

**INVITATION TO TENDER**  
**dated 24.07.2017**

**for the purchase of Storage and dispensing system for various flour types - 1 piece**

**1. Contracting Authority name**

WYTWÓRNA MAKARONU DOMOWEGO POL-MAK S.A.

Ludwin Kolonia 58, 21-075 Ludwin

NIP (Tax Identification Number): 7132800971; REGON (Business Registry Number): 432665311; KRS (National Court Register): 0000296350

<http://pol-mak.pl>

**2. General provisions**

1. This shall be a tender procedure, followed in compliance with competition requirements, and in connection with the project "Strengthening the competitive position of W.M.D. POL-MAK by launching new products" under Measure 1.4 Competition design, Eastern Poland Operational Programme for 2014-2020.
2. This invitation to tender (ITT) shall not be subject to the provisions of the Public Procurement Law of 29 January 2004.
3. The Contracting Authority reserves the right to amend the ITT prior to the expiry of the time limit for submitting tenders, and to cancel the procedure at any time at its discretion. If the procedure is cancelled, the Economic Operator shall have no claims against the Contracting Authority.

**3. Subject of the contract**

The subject of the contract is:

**Storage and dispensing system for various flour types - 1 piece**

Specification of the subject of the contract:

- a silo made of a hard-wearing fabric, with a de-aeration system with a high-quality filter,
- maximum dimensions: height: 7.5 m, length 4 m, width 4 m,
- capacity of each container - 28 t,
- purification system,
- two 100 kg capacity scale hoppers,
- steel screw conveyor,
- start/stop controls,
- touchscreen,
- production history management,
- mixing various types of flour using different proportions,
- BIGBAG unloading functionality,
- silo number – 2,
- pneumatic – vacuum system for transporting flour from each silo and BIGBAGs using specific proportions,
- two flour unloading stations,
- electronic product dispensing system,
- electrical power panel.

Name and code as per the Common Procurement Vocabulary (CPV): **44613110-4 - Silos**

If the description of the subject of the contract includes references to specific manufacturers, names of specific products, or quality standards, these shall be considered ancillary to ensuring a more accurate description of the subject of the contract. In any case, products that have equivalent design, materials, functionalities, and quality shall be accepted. If the description of the subject of the contract specifies any trademark, patent or origin, any such trademark, patent, and/or origin shall be regarded as referring to the technical, operating, or performance

characteristics, which means that the Contracting Authority shall accept tenders with equivalent technical, operating, and performance characteristics related to that part of the subject of the contract.

The Contracting Authority reserves the right to award supplementary public procurement contracts to the Economic Operator selected in compliance with competition requirements, for up to 50% of the public procurement, as specified in the agreement entered into with the Economic Operator, provided that any such public procurement contracts are consistent with the subject of the primary contract.

#### 4. Time limit for the contract delivery

1. Time limit for the contract delivery: **by 31.01.2018**
2. The Contracting Authority reserves itself the right to change the time limit for the completion of the subject of the contract. New time limits shall be determined in consultation with the selected Economic Operator.

#### 5. Project location

1. Project location Ludwin Kolonia 58, 21-075 Ludwin

#### 6. Terms and conditions and exclusion criteria

1. Economic Operators that are related personally or by equity to the Contracting Authority shall be excluded from this procedure. Personal or equity relationship shall mean mutual relationships between the Contracting Authority or individuals authorised to act for and on behalf of the Contracting Authority, or individuals who are in charge of handling the procedure for Economic Operator selection, and the Economic Operator, involving in particular:
  - a) participation in the company as partners in a civil-law company or partnership,
  - b) holding of stocks or at least 5% of shares,
  - c) acting as members of supervisory or management bodies, proxies, or attorneys,
  - d) remaining in a legal or factual relationship that could raise reasonable concerns regarding the impartial selection of the Economic Operator, and especially being related by marriage, direct or secondary consanguinity or affinity up to the second degree, or adoption, custody or guardianship relationships,

The Economic Operator shall append an appropriate declaration to its tender, according to the template attached as **Appendix 2** to this Invitation to Tender.

#### 7. Tender price calculation methodology

1. The Economic Operator shall quote the Contracting Authority the price for the implementation of the subject of the contract according to the tender form.
2. The price quoted in the tender shall be expressed in PLN or EUR. The price shall take into account all the requirements specified in this ITT and shall cover all the costs associated with the timely and adequate delivery of the subject of the contract and terms and conditions specified by the Contracting Authority in relation to the subject of the contract.
3. If the price is expressed in EUR, it shall be converted to PLN on the basis of the average NBP exchange rate as at the ITT publication date.
4. There may only be one price quoted for the subject of the contract and no price variants shall be accepted. Any discounts and/or rebates shall be deducted during price calculation, so that the price quoted for the delivery of the subject of the contract is the final price, without the Contracting Authority's having to make any further computations or other operations to determine the final price.
5. The tender price shall be the gross price for the delivery of the subject of the contract.
6. The Contracting Authority shall not accept tenders for lot or divide the contract into lots.

#### 8. Description of the criteria to be used by the Contracting Authority during tender selection, and their respective importance

1. Tender evaluation criteria:
  - a) **Gross price – 80%**
  - b) **Guarantee – 20%**

Product value shall be computed as follows:

re: a) **Gross price** - score weight 80 points (80%)

The score in the “Gross price” criterion (maximum 80 points) shall be determined as follows:

$$\frac{\text{The lowest gross price of all the received tenders,}}{\text{Gross price specified in the tender}} \times 80$$

re: b) **Guarantee** - score weight – 20 points (20%)

The score in the “Guarantee” criterion (maximum 20 points) shall be determined as follows:

$$\frac{\text{Guarantee period specified in the tender}}{\text{The longest guarantee period of all the received tenders}} \times 20$$

The Contracting Authority shall specify the acceptable guarantee period as follows:

- minimum required guarantee – 24 months;
- maximum guarantee period – 60 months.

In the tender form (Appendix 1), the Economic Operator shall specify a guarantee period between 24 and 60 months. The Economic Operator shall specify the number of months (integer).

Tenders with guarantees shorter than the minimum shall be rejected.

For tenders with guarantees longer than 60 months, and otherwise compliant with Contracting Authority’s requirements, the Contracting Authority shall use the number 60 for all calculations and this period shall be adopted for the purposes of the agreement to be entered into with the Economic Operator.

2. The total score shall include the scores achieved by the tender in criteria a) and b). Scores shall be rounded to two decimal places using common rounding practices.
3. The Contracting Authority shall award the contract to the Economic Operator whose tender complies with all the requirements specified in the ITT and is evaluated against the selection criteria as the most favourable, thus achieving the highest score.
4. If the selected Economic Operator refuses to enter into the agreement, the Contracting Authority may enter into the agreement with another Economic Operator who satisfies ITT requirements and whose tender achieved the second highest score.
5. If the Contracting Authority is unable to select the most favourable tender due to the fact that the tenders achieved identical scores, the Contracting Authority shall request that the relevant Economic Operators submit additional tenders by the time specified by the Contracting Authority. In their additional tenders, the Economic Operators may not offer prices that are higher than those quoted in their initial tenders.

## 9. Tender requirements

1. Tenders shall be made in the Polish language, in legible writing, using the Tender Form attached as **Appendix 1** to this ITT, and the Form shall be filled in using permanent ink or a pen, a typewriter or a computer. Tenders shall be signed by the Economic Operator or an individual authorised to represent the Economic Operator (applies also to tenders submitted by e-mail).
2. The following shall be submitted together with the Tender Form attached as **Appendix 1** to this ITT:
  - a) Declaration about the lack of personal and/or equity relationships between the Economic Operator and the Contracting Authority, attached as **Appendix 2** to this ITT.
3. Tenders shall be submitted personally or by post to the registered office of the Company: Ludwin Kolonia 58, 21-075 Ludwin, or by e-mail to: dawid.walecki@pol-mak.pl
4. Tender submission shall not result in any claims between the parties. Tenders shall be made at Economic Operators’ own cost. Each Economic Operator may submit one tender only.

## 10. Tender submission location and time limit, and contact person

1. Tenders compliant with the attached Form and this ITT shall be submitted by **01.08.2017** (date as received by the Contracting Authority).
2. Tenders submitted after the time limit shall not be evaluated.

3. Contact person for Economic Operators: **Dawid Walecki**, tel. **539 976 727**, e-mail: **dawid.walecki@pol-mak.pl**
4. In the course of tender evaluation and assessment, the Contracting Authority may request that the Economic Operators provide additional explanations concerning their respective tenders.

#### 11. Agreement amendment conditions

1. The Contracting Authority may make major amendments to the agreement entered into with the selected Economic Operator compared to the initial tender which served as the basis for selecting the Economic Operator.
2. In particular, such amendments may result from:
  - a) amendments to any laws and regulations or other documents, including the Eastern Poland Operational Programme 2014-2020 documents;
  - a) changes to applicable charges (changes in the official VAT rates);
  - b) external reasons independent of the Contracting Authority and the Economic Operator;
  - c) reasonable changes to the method of delivering the subject of the contract;
3. In addition, the Contracting Authority shall have the right to change the time limit.

#### 12. List of appendices

1. **Appendix 1** – Tender Form;
2. **Appendix 2** – Declaration of the lack of personal and/or equity relationships between the Economic Operator and the Contracting Authority.

## Appendix 1 – Tender Form

.....  
Economic Operator's stamp

.....  
Place, date

### TENDER

Economic Operator's details

Name.....

Address .....

NIP (Tax Identification Number)..... REGON (Business Registry Number)

.....

KRS (National Court Register) .....

Tel./fax. ....

E-mail address.....

In response to the invitation to tender of 24.07.2017, we present the following quotation:

Description	Net amount	VAT rate	Gross amount
<b>Storage and dispensing system for various flour types - 1 piece</b>			
Total:			

The guarantee period of ..... months shall commence from the date of signing the acceptance protocol by the Contracting Authority.

I/we declare that I/we have read the terms and conditions of this Invitation to Tender, I/we have no reservations pertaining to it and that I/we obtained the information and clarifications required to prepare the tender.

I/we declare that my/our tender validity period shall be 30 calendar days from the expiry of the time limit for submitting tenders.

I/we declare that in the event that the Contracting Authority should select my/our tender, I/we undertake to sign the contract at the time and place indicated by the Contracting Authority.

We declare that the subject of the tender complies with the specification indicated in the Invitation to Tender (point 3 hereto).

.....  
(Economic Operator's signature and stamp)

**Appendix 2 – Declaration of the lack of personal and/or equity relationships between the Economic Operator and the Contracting Authority**

.....  
Economic Operator's stamp

.....  
Place and date

**Declaration**

In response to the invitation to tender of 24.07.2017

I, the undersigned, .....  
(name of the person authorised to represent the Economic Operator)

acting for and on behalf of:

.....  
(Economic Operator's details – full name and address of the company)

I hereby declare that:

the Economic Operator is not related personally or by equity to the Contracting Authority, i.e. there is no personal or equity relationship understood as mutual relationships between the Contracting Authority or individuals authorised to act for and on behalf of the Contracting Authority, or individuals who are in charge of handling the procedure for Economic Operator selection, and the Economic Operator, involving in particular:

- a. participation in the company as partners in a civil-law company or partnership,
- b. holding of stocks or at least 5% of shares,
- c. acting as members of supervisory or management bodies, proxies, or attorneys,
- d. remaining in a legal or factual relationship that could raise reasonable concerns regarding the impartial selection of the economic operator, and especially being related by marriage, direct or secondary consanguinity or affinity up to the second degree, or adoption, custody or guardianship relationships.

.....  
(Economic Operator's signature and stamp)