
     1. **an excerpt from the Contractor's National Court Register / an excerpt from the CEIDG of the Contractor / other registration document appropriate for the Contractor, indicating persons authorized to represent the Contractor and incur liabilities - issued not earlier than 3 months before the deadline for submitting bids;**
     2. **power of attorney, if the offer is submitted by a representative - Appendix No. 3 to the Request for Proposal;**
     3. **description of the offered subject of the contract;**
  3. The tender should be submitted: 1) in writing to the registered office of the Contracting Party: VIGO System Spółka Akcyjna, ul. Poznańska 129/133, 05-850 Ożarów Mazowiecki, and if the tender is sent by post, the date of delivery of the tender to the Contracting Party is decisive for compliance with the time limit for submission of tenders, or 2) electronically to the following e-mail address: [**vigo2020tenders@vigo.com.pl**](mailto:vigo2020tenders@vigo.com.pl) with note that the maximum size of one email cannot exceed 25 MB., or 3) electronically to the following e-mail address: vigo2020tenders@vigo.com.pl with a secure electronic signature confirmed by a qualified certificate with note that the maximum size of one email cannot exceed 25 MB, however, if the offer is sent electronically, referred to in point 2) and 3) in order to comply with the deadline for submitting offer, the decisive date is the date of registration of e-mails on the VIGO’s servers, taking into account his time zone of the VIGO.
  4. The opening and analysis of the submitted offers will take place on the day following the expiry of the deadline for submitting offers.
  5. Contractors bear all their own costs related to the preparation and submission of the offer, regardless of the outcome of the procedure. The contracting authority shall in no case be liable for the costs incurred by the contractors in connection with the preparation and submission of the offer. The Contractors undertake not to raise any claims in this respect against the Ordering Party.

1. **Review of the tenders**
   1. The Contractor may change or withdraw the tender before the time limit for submission of tenders.
   2. During review and evaluation of tenders, the Contracting Party may:
      1. require that the contractor provide explanations regarding the contents of the tender within the prescribed period;
      2. require that the contractor rectify or supplement the shortcomings of the tender within the prescribed period;
      3. correct obvious typographical or computational errors and other errors that do not significantly change the contents of the tender, notifying the contractor of such a correction.
   3. The Contractor’s failure to respond within the prescribed period, a response which does not dispel any doubts or failure to supplement shortcomings in the tender within the prescribed period is considered withdrawal of the tender by the contractor.
   4. The Contracting Party will exclude a contractor that fails to meet the conditions for participation.
   5. The Contracting Party will reject the tender if:
      1. its contents do not correspond to the contents of the request for proposal;
      2. it contains errors in calculation of the price which cannot be eliminated in accordance with item 10.2 above;
      3. tenders which contain a flagrantly low price for the subject of the contract;
      4. the contractor has submitted more than one tender.
   6. The Contracting Party will only evaluate the tenders that have been received by the Contracting Party in the period from the date of publication of this request for proposal until the expiry of the time limit for submission of tenders specified in item 8.1above. Tenders submitted after the expiry date shall not be reviewed.
2. **Contact persons and asking a questions**
   1. contact persons on the part of the Ordering Party:
      1. in procedural matters: Dominik Nowak, [dnowak@vigo.com.pl](mailto:dnowak@vigo.com.pl)
      2. in technical matters: Marek Liebert, [mliebert@vigo.com.pl](mailto:mliebert@vigo.com.pl)
3. **Information about selection of the most favorable tender**
   1. The Contracting Party reserves the right to commence negotiations with Contractors who properly submitted tenders in the course of the procedure. Negotiations aimed at improving the contract terms may pertain particularly to its price. The negotiations will be conducted in a manner that does not deteriorate the terms of the contract specified in the request for quotation, in a transparent manner and does not affect the access of all contractors to negotiations.
   2. The Contracting Party will choose the most favorable tender out of the tenders correctly submitted in the course of the procedure.
   3. The Contracting Party may close the Contract award procedure without choosing any tender.
   4. The Contracting Party will notify the contractors about the selection of the most favorable tender or about the closing of the contract award procedure without choosing any tender. The notification will be made in the manner provided for the publication of this request for proposal on website: https://vigo.com.pl/o-nas/zamowienia/.
4. **Final provisions**
   1. The Contracting Party reserves the right to invalidate this request for proposal at any time without providing relevant grounds therefore.
   2. The Contracting Party may at any time cancel, amend or modify the contents of this request for proposal for convenience. If the amendments or modifications affect the contents of the tenders submitted in the course of the procedure, the Contracting Party will extend the time limit for submission of tenders.
5. **Attachments**
   1. The following documents are attached to this request for proposals:
      1. Appendix no. 1 – Description of the subject of the order;
      2. Appendix no. 2 – Specimen of the proposal form;
      3. Appendix no. 3 – template of the power of attorney.