

Nowa Sól, 09.07.2019.

QUOTATION NO. 1/2019

In connection with the performance of project „Implementation of the results of R & D works within the framework of an innovative technological line to launch the production of new products in the hen's egg processing sector” (subsidy project no. POIR.03.02.01-08-0004/18) co-financed from the funds of the European Regional Development Fund and as part of the Smart Growth Operational Program 2014-2020, activity 3.2.1 Research for the market, and in relation to the obligation to make acquisitions based on the most economically advantageous offer, while maintaining the principles of fair competition, effectiveness, openness and transparency, the Company **Ovopol Sp. z o.o.**, **makes a request for the quotation concerning purchasing, delivery and installation of the spray dryer for the production of whole egg and yolk powder with the capacity of water evaporation of 1500 kg/h. A detailed description of the quotation item is indicated in point III of this document.**

I. BUYER:

OVOPOL SPÓŁKA Z OGRANICZONĄ ODPOWIEDZIALNOŚCIĄ

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Adres strony www: <https://www.ovopol.pl/>

hereinafter referred to as the 'Company' or the 'Buyer'.

II. PROCEDURE:

- II.1. This procedure is not subject to the provisions of the act of 29th January 2004 on Public procurement law (i.e. J.o.L. of 2017, item 1579 with further changes).
- II.2. This procedure is awarded in a mode consistent with the principle of competitiveness.
- II.3. This procedure is performed in accordance with the principle for fair competition, effectiveness, openness, transparency and equal access.
- II.4. The Buyer shall make every effort to avoid any conflict of interest understood as the absence of impartiality and objectivity.
- II.5. The present procedure shall be carried out in accordance with the Contract Awarding Regulations (hereinafter: Regulations) which is in effect at the Buyer's company.
- II.6. The Contract Awarding Regulations are available at the Buyer's headquarters (ul. Wojska Polskiego 39, 67-100 Nowa Sól) and on the Buyer's website.
- II.7. The Buyer reserves the right to:
 - a) change the content of the request for quotation inclusive of a change of the procedure conditions;
 - b) close the procedure without the selection of any of the bids or cancellation of the procedure at any of its stages, without the indication of cause.
- II.8. The changes introduced in the quotation shall be communicated by the Buyer to the Bidders in each of the manners specified as a form of publication specified in the Regulations.



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- II.9. The Buyer reserves itself the right to ask the Bidders at each stage of the procedure for additional information, documents or explanations. The Buyer shall contact the Bidder via electronic means specified in the content of the bid sent by the Bidder.
- II.10. The Buyer reserves itself the right to undertake negotiations with all Bidders, who submitted a bid that meets the access conditions (i.e. the conditions for participation in the procedure) specified in the content of the request for quotation. The negotiations shall be run according to the following rules:
- after the deadline of submission of offers, the Buyer shall notify all of the Bidders, who submitted their non-rejectable bids, about the possible execution of negotiations and shall invite those Bidders for negotiations, whereby the meeting dates shall be arranged individually with each Bidder,
 - the arrangements concerning the date of negotiations shall be run via electronic mail,
 - the negotiations shall solely cover those parameters which constitute the bids evaluation criteria,
 - the flow of the negotiations shall be documented in the form of a written report signed by the negotiation teams of the Buyer and of the Bidder,
 - within up to 7 days as of the day of completion of negotiations the Bidder submits a modified bid, which includes the arrangements from negotiations. The modified bid may not contain conditions which are less beneficial than the original bid,
 - in case the Bidder refuses to take part in the negotiations, the negotiations fail to lead to binding arrangements or the Bidder fails to submit a modified bid, then the originally submitted Bidder's bid shall be subjected to evaluation,
 - The Buyer shall, within up to 60 days as of submission of the last modified bid, evaluate the bids and select the Contractor whose bid is the best,
 - The Buyer may ask the Bidders to give their consent to an extension of the bid validity period.
- II.11. In case of closing of the procedure without a selection or cancellation of the procedure, the Buyer shall immediately inform the Bidders, who submitted the bids and publish a relevant information.
- II.12. This request for bid does not oblige the Buyer to conclude an Agreement.
- II.13. As part of this procedure the Buyer ~~allows~~ /does not allow¹ the possibility of acceptance of partial bid.
- II.14. As part of this procedure the Buyer ~~allows~~ /does not allow² the possibility of awarding variant bids.
- II.15. The submission of a bid is equal to the acceptance, without reservations, of the contents of this request for bid together with its appendices as well as the Contract Awarding Regulations.
- II.16. The Bidders are entitled to means of legal protection in the form of a protest, concerning the bids evaluation which is performed in accordance with the Contract Awarding Regulations.

¹ Cross out if not applicable

² Cross out if not applicable



III. DESCRIPTION OF THE CONTRACT SUBJECT MATTER (TOGETHER WITH AN INDICATION OF THE CPV CODES):

Code / CPV codes³:

42215200-8

Name of the code CPV:

Machines for food processing

The subject of quotation is described in the appendix No. 2, which is technical specification.

Due to the fact that a complete description of the contract subject matter constitutes a secret of the enterprise, the Buyer stipulated that a full description of the contract subject matter shall be submitted after the Bidder sends a signed confidentiality declaration/agreement – according to the enclosed pattern. We inform, that the content of the this declaration/agreements shall not be changed.

The declaration/agreement shall be signed by an entitled representative, based on the registration document or on the granted a power of attorney.

The signed declaration/agreement can be passed to the Buyer by electronical mail on e-mail address: r.modrzejewska@ovopol.pl or send via registered mail on the address ul. Wojska Polskiego 39, 67-100 Nowa Sól with annotation to Renata Szakiel-Modrzejewska.

NOTE!

Described in the enclosure No 2, the specification has been prepared with all scrupulosity towards the full, clear and comprehensive define of the ordered object, in the way to allow Bidders to define all their obligations and risk, as well as a proper calculation of price and other elements of the quotation.

All purchases, services and delivery, which are the subject of this quotation have to be included and cooperate with the existing infrastructure and the equipment in the company and has to follow the same technical standards. The used provisions are justified with the requirements to ensure smooth implementation of this project. Indicated records do not impose the requirements of indicated solutions, but inform about the minimal parameters and standards. The Buyer expects a technical solution, which fulfils the requirement. It is required from the Bidders of submission of a quote including the requirements of the attached specification. The Bidder is obligated to acknowledge this specification and make sure that elements are technically possible.

The deadline for the Order is 30.09.2020. Bidders, whose offer will go beyond the indicated date, will be automatically rejected. We request the Bidders to attach the time

³ Pursuant to the Commission Regulation (EC) no. 213/2008 of 28th November 2007 amending the Regulation (EC) no. 2195/2002 of the European Parliament and of the Council on the Common Procurement Vocabulary (CPV) and the Directives 2004/17/EC and 2004/18/EC of the European Parliament and the Council on public procurement procedures as regards the revision of the CPV



schedule of the subject of the contract with the breakdown into individual months/weeks of realization.

IV. CONDITIONS FOR THE AWARDING OF CONTRACT, PARTICIPATION IN THE PROCEDURE AND DESCRIPTION OF THE BIDS EVALUATION METHOD:

IV.1. The awarding of a contract may be pursued by the Bidders who:

- a. have the licenses for execution of a certain activity or action, if the regulations impose an obligation to have such licenses - a condition confirmed with a statement,
- b. have the entitlement to perform specific activity, if the law regulation require such an obligation - a condition confirmed with a statement,
- c. run an activity which is consistent with the description of the contract subject matter - a condition confirmed with a statement,
- d. have the necessary knowledge and experience as well as the technical potential and people able perform the contract - a condition confirmed with a statement together with credentials - it is required to submit at least 1 credential from the last 5 years (name of the purchaser, location, value, year, description of process, time of completion),
- e. are in a financial and economic situation which ensures the performance of the contract - condition confirmed with a statement,
- f. are neither in a state of liquidation nor have they announced their bankruptcy; a condition confirmed with a statement,
- g. are not in arrears with the payment of public & legal fees, taxes, or premiums for social or health insurance - the Bidder shall present a declaration, that it is not in arrears with the above-mentioned payments (public & legal fees, taxes, social insurance premiums),
- h. will have third-party liability insurance policy concerning their business activity - the Bidder shall submit a declaration, that within 60 days from the contract signing date it will hold a relevant third-party liability insurance policy for the value of min. 24.000.000,00 PLN (twenty four millions PLN) or 6.000.000,00 EUR (six millions EUR). The policy shall be valid/extended for the entire contract term for the value indicated above,
- i. were not convicted with a lawful decision for any crime committed in relation to the contract awarding procedure, for the crime of bribery, for a crime against the economic turnover or other crime committed in order to obtain financial benefits -as a partner of a registered partnership, a partner or management board member of a professional partnership; a general partner of a limited partnership as well as a limited joint-stock partnership; a member of the management body of a legal person,
- j. were not validly sentenced, for an offence committed in connection with a contract award procedure, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits as a , as a partner of a registered partnership, a partner or management board member of a professional partnership; a general partner of a limited partnership as well as a limited joint-stock partnership; a member of the management body of a legal person,
- k. signed the confidentiality agreements or declarations in accordance with the template specified by the Buyer, which has been attached to this request, and with the purpose of receiving of a full description of the contract subject matter,



- IV.2. The Buyer shall verify the compliance of the presented bid with the requirements of the description of the contract subject matter through examination of the completeness of the presented descriptions. A failure to fulfil one of the below mentioned requirements by the bidder will mean that the bid was rejected and will not be subject to further evaluation. The verification shall be performed in the form of a checklist:

L.P.	Wykaz kryteriów dopuszczających do kolejnego etapu oceny ofert	Potwierdzenie (TAK/NIE)	Opis możliwości wykonania zadania	Uwagi Oferenta!	Odniesienie do oferty: Strona nr. Punkt nr.
1	Drying capacity: water evaporation 1500 kg/h				
2	Bag-filter outside the chamber				
3	Spray-drying set – spray-drying disc/ atomizer – 2 pcs				
4.	The deadline for the order till 30 September 2020. The realization of the order shall be understand as signing the commissioning report by both sites with no faults (according to the agreement template).				

- IV.3. The following Bidders shall be excluded from the contract awarding procedure:

- bidders who do not meet the conditions specified under IV.1 and IV.2 of this request for quotation;
- bidders who over the last 3 years before initiation of the procedure caused a damage by not performing a contract or by performing it in an improper manner, whereas the said damage was not voluntarily remedied by the day of initiation of the procedure, unless the non-performance or improper performance results from circumstances for which the Bidder is not liable. Therefore the Buyer will exclude from the procedure such bidder who will jointly meet all of the following premises:
 - within the last 3 years before initiation of the procedure the Bidder caused a damage by not performing a contract or by performing it in an improper manner,
 - the damage was not voluntarily remedied by him until the day of initiation of the procedure,
 - a contrario the non-performance or improper performance of a contract results from circumstances, for which the Bidder is liable
- natural persons, who have been validly sentenced for an offence committed in connection with a contract award procedure, offence against the rights of people performing paid work, offence against the environment, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits, as well as for treasury offence or an offence of participation in organized crime group or in an union aimed at committing an offence or treasury offence;



- d. registered partnerships whose partner has been validly sentenced for an offence committed in connection with a contract award procedure, offence against the rights of people performing paid work, offence against the environment, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits, as well as for treasury offence or an offence of participation in organized crime group or in an union aimed at committing an offence or treasury offence;
 - e. professional partnership whose partner or member of the management board has been validly sentenced for an offence committed in connection with a contract award procedure, offence against the rights of people performing paid work, offence against the environment, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits, as well as for treasury offence or an offence of participation in organized crime group or in an union aimed at committing an offence or treasury offence;
 - f. limited partnerships and limited joint-stock partnerships whose general partner has been validly sentenced for an offence committed in connection with a contract award procedure, offence against the rights of people performing paid work, offence against the environment, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits, as well as for treasury offence or an offence of participation in organized crime group or in an union aimed at committing an offence or treasury offence;
 - g. legal persons whose active member of the managing body has been validly sentenced for an offence committed in connection with a contract award procedure, offence against the rights of people performing paid work, offence against the environment, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits, as well as for treasury offence or an offence of participation in organized crime group or in an union aimed at committing an offence or treasury offence;
 - h. collective entities, with respect to whom a court has issued a decision prohibiting them from competing for contracts under the provisions concerning the liability of collective entities for tort under the liability to penalty;
- IV.4. The Bidders with capital or personal links with the Buyer shall be excluded from the contract awarding procedure (mutual connections between the Buyer or persons authorized to enter into obligations on behalf of the Buyer or persons performing - on behalf of the Buyer - activities associated with carrying out the procedure to select the Contractor and the Bidder) - a condition confirmed with a statement.

Capital or personal links mean any mutual connections between the Contracting Party or persons authorized to enter into obligations on behalf of the Contracting Party or persons performing - on behalf of the Contracting Party - activities associated with preparation and carrying out the proceedings to select the Supplier, and the Supplier, in particular:

- participation in a company as a partner of a general partnership or a partnership,
- possession of at least 10% of shares or stock,
- performing the function of a supervisory or management authority, legal proxy or representative,
- being married, in a direct kinship or relationship, kinship of the second degree or secondary relationship of the second degree in relation to the adoption, care or guardianship.



V. BIDS EVALUATION CRITERIA TOGETHER WITH AN INFORMATION ABOUT POINT OR PERCENTAGE WEIGHTS ASSIGNED TO THE INDIVIDUAL BIDS EVALUATION CRITERIA:

V.1. The evaluation consists of two parts: the financial & trade evaluation as well as the technical evaluation.

Criterion: price – weight 100%

The Buyer while calculating this criterion will take into account the price for the subject of quotation in EUR or PLN currency.

The offer with the lowest price will obtain 100 point multiplied by criterion weight and will be taken as the base for the evaluation of the other offers. Points for the other offers will be calculated according to the equation:

The method of calculation the point:

$$\text{Criterion "C"} = \frac{\text{The lowest price offer}}{\text{The offered price}} \times 100 \text{ points} \times 100\% \text{ (criterion weight)}$$

1. Please specify the prices in net values (without VAT) as well as in gross values.
2. The price should be quoted in PLN or EUR.
3. Quotation of the price in another currency shall result in the Buyer's conversion of the price into PLN using the exchange rate tables (Table A - Average exchange rates for foreign currencies) of the National Bank of Poland as of the date specified in item VII.1 according to request for quotation (final date for submission of offers).
4. In case of negotiations with the Bidders and submission of final bids by them, the Buyer's conversion to the PLN currency will be made using the exchange rate tables (Table A - Average exchange rates of foreign currencies) of the National Bank of Poland as of the day specified in the point 3 as above.

The offer should include the final price of the comprehensive performance of the subject of the contract with due diligence of the activities listed in the subject of the contract, taking into account all costs related to the implementation of the task necessary to perform the contract and add to the resulting amount other components affecting the final price.

The prices shall include all costs connected with the subject of quotation, including:

1. the costs of works described in the subject of quotation,
2. VAT tax,
3. all used materials and equipment,
4. costs of labor and equipment,
5. transportation costs,
6. costs of secure the area,
7. all taxes and fees,



8. costs of geodetic construction support,
9. insurance costs,
10. loading and unloading costs,
11. all costs connected with comprehensive completion of the order,
12. all fees and compensations for damages, costs and losses resulting from the implementation of the order.

Then the tenderer deducts all discounts and rebates from these amounts and calculates the price for completing the subject of the order. Calculated price puts in the offer. This price will be taken into consideration by the Tender Committee when selecting the best offer.

The offered price is valid throughout the validity period of the offer.

In case, if due to the purchase of the services and goods, necessary to realization of the Project, the Buyer will settle between several offers with the same price, the Buyer will chose the best offer regarding its impact on the environment and climate (e.g. smaller energy consumption, smaller consumption of water, use of materials from recycling etc.)

VI. PLACE, DEADLINE AND PROCEDURE FOR SUBMISSION OF BIDS:

- VII.1. **The bids must be submitted by 9th-16th August 2019 till 4.00 p.m.**
- VII.2. The costs of the preparation of the offer is fully covered by the Bidder.
- VII.3. The bid (together with its appendices) shall be prepared in the Polish and English language. In case of discrepancies in the contents of the submitted bid, the Polish version of the bid shall be binding. **The name and number of the Request for quotation specified on the first page of this enquiry should be indicated on the envelope and/or in the subject of an e-mail.**
- VII.4. The bid should be signed by people authorized to represent the Bidder pursuant to a registration document or pursuant to a power of attorney.
- VII.5. The bids should be submitted by email (r.modrzejewska@ovopol.pl) or by regular mail / courier service / in person (address: ul. Wojska Polskiego 39, 67-100 Nowa Sól, POLAND). The bid should be addressed to Mrs. Renata Szakiel-Modrzejewska.
- VII.6. The bids submission date shall be the day on which it reaches the Buyer's headquarters or reaches the e-mail address specified in the request.
- VII.7. Bids received after the deadline will not be evaluated.
- VII.8. The Bidder may ask the Buyer to explain the content of the request for quotation. The Buyer shall provide explanations if the request was submitted to the Buyer not later than 3 working days (working days: days from Monday 8:00 a.m. until Friday 3:30 p.m. with exclusion of the national public holidays), before the lapse of the bids submission deadline. In case of contracts with an at least 30-day long deadline for the submission of bids, the questions of the Bidders may be submitted not later than within 7 working days before the lapse of the bids submission deadline. The content of the questions with explanations of the Buyer is published in the same way in which the request for quotation was published.
- ~~VII.9. — The Bidders are entitled to ask questions concerning the content of the contract attached to the request for quotation. The questions should be addressed to the email address: r.modrzejewska@ovopol.pl by (date) 05.08.2019. The questions must include reference to a specific item of the contract.~~



~~VII.10.~~~~VII.9.~~ Questions concerning the content of the request for quotation together with the attachments (as well as the content of the subject-matter of the order) should be addressed to the following e-mail addresses: r.modrzejewska@ovopol.pl by (date) ~~05.08.2019~~12.08.2019 r. A person authorized to contact the Bidders in technical matters is Mrs. Renata Szakiel-Modrzejewska and in commercial matters Mr Robert Rudolf.

~~VII.11.~~~~VII.10.~~ The costs of the preparation of the offer is fully covered by the Bidder.

~~VII.12.~~~~VII.11.~~ The bid must be prepared in accordance with the form which is included in appendix no. 1 to this request for quotation.

~~VII.13.~~~~VII.12.~~ During the evaluation of bids the Buyer may request from the Bidders the provision of explanations and supplements to the content of their submitted bids.

~~VII.14.~~~~VII.13.~~ The information about the need to supplement the submitted bid (including: the scope of the required supplements as well as the deadline and manner for their submission) shall be submitted by electronic mail.

~~VII.15.~~~~VII.14.~~ In case of the Bidders' failure to deliver the certificates or declarations confirming the fulfilment of the conditions for participation in a contract awarding procedure, the Suppliers Selection Committee may specify an additional deadline for their submission.

~~VII.16.~~~~VII.15.~~ The bid must be accompanied by:

- a. Offer/bid form together with declarations and statements confirming the fulfilling the conditions of the quotation as pointed in IV.1., IV.3 i IV.4.
- b. A signed confidentiality agreement or declaration,
- c. The Bidder's registration document or his power of attorney,
- d. References,
- e. Signed information regarding the processing of personal data (appendix No. 5)

VII. BID VALIDITY PERIOD:

The bid should contain its binding validity period (at least 60 days as of the day of its submission).

The Buyer may ask the Bidders to give their consent to an extension of the bid validity period for a period of up to 90 days.

VIII. ADDITIONAL INFORMATION:

IX.1. Place, deadline and rules for receiving of detailed documents if they constitute an element of the request for quotation: (detailed specification will be send by Mrs. Renata Szakiel-Modrzejewska to the indicated e-mail address).

IX.2. Conditions and deadline for any possible supplementing of bids by the Bidders.

IX.3. The evaluation will be done by Suppliers Selection Committee. In the first place, the formal conditions will be assessed. The Buyer may request that the Bidders provide explanations regarding the content of bids submitted at each stage of the proceeding, the Buyer corrects obvious clerical errors, obvious accounting mistakes, including accounting consequences of corrections made, other errors consisting in non-compliance of the offer with the quotation, that do not significantly change the content of the offer with the bidder's agreement. Correction of obvious errors is made by the Buyer in a special form, notifying the Bidder whose offer has been corrected



- IX.4. If the Bidder do not agree for the correction of mistakes within the time indicated by the Buyer, the Bidder's offer will be rejected.
- IX.5. As the next step, the Suppliers Selection Committee will evaluate the required conditions. Therefore, defines which offers will be rejected and if the procedure has to be declared void.
- IX.6. Towards the Bidders, who fulfill the requirements of the bid, the Suppliers Selection Committee will chose the best offer according to evaluation criterions.
- IX.7. The information about the choice of the best offer (including the name and the address of the procedure's winner) will be posted on the Buyer's web site and in the competitiveness database.

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GŁÓWNY KSIĘGOWY

Wioletta Raj

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(company stamp, stamp and signature of a representative)

APPENDICES:

1. Offer/bid form together with a substantive description of the manner of executing the subject of the order and declarations and statements confirming the fulfilling the conditions of the quotation No. 1/2019 dated on 09.07.2019 as pointed in IV.1., IV.3 i IV.4.
2. Technical specification,
3. Confidentiality agreement or declaration,
4. Template of Agreement on execution of the contract subject matter;
5. Information regarding the processing of personal data.



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