

## Contract notice

### Supplies

#### "The supply of an electrophysiology system and a headstage for the Cancer Neurophysiology Research Group"

#### SECTION I - CONTRACTING AUTHORITY

##### 1.1.) The role of the Contracting Authority

The procedure shall be conducted independently by the Contracting Authority

**1.2.) Name of the Contracting Authority:** Sieć Badawcza Łukasiewicz – PORT Polski Ośrodek Rozwoju Technologii (Łukasiewicz Research Network – PORT Polish Centre for Technology Development)

**1.4) National Identification Number:** REGON 386585168

##### 1.5) Contracting Authority's address

**1.5.1.) Street:** Stabłowicka 147

**1.5.2.) Locality:** Wrocław

**1.5.3.) Postal Code:** 54-066

**1.5.4.) Region (Voivodship):** Lower Silesia

**1.5.5.) Country:** Poland

**1.5.6.) NUTS 3 location:** PL514 - City of Wrocław

**1.5.9.) Email address:** [malgorzata.sopanska@port.lukasiewicz.gov.pl](mailto:malgorzata.sopanska@port.lukasiewicz.gov.pl)

**1.5.10.) Website address of the Contracting Authority** <https://www.port.org.pl/pl/>

**1.6.) Type of the Contracting Authority** Public Contracting Authority - legal person referred to in Article 4(3) of the Act (entity governed by public law)

**1.7.) Contracting Authority's scope of business activity:** Other activity  
research and development

#### SECTION II – BASIC INFORMATION

##### 2.1.) The notice concerns:

Public Procurement

**2.2.) The notice concerns social and other specific services:** No

##### 2.3.) Name of the contract or of the Framework Contract:

"The supply of an electrophysiology system and a headstage for the Cancer Neurophysiology Research Group"

**2.4.) Procedure ID:** ocds-148610-3093a3dd-1fc3-4686-916e-3c16a477bdf4

**2.5.) Notice number:** 2024/BZP 00558119

**2.6.) version of notice:** 01

**2.7.) Date of notice:** 2024-10-22

**2.8.) The contract or the Framework Contract have been included in the proceedings plan:**  
No

**2.11.) Only the Economic Operators referred to in Article 94 of the Act may apply for the award of the contract:** No

**2.14.) Does the contract or Framework Contract concern a project or programme co-financed by the European Union:** No

## 2.16.) Procedure for awarding the contract and its legal basis

The contract is awarded under the basic procedure pursuant to: Article 275(2) of the Act

### SECTION III – SHARING OF CONTRACT DOCUMENTS AND COMMUNICATION

#### 3.1.) Website address of the conducted procedure

<https://platformazakupowa.pl/pn/port>

#### 3.2.) The Contracting Authority reserves access to the contract documents: No

#### 3.4.) Economic operators shall submit tenders, requests to participate, statements and other documents only by electronic means: Yes

**3.5.) Information on the electronic means of communication to be used by the Contracting Authority to communicate with Economic Operators - website address:** Communication between the Economic Operator and the Contracting Authority as well as transfer of information, statements, requests, notices and documents shall take place via electronic means. Communication between the Contracting Authority and Economic Operators, including all statements, requests, notices and information shall be transmitted electronically via the Platform and the 'Send a message' form available at <https://platformazakupowa.pl/pn/portt> or by e-mail of the Contracting Authority indicated in section 10.6 of the ToR.

**3.6.) Technical and organisational requirements for electronic correspondence:** The Contracting Authority, in accordance with the Regulation of the Prime Minister of 31 December 2020 on the method of preparing and submitting information and technical requirements for electronic documents and means of electronic communication in a public procurement procedure or competition (Journal of Laws of 2020, item 2452), specifies the necessary hardware and application requirements to work on platformazakupowa.pl, i.e.:

- 1) permanent access to the Internet with a guaranteed bandwidth of not less than 512 kb/s;
- 2) PC or MAC computer with the following configuration: min. 2 GB Ram, processor Intel IV 2 GHZ or its newer version, one of the operating systems - MS Windows 7, Mac Os x 10 4, Linux, or their newer versions,
- 3) any web browser installed, in the case of Internet Explorer at least version 10.0,
- 4) JavaScript enabled,
- 5) Adobe Acrobat Reader or other software supporting .pdf file format installed.
- 6) Encryption at <https://platformazakupowa.pl> is using TLS 1.3 protocol.
- 7) Indication of data reception time by the purchasing platform is the date and the exact time (hh:mm:ss) generated according to the local time of the server synchronised with the clock of the Central Office of Measures.
- 8) The maximum size of one file sent via dedicated forms for: submission, modification, withdrawal of a tender is 150 MB, while for communication the file size is maximum 500 MB.

**3.8.) The Contracting Authority requires that tenders be drawn up and submitted using electronic construction data modelling tools or any similar tools which are not generally available: No**

**3.12.) Tender - electronic catalogue: Not applicable**

**3.14.) Languages in which documents submitted in the proceedings may be drawn up:**

Polish

English

**3.15.) GDPR (Information Obligation):** Detailed information is contained in Annex 6 to the TOR.

**3.16.) RODO (restrictions on use):** Detailed information is contained in Annex 6 to the TOR.

## **SECTION IV – SUBJECT-MATTER OF THE CONTRACT**

**4.1.) General information relating to the subject-matter of the contract.**

**4.1.1.) A market consultation has been carried out prior to the launch of the procedure:** No

**4.1.2.) Reference number:** SPZP.271.98.2024

**4.1.3.) Contract type:** Supplies

**4.1.4.) The Contracting Authority shall award the contract in lots, each of which shall be the subject of a separate procedure:** Yes

**4.1.8.) Tenders for lots are allowed:** No

**4.2. Specific information relating to the subject-matter of the contract:**

**4.2.2.) Brief description of the subject-matter of the contract**

The object of the contract is the supply of an electrophysiology system and a headstage compatible with the system.

A detailed description of the object of the contract, along with the Contracting Authority's requirements regarding the object of the contract, have been specified in Appendix 2 to the ToR - Quotation Form and in Appendix 3 to the ToR - Model Contract.

**4.2.6.) Main CPV code:** 31700000-3 Electronic, electromechanical and electrotechnical devices

**4.2.8.) The contract includes options:** No

**4.2.10.) Execution period of the contract or of the Framework Contract:** 35 days

**4.2.11.) The Contracting Authority envisages renewals:** No

**4.2.13.) The Contracting Authority envisages awarding contracts for similar services or works to the actual Economic Operator:** No

**4.3.) Tender evaluation criteria:**

**4.3.2.) A manner of determining the weighting of the criteria for evaluation of tenders:** Scoring

**4.3.3.) Applicable tender evaluation criteria:** Price criterion

**Criterion 1**

**4.3.5.) Criterion name:** Price

**4.3.6.) Weight:** 100.00

**4.3.10.) The Contracting Authority specifies the social, environmental or innovation aspects, requests labels or uses life-cycle costing in relation to the tender evaluation criteria:** No

## **SECTION V - QUALIFICATION OF ECONOMIC OPERATORS**

**5.1.) The Contracting Authority provides for optional grounds for exclusion:** No

**5.3.) Conditions for participation in the procedure;** No

**5.5.) The Contracting Authority requires the submission of the statement referred to in Article 125(1) of the Act:** Yes

**5.6.) List of qualitative evidence to confirm the non-exclusion:** Subjective evidence required from the Contractor shall include:

1) the Contractor's declaration in the scope of art. 108 par. 1 clause 5 of the Public Procurement Law, on not being the member of the same capital group within the meaning of the Act of February 16, 2007 on competition and consumer protection (Journal of Laws of 2021, item 275, consolidated text) with another Contractor who submitted a separate tender, partial tender or application to be able to participate in the procedure, or a declaration of belonging to the same capital group, including documents or information confirming the preparation of the tender, partial tender or application to be able to participate in the procedure, regardless of another Contractor being the member of the same capital group - the template of the declaration is attached as Appendix no. 5 to ToR.

## **SECTION VI - TERMS OF THE CONTRACT**

**6.1.) The Contracting Authority requires or allows variant tenders: No**

**6.3.) The Contracting Authority envisages an electronic auction: No**

**6.4.) The Contracting Authority requires a tender deposit: No**

**6.5.) The Contracting Authority requires a security on due performance of the contract; No**

**6.6.) Requirements concerning submitting a tender by Economic Operators jointly competing for the award of the contract:**

Economic Operators may jointly compete for the contract. In such a case Economic Operators shall appoint a proxy to represent them in the proceedings or to represent them and conclude the Public Procurement Contract. The power of attorney shall be attached to the tender.

In the case of Contractors jointly competing for the award of the contract, the statements referred to in clause 7.1. of ToR, are submitted by each of the Contractors. These declarations confirm the lack of grounds for exclusion and the fulfilment of the conditions for participation in the scope in which each of the Contractors demonstrates compliance with the conditions for participation in the procedure.

**6.7.) The Contracting Authority provides for the cancellation of the procedure if the public funds which it intended to allocate for the financing of all or part of the contract have not been awarded: Yes**

## **SECTION VII - PROPOSED PROVISIONS OF THE CONTRACT**

**7.1.) The Contracting Authority envisages granting advance payments: No**

**7.3.) The Contracting Authority envisages amendments to the Contract. Yes**

**7.4.) Type and scope of amendments to the Contract and conditions for introducing them:**

The Contracting Authority provides for the possibility of amending the concluded Contract in relation to the content of the selected tender within the scope regulated in Articles 454-455 of the PPL and indicated in the Model Contract constituting Appendix 3 to the ToR.

Article 11. Amendment to the Contract

Apart from cases specified by law, the Parties provide for the possibility of amending the Contract:

1) in the event of stoppages or delays attributable to the Contracting Authority, having a direct impact on the timely performance of the subject-matter of the Contract, resulting in changes to the date of its completion – in such a case, the provisions of Article 6(1) of the Contract shall be amended in such a way that the term of the Contract shall be prolonged by the period of stoppages and delays and potential consequences of such delays;

- 2) in the event of force majeure having a direct impact on the timely performance of the subject-matter of the Contract, resulting in changes to the date of its completion – in such a case the provision of Article 6(1) of the Contract shall be changed in such a way that the term of the Contract shall be prolonged maximum by the duration of the force majeure and its consequences;
- 3) due to action of administrative authorities, in particular refusal to issue or delay in issuing required decisions, permits, approvals by administrative authorities or other entities for reasons not attributable to the Economic Operator – in such a case the provision of Article 6(1) of the Contract shall be amended in such a way that the term of the Contract shall be prolonged accordingly, taking into account the period of extension of such procedures and their effects;
- 4) due to other external reasons beyond the Contracting Authority's or Economic Operator's control, resulting in the inability to perform the Contract on time – in such a case, the provisions of Article 6(1) of the Contract shall be amended in such a way that the term of the Contract shall be prolonged accordingly by the period of occurrence of such reasons and the duration of their effects;
- 5) in the event of changes in the provisions of EU or domestic law, resulting in the necessity to adjust the documentation or provisions of the Contract to the changes in the aforementioned provisions that occurred in the course of the Contract's performance, including in particular the change of the VAT rate – in such a case the Parties may amend the Contract to take account of the adequate impact of such circumstances (changes in provisions, agreements, guidelines) on the performance of the Contract;
- 6) within the scope of changing the parameters of Equipment in the event of discontinuation of production of a specific type of Equipment, introduction of a new generation of Equipment or a new model (i.e. substitute/equivalent). The substitute/equivalent supplied must meet at least all of the requirements set out in this Contract and in appendices thereto or exceed them, with the proviso that the substitute/equivalent must come from the same manufacturer as the one originally offered. A prerequisite for such an amendment to the Contract shall also be that there is no increase in the price of the Equipment and the value of the Contract as compared to the original value presented in the Contractor's tender. The quantities of Materials ordered in this way must be identical to the quantities resulting from the Contract;
- 7) in the event of a change in catalogue numbers of Equipment by the manufacturer with the reservation that contractual prices and values shall not be changed to higher ones. The delivered subject-matter of the Contract must meet at least all requirements specified in this Contract and in appendices thereto or exceed them.

**7.5.) The Contracting Authority has taken into account social, environmental, innovation or labelling aspects in relation to the performance of the contract: No**

## **SECTION VIII – PROCEDURE**

**8.1.) Time limit for the submission of tenders: 2024-10-30 12:00**

**8.2.) Place for the submission of tenders: <https://platformazakupowa.pl/pn/port>**

**8.3.) Time limit for opening of tenders: 2024-10-30 12:30**

**8.4.) Tender validity period: up to 2024-11-28**

**8.5.) The Contracting Authority envisages selecting the most advantageous offer with the possibility of negotiations: Yes**

**8.6.) Maximum number of Economic Operators to be invited to negotiate: 3**

**8.7) Tender evaluation criteria which the Contracting Authority intends to use to limit the number of Economic Operators:**

price

**SECTION IX – OTHER INFORMATION**

Execution period of the contract: 5 weeks x 7 days = 35 days

The tender shall contain:

- 1) A completed and signed Tender Form - the model form is attached as Appendix 1 to the ToR.
- 2) A completed and signed Quotation Form - the model form is attached as Appendix 2 to the ToR.
- 3) Completed and signed declaration referred to in clause 7.1. of the ToR – template of declaration attached as Appendix 4 to ToR;
- 4) In order to confirm that the person acting on behalf of the Economic Operator is authorised to represent it, the Contracting Authority requires from the Economic Operator a copy or information from the National Court Register, Central Register and Information on Business Activity or other relevant register.

The Economic Operator shall not be obliged to submit the documents referred to in sentence 2 if the Contracting Authority can obtain them using free and publicly available databases, provided that the Economic Operator has indicated the data enabling access to such documents.

- 5) Appropriate power of attorney(s) - if the power to sign the tender does not derive directly from the appropriate register (if applicable),
- 6) In the case of Economic Operators jointly competing for the contract, a document appointing a Representative to represent them in the contract award procedure or to represent them in the procedure and to conclude the Public Procurement Contract (if applicable). Grounds for exclusion from the procedure.

1. Excluded from the procurement procedure shall be Economic Operators in relation to whom any of the circumstances described in Article 108(1) of the PPL occur.
2. The Contracting Authority does not provide for the exclusion of the Economic Operator pursuant to Article 109(1) of the PPL.
3. Exclusion of the Economic Operator shall take place in accordance with Article 111 of the PPL.
4. The Economic Operator shall be excluded from the contract award procedure in the cases referred to in Article 7(1) of the Act of 13 April 2022 on special solutions in the field of counteracting the support of aggression against Ukraine and serving the protection of national security (Journal of Laws 2023, item 1497 as amended). Article 7(3) of the Act indicated in the previous sentence shall apply to the Economic Operator subject to exclusion in this respect.