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Kruszyn Krajeński, 18.11.2024 r.

## **REQUEST FOR TENDER FOR PURCHASE OF RAW MATERIALS FOR RESEARCH – SELF-ADHESIVE POLYESTRE FOILS**

### **I. Name and address of the Ordering Party**

**NOVACODE Sp. z o.o.**

**ul. Ceramiczna 15**

**86-005 Kruszyń Krajeński**

**NIP: 5542923703**

**REGON: 341542665**

**Detailed information on the subject of the order is provided by:**

**Mr./Mrs.: Przemysław Ruge**

**Justyna Kowalewska**

### **II. Order award procedure**

1. The order award procedure is conducted in accordance with the principle of competition, in accordance with the Expenditure Eligibility Guidelines for 2021-2027.
2. The procedure is carried out in connection with obtaining funding under the European Funds for a Modern Economy, SMART Path Measure.
3. The procedure for awarding this order is not subject to the provisions of the Public Procurement Law.
4. The request for proposals has been published on the website:  
<https://bazapórcyjnosci.funduszeuropejskie.gov.pl/>.

### **III. Description of the subject of the order**

1. Main CPV Code:  
19520000-7 - Plastic products
2. The subject of the request for proposals is the purchase of raw materials in rolls for research, i.e. Self-adhesive polyester foils.
3. Detailed specification of the subject of the order can be found in Annex 4 to this request for quotation (Technical and quantitative specification Self-adhesive polyester foils).
4. For technological reasons, tolerance is allowed in the supplied raw materials in relation to the description of the subject of the order indicated in Annex 4 in the following ranges:



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- a. Tolerance of the width of the raw material roll: +/- 2 mm
- b. Tolerance of the length of the raw material roll: +10% / -20%
- c. Tolerance of the supplied amount of material: +/- 15%
- d. Tolerance regarding technical parameters: +/- 10%

Tolerances within the above ranges will be considered normal and do not constitute a change to the contract or non-compliance with the description of the subject of the order.

**NOTE:** Bidders may contact the Ordering Party with a question regarding the subject request for proposals. Questions should be sent via the competitiveness database: <https://bazapórcyjnosci.funduszeuropejskie.gov.pl>. The request has also been made available in English, however, in case of doubts as to the interpretation of the provisions, Polish shall prevail. In the case of potential foreign Contractors, the obligation to translate the content of the formulated questions or other forms of communication lies with the Contractor. The Ordering Party will provide immediate answers to the questions asked by publishing them on the competitiveness database, provided that they are received by the Ordering Party no later than **13.12.2024**. The Ordering Party may, but does not have to, provide answers to questions submitted after the above deadline.

An integral part of the specification are answers to the questions asked regarding the subject of the procedure.

**NOTE:** If in any place of the design documentation, constituting the description of the subject of the order, the manufacturer's names, proper names, trademarks, patents or origin of materials or devices used to perform this order have been indicated, which indicate or could indicate a specific manufacturer, this does not constitute a preference for the product or materials of a given manufacturer, but is intended to indicate features - technical and quality parameters not worse than those given in the description. In such a case, the Ordering Party allows for the submission of equivalent offers using other materials and devices than those described by the manufacturer's name, proper name, trademark, patent or origin of materials or devices used to perform this order, provided that they guarantee obtaining technical, operational and quality parameters not worse than those assumed in the documentation. The Contractor who refers to equivalent solutions is obliged to demonstrate on the basis of appropriate documents that the materials and devices offered by him meet the requirements specified by the Ordering Party. The burden of proving that the product is equivalent in relation to the assumptions specified by the Ordering Party rests with the person submitting the offer. The scope of equivalence should be understood as offering a similar and not inferior product/service in terms of:

- ☐ functions,
- ☐ features,
- ☐ parameters.



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#### **IV. Place and date of order fulfillment**

1. Place of order fulfillment: 86-005 Kruszyn Krajeński, ul. Ceramiczna 15 or another place within a maximum distance of 50 km from the Ordering Party's registered office. The exact place of order fulfillment will be indicated in the signed agreement with the selected Contractor.

2. The order will be fulfilled in two tranches:

- tranche no. 1 - deadline for completion in the period from the date of signing the agreement to 31/01/2025.
- tranche no. 2 - deadline for completion in the period from 01/03/2025 to 31/03/2025.

**NOTE:** The division of the order into tranches is included in Annex 4 to this request for quotation (Technical and quantitative specification - self-adhesive polypropylene foils).

The deadline for completion is given in time ranges, and the deadline for completion of each tranche is the final deadline. The Contractor may only execute the order within the time limits specified for each tranche. It is permissible to deliver individual materials included in each tranche in batches, however, the deadline for the execution of each tranche may not be exceeded.

The date of completion of the execution of the Subject of the order is the date of signing the Acceptance Protocol by the Parties.

#### **V. Contact between the Ordering Party and the Bidder**

Communication in this procurement procedure, including the submission of offers, exchange of information between the Ordering Party and the Contractor and the transfer of documents and declarations, shall be made in writing via the Competitiveness Database portal (BK2021).

**The exception is:**

- the Ordering Party's request for the Bidder to submit supplements/clarifications to the submitted bid (referring to item XIV, subitem 7 of the request for proposals),
- the Bidder's return of the indicated supplements/clarifications of the bid to the Ordering Party (referring to item XIV, subitem 7 of the request for proposals),
- if it is necessary due to the need to protect particularly sensitive information, which cannot be sufficiently guaranteed using BK2021.

In the above-mentioned exceptions, e-mail communication between the Ordering Party and the Bidder applies.

#### **VI. Period of validity of the bid**

1. 30 days from the date of expiry of the deadline for submitting bids, referred to in item XI of this request for proposals.

2. The period of validity of the bid begins with the expiry of the deadline for submitting bids.

3. The Contractor, independently or at the request of the Ordering Party, may extend the period of validity of the bid.



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**VII. Description of the conditions for participation in the procedure and the method of assessing their fulfillment. Contractors who:**

1. Have the authorizations to perform activities or actions, if the provisions of law impose the obligation to have such authorizations, may apply for the execution of the subject of the contract.
2. They are in an economic and financial situation that ensures the execution of the order.
3. They have the technical potential necessary to execute the order.
4. They have the staff potential capable of executing the order.
5. They have the knowledge and experience to execute the order.
6. They consent to the processing of personal data to the extent necessary to execute the order.

Method of verifying the conditions for participation in the procedure:

- in relation to point 1 - the condition will be verified based on the declaration, appendix no. 2;
- in relation to point 2 - the condition will be verified based on the declaration - appendix no. 2;
- in relation to point 3 - the condition will be verified based on the declaration - appendix no. 2;
- in relation to point 4 - the condition will be verified based on the declaration - appendix no. 2;
- in relation to point 5 - the condition will be verified based on the declaration - appendix no. 2;
- in relation to point 6 - the condition will be verified based on the declaration - appendix no. 2.

The Ordering Party will make an assessment of "meets/does not meet" based on the declaration submitted by the Bidder and the other above-mentioned documents. If the conditions are not met, the offer will be rejected.

**VIII. Legal, economic, financial and technical information and exclusions**

1. Entities linked personally or financially to the Ordering Party are excluded from participation in the procedure. Capital or personal ties shall be understood as mutual ties between the Ordering Party or persons authorized to incur liabilities on behalf of the Ordering Party or persons performing activities on behalf of the Ordering Party related to the preparation and conduct of the Contractor selection procedure, and the Contractor, consisting in particular of:
  - a. participating in a company as a partner in a civil partnership or a partnership,
  - b. holding at least 10% of shares or stocks,
  - c. performing the function of a member of a supervisory or management body, proxy, attorney,
  - d. being in a marital relationship, in a relationship of kinship or affinity in a direct line, second-degree kinship or second-degree affinity from the collateral line or in a relationship of adoption, care or guardianship, being in cohabitation with the Contractor, his legal representative or members of the management bodies or supervisory bodies of contractors applying for the award of the contract,
  - e. being in such a legal or factual relationship with the Contractor that there is a justified doubt as to their impartiality or independence in connection with the procurement procedure.



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2. Entities that are entered in the KRD or other debt register, or are in liquidation or bankruptcy are excluded from participation in the proceedings.
3. Entities that are subject to exclusion under Art. 7 sec. 1 of the Act of April 13, 2022 on special solutions for counteracting support for aggression against Ukraine and for protecting national security (Journal of Laws item 835) are excluded from participation in the proceedings.
4. Entities that have violated obligations in the field of environmental protection, social law or labor law are excluded from participation in the proceedings, i.e.:
  - a) is not a natural person convicted by a final judgment for an environmental crime referred to in Chapter XXII of the Penal Code or for an offense against the rights of persons performing gainful employment referred to in Chapter XXVIII of the Penal Code, or for an appropriate prohibited act specified in the provisions of foreign law,
  - b) is not a natural person punished by a final judgment for an offense against employee rights or an offense against the environment, if the penalty for its commission was arrest, restriction of freedom or a fine,
  - c) a final administrative decision has not been issued against it on the violation of obligations arising from environmental protection law, labor law or social security regulations, if a fine was imposed under this decision,
  - d) any incumbent member of its management or supervisory body, partner in a general partnership or professional partnership or general partner in a limited partnership or limited joint-stock partnership or the proxy has been legally convicted of a crime or punished for an offense referred to in letter a or letter b above.

The bidder is obliged to attach to the offer prepared by him a declaration of the lack of the above connections according to the template constituting Annex No. 3 to this request for proposals.

#### **IX. Bid evaluation criteria, including information on weights and a description of the method of awarding points within the criteria**

##### **Bid evaluation criteria:**

**a) Net price: 70%**

**b) Deferred payment deadline: 30%**

##### **The point value will be calculated as follows:**

**A. Price: 70%** - point value of the criterion calculated according to the formula:

the lowest net price among the received bids

----- x 70 points

net price indicated in the bid being examined



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Net values expressed in PLN will be taken into account. In a situation where the price given in the bid is not expressed in PLN, the average NBP exchange rate quoted on the day of initiation of the procedure will be used to convert it into PLN.

Requirements for the components of the final price

- The price should include all costs and fees that will arise in connection with the execution of the order and with the conditions and requirements set by the Ordering Party.
- All discounts and rebates should be immediately included in the price, so that the price given for the execution of the subject of the order is the final price, without the need for the Ordering Party to perform calculations and other actions in order to determine it. Discounts and rebates cannot be temporary and should cover the minimum period of validity of the offer indicated in the above inquiry.
- The price specified in the offer is a lump sum price. The lump sum price will be treated as the final price and will not be subject to any negotiations.
- There can be only one price for the offered item, price variants are not allowed.
- The price must include all costs necessary to execute the subject of the order.

B. Deferred payment deadline: 30% - point value of the criterion awarded according to the following criterion:

- a) Deferred payment deadline of 100 days or more - 30 points.
- b) Deferred payment deadline of 80 days to 99 days inclusive - 20 points.
- c) Deferred payment deadline of 60 days to 79 days inclusive - 10 points.
- d) Deferred payment deadline of less than 60 days - 0 points.

The deferred payment deadline declared according to the above criterion is counted from the date of issue of the VAT invoice and will apply to each VAT invoice related to the delivery made as part of the implementation of the Subject of the order.

Evaluation of the criteria for selecting the Offer / The results of the calculations will be rounded to two decimal places, while maintaining the mathematical principle of rounding numbers.

a. The order will be awarded to the entity that maintains the highest sum of bid points according to the formula:

$$\text{Total bid points} = \text{price} + \text{deferred payment date}$$

- b. Maximum number of points that can be obtained: 100 points.
- c. The bid that receives the highest sum of points will be considered the most advantageous bid.



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#### **X. Method of preparing the offer**

1. The offer must be prepared in Polish or English, in writing. The offer should be signed by the person/persons authorized to submit offers on behalf of the Contractor.
2. The offer must be submitted electronically using the Competitiveness Database, i.e. scans of the required documents signed traditionally should be submitted or documents signed electronically should be submitted.
3. The complete offer consists of the following documents:
  - a. Appendix No. 1: Offer form.
  - b. Appendix No. 2: Declaration of fulfillment of the conditions for participation in the procedure together with documents confirming the experience required by the Ordering Party.
  - c. Appendix No. 3: Declaration of no exclusions.
  - d. Written justification of the trade secret - if applicable.
  - e. In the case of submitting the offer by a Proxy - the original power of attorney or a copy certified as true to the original signed by the person authorized to represent the Contractor.

#### **XI. Place and deadline for submitting the offer**

Offers should be submitted in electronic form. The Contractor's offer and the documents attached thereto must be signed (handwritten signature (scan) or qualified electronic signature) by the person/persons authorized to represent the Contractor in accordance with the representation resulting from the register or records, or based on the granted power of attorney. The power of attorney for the offer should be attached in the original or in the form of a copy certified to be true to the original. The offer should be submitted using the Baza Konkurencyjności platform (<https://bazakonkurencyjnosci.funduszeuropejskie.gov.pl/>)

The deadline for submitting offers is **18.12.2024**. Offers submitted after this deadline will not be considered.

#### **XII. Order decision**

1. Information regarding the selection of the most advantageous offer will be posted on the website <https://bazakonkurencyjnosci.funduszeuropejskie.gov.pl/>.
2. The ranking of offers will be conducted based on the selection criteria described in point IX of this request for proposals. The Ordering Party will select the Contractor with the most advantageous offer, based on the evaluation criteria of offers described in point IX of the request for proposals.
3. After the procedure is resolved, the entity that submitted the most advantageous offer will be sent a message regarding the conclusion of an agreement, the content of which will result from the provisions of this request for proposals and the winning offer.



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4. In the event that the entity that was selected resigns from signing the agreement, The Ordering Party has the right to conclude an agreement with the entity whose offer was second in the order of the most advantageous offers without conducting their re-examination and evaluation.

5. In the event that the entity whose offer was selected refuses to conclude an agreement, the Ordering Party may select the most advantageous offer from among the remaining offers without conducting their re-examination and evaluation.

### **XIII. Conditions for amending the contract**

1. The Ordering Party reserves the right to amend the terms of the contract signed with the Contractor as a result of the conducted procedure, if any of the following conditions are met:
  - a. the change will not lead to a change in the general nature of the contract and the following conditions are met:
    - the need to amend the contract will be caused by circumstances that the Ordering Party, acting with due diligence, could not have foreseen,
    - the value of the changes does not exceed 50% of the value of the order originally specified in the contract;
  - b. the changes will concern:
    - changes to the order completion date, in the event that failure to meet the original contract completion date results from the Contractor or the Ordering Party encountering circumstances that were impossible to predict and beyond their control, caused by, among others, unfavorable weather conditions for the execution of the order, force majeure, epidemic, pandemic, events beyond the normal conditions of economic and social life, due to delays by other contractors, due to which the execution of the order within the originally specified deadline becomes impossible and other reasons that the Ordering Party and the Contractor could not have foreseen;
    - changes in payment terms, in the event of justified or unforeseeable circumstances, the Ordering Party has the right to change the number and size of payment installments, provided that any changes in payment terms cannot introduce additional costs or obligations that would exceed the originally agreed terms of the contract;
  - c. the change will be beneficial to the Ordering Party;
2. The changes referred to above will be permitted only if accepted by the Ordering Party and the Contractor, and their introduction will require written form under penalty of nullity.

### **XIV. Other information**

1. By submitting a bid, the Contractor agrees to provide the other Contractors with the details of the bid, in particular the data on the basis of which the Ordering Party made its selection. The Contractor has the right not to consent to the technical details of the subject of the order provided and should present this reservation in the bid.
2. Each Contractor may submit only one bid. In the event that one entity submits more bids, all bids from the entity will be rejected.





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3. The bid should be complete, i.e. it should contain all documents indicated in point X of the Request for Bids.
4. Information constituting a business secret within the meaning of the provisions on combating unfair competition, reserved exclusively for the Ordering Party, should be provided by the Contractor in a separate part of the offer, appropriately securing it and providing the note "Business secret - information reserved exclusively for the Ordering Party". A business secret within the meaning of the Act of 16 April 1993 on combating unfair competition (Journal of Laws 2022, item 1233, consolidated text) is understood as technical, technological, organizational information of the company or other information of economic value not disclosed to the public, in respect of which the entrepreneur has taken the necessary measures to maintain its confidentiality. The Ordering Party recommends that information reserved as a business secret be submitted by the Contractor in a separate file marked "business secret". The Contractor may not reserve, among others, information regarding the price, date of execution of the order, warranty period and payment terms included in the offer.
5. The offer will be rejected if:
  - a. its content does not correspond to the content of this request for proposals,
  - b. its submission constitutes an act of unfair competition within the meaning of the provisions on combating unfair competition,
  - c. it contains a grossly low price in relation to the Subject of the order,
  - d. it was submitted by a Contractor excluded from participation in the procedure,
  - e. it is illegible or raises doubts in terms of its content, which will not be clarified by the contractor after being requested to provide explanations by the Ordering Party,
  - f. the Contractor does not attach Annex No. 1 - Offer Form.
6. When selecting the offer, the Ordering Party will verify/assess only the documents indicated in point X of the request for proposals.
7. The Ordering Party reserves the right to ask entities submitting the Offer to supplement/explain the offer documentation if it contains obvious clerical errors or missing documents that are attachments to the Offer. Supplements cannot affect the originally indicated price.
8. If the offered price or cost seems abnormally low in relation to the subject of the order, i.e. differs by more than 30% from the arithmetic mean of the prices of all valid offers not subject to rejection, or raises doubts in the ordering party as to the possibility of performing the subject of the order in accordance with the requirements specified in the request for proposals or resulting from separate regulations, the Ordering Party will request the Bidder to submit explanations within a specified period, including evidence of the calculation of the price or cost. The Ordering Party will assess these explanations in consultation with the Bidder and may reject this offer if the explanations submitted together with the evidence do not justify the price or cost stated in this offer.
9. The Contractors shall not be entitled to any claims against the Ordering Party due to the rejection of the offer.
10. The Ordering Party reserves the right to change the request for proposals before the deadline for submitting offers, as well as not to select any of the offers submitted as a result of this request.



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11. Submission of an offer does not constitute conclusion of an agreement.
12. Offers that do not meet the requirements specified in the request for proposals will not be considered.
13. The Ordering Party reserves the right to cancel the request for quotation at any stage without giving any reason, in particular when:
  - a. the total net price of the most advantageous offer exceeds the amount allocated for financing the order,
  - b. the procedure is burdened with a defect that cannot be removed.
  - c. in the event of the occurrence of the above circumstances, the contractors shall not be entitled to any claim against the Ordering Party.
14. The Ordering Party reserves the right to cancel the request for quotation at any stage without giving any reason, in particular when:
  - a. the total net price of the most advantageous offer exceeds the amount allocated for financing part of the order
  - b. the procedure is burdened with a defect that cannot be removed
  - c. in the event of the above circumstances, the contractors shall not be entitled to any claims against the Ordering Party.
15. The Ordering Party does not allow for variant offers.
16. The Ordering Party does not allow for partial offers.
17. The Ordering Party allows for advance payments and/or partial payments. The detailed principles of financial settlement between the Ordering Party and the Contractor will be specified in the contract for the execution of the subject of the order.

#### **XV. Personal data protection**

In accordance with art. 13 sec. 1 and 2 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ EU L 119 of 04.05.2016, p. 1), hereinafter referred to as "GDPR", I hereby inform you that: The personal data controller is NOVACODE Sp. z o.o., with the Tax Identification Number (NIP): 5542923703, Regon: 341542665, entered in the National Court Register. Personal data will be processed on the basis of art. 6 sec. 1 letter c of the GDPR for the purpose of the procedure for the award of this contract conducted in accordance with the principle of competition.

- a) The recipients of personal data will be persons or entities to whom the documentation of this procedure will be made available.
- b) Personal data will be stored for the duration of the procurement procedure and after its completion in accordance with the provisions on archiving and durability of the project.



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c) The processed personal data may be obtained from contractors whose data relate to or other entities whose resources are referred to by contractors.

d) The processed personal data include in particular the name and surname, address, NIP, REGON, CEIDG number, KRS number and other personal data provided by the person submitting the offer and other correspondence received by the Ordering Party in order to participate in the procurement procedure.

Personal data may be transferred to public bodies and state offices or other entities authorized under the law or performing tasks carried out in the public interest or as part of the exercise of public authority, in particular to entities conducting control activities towards the Ordering Party.

In relation to the personal data of natural persons, decisions will not be made in an automated manner, in accordance with Article 22 of the GDPR.

Each person whose personal data will be indicated in this procedure or in the course of the performance of the contract has:

- pursuant to Article 15 of the GDPR, the right to access personal data concerning them;
- pursuant to Article 16 of the GDPR, the right to rectify their personal data (the exercise of the right to rectification may not result in a change in the outcome of the public procurement procedure or a change in the provisions of the contract and may not violate the integrity of the protocol and its annexes);
- pursuant to Article 18 of the GDPR, the right to request the controller to restrict the processing of personal data, subject to the cases referred to in Article 18 paragraph 2 of the GDPR (the right to restrict processing does not apply to storage, in order to ensure the use of legal remedies or to protect the rights of another natural or legal person, or due to important reasons of public interest of the European Union or a Member State);
- the right to lodge a complaint with the President of the Office for Personal Data Protection if you consider that the processing of your personal data violates the provisions of the GDPR;

e) Any person whose personal data will be indicated in this procedure or in the course of the performance of the contract shall not be entitled to:

- in connection with art. 17 sec. 3 letters b, d or e of the GDPR the right to delete personal data;
- the right to transfer personal data, referred to in art. 20 of the GDPR;
- on the basis of art. 21 of the GDPR the right to object to the processing of personal data, as the legal basis for the processing of their personal data is art. 6 sec. 1 letter c of the GDPR.



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- e) At the same time, the Ordering Party reminds you of your information obligation resulting from art. 14 of the GDPR towards natural persons whose data will be transferred to the Ordering Party in connection with the conducted procedure and which the Ordering Party will indirectly obtain from the contractor participating in the procedure, unless at least one of the exclusions referred to in art. 14 sec. 5 of the GDPR applies.

#### **XVI. List of attachments to the request for tender**

- Annex No. 1: Tender form.
- Annex No. 2: Declaration of fulfillment of the conditions for participation in the procedure together with documents confirming the experience required by the Ordering Party.
- Annex No. 3: Declaration of no exclusions.
- Annex No. 4: Technical and quantitative specification Self-adhesive polyester foils