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Kraków, 4.11.2024 r.

*Subject: public procurement procedure in the basic mode without the possibility of negotiation in accordance with the Act of 11 September 2019 – Public Procurement Law (i.e. Journal of Laws of 2024, item 1320, as amended) for the selection of the Contractor for the implementation of the NAP-XPS system for the research station for the needs of the SOLARIS National Synchrotron Radiation Centre, divided into two parts.*

***QUESTIONS AND ANSWERS TO THE TERMS OF REFERENCE  
AND MODIFICATION OF THE TERMS OF REFERENCE***

Dear,

The Contracting Authority informs that questions have been received in the procedure in question from potential Contractors:

***Question no. 1***

***Please clarify when and under which conditions the second payment up to the amount of 30% and the third payment up to the amount of 20% will be performed.***

***Answer no.1***

The terms of payment are specified in Appendix No. 2 to the Terms of Reference - model agreement/draft contractual provisions for part I\*/II\*, i.e. in paragraph 7 and paragraph 4 of the model agreement. The second payment of up to 30% of the contractor's remuneration will be made in accordance with the wording of paragraph 4 section 2(2.1) based on partial acceptance of individual components constituting the Subject of the Contract, received in a protocol by the Employer's representative. These elements do not have to be transported at this stage to the Ordering Party, and more precisely to the NCPS SOLARIS UJ in Krakow. The third payment of up to 20% of the contractor's remuneration will be made after the production, FAT tests and delivery of the Subject of the contract (complete) to the headquarters of NCPS SOLARIS in Kraków and the fulfilment of the other requirements contained in the model contract.

***Question no. 2***

***Does the contracting authority accept as well an analyser with a mean radius of 150 mm that fulfils the energy resolution requirements stated in paragraph 4. Additionally, our hemispherical NAP analyzer has a DN 150 CF mounting flange, which implies a more compactness of the entire system and more flexibility in the design of the analysis chamber of the system, which will have a DN 150CF for mounting the analyzer instead of a DN 200 CF.***

***Answer no.2***

We can approve the use of an analyzer with a smaller mean radius, i.e. 150 mm, provided that all requirements specified in Appendix A (Description of the subject of the contract for the NAP-XPS system for beamline at the SOLARIS National Synchrotron Radiation Centre, point 2.2 Part 2: Ambient Pressure Electron Energy Analyser) are fully met. We do not agree to reduce the flange size for mounting the ambient pressure electron energy analyser. We will adhere to the originally specified mounting flange size of DN200 CF.

**Question no. 3**

***Does the contracting authority accept as well an analyser with 4 turbomolecular pumps (HiPace 700, 2 x HiPace 300, HiPace 80)? With this configuration, the pressure in front of the nozzle of the analyzer can go up to 50 mbar and the pressure at the detector is still in low  $10^{-7}$  mbar range (nozzle opening diameter 300  $\mu$ m). This value is even better than required in the technical specifications of paragraph 12.***

***Answer no. 3***

We can approve the usage of analyser with 4 turbomolecular pumps, however, we want to maintain the requirement that it supports connections for a minimum of 5 turbomolecular pumps.

**Question no. 4**

***Does the contracting authority accept an analyzer with the specified count rates but without the enhancing lens mode.***

Since our NAP hemispherical analyzer has an acceptance angle of  $\pm 22^\circ$  (in total  $44^\circ$ ) coupled with an excellent transmission and a large detector, a lens mode for enhancing the transmission is not needed. With our analyzer, equipped with a nozzle with 300  $\mu$ m opening diameter and a small spot laboratory monochromatic X-ray source (Al K $\alpha$  anode, Spot size < 250  $\mu$ m, 20 W) we reach the following count rates for Ag 3d:

- UHV: 70 kcps (guaranteed),  
150 kcps (achievable) for FWHM < 0.85 eV
- 10 mbar N<sub>2</sub>: 7 kcps (guaranteed),  
15 kcps (achievable) for FWHM < 0.85 eV
- 25 mbar N<sub>2</sub>: 0.5 kcps (guaranteed),  
1.5 kcps (achievable) for FWHM < 0.85 eV

***Answer no. 4***

We maintain the requirements of using analyser with a mode enhancing the transmission of electrons in the lens.

**Question no. 5**

***Please indicate the position of the “sample position: point within the dedicated space of NAP-XPS system.***

*Questions and answers and modification of the ToR in the procedure for the development of the NAP-XPS system for the research station for the needs of the SOLARIS National Synchrotron Radiation Centre, divided into two parts*

*Case no.: 80.272.367.2024*

***Answer no. 5***

The sample position is the center of the circle marked in Appendix MECH4. The approximate distances in the area of NAP-XPS end station are:

- the distance from the left edge of the selected area (edge with marked length of 4806 mm) is equal to 2045 mm
- the distance from the bottom edge of the selected area (edge with marked length 2897 mm) is equal to 3644 mm

More precise dimensions can be determined based on the Appendix MECH4 in .dwg format (which can be opened by free software).

**MODIFICATION TO THE CONTENT OF SWZ**

**in terms of the deadlines for submission and opening of tenders  
in terms of the validity period of the offer  
in the scope of Appendix No. 2 to SWZ– draft provisions of the agreement**

The Contracting Authority modifies the content of Appendix 2 to the Terms of Reference, the proposed contractual provisions/contract template in such a way that in paragraph 7 subsection 1.5 is added in point 1 with the following wording:

„1.5 The Parties agree that in the event that the first or second payment does not reach the indicated ceiling, i.e. 20% and 30% of the value of the remuneration referred to in §3 section 1, respectively, the fourth payment will be increased accordingly, so that the Contractor receives the remuneration in the total amount indicated in §3 section 1.”

As a consequence, the Contracting Authority informs that the deadlines for submitting and opening bids are changed to 14 November 2024, while the hours and place of submission and opening of bids remain unchanged.

At the same time, the Contracting Authority informs that the above questions to the ToR and the Modification are an integral part of the ToR. The validity period of the offer for parts 1 and 2 of the contract has been changed to 11.02.2025.

Yours sincerely,  
Katarzyna Jasińska