

The Contracting Authority

**National Centre for Nuclear Research Radioisotope Centre POLATOM**  
with the seat in 05-400 Otwock, A. Sołtana 7, Poland

Contractor

**ISOFLEX USA**  
San Francisco, California CA 94129  
United States

Refers to the sole-source contract award procedure, the subject of which is: **“Delivery of 8 kg of Tellurium (Te) enriched isotope Te-130 in the form of tellurium dioxide Te-130 (TeO<sub>2</sub>) to the National Center for Nuclear Research POLATOM.”**

**INVITATION TO NEGOTIATE IN THE SOLE-SOURCE CONTRACT PROCEDURE**

1. Acting on behalf of the Contracting Authority, I would like to invite you to participate in negotiations concerning the public sole-source contract procedure for the **“ Delivery of 8 kg of Tellurium (Te) enriched isotope Te-130 in the form of tellurium dioxide Te-130 (TeO<sub>2</sub>) to the National Center for Nuclear Research POLATOM”**.
2. Deadline for the execution of the subject matter of the contract: **up to 15 March 2023**.
3. The detailed description of the subject matter of the Contract is included in **Annex No. 1** to this invitation.
4. The proceedings are conducted as a sole-source contract pursuant to Article 214, paragraph 1, item 6, of the Act of 11 September 2019 Public Procurement Law - hereinafter referred to as the “Act” (i.e. Journal of Laws of 2021, item 1129 as amended), with the estimated value of the subject of the contract exceeding the EU thresholds.
5. The subject of the negotiations will be to determine the terms and conditions of the future public procurement contract - including price, guarantee and payment conditions.
6. Statements and documents required:
  - 1) Please provide a preliminary quote by **03.02.2023 /3<sup>rd</sup> of February 2023/**. The Contractor may use the attached form.
  - 2) an extract or information from the National Court Register, Central Business Register and Information on Business Activity or other relevant register, unless the Contracting Authority can obtain them via free and publicly available databases to which end the Contractor will indicate the data allowing access to such documents. The document should be issued no earlier than 3 months prior to its submission.
  - 3) power of attorney or other document confirming the power of representation of the Contractor or entity providing resources, unless the power to represent results from the documents referred to in point 2.

- 4) the statement referred to in Article 125 par. 1 of the Act in the form of a European single procurement document (ESPD). (Annex 6 - xml format - to be imported from the eESPD website, pdf format - for reference).
- 5) information from the National Criminal Register with regard to:
  - a) Article 108(1)(1) and (2) of the PPL Act,
  - b) Article 108(1)(4) of the PPL Act, concerning the imposition of a prohibition to tender for a public contract as a penalty measure, drawn up not more than six months before its submission;
- 6) if the Contractor's seat or place of residence is located outside the territory of the Republic of Poland, instead of the information from the National Criminal Register referred to in item 5, the Contractor shall submit information from a proper register such as court register or, in case there is no such register, other equivalent document issued by a proper court or administrative authority of the country, in which the Contractor has its registered office or place of residence, within the scope of Art. 108 (1) points 1, 2 and 4.
- 7) a statement by the Contractor on the validity of the information contained in the statement referred to in Art. 125 (1) of the PPL Act as regards the grounds for exclusion from the procedure indicated by the Contracting Authority referred to in
  - a) Article 108(1)(3) of the PPL Act,
  - b) Article 108(1)(4) of the PPL Act, concerning a prohibition to compete for a public contract as a preventive measure,
  - c) Article 108(1)(5) of the PPL Act, concerning the conclusion with other Contractors of an agreement aimed at distorting competition,
  - d) Article 108(1)(6) of the PPL Act,
- 8) If, the country in which the Contractor has its registered office or place of residence, does not issue the documents referred to in point 2 or 6 or if such documents do not relate to all cases mentioned in Art. 108 item 1, 2 and 4 of the PPL Act, they shall be replaced respectively by a document containing a statement of the Contractor, indicating the person or persons authorized to represent it, or a statement of the person whom the document refers to, made under oath, or if in the country where the Contractor has its registered office or place of residence there are no provisions on making a statement under oath, made before a court or administrative body, a notary, a professional or business self-government body proper for the Contractor's registered office or place of residence.
- 9) The documents and statements referred to in points 1-4 shall be submitted by the Contractor by **03.02.2023**.
- 10) Documents and statements referred to in items 5-8 (concerning item 8: information from the National Criminal Register or the respective document) shall be submitted by the Contractor not later than upon conclusion of the contract.
- 11) Formal requirements concerning the documents and statements submitted in the proceedings:
  - a) The European Single Procurement Document shall be submitted, under the pain of invalidity, in an electronic form (i.e. bearing a qualified electronic signature).
  - b) If objective evidence, other documents or documents evidencing authority to represent the Contractor have been issued by authorised persons:
    - as an electronic document - the Contractor shall transmit that document;
    - as a paper document - the Contractor shall provide a digital copy of that document bearing a qualified electronic signature certifying the conformity of the digital copy with the paper

document;

7. Only contractors who are not subject to exclusion may apply for the award of the contract.
8. The Contractor in relation to whom any of the circumstances referred to in the articles listed below apply shall be excluded from the award procedure.
  - (a) Article 108(1) of the PPL Act;
  - (b) Article 7(1) of the on special solutions for counteracting the support of aggression against Ukraine and serving the protection of national security<sup>4</sup>
  - (c) as referred to in Article 5k of Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ EU L 229 of 31.7.2014, p. 1, as amended) as amended by Regulation 2022/576 (OJ EU L 111 of 04.05.2016, p. 1).

The Contracting Authority indicates that, with regard to the exclusion ground referred to in point (b) above, the Contractor shall submit a declaration in Part III Section D of the European Single Procurement Document "Grounds for exclusion of a purely domestic nature".

Moreover, when verifying the grounds for exclusion referred to above, the Contracting Authority reserves the right to call upon the Contractor to submit explanations.
9. **Information on how the Contracting Authority is to communicate with the Contractor:** Communication in the proceedings (negotiations) shall take place using electronic means of communication, i.e. the Platform available at <https://platformazakupowa.pl/pn/polatom> or [przetargi@polatom.pl](mailto:przetargi@polatom.pl).
10. After negotiations, the contract is required to be signed in writing or electronically with a qualified electronic signature.

Your sincerely,

Narodowe Centrum Badań Jądrowych  
Ośrodek Radioizotopów POLATOM

..... DZIAŁKOWSKI

  
mgr inż. Tomasz Dziel

**Annexes:**

- annex no. 1 - description of the subject matter of the contract;
- annex no. 2 - initial quotation form;
- annex no. 3 - draft contractual provisions;
- annex no. 4 - information concerning GDPR;
- annex no. 5 - statement on sanctions legislation related to the war in Ukraine;
- annex no. 6 - statement pursuant to Article 125 (1) of the PPL Act (ESPD);
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