



Procedure no.: **ZP/198/008/D/22**

ORDER REQUIREMENTS SPECIFICATION

(ORS)

A procedure on public procurement conducted in an open tender mode on:

Supply of fully automated fuel cell test station

The procedure follows the regulations of the Public Procurement Law, Chapter II.

APPROVED

Gdansk, July 2022



Chapter I Ordering Party

1. Gdansk University of Technology

Poland, 80-233 Gdansk, G. Narutowicza Str. 11/12

www.pg.edu.pl

Tax Number: 584-020-35-93

Telephone number: 58 347 15 69

2. The procedure is conducted by Chemical Faculty

e-mail: ilodemko@pg.edu.pl

3. The internet website of the procedure: https://platformazakupowa.pl/pn/pg_edu

Changes and explanations regarding ORS as well as other documents directly related to the procurement procedure will be available at the above website.

Chapter II Mode of the procurement

1. The procedure is conducted in accordance with the regulations of the Act of 11 September 2019 Public Procurement Law /hereinafter referred to as PPL Act/ (Journal of Laws of 2019, item 2019, as amended) as well as the implementing regulations pertaining to the above Act.
2. The procedure is conducted in an **open tender mode** in accordance with the article 132 of the PPL Act.
3. Head of the Ordering Party established a Tender Committee for execution of the procurement procedure in accordance with the article 53.
4. A procurement notice was published in the Official Journal of the European Union as well as on a contract profile of the Ordering Party available at the following website:
https://platformazakupowa.pl/pn/pg_edu .

Chapter III Description of the subject of the procurement

1. A subject of the procurement is **supply of fully automated fuel cell test station**.
2. Detailed description of the subject of the procurement is included in the **Attachments no. 2 to ORS**.
3. Code according to the Common Procurement Vocabulary (CPV) classification:
38500000-0 Checking and testing apparatus
4. The Ordering Party stipulates that all risks till the moment of delivery and acceptance of the order, confirmed by the Ordering Party in a delivery-acceptance protocol, are borne by the Contractor.
5. The subject of the procurement is defined by identification of objective technical and qualitative features. Potential names (trademarks) provided by the Ordering Party are of exemplary character and are aimed at presentation of the expected standard while the Ordering Party allows submission of the tenders equivalent in regard to description of the subject of the procurement.
6. Equivalent solutions:
 - 6.1 In the event that the Ordering Party used in the description of the subject of the contract, trademarks, patents or origin, source or a specific process that characterizes the products delivered by a specific Contractor, referred to in Art. 99 sec. 5 of the Public Procurement Law, they should be understood as examples. The Ordering Party, in accordance with Art. 99 sec. 6 of the Public Procurement Law allows in each case the use of equivalent solutions described in the content of the ORS. Each time the standard, technical evaluation, technical specification and technical reference system referred to in Art. 101 paragraph. 1 point 2 and sec. 3, it should be assumed that the wording "or equivalent" was used in reference to it.



- 6.2 By an equivalent solution, the Ordering Party understands such a solution that enables the achievement of the effect assumed in the description of the subject of the procurement by means of other technical solutions. A contractor who refers to solutions equivalent to those described by the Ordering Party is obliged to prove that the supplies offered by him meet the requirements specified by the Ordering Party.
- 6.3 If the description of the subject of the contract refers to standards, technical assessments, technical specifications and technical reference systems, the Ordering Party will not reject the offer if the solutions proposed in the offer (proven by the Contractor using the means of proof) meet the requirements set out in description of the subject of the contract.
7. The Ordering Party requires that the subject of the procurement complies with the recommendations, standards as well as technical-operational requirements, which are in force in the Republic of Poland and in the European Union.
8. The subject of the procurement must be brand new, free of any flaws and defects, without previous operation and it cannot be the subject of third party rights.
9. The Contractor is obliged to complete the order following the rules and conditions described in a general model contact in the **Attachment no. 4 to ORS**.
10. **The Ordering Party allows the following payment mode:** an advance payment in the amount of 20% of net price within 21 days since the signing of the contract, 30% of net price after preparation of the technical documentation, 40% of net price after delivery of the subject of the procurement to a location indicated by the Ordering Party and 10% of net price after verification and acceptance of supplied subject of the procurement by the Ordering Party.
11. The Ordering Party does not require that key tasks are personally executed by the Contractor.
12. The Contractor can delegate execution of some parts of the order to Subcontractors. The scope of the order, which the Contractor intends to delegate to the Subcontractors should be indicated in a Contractor statement included in a tender form.
13. The Ordering Party does not allow submission of the partial tender offers.
14. The Ordering Party does not stipulate a framework contract.
15. The Ordering Party does not stipulate an electronic auction.
16. The Contractor shall bear the cost of preparation, submission and processing of the tender offer.
17. The Contractor must be familiar with the entire ORS document.
18. All attachments are the integral parts of ORS.

Chapter IV Order completion date

1. The Ordering Party defines the date of procurement (contract) completion:
maximum 14 months since the day of contract signing
2. The procurement must be delivered to:
Gdansk University of Technology, Chemical Faculty, Department of Electrochemistry, Corrosion and Materials Engineering, G. Narutowicza Str. 11/12, 80-233 Gdansk, Poland.

Chapter V Tender offer validity period

1. **Tender offer validity period expires on 27.11.2022.**
2. If the most advantageous offer is not selected before the tender offer validity expiry date, which is defined in the point 1, the Ordering Party, before the tender offer validity period expires, will once ask the Contractors to consent to extension of the validity period, but not longer than 60 days.



3. Extension of the tender offer validity period, referred to in point 2, requires the Contractor to submit a written consent to extend offer validity period.

Chapter VI

Information on the conditions of participation in tender procedure

1. According to the article 112 of the PPL Act, the Ordering Party defines the following conditions of participation in tender procedure:
 - 1) **capacity to participate in commerce**
The Ordering Party does not define detailed condition in this field.
 - 2) **authorization to conduct particular economic or professional activity if it results from separate regulations**
The Ordering Party does not define detailed condition in this field.
 - 3) **economic or financial condition**
The Ordering Party does not define detailed condition in this field.
 - 4) **technical and professional capacity**
The Ordering Party does not define detailed condition in this field.

Chapter VII

Grounds for exclusion, referred to in the article 108, paragraph 1 and exclusion grounds under other regulations

1. Only the Contractors who are not subjected to exclusion can participate in the tender procedure.
2. The Contractors eligible to any circumstances referred to in the article 108 of the PPL Act will be excluded from the tender procedure by the Ordering Party.
3. The Ordering Party will also exclude the Contractor in relation to whom any of the circumstances referred to in the article 7 paragraph 1 point 1-3 in accordance with the **Act on special solutions for counteracting aggression against Ukraine and for the protection of national security of April 13, 2022** (Journal of Laws of 2022, item 835) and **art. 5k of Regulation 2022/576 to Council Regulation (EU) No. 833/2014 of 31 July 2014 on restrictive measures in view of Russia's actions destabilizing the situation in Ukraine (Journal of Laws of the EU No. L 229 of 31.7.2014, p. 1)** occur.

It is forbidden to award or further perform any public contract or concession falling within the scope of the Public Procurement Directives as well as the scope of art. 10 paragraph 1, 3, paragraph 6 letter a) - e), paragraph 8, 9 and 10, art. 11, 12, 13 and 14 of Directive 2014/23 /EU, art. 7 and 8, art. 10 letter b) to f) and letter h) to j) of Directive 2014/24/EU, art. 18, art. 21 letter b) to e) and letter g) - i), art. 29 and 30 of Directive 2014/25/EU and art. 13 letter a) - d), letter f) to h) and letter j) of Directive 2009/81/EC for or with the participation of:

- a) Russian citizens or natural or legal persons, entities or bodies based in Russia;
- b) legal persons, entities or bodies, whose ownership rights directly or indirectly belong to the entity referred to in letter a) of this paragraph in more than 50% or
- c) natural or legal persons, entities or bodies acting on behalf or at the direction of the entity referred to in letter a) or b) of this paragraph,

including subcontractors, suppliers or entities reliant on capacities within the meaning of the Public Procurement Directives where they account for more than 10% of the contract value.



Chapter VIII

Information on the means of proof

1. The Ordering Party requires the Contractor to submit the relevant evidence, i.e. **technical specifications for products together with the catalogue cards**, confirming that the offered deliveries meet the requirements specified by the Ordering Party in the ORS.
2. The technical specifications must confirm all the required parameters specified in the detailed description of the subject of the contract constituting Attachment No. 2 to the ORS.
3. The Ordering Party accepts equivalent means of proof if they confirm that the services offered meet the specified requirements, features or criteria.
4. **The Ordering Party does not envisage supplementing the means of proof.**

Chapter IX

Information on means of proof and other documents

Documents submitted with the tender offer:

1. In order to demonstrate the absence of grounds for exclusion, **the Contractor must attach to the tender offer:**
 - 1) A statement, valid as on the date of submission of tender offers, on not being excluded from participation in the procedure to the extent indicated by the Ordering Party, constituting an evidence temporarily replacing the means of proof required by the Ordering Party.
In case Contractors jointly apply for the procurement, the statement shall be made by each of the Contractors.
 - 2) The statement referred to in the paragraph 1, point 1) shall be made on the European Single Procurement Document (ESPD) form, prepared in accordance with the reference standard form defined in the implementing regulation of the Commission (EU) 2016/7 of 5 January 2016 establishing a standard form for the European Single Procurement Document (Official Journal of the European Union L 3 of 06.01.2016, p. 16), hereinafter referred to as the "Single Document" (ESPD).
 - 3) The means of proof, referred to in Chapter VIII of the ORS,
 - 4) The statement on not being subject to exclusion on the basis of the conditions referred to in Chapter VII point 3 of the ORS (according to the Attachment no. 7 to the ORS).

The Contractor is obliged to submit ESPD in an electronic form with a qualified electronic signature. The Contractor fills in ESPD by creating an electronic document. They can use the ESPD tool (<http://espd.uzp.gov.pl>) provided by the Public Procurement Office or other available tools or software that allow filling in ESPD and creating an electronic document. ESPD prepared preliminarily by the Ordering Party for the procedure in question (in .xml format – to be imported from the ESPD service) is available on the Ordering Party's website https://platformazakupowa.pl/pn/pg_edu, at the place of posting this ORS. **The Contractor shall complete the Single Document in the following parts: II, III, section A, B, C, D, IV section α (alpha) and part VI.**

The instruction for completing the Single Document is available at the following address: <https://www.uzp.gov.pl/baza-wiedzy/jednolity-europejski-dokument-zamowienia>

Documents submitted on request:

2. In accordance with the article 126, paragraph 1 of the PPL Act, before selecting the most advantageous tender offer, the Ordering Party shall invite the Contractor whose tender offer has been



rated the highest to submit, within defined period, not shorter than 10 days from the date of the summons, the following means of proof, valid as at the date of their submission:

- 1) **A statement, within the scope of the article 108, paragraph 1, point 5 of the PPL Act, on the lack of membership in the same capital group in the meaning of the Act of 16 February 2007 on competition and consumer protection** (Journal of Laws of 2020, items 1076 and 1086), with other contractor who submitted a separate offer, or the statements on membership in the same capital group together with documents or information confirming preparation of the tender offer, a partial tender offer or an application to participate in the procedure independently of other contractor belonging to the same capital group,
- 2) **Information from the National Crime Index** regarding the grounds for exclusion indicated in the article 108, paragraph 1, points 1, 2 and 4 of the PPL Act, prepared not earlier than 6 months before its submission,
- 3) **A statement of the Contractor on validity of the information contained in the statement** referred to in the article 125, paragraph 1 of the PPL Act, regarding the grounds for exclusion from the procedure indicated by the Ordering Party, referred to in the article 108, paragraph 1, point 3 of the PPL Act, the article 108, paragraph 1, point 4 of the PPL Act, regarding ordered ban on applying for a public procurement as a preventive measure, the article 108, paragraph 1, point 5 of the PPL Act, concerning conclusion of an agreement with other contractors aimed at distorting competition, the article 108, paragraph 1, point 6 of the PPL Act.
3. The Ordering Party will not invite to submit the means of proof if it can access them by means of free and publicly available databases, in particular public registers in the meaning of the Act of 17 February 2005 on computerization of the activity of the entities performing public tasks, provided that the Contractor indicates in the statement referred to in the article 125, paragraph 1 the data enabling access to these measures.
4. If the Contractor has its registered office or place of residence outside the Republic of Poland, instead of the document referred to:
 - 1) in the paragraph 2, point 2), the Contractor submits information from the relevant register, such as the court register, or, in the absence of such a register, other equivalent document issued by the competent judicial or administrative authority of the country, in which the Contractor has its registered office or place of residence, to the extent referred to in paragraph 2 point 2 of this chapter of the ORS.
5. The document referred to in the paragraph 4, point 1) should be issued no earlier than 6 months before its submission.

Chapter X

Information on the means of electronic communication, by which the Ordering Party will communicate with the Contractors, as well as information on technical and organizational requirements for preparing, sending and receiving electronic correspondence;

and

Information on the manner, in which the Ordering Party will communicate with the Contractors in a manner other than by means of electronic communication, including the situations specified in the article 65, paragraph 1, the article 66 and the article 69 of the PPL Act;

and

Persons authorised to communicate with the Contractors



1. The procedure, to which this document refers is marked with the following sign: **ZP/198/008/D/22**. Contractors should refer to this sign in all contacts with the Ordering Party.
2. Communication in the procurement procedure, including the submission of tender offers, the exchange of information and the transfer of documents or statements between the Ordering Party and the Contractor, subject to the exceptions provided for in the PPL Act, shall be carried out by electronic means using the platform https://platformazakupowa.pl/pn/pg_edu and electronic mail, **provided that the tender offer, including European Single Procurement Document, must only be provided through the above Platform.**
3. In all correspondence relating to this procedure, the Ordering Party and the Contractors shall use the TED notice number or the sign of the procedure.
4. The Ordering Party appointed the following contacts with the Contractors: Ilona Demkowska, email: ilodemko@pg.edu.pl, Sławomir Malinowski, email: slamalin@pg.edu.pl
5. It is recommended that communication with the Contractors only takes place on the Platform via the "Send Message" form and not via the e-mail address.
6. In order to reduce the time taken to answer questions, the Ordering Party prefers that communication between the Ordering Party and the Contractors, including all statements, requests, notices and information, shall be provided electronically via the Platform and the "Send Message to the Ordering Party" form. As the date of submission (receipt) of statements, requests, notifications and information, the Ordering Party will consider the date of their submission via the Platform by clicking on the "Send Message" button, after which information will appear that the message has been sent to the Ordering Party.
7. The Ordering Party shall provide information electronically to the Contractors through the Platform. The information on replies to the questions, changes to specifications, changes to the time limit for submission and opening of tender offers will be provided on the Platform in the "Messages" section. Correspondence addressed to a specific Contractor under the applicable rules will be sent electronically via the Platform to the specific Contractor.
8. Necessary hardware and software requirements for working at platformazakupowa.pl include:
 - a) permanent access to the Internet with a guaranteed bandwidth of not less than 512 kb/s,
 - b) PC or MAC class computer with the following configuration: memory min. 2 GB RAM, Intel IV 2 GHz processor or its newer version, one of the operating systems - MS Windows 7, Mac Os x 10 4, Linux, or their newer versions,
 - c) any web browser installed, in the case of Internet Explorer minimum version 10.0,
 - d) JavaScript enabled,
 - e) Adobe Acrobat Reader or other program that supports .pdf file format,
 - f) the platform operates according to the standard adopted in network communication – UTF8 encoding,
 - g) the time of data collection by the Platform is the date and exact time (hh:mm:ss) generated according to the local time of the server synchronized with the clock of the Central Office of Measures.
9. Entering this public procurement procedure, the Contractor:
 - a) must accept the terms and conditions of use of the platformazakupowa.pl specified in the Regulations posted on the website under the link in the "Regulations" tab and consider them binding,
 - b) must read and follow the Instructions for the submission of tender offers/applications available under the following link: <https://platformazakupowa.pl/strona/45-instrukcje> .



10. The Ordering Party informs that the instructions for using the Platform concerning, in particular, logging in, submitting requests for clarification of the content of ORS, submitting tender offers and other actions taken in this procedure using the Platform can be found in the "Instructions for Contractors" tab on the website at: <https://platformazakupowa.pl/strona/45-instrukcje>.
11. The Ordering Party shall not provide oral or telephone information, explanations or answers to the inquiries related to the procedure.
12. The Contractor may request the Ordering Party to clarify the content of Order Requirements Specification (ORS) using the Platform at https://platformazakupowa.pl/pn/pg_edu or by e-mail to the following address: ilodemko@pg.edu.pl. The subject of the letter must include the title and sign of the procedure.
13. The Ordering Party shall be obliged to provide explanations immediately, but no later than 6 days before the deadline for submitting tender offers, provided that the request for clarification of the content of ORS or for the description of needs and requirements is received by the Ordering Party no later than 14 days before the deadline for submitting tender offers.
14. If the Ordering Party does not provide explanations within the period referred to in the article 135, paragraph 2 of the PPL Act, it will extend the deadline for submitting tender offers by the time necessary to familiarize all interested Contractors with the explanations necessary for the proper preparation and submission of the tender offers.
15. The content of the inquiries together with explanations, without disclosing the source of the inquiry, will be made available by the Ordering Party on the website of the conducted procedure, and in the cases referred to in the article 133, paragraphs 2 and 3 of the PPL Act, it will provide to the Contractors to whom it has made ORS available.
16. In justified cases, the Ordering Party may change the content of ORS before the deadline for submitting tender offers. The change in the content of ORS will be made available by the Ordering Party on the website of the procedure.
17. If the change in the content of ORS is important for preparation of the tender offer or requires the Contractors to take additional time to familiarize with the change in the content of ORS and prepare the tender offers, the Ordering Party will extend the deadline for submitting tender offers by the time necessary to prepare them.
18. Any changes to the content of ORS and explanations provided to the Contractors' inquiries will become an integral part of ORS and will be binding on the Contractors.
19. The extension of the deadline for submission of the tender offers does not affect the deadline for submitting an application for clarification of the content of ORS.

Chapter XI

Description of the tender offer preparation

The tender offer must contain the following statements and documents:

- 1) **Tender Offer Form** - completed and sent in electronic form, prepared using the template constituting **Attachment no. 1 to ORS together with the data sheets (or technical specification) of the offered device.**
- 2) **European Single Procurement Document (ESPD)**, prepared using the template constituting **Attachment no. 3 to ORS** - which must be submitted in electronic form with a qualified electronic signature.
- 3) **The statement on not being subject to exclusion on the basis of the conditions referred to in Chapter VII point 3 of the ORS** (according to the **Attachment no. 7 to the ORS**).
- 4) Powers of attorney (if applicable).



1. Basic requirements:

- 1) Each Contractor may submit only one tender offer.
- 2) The tender offer must be prepared in accordance with the requirements of this ORS. The content of the offer must correspond to the content of ORS.
- 3) The tender offer form and other documents, for which the Ordering Party specified the templates in the form of attachments to this ORS, should be prepared in accordance with these templates, as regards the content and description of columns and rows.
- 4) The tender offer should be:
 - a) prepared on the basis of the attachments to this ORS in Polish,
 - b) submitted in electronic form via https://platformazakupowa.pl/pn/pg_edu,
 - c) signed with a qualified electronic signature by the authorized person(s).
- 5) The tender offer should contain all statements and documents required in this ORS, without making any reservations or changes from the Contractor.
- 6) The tender offer must be signed by the persons authorized to represent the Contractor (the Contractors jointly applying for the procurement). This means that if the document(s) specifying the legal status of the Contractor(s) or the power of attorney (powers of attorney) indicate that several persons are authorised to represent the Contractor(s), the tender offer and documents as well as statements must be signed by all these persons.
- 7) If the authorization does not result directly from the document confirming the legal status of the Contractor (a copy from a relevant register), the tender offer should be accompanied by the original power of attorney issued by the persons authorized to do so.
- 8) FILE FORMATS used by the Contractors should comply with the "ANNOUNCEMENT OF THE PRIME MINISTER of 9 November 2017 on the publication of an uniform text of the regulation of the Council of Ministers on the National Interoperability Framework, minimum requirements for public registers and exchange of information in electronic form and minimum requirements for information and communication technology systems". Selection of the format must allow the use of a qualified electronic signature.
- 9) The Ordering Party recommends the use of the following formats: .pdf .doc .xls .jpg (.jpeg), with particular emphasis on .pdf.
- 10) In order to compress the data, the Ordering Party recommends using one of the following formats:
 - a) .zip
 - b) .7Z
- 11) Due to low risk of violating an integrity of the file and easier verification of the signature, the Ordering Party recommends, if possible, converting the files constituting the tender offer into PDF format and providing them with a qualified PAdES signature.
- 12) Files in the formats other than PDF are recommended to be signed with an external XAdES signature. The Contractor should remember to upload the signature file together with the signed document.
- 13) The tender offer should be prepared with due diligence and with an appropriate time interval until the deadline for the acceptance of tender offers/applications. The Ordering Party suggests submitting the tender offer with safe time margin before the deadline.
- 14) When signing files, it is recommended to use the SHA2 hash algorithm instead of SHA1.
- 15) If the Contractor compresses documents, e.g. in a ZIP file, it is recommended to sign each of the compressed files in advance.
- 16) The maximum size of a single file sent via dedicated forms for: submission, withdrawal of the tender offer is 150 MB, whereas in the case of communication the file size is a maximum of 500 MB.
- 17) The Contractor is recommended to acquire all the information that may be necessary to prepare the tender offer and sign the public procurement contract.



2. Form of the tender offer:

- 1) The Contractor must submit the tender offer through the Platform **platformazakupowa.pl**.
- 2) Measures of inquiry and other documents or statements referred to in the Regulation of the Minister of Development, Labour and Technology of 23 December 2020 on measures of inquiry and other documents or statements that may be requested from the Contractor by the Ordering Party (Journal of Laws of 2020, item 2415) should be submitted in an electronic form, to the extent and in the manner specified in the provisions issued based on the article 70 of the PPL Act.
- 3) The method of preparing and transferring information and technical requirements for electronic documents and electronic means of communication in public procurement procedure are specified in the Regulation of the Prime Minister of 30 December 2020 (Journal of Laws, item 2452) on the method of preparing and transferring information and technical requirements for electronic documents and electronic means of communication in public procurement procedure or competition (Journal of Laws of 2020, item 2452), issued based on the article 70 of the PPL Act.
- 4) If the measures of inquiry, the measures of inquiry in question, other documents, including the documents referred to in the article 94, paragraph 2 of the PPL Act, or the documents confirming authorization to represent, respectively, the Contractor, Contractors jointly applying for the public procurement, an entity providing resources on the terms defined in the article 118 of the PPL Act or a Subcontractor that is not an entity providing resources on such terms, hereinafter referred to as 'supporting documents', are issued by the authorised entities other than the Contractor, Contractors jointly applying for the public procurement, the resource provider or the Subcontractor, hereinafter referred to as 'authorised entities', as an electronic document, this document shall be provided.
- 5) If the measures of inquiry, the measures of inquiry in question, other documents, including the documents referred to in the article 94, paragraph 2 of the PPL Act, or the supporting documents are issued by the authorized entities as a paper document, a digital form of this document with a qualified electronic signature certifying the compliance of the digital representation with the paper document shall be provided.
- 6) The certification of the compliance of the digital representation with the paper document referred to in point 5 shall be made in the case of:
 - a) measures of inquiry and supporting documents – respectively, the Contractor, Contractors jointly applying for the public procurement, the resource provider or the Subcontractor as regards the measures of inquiry or supporting documents, which are relevant to each of them;
 - b) measures of inquiry in question – respectively, the Contractor, Contractors jointly applying for the public procurement;
 - c) other documents, including the documents referred to in the article 94, paragraph 2 of the PPL Act – respectively, the Contractor, Contractors jointly applying for the public procurement as regards the documents, which are relevant to each of them.
- 7) The measures of inquiry, including the statement referred to in the article 117, paragraph 4 of the PPL Act and an obligation of the resource provider, the measures of inquiry in question, the documents referred to in the article 94, paragraph 2 of the PPL Act not issued by the authorized entities, and the power of attorney shall be provided in an electronic form with a qualified electronic signature.
- 8) If the measures of inquiry, including the statement referred to in the article 117, paragraph 4 of the PPL Act and the obligation of the resource provider, the measures of inquiry in question, the documents referred to in the article 94, paragraph 2 of the PPL Act not issued by the authorized entities or the power of attorney are in the form of a paper document with handwritten signature, a digital form of this document with a qualified electronic signature certifying the compliance of the digital representation with the paper document shall be provided.
- 9) The certification of the compliance of the digital representation with the paper document referred to in point 8 shall be made in the case of:



- a) measures of inquiry – respectively, the Contractor, Contractors jointly applying for the public procurement, the resource provider or the Subcontractor as regards the measures of inquiry or supporting documents, which are relevant to each of them;
 - b) measures of inquiry in question, the document referred to in the article 94, paragraph 2 of the PPL Act,
the statement referred to in the article 117, paragraph 4 of the PPL Act or the obligation of the resource provider – respectively, the Contractor, Contractors jointly applying for the public procurement;
 - c) power of attorney – the principal.
- 10) A notary may also certify the compliance of the digital representation with the paper document referred to in points 5) and 8).
 - 11) In the case of an electronic document in a compressed format, a qualified electronic signature on the compressed documents shall be equivalent to a qualified electronic signature on all documents contained in that compressed file.
 - 12) The procurement procedure is conducted in Polish. Documents or statements in a foreign language shall be submitted together with their translation into Polish.

3. Information constituting a trade secret within the meaning of the provisions of the Act on Combating Unfair Competition (i.e. Journal of Laws of 2020, item 1913):

- 1) The Contractor may stipulate in the tender offer with an appropriate statement that the Ordering Party cannot disclose the information constituting a trade secret within the meaning of the provisions on combating unfair competition, i.e. technical, technological, organizational information of the company or other information of economic value, which as a whole or in a specific combination and set of its elements is not commonly known to the persons usually dealing with this type of information or it is not easily accessible to such persons, provided that the person entitled to use or dispose the information took, with due diligence, actions to keep it confidential.
- 2) In the case of submitting the information constituting a secret, the Contractor is obliged to stipulate that it may not be made available and to demonstrate that the confidential information constitutes a trade secret.
- 3) **On the Platform, in the tender offer submission form, there is a place designated to attach the part of the offer constituting a trade secret.** In the case electronic documents in the procedure contain information constituting a trade secret, the Contractor shall, in order to maintain the confidentiality of that information, transfer it in a separate and appropriately marked file with the simultaneous check "Attachment constituting a trade secret". The files should be separately signed with a qualified electronic signature.
- 4) The Contractor cannot reserve the information about :
 - a) the names or names and surnames as well as registered offices or places of business or residence whose tender offers were opened,
 - b) prices or costs included in the tender offers,

which the Ordering Party, immediately after opening the offers, makes available on the website of the conducted procedure.

- 5) In the case when the Contractor reserves information in the tender offer that does not constitute a trade secret or is public according to the provisions of the PPL Act or separate regulations, this information will be subject to disclosure on the same terms as other non-confidential documents.

4. The Contractors jointly applying for a procurement:

The Contractors may jointly apply for this procurement and such a tender offer must meet the following requirements:

- 1) The Contractors must appoint an Attorney to represent them in the procedure or to represent them in the procedure and to conclude a public procurement contract,
- 2) When filling the Tender Offer Form, as well as other documents referring to the "Contractor", in



- the place "e.g. name and address of the Contractor" the data of the Contractors jointly applying for the procurement must be entered,
- 3) The Contractors jointly applying for the procurement are jointly and severally liable for signing and execution of the contract,
 - 4) The tender offer should include a correspondence address and a telephone contact with the Attorney of the Contractors jointly applying for the procurement. All correspondence will be made only with the entity acting as the Attorney,
 - 5) Regarding the requirements imposed by the Ordering Party, each of the Contractors jointly applying for the procurement must separately document that it is not subject to exclusion - each of the Contractors jointly applying for the public procurement submits the statement referred to in Chapter IX, paragraph 1, point 1) and paragraph 2, points 1) and 4) of ORS.
 - 6) Method of submitting documents in the joint tender offer:
 - a) the documents concerning their own company are submitted by each of the Contractors submitting a joint offer on behalf of their company,
 - b) the common documents such as e.g. tender offer form, list of deliveries, list of persons – are submitted by the Contractors' Attorney on behalf of all Contractors submitting a joint offer.

Chapter XII

Method and time limit for submission and opening of tender offers

1. Date and method of submission of the tender offer:

- 1) The tender offer should be submitted electronically via the Platform at the following address: https://platformazakupowa.pl/pn/pg_edu/proceedings on the page concerning the procedure – within the deadline:

day	30.08.2022	hour	10:00
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- 2) All statements and documents required in ORS must be submitted together with the tender offer.
- 3) After completing the Offer or Application Form and uploading all the required attachments, click on the "Go to Summary" button.
- 4) The offer or application submitted electronically must be signed in accordance with the rules referred to in the Chapter XI. In the process of submitting the tender offer via the Platform, **the Contractor should sign directly on each document** sent via the Platform. Signing on the Platform at the summary stage is optional, but it allows verification of the validity of the signature before submitting the tender offer.
- 5) The date of submission of the tender offer is the date of its transfer in the system (the Platform) in the second step of submitting the offer by clicking the "Submit offer" button and displaying the message that the offer was encrypted and submitted.
- 6) Detailed instructions for the Contractors regarding the submission and withdrawal of the tender offer can be found on the website at: <https://platformazakupowa.pl/strona/45-instrukcje> .

2. Date and method of opening of the tender offers:

- 1) Opening of the tender offers will occur on:

day	30.08.2022	hour	10:30
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- 2) **The opening of the tender offers will occur via platformazakupowa.pl by decrypting the offers submitted via the Platform.**
- 3) In the event of a change in the opening date, the Ordering Party shall inform about this fact on the website of the procedure.



- 4) Before opening the tender offers, on the website of the procedure the Ordering Party will provide information on the sum of money it intends to spend on financing the procurement.
- 5) Immediately after opening the tender offers, the Ordering Party will provide the following information on the website of the procedure:
 - a) the names or names and surnames as well as registered offices or places of business or residence of the Contractors whose tender offers were opened;
 - b) prices or costs included in the tender offers.
- 6) The opening and evaluation of the tender offers will be made by the Tender Committee established by the Head of the Ordering Party.

3. Withdrawal of the tender offer:

The Contractor, via the Platform platformazakupowa.pl may withdraw the tender offer before the deadline for submission. The method of changing the offer is included in the instructions on the website at: <https://platformazakupowa.pl/strona/45-instrukcje>

4. Transparency of the procedure:

According to the article 74, paragraph 2, point 1 of the PPL Act, the tender offers together with attachments shall be made available immediately after the opening of offers, but no later than within 3 days from the date of opening of the tender offers.

Chapter XIII

Description of the method of price calculation

1. **The net and gross price of the tender offer should be expressed numerically in EUR with an accuracy of two decimal places in accordance with the principles of mathematical operations.**
2. A national Contractor calculates the price of the tender offer including VAT. A foreign contractor established in the European Union or in third countries determines the price in net value (excluding VAT).
3. The price of the tender offer must include all costs necessary for the correct, timely and complete execution of the subject of the procurement, including the costs related to the delivery of the subject of the procurement to the organizational units indicated by the Ordering Party. The costs incurred by the Contractor during execution of the contract and not included in the price of the tender offer will not be additionally settled by the Ordering Party.
4. The prices specified in the tender offer are valid for the entire period of the offer binding and will be binding for the concluded contract.
5. The price of the tender offer will not be subject to any negotiations. Unit prices, specified by the Contractor in the offer, are valid for the entire duration of the contract, will not be changed during execution of the contract and will not be subject to indexation.

Method of price calculation and value-added tax (VAT)

6. The national Contractor calculates the price of the tender offer including VAT. The VAT rate should be determined in accordance with the provisions of law.
7. If foreign entities, which on the basis of separate regulations are not obliged to pay VAT, apply for the procurement, the Ordering Party, for the comparison of the prices of tender offers submitted by the foreign entities, will be obliged to add due VAT to the price of such offers, charged to the Ordering Party for the execution of the contract under separate regulations.
8. According to the article 225, paragraph 1 of the PPL Act, if the Contractor submits a tender offer, the selection of which would lead to tax liability of the Ordering Party in accordance with the Act of 11 March 2004 on the tax on goods and services (i.e. Journal of Laws of 2020, item 106, as amended), for the purposes of applying the price or cost criterion, the Ordering Party will add the amount of tax on goods and services, which it would be obliged to settle, to the price specified in this offer.

In the submitted tender offer, the Contractor is obliged to:

- 1) inform the Ordering Party that the selection of this offer will lead to tax liability the Ordering Party;
- 2) indicate the name (type) of the goods or services, the supply of which will lead to tax liability;



- 3) indicate the value of the goods or services subject to tax liability of the Ordering Party, excluding the amount of tax;
- 4) indicate the rate of tax on goods and services which, according to the knowledge of the Contractor, will apply.

Chapter XIV

Description of the criteria for evaluation of tender offer, including the weighting of those criteria, and method of offer evaluation

1. The most advantageous will be the tender offer that meets the requirements of ORS and the PPL Act, and which will receive the highest total number of points ($K=K_c + K_G$).

2. **The criteria for the evaluation of tender offers include:**

1) Price (K_c) - 60%, which corresponds to 60 pkt.

2) Warranty period (K_G) - 40%, which corresponds to 40 pkt.

The rules for awarding points in individual criteria are described in the paragraphs 3-5 of this chapter of ORS.

3. **Price criterion (K_c)** will be considered on the basis of gross price for execution of the subject of the procurement provided by the Contractor on the Tender Offer Form according to the following rules:

$$K_c = \frac{C_n}{C_b} \times 60$$

where:

- K_c - number of points in price criterion,
- C_b - price of the considered tender offer,
- C_n - the lowest price among non-rejected offers,
- 60 - weighting of the criterion.

4. **Warranty period criterion (K_G)**

The Contractor specifies warranty period in the Tender Offer Form.

Warranty period	No. of points
36 months and longer	40 pkt.
24 months	20 pkt.
12 months	0 pkt.

The Ordering Party requires a warranty period of a minimum of 12 months for the subject of the procurement from the date of signing the delivery-acceptance protocol.

5. The Ordering Party shall select the tender offer, which will receive the highest number of points constituting the sum of points awarded in each of the given criteria, calculated in accordance with the above-mentioned rules ($K_c + K_G$).
6. During evaluation of the submitted tender offers, the Ordering Party may request the Contractor to provide explanations regarding the content of the submitted offer.
7. The Ordering Party shall correct obvious typing errors in the offer, obvious accounting errors taking into account the accounting consequences of the corrections made and other mistakes consisting in the non-compliance of the offer with the procurement documents, not causing significant changes in the content of the tender offer – immediately notifying the Contractor whose offer was corrected.



8. If the price or cost offered, or their essential components, appear to be abnormally low in relation to the subject of the procurement or raise doubts of the Ordering Party as to the possibility of execution of the subject of the procurement in accordance with the requirements specified in the procurement documents or resulting from separate regulations, the Ordering Party will request explanations from the Contractor, including the submission of evidence regarding the calculation of the price or cost, or their essential components, in accordance with the article 224 of the PPL Act.

Chapter XV

Draft provisions of the public procurement agreement to be incorporated into the content of the contract

1. The Ordering Party defines a general model contract for the execution of the procurement – according to **Attachment no. 4 to ORS**.
2. The contract requires, under the pain of nullity, preservation of a written form, unless separate provisions require a special form.
3. A change in the provisions of the concluded contract may take place with the consent of both Parties expressed in a written form, under the pain of nullity of such a change.
4. The concluded contract will be public.

Chapter XVI

Information on the formalities to be completed after selecting the tender offer to conclude the contract

1. Before signing the contract, the Contractor whose offer is considered to be the most advantageous will be obliged to:
 - 1) provide a power of attorney for the persons signing the contract if their authorization to sign the contract does not result from the documents attached to the tender offer.
2. In the information sent to the Contractor whose offer will be considered the most advantageous, the Ordering Party shall specify the date and place of submission of the above-mentioned documents and statements and inform about the formalities related to signing of the contract with the content consistent with the template attached to ORS.
3. Failure to submit the documents or statements referred to in paragraph 1 of this chapter within the time limit defined by the Ordering Party will make it impossible to conclude the public procurement contract due to the reasons attributable to the Contractor, which may result in the consequences specified in the article 98, paragraph 6 of the PPL Act.

Chapter XVII

Instruction on the means of legal protection available for the Contractor

The Contractors, as well as other entities, if they have or had an interest in obtaining the procurement and suffered or may suffer a loss as a result of violation of the provisions of the PPL Act by the Ordering Party, are entitled to the means of legal protection under the rules provided for in Chapter IX of the PPL Act (the articles 505-590).

Chapter XVIII

Submission of partial and variant tender offers



1. In the procedure in question, the Ordering Party does not divide the procurement into parts and does not allow the possibility of submitting partial tender offers.
2. The reasons for non-division of the procurement:
The subject of the procurement includes the supply of fully automated fuel cell test station, the individual components of which must be compatible with each other and cooperating with each other. The purchase of all elements of the test station from one Contractor will guarantee proper operation of the device as a whole.
3. The Ordering Party does not require or permit the possibility of submitting variant tender offers.

Chapter XIX

Requirements concerning the tender guarantee

The Ordering Party in the procedure in question does not require submission of the tender guarantee.

Chapter XX

Requirements securing proper execution of the contract

The Ordering Party in the procedure in question does not require submission of a security deposit for the proper execution of the contract.

Chapter XXI

Additional information

1. The Ordering Party shall not impose requirements regarding employment on the basis of an employment relationship in the circumstances referred to in the article 95 of the PPL Act.
2. The Ordering Party shall not impose requirements on the employment of persons referred to in the article 96, paragraph 2, point 2 of the PPL Act.
3. The Ordering Party does not reserve the obligation of the Contractor to perform key tasks personally.
4. The Ordering Party does not stipulate the award of contracts referred to in the article 214, paragraph 1, points 7 and 8 of the PPL Act.
5. The Ordering Party does not stipulate the possibility or require the submission of a tender offer after a local inspection or verification of the documents necessary for the execution of the procurement available on the spot at the Ordering Party.
6. The Ordering Party does not require and does not allow submission of the variant tender offers.
7. The Ordering Party does not stipulate a framework contract.
8. The Ordering Party does not stipulate selection of the most advantageous offer using an electronic auction.
9. The Ordering Party does not require or stipulate the possibility of submitting tender offers in the form of electronic catalogues or attaching electronic catalogues to the tender offer, in the situation specified in the article 93 of the PPL Act.
10. The Ordering Party shall not reserve the right to apply for the award of the procurement only by the Contractors referred to in the article 94.

Chapter XXII

GDPR information note

In accordance with the article 13, paragraphs 1 and 2 of the 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) (Official Journal of the European Union L. of 2016, no. 119, p. 1; as amended: Official Journal of the European Union L. of 2018, no. 127, p. 2), hereinafter referred to as "GDPR", the Ordering Party informs that:

- a) the administrator of your personal data is the Gdansk University of Technology with its registered office in G. Narutowicza Str. 11/12, 80-233 Gdansk, Poland;



- b) the personal data protection officer at the Gdansk University of Technology is Paweł Baniel, MSc. Eng., tel. +48 58 348-66-29, e-mail: iod@pg.edu.pl;
- c) your personal data will be processed on the basis of the article 6, paragraph 1, point c of GDPR for the purpose related to the public procurement procedure **no. ZP/198/008/D/22 entitled Supply of fully automated fuel cell test station** conducted in the mode of an open tender;
- d) the recipients of your personal data will be the persons or entities to whom the documentation of the procedure will be made available in accordance with the article 18, paragraph 1 and the article 74 of the PPL Act;
- e) your personal data will be stored for a period of at least 4 years from the date of completion of the procedure;
- f) the obligation to provide the personal data directly concerning you is a statutory requirement specified in the provisions of the PPL Act, related to participation in the public procurement procedure; The consequences of not providing requested data result from the PPL Act;
- g) regarding your personal data, decisions will not be made in an automated manner, in accordance with the article 22 of GDPR;
- h) you are entitled to:
- access your personal data according to the article 15 of GDPR;
 - correct your personal data according to the article 16 of GDPR (*exercising the right to correction of personal data cannot result in a change in the outcome of the public procurement procedure or a change in the provisions of the contract to the extent inconsistent with the PPL Act and cannot violate the integrity of the protocol and its attachments*);
 - according to the article 18 of GDPR, request the administrator to restrict processing of the personal data, except for the cases referred to in the article 18, paragraph 2 of GDPR (*the right to restriction of processing does not apply to storage in order to ensure access to means of legal protection or to protect the rights of other natural or legal person, or for important reasons of public interest of the European Union or a Member State*);
 - file a complaint with the President of the Personal Data Protection Office when you consider that the processing of your personal data violates the provisions of GDPR;
- i) you are not entitled to:
- erase your personal data in accordance with the article 17, paragraph 3, points b, d or e of GDPR;
 - transfer personal data referred to in the article 20 of GDPR;
 - object to the processing of personal data according to the article 21 of GDPR, because the legal basis for the processing of your personal data is the article 6, paragraph 1, point c of GDPR.
- In addition, according to the article 19, paragraph 4 of the PPL Act, the Ordering Party informs about the restrictions referred to in the article 19, paragraphs 2, 3 and 75 of the PPL Act:
- 1) if the Contractor exercises the right to obtain confirmation whether their personal data are being processed, the Ordering Party will be entitled to ask the Contractor for additional information specifying the request (e.g. the name or date of the procurement procedure);
 - 2) if the Contractor exercises the right to limit the processing of their personal data, the Ordering Party will be entitled to process this data until the end of the procurement procedure.

List of attachments to ORS:

Attachment no. 1	Tender Offer Form
Attachment no. 2	Detailed Description of Subject of Procurement
Attachment no. 3	European Single Procurement Document
Attachment no. 4	Model Contract
Attachment no. 5	Statement of Contractor Regarding Capital Group
Attachment no. 6	Statement of Contractor Regarding Validity of Information
Attachment no. 7	Statement on not being subject to exclusion on the basis of the conditions referred to in Chapter VII point 3 of the ORS