

Aleksander Krupkowski Institute of Metallurgy and Materials Science
Polish Academy of Sciences in Kraków
Reymonta Street 25, 30-059 Kraków

Tender code: PN-01-2014

24 January 2014

SPECIFICATION OF THE ESSENTIAL TERMS OF THE ORDER

**for
production of coatings**

The contract awarding procedure is performed in the manner of an **open tender** pursuant to the Act dated 29 January 2004, Public Procurement Act (Journal of Laws dated 2013 r. sec. 907).

1. ORDERER:

Aleksander Krupkowski Institute of Metallurgy and Material Science
Polish Academy of Sciences in Kraków
Reymonta Street 25, 30-059 Kraków,
Phone: (012) 295-28-00, fax: (012) 295-28-04
e-mail: przetargi@imim.pl, www.imim.pl

2. CONTRACT AWARDING PROCEDURE MODE

The procedure will be implemented in the mode of: **an open tender**

3. DESCRIPTION OF THE SUBJECT OF THE CONTRACT

Common Procurement Vocabulary: 73.11.00.00-6

3.1 The subject of the contract is: the production of coatings **with the parameters specified below**:

3.1.1 Coatings must be produced with the use of the PLD technique (Pulse Laser Deposition technique) in combination with magnetron sputtering and PACVD (Plasma- Assisted Chemical Vapor Deposition) (with the use of all the techniques which will avoid the breaking of the high vacuum terms).

3.1.2 The Contractor must guarantee the possibility of producing coatings on substrates with a minimum 100 mm diameter. It is necessary to deposit and enclose in an offer minimum 5 micrometer thick chromium/chromium nitride multilayer coatings on silicon samples with 100mm diameter and on austenitic steel (DIN 1.4301 or higher alloyed, sample size: minimum 20 mm x 20 mm).

3.1.3 The uniformity of the coating must be: $\pm 5\%$ homogeneity variation in thickness and chemical composition. The quality will be checked by means of the TEM and EDS technique at the Institute of Metallurgy and Materials Science PAS, on the sample supplied with an offer

3.1.4 Possibilities to produce the following multilayer structures consisting of:

3.1.4.1 2 - 4 micrometer Cr/CrN multilayer with distinct, sharp interfaces and individual layer thickness of 5 - 20 nanometers)

3.1.4.2 1 - 2 micrometer diamond-like carbon (DLC) top layer implanted by metallic, Cr rich nanoparticles (5 - 60% at. Cr) stacked in layers.

3.1.5 The Contractor must produce 40 different variants of the described above multilayer structures during the task (till 17th of July 2014).

3.1.6 The Contractor must cover 140 samples with the diameter of maximum 100mm during the task (till 17th of July 2014)

3.2 The Orderer does not accept the submission of variant bids.

3.3 The Orderer accepts the submission of equivalent bids.

3.4 The Orderer does not accept the submission of partial bids. Offers which do not contain the full scope of the subject of the contract will be rejected.

3.5 The Orderer does not provide for electronic bidding.

3.6 The Orderer does not provide for the option of a framework agreement.

3.7 The Contractor is obliged to unequivocally determine the offered products by way of their characterization in the manner of pointing to a specific product, that is pointing to the producer, type, and model.

4. INFORMATION ON THE PROVIDED FOR SUPPLEMENTARY ORDERS

The Orderer does not provide for procuring supplementary orders.

5. ORDER DEADLINE

The order must be realized within the deadline of:

Stage I – production of minimum 25% of the coatings within the period of 2 months from the date of the contract conclusion,

Stage II – production of the remaining part of the coatings by the date of 17 June 2014.

6. TERMS FOR PARTICIPATION IN THE PROCEDURE

6.1. The procedure can be participated in by Contractors who have not been excluded pursuant to art. 24 of the Act dated 29 January 2004, Public Procurement Act (Journal of Laws dated 2013 r. sec. 907 as amended), and who fulfill the terms and requirements provided for in the Specification of the Essential Terms of the Order and by art. 22 sec. 1 of the Public Procurement Act.

6.2 The Contractors participating in the procedure must meet the following terms and verify their fulfillment by the documentation provided for below:

Lp.	Term to be fulfilled:	Name of confirmation document:
1	Authority to perform a specific activity or action, if the law places an obligation of the possession of such	The activity performed for the purpose of the implementation of the subject of the contract does not require the possession of special authorization.
2	Knowledge and experience	The Orderer does not provide for a detailed term in this matter. The evaluation of the fulfillment of the term for the participation in the procedure will be performed by the Orderer on the basis of the list and certifications attached to the offer, which applies the method of 'fulfills/does not fulfill'.
3	Technical potential	The Orderer does not provide for any specific terms in this matter. The evaluation of the fulfillment of the term for the participation in the procedure will be performed by the Orderer on the basis of the certification attached to the offer, which applied the method of 'fulfills/does not fulfill'.
4	Persons capable of implementing the order	The Contractor should prove that he/she has at his/her disposal a minimum of one person possessing the following experience: <ul style="list-style-type: none"> At least 5 scientific papers published in magazines of an international scope. The evaluation of the fulfillment of the term for the participation in the procedure will be performed by the Orderer on the basis of the list of persons attached to the offer – Attachment 6 – and a certification, by the method of 'fulfills/does not fulfill'.
5	Economical and financial situation	The Orderer does not provide for a specific term in this matter. The evaluation of the fulfillment of the term for the participation in the procedure will be performed by the

	Orderer on the basis of the certification attached to the offer, by the method of 'fulfills/does not fulfill/.
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6.3 The Contractor may rely on the knowledge and experience of other entities independently of the legal nature of their common relations. In this situation, the Contractor is obliged to prove to the Orderer that he/she will have at his/her disposal the resources necessary for the implementation of the order, especially by submitting a written declaration of those entities to making available to him/her the necessary resources for the period of their use in the implementation of the order.

6.4 The Contractor who does not prove the fulfillment of the terms for the participation in the procedure will be excluded from the participation in the procedure.

6.5 The offer of an excluded Contractor will be recognized as rejected.

7. INFORMATION ON THE CERTIFICATIONS OR DOCUMENTS TO BE SUBMITTED BY THE CONTRACTORS FOR THE PURPOSE OF VERIFYING THE FULLFILLMENT OF THE TERMS FOR THE PARTICIPATION IN THE PROCEDURE AND NON-EXCLUSION

7.1.Required documents

No.	Term to be fulfilled:	Name of verification document:
1	Verification of the fulfillment of the terms pursuant to art. 22 sec. 1 of the Act by the Contractor	1) Declaration on the fulfillment of the terms for the participation in the procedure – Attachment no. 2 to SETO (Specification of the Essential Terms of the Order)
		2) List of persons list of persons who will participate in the execution of the contract, in particular responsible for the provision of services, quality control or managing the construction work, together with information about their qualifications, experience and education necessary to perform the contract, and the scope of their activities, and an information about the ground for having these people
		If the contractor, demonstrating compliance with the conditions referred to in article 22, paragraph 1 of the Act (knowledge and experience, technical potential and persons capable of performing the contract or financial capacity), relies on the resources of other entities under the terms of article 26, paragraph 2b of the Act, the Ordering Party, in order to assess whether the contractor will have the resources of other entities to the extent necessary for the proper performance of the contract, and to assess whether the relationship between the contractor and those entities ensures effective access to their resources, requested documents, such as: A written undertaking by providers, which will give a Contractor a disposal of the resources necessary for the period of their use in performance of the contract including in particular: a) range of resources available of another entity b) method how to use the resources of another entity by the contractor in the performance of the contract

		<p>c) character of the relationship that will connect the contractor with another entity</p> <p>d) range and duration of the participation of another entity in the performance of the contract</p>
2	Verification of the non-exclusion pursuant to Art. 24 sec. 1 of the Act, the following should be submitted	<p>1) Declaration on the lack of basis for exclusion – Attachment no. 3 to SETO</p> <p>2) Updated copy from the proper register or Central Register of Business Activity, if other regulations require an entry to the register, in order to verify the lack of basis for exclusion pursuant to Art. 24 sec. 1 point 2 of the Act, issued not earlier than 6 months before the deadline for the submission of applications for the admission to the contract awarding procedure or placement of offers.</p>
3	Documentation concerning the affiliation to the same corporate group	List of entities affiliated to the same corporate group pursuant to the Act dated 16 February 2007 on Competition and Consumer Protection or information on the non-affiliation to any corporate group.
4	Documentation of foreign entities	<p>If the Contractor's location or domicile is beyond the Republic of Poland, instead of the document mentioned in point 7.1.2.2) of SETO, he/she submits a document issued by the country of his/her location or domicile which states that his/her liquidation has not been initiated or insolvency declared – issued not earlier than 6 months before the deadline for the submission of applications for the admission in the contract awarding procedure or placement of offers.</p> <p>If the country of the person's domicile or the country of the Contractor's location does not issue such documents as those mentioned above, the latter are replaced by a document containing a declaration, which also points to the persons authorized to represent the Contractor, submitted to the proper judicial, administrative, or professional or business self-government, authority of the person's country of domicile or the Contractor's country of location, respectively, or authorized by a notary.</p>

8. INFORMATION ON THE DOCUMENTATION CONFIRMING THE FULLFILLMENT OF THE SPECIFIED REQUIREMENT BY THE OFFERED SUBJECT OF THE CONTRACT

For the verification of the fulfillment of the specified requirement by the subject of the contract, the following should be submitted.

No.	Information on the documentation verifying the fulfillment of the specified requirements by the offered subject of the contract:	
1	Sample	The Contractors are obliged to provide a sample to be analyzed for the purpose of evaluating its properties, attached to the offer.
2	Certificate ISO	Certificate of compliance with Standard 9001:2009
3	<p>Technical description of the offered subject of the Contract.</p> <p>The Order requires the submission of a description of the offered subject of the Contract together with its actual technical parameters in such a way so as the Orderer can establish whether the offered equipment meets the requirements given in the specification.</p> <p>The Contractor is obliged to unequivocally specify the offered subject of the Contract by way of characterization in the manner of pointing to a specific product (producer, type, and model).</p>	

9. OTHER DOCUMENTATION

9.1 The following documents and declarations should be attached to the offer:

No.	Required document:	No. of attachment to SETO
1	Completed offer form.	1
2	Authorization to represent the Contractors in the procedure or to represent in the procedure and conclusion of the public procurement contract – applicable only to entities acting together (e.g. consortium, civil partnership)	

9.2. In the case of entities who act together in applying for the contract awarding procedure (consortium, civil partnership), each of the Contractors being part of the consortium or being a partner in the civil partnership must document his/her non-exclusion, according to the requirements specified in SETO.

9.3. The documents specified in the Ordinance of the Council of Ministers dated 19 February 2013 on the type of documents which can be requested by the Orderer to the Contractor, as well as the forms in which these documents can be applied (Journal of Laws dated 19 February 2013, item 231) should be submitted in the form of the original or a copy certified as being in accordance with the original by the Contractor.

9.4. The specified documents can be submitted in the form of the original or a xerox copy certified as being in accordance with the original by the Contractor. The Orderer can request the submission of the originals or notarially-certified copies of the documents exclusively in the case when the submitted Xerox copy of the document is illegible or raises justified doubts concerning its authenticity.

9.5. If, by the specified deadline, the Contractor does not submit the declarations or documents mentioned in art. 25 sec. 1 of the Public Procurement Act, or the authorizations, or if he/she has submitted the declarations and documents mentioned in art. 25 sec. 1 of the Public Procurement Act which contain errors or faulty authorizations, the Orderer will request him/her to submit them by the specified deadline, unless, despite their submission, the Contractor's offer is rejected or it is necessary to void the procedure. The declaration and documents submitted on request of the Orderer should meet the requirements specified in art. 26 sec. 3 of the Public Procurement Act (Journal of Laws dated 2013, item 907, as amended). The Orderer can also, by the deadline specified by himself/herself, summon the Contractor to submit a clarification in reference to the declarations or documents.

10. PROVISIONS CONCERNING THE APPLICATION OF A COMMON OFFER (CONSORTIA/CIVIL PARTNERSHIPS)

10.1 The contactors can apply together for the participation in the contract awarding procedure. In this case, the Contractors point to an authorized person to represent them in the contract awarding procedure or to represent them in the procedure and the conclusion of the public procurement contract. The written authorization (the original or a copy certified by a notary as being in accordance with the original) should be attached to the offer.

10.2 In the case of Contractors who apply together for the participation in the contract awarding procedure, the terms specified in point 6.2 must be fulfilled by at least one Contractor or all of the Contractors.

10.3 The Contractors who act together are solidarily responsible for any non-fulfillment or not appropriate fulfillment of the order.

Consortium 10.4 If the offer of the Contractors mentioned in point 10 of SETO is selected, the Orderer can request a contract regulating the co-operation of those Contractors, before the conclusion of the public procurement contract.

11. MANNER OF COMMUNICATION OF THE ORDERER WITH THE CONTRACTORS

11.1. Clarifications of the Specification of the Essential Terms of the Order will be made with respect to the provisions described in art. 38 of the Public Procurement Act.

11.2. Pursuant to art. 82 of the Public Procurement Act, the offer is submitted together with the attachment in a written form.

11.3. In this procedure, any declarations, applications, notifications and information will be communicated by the Orderer and the Contractors in one of the three manners (to be selected):

- 1) **in writing,**
- 2) **by fax,**
- 3) **by e-mail.**

Each party, on request of the other party, will confirm the fact of receiving without delay. The declarations, applications, notifications and information communicated by way of fax or e-mail are understood as submitted on time, if their contents have reached the recipient before the deadline.

11.4. Person authorized to communicate with the Contractors:

Within the procedural scope, the person authorized for the contact with the Contractors are:

Marek Pac M.Sc.– phone: (0-12) 295-28-45, hours: 8:00-16:00

11.5. The questions concerning the contents of SETO should be addressed in writing to the location of the Orderer, by way of fax: (12) 295-28-04 or e-mail: przetargi@imim.pl with the specification of the procedure to which they refer.

12. BID BOND: not applicable

13. OFFER VALIDITY

13.1 The Contractor remains bound by the offer for the period of 30 days.

13.2 The period of the offer validity begins on the day of the deadline for offer placement.

13.3 The Contractor can, by his/her own decision or on request of the Orderer, prolong the offer validity period, with the provision that the Orderer can, only once and at least 3 days before the offer validity termination date, send a request to the Contractors to agree to a prolongation of this period by a specified time, but not longer than 60 days.

14. DESCRIPTION OF THE MANNER OF OFFER PREPARATION:

14.1 A Contractor can place only one offer.

14.2 Contractors can apply together for the participation in the contract awarding procedure according to the principles mentioned in art. 23 of the Public Procurement Act.

14.3. In the case specified in point 14.2 in the offer form, as well as in other documents which mention the 'Contractor', the field 'name and address of Contractor' should be filled with the information referring to the consortium or civil partnership, not the authorized person.

14.4 Any costs related to the production and placement of the offer are covered by the Contractor.

14.5 It is recommended that the first page of the offer constitutes the offer form, the model of which can be found in the attachment to this specification.

14.6 The offer must be written in Polish, on a computer, typewriter or in hand (with a pen or unerasable ink). The Orderer accepts the possibility of placing the offer and the documents

confirming the fulfillment of the terms for the participation in the procedure as well as the lack of basis for exclusion, in the English language.

14.7 The offer together with the attachments must be signed by the person(s) authorized for the placement of declarations of will in the name of the Contractor.

14.8 It is recommended that the pages of the offer copy are paginated and clipped in the way so as no paper sheet can slip off the file.

14.9 Any amendments or changes in the contents of the offer must be initialed by the person(s) signing the offer.

14.10 The Contractor places the offer in two envelopes with the name and address of the Orderer written on them and containing the following note:

„Offer for: **production of coatings**

DO NOT OPEN before **3 February 2014, 12:30**, tender code: **PN-01-2014**”

The inner envelope (containing the offer) should be marked as above and additionally, it should contain on it the name and address of the Offerer.

In the case when these markings are not applied or the envelope is improperly addressed, the Orderer is not held responsible for any resulting events, e.g. the envelope being mistakenly opened before the specified date.

14.11 The Contractor can introduce changes or withdraw his offer only before the date of placing the offers and on the condition that, by this date, the Orderer receives a written notification on the introduction of changes or withdrawal of the offer. The notification must be marked in the manner specified in point 14.10 and additionally, it should contain on it the words „CHANGE” or „WITHDRAWAL”.

14.12 The part of the offer which contains the confidential information of the company, in the understanding of the regulations on the suppression of unfair competition and the Contractor declaring its confidentiality, should be placed in a separate envelope with the note „Confidential part of the offer”. The Contractor cannot declare confidentiality of the information mentioned in art. 86 sec.4 of the Act

14.13 Confidential information of the company is understood as information unrevealed publically, of the technical, technological, organizational nature, as well as other information of economic value, in reference to which the entrepreneur has undertaken the necessary actions with the purpose of maintaining its confidentiality, pursuant to the act dated 16 April 1993 on the Suppression of Unfair Competition (consolidated text, Journal of Laws dated 03.153.1503).

14.14 The Contractor is obliged to point to those parts of the order in the offer the implementation of which he is planning to subcontract.

15. PLACE AND DEADLINE OF PLACING AND OPENING OF OFFERS

15.1 Offers must be placed a the location of the Orderer: Aleksander Krupkowski Institute of Metallurgy and Materials Science, Polish Academy of Sciences, Reymonta Street, , 30-059 Kraków, room no.: 225, floor II by **3 February 2014, 12:00**.

In the contract awarding procedure, the Orderer will return the offer which has been placed after the deadline without delay.

15.2 The offers will be opened on **3 February 2014 at 12:30**, at Aleksander Krupkowski Institute of Metallurgy and Materials Science, Polish Academy of Sciences, Reymonta Street, , 30-059 Kraków,, conference room, floor II.

15.3 The Contractor cannot withdraw his offer or introduce any changes in its contents after the deadline for the placement of offers.

16. DESCRIPTION OF THE MANNER OF PRICE CALCULATION

16.1 The Orderer requires that the price offer for the implementation of the subject of the order is presented in PLN. The offer price should consider all the requirements of the Orderer described in this specification and include all the costs which will be borne by the Contractor for the proper and legally compliant implementation of the subject of the order, including the costs of delivery and apparatus installation at the destination location.

16.2 The offer price should be specified with the accuracy of two decimal places, pursuant to regulation § 9 sec. 6 of the Minister of Finance Regulation dated 25 May 2005 on the tax refund to selected tax payers (...), Journal of laws No. 95, sec. 798. The offer price is rounded to full grosz, where the endings below 0,5 gr are omitted and the endings of 0,5 gr and higher are rounded up to 1 grosz.

16.3 The amount of VAT should be calculated according to the regulations of the Act on Value Added Tax dated 11.03.2004r. (Journal of Laws 04. 54. 535, as amended).

16.4 The Orderer does not provide for the granting of advance payments for the sake of the implementation of the subject of the order.

16.5. Foreign Contractors who, on the basis of separate regulations, are not obliged to pay VAT in Poland, provide only the net price. For the purpose of offer comparison, the Orderer will calculate into the offer net price of a foreign Contractor the amount of the due VAT (by which the Orderer is charged on account of the implementation of the subject of the order), which the Orderer will be obliged to pay to the proper inland revenue.

17. INFORMATION ON THE CURRENCY OF THE SETTLEMENT OF ACCOUNTS

The Orderer does not provide to settle the accounts in foreign currencies. Any settlement of accounts of the Orderer with the Contractor will be made in PLN.

18. MANNER OF EVALUATION OF REQUIREMENT FULLFILLMENT:

18.1 In the case of a premise specified in art. 24 of the Public Procurement Act, the Orderer will exclude the Offerer from the procedure.

18.2 The offer of an excluded Contractor is understood as rejected.

18.3 The evaluation of the fulfillment of the terms required from the Contractors will be made according to the formula „fulfills – does not fulfill”.

19. REJECTION OF OFFER

The Orderer will reject an offer in the case of the circumstances mentioned in art. 89 sec. 1 of the Public Procurement Act (i.e. Journal of Laws dated 2010, Nr 113, item 759, as amended).

20. CRITERIA AND MANNER OF OFFER EVALUATION

20.1 The Orderer will evaluate the offers according to the following criteria:

No.	Name of criterion:	Weight:
1.	Price (cost)	50%
2	Additional requirements	50%

20.2 The points admitted for the criterion given in point 20. will be calculated according to the following formula:

Criterion no.	Formula
1.	Price (cost) Sum of points = (C min / C bad) * 100 * weight where: - C bad – gross price given in the examined offer - C min – the lowest gross price of all the offers
2.	Additional parameters Sum of points = Pt * weight where: Pt – 0 or 100 points The evaluation will be made on the basis of the parameters described in attachment no. 7 – table of points

20.3 In the course of the examination and evaluation of offers, the Orderer can request clarifications from the side of the Contractor in reference to the contents of the placed offer.

20.4 according to art. 87 sec. 2 of the Public procurement Act, the Orderer will correct the obvious typing and accounting mistakes as well as other mistakes consisting in a discrepancy of the offer with the Specification of the Essential Terms of the Order, which do not cause significant changes in the offer contents.

21. PROCUREMENT OF ORDER:

21.1 The Orderer will procure the order to the Contractor whose offer meets all the requirements described in this Specification of Essential Terms of the Order and has been evaluated as the most favourable on the basis of the given above criteria for the offer evaluation.

21.2 The Orderer will void the procedure in the case of the premises mentioned in art. 93 of the Public Procurement Act (Journal of Laws dated 2013, item 907, as amended).

21.3 The Orderer will notify all the Contractors who have placed their offers: on the selection of the most favourable offer, by providing the name (company), or the full name, location or domicile address and the address of the Contractor whose offer has been selected, a justification of such a selection and the name (company), or the full names, locations and domicile addresses and the addresses of the Contractors who have placed their offers, as well as the number of points granted to the offers in each criterion of the offer evaluation and the total sum of points, and on the Contractors whose offers have been rejected, together with the actual and legal justification; and on the Contractors who have been excluded from the contract awarding procedure, together with the actual and legal justification – if the procedure is implemented in the mode of an open tender, negotiations without an announcement or a quest for quotation; the deadline specified pursuant to art. 94 sec. 1 or 2, after which the public procurement contract can be concluded.

21.4 The Orderer will notify all the Contractors who have applied in the participation in the contract awarding procedure on the nullification of the procedure – in the case when the procedure is nullified before the deadline for the placement of the offers; the Contractors who have placed their offers – in the case when the procedure is nullified after the deadline for the placement of the offers, together with the actual and legal justification.

21.5 The Orderer will place a notification containing the information mentioned in point 21.3 also at the place of his location, in a publically available place and on the website of the Orderer.

21.6 If the Contractor whose offer has been selected evades the conclusion of the public procurement contract, the Orderer can select the most favourable offer from among the remaining offers, without their renewed evaluation, unless there are premises for nullification of the procedure.

22. INFORMATION ON THE REQUIRED FORMALITIES ON THE SELECTION OF OFFER WITH THE PURPOSE TO CONCLUDE A PUBLIC PROCUREMENT CONTRACT

22.1 The Orderer will conclude a public procurement contract within not less than 5 days from the day of the notification on the selection of the most favourable offer, if the notification has been sent in the manner specified in art. 27 sec. 2 of the Public Procurement Act or within 10 days – if it has been sent in another way – in the case of the offers the value of which is lower than the amounts specified in the regulations issued on the basis of art. 11 sec. 8 of the Public Procurement Act.

The conclusion of the contract is possible before the specified deadline, if only one offer is placed in the contract awarding procedure, and also in the case when no offers has been rejected and no Contractor has been excluded in the contract awarding procedure.

22.2 In the case of the selection of the offer of Contractors who apply together for the participation in the contract awarding procedure (civil partnership, consortium), the Orderer can request the submission of the contract regulating the co-operation of those entities, before the conclusion of the contract.

23. REQUIREMENTS FOR THE SECUREMENT OF THE PROPER IMPLEMENTATION OF THE CONTRACT

In this procedure, the securement of the proper implementation of the contract does not apply.

24. ESSENTIAL PROVISIONS OF THE CONTRACT:

The essential provisions of the contract are described by the contract draft which constitutes attachment no. 4 to this Specification

25. ADVICE ON LEGAL PROTECTION MEANS:

25.1. The means of a legal protection are given to the Contractor as well as another entity, if his/her interest is or has been the awarding of a particular order and he/she has suffered or may suffer damage as a result of the Orderer breaching the provisions of the act. The means of a legal protection in reference to the procurement notice and the Specification of the Essential Terms of the Order are given also to the organizations included in the list supervised by the Public Procurement Director (mentioned in art. 154 point 5 of the Public procurement Act).

25.2 Appellation is entitled only in the case of the Orderer's actions which are not complaint with the regulations of the act, undertaken in the public procurement procedure or in the case of his/her abandonment of an action to which he/she is obliged pursuant to the act.

25.3 Appellation is entitled only in the case of the following actions:

- 1) a description of the manner of performing the evaluation of the requirement fulfillment in reference to the participation in the procedure;
- 2) an appealing exclusion from the contract awarding procedure;
- 3) a rejection of the offer of the appealing party.

25.4 The Contractor can notify the Orderer, by the deadline established for the appellation, on an action which is not compliant with the regulations of the act, undertaken by him/her, or on the abandonment of an action to which his is obliged on the basis of the act, in reference to which he/she is not entitled for an appeal. In the case when the communicated information is verified as

justified, the Orderer repeats the action or undertakes the abandoned action, while informing the Contractors on this fact in the manner established for that action in the act.

25.5 The appellation should point to an action or the abandonment of an action of the Orderer in reference to which there is an accusation of non-compliance with the regulations of the act, as well as contain a brief presentation of the accusations, describe the demand and point to the actual and legal circumstances which justify the placement of the appeal.

25.6 The appeal should be submitted to the Chamber Director in writing or by e-mail and it should contain a secure electronic signature verified by means of a valid qualified document. **The appealing party sends a copy of the appellation to the Orderer by the deadline for the submission of appeals, in such a way so as he/she can become familiar with its contents before the mentioned deadline.** It is deemed that the Orderer has had the chance to become familiar with the contents of the appeal before the deadline for its submission, if its copy was sent before the mentioned deadline in one of the ways described in art. 27 sec. 2 PZP.

25.7 The appeal is submitted within **5 days** from the day when the information on the Orderer's action being the basis for appellation was sent – if it has been sent in the way described in art. 27 sec. 2 of the Public procurement Act, or within **10 days** – if it has been sent in another way.

25.8 The appeal in reference to the contents of the procurement notice, if the procedure is conducted in the manner of an open tender, also concerning the regulations of the Specification of the Essential Terms of the Order, is submitted within: **5 days** from the day of the placement of the notice in the Public Procurement Bulletin or the Specification of the Essential Terms of the Order being made available at the website.

25.9 The appeal in reference to the actions other than those described in sec. 25.7 and sec. 25.8 are submitted within **5 days** from the day on which the information on the circumstances being the basis for the appeal was received or could be received with the proper diligence.

25.10 The Orderer will send without delay, not later than within 2 days from the day of receiving, a copy of the appeal to other Contractors participating in the contract awarding procedure, and if the appeal refers to the contents of the procurement notice or the regulations of the Specification of the Essential Terms of the Order, and also, he will place it on the website on which the procurement notice or the specification is posted, whereas calling on the Contractors to enter the appeal procedure.

25.11 The Contractor can lodge the appeal within 3 days from the day on which he receives the copy of the appeal, whereas pointing to the party with which he/she sides as well as to the interest in the achievement of the resolution in favour of the party with which he/she sides. The appeal lodge is submitted to the President of the National Chamber of Appeal in the written or electronic form provided with the secure electronic signature verified by means of a valid qualified certificate, and its copy will be sent to the Orderer as well as the Contractor who lodges the appeal.

25.12 The Contractors who have entered the appeal procedure become participants in the appeal procedure if their interest lies in the appeal being resolved in favour of one of the parties.

25.13 The Orderer or the appellant can oppose the participation of another Contractor not later than by the time of the case opening.

25.14 In reference to the ruling of the National Appeal Chamber, the parties and the participants of the appeal procedure have the right for a court petition which is lodged through the President of the Public Procurement Office within 7 days from the day of the delivery of the Chamber ruling, whereas sending its copy to the opponent of the petition.

26. OTHER:

To the cases not regulated in this Specification of the Essential Terms of the Order apply the regulations of the act dated 29 January 2004, Public Procurement Act (Journal of Laws from 2013 item 907) and the Civil Law regulations.

27. ATTCHAMENTS TO SETO

	Name of Attachment
1	Offer form
2	Declaration on the fulfillment of the terms
3	Declaration on the lack of basis for exclusion
4	Contract draft
5	Documentation referring to the affiliation with a corporate group
6	List of persons
7	Table of points

Elaborated by: Marek Pac M.Sc.