



Sworn translation from Polish

Warsaw, 24 August 2018

This tender procedure is not the tendering process in the meaning of the Act The Public Procurement Law of 29 January 2004 (Journal of Laws 2015 item 2164).

THE TENDER CONDITIONS

I. Type and subject of the tender, the time-limit of performance of the contract.

1. Subject of the invitation to open tender:

The supply of elements of the stand for the laboratory manufacture of the absorption materials in the composition of:

- | | |
|--|------|
| 1. Lapping Machine | 1 pc |
| 2. Granulator/ Homogeniser | 1 pc |
| 3. Device for the polyurethane injection to the moulds | 1 pc |

2. Detailed description of the subject of the invitation to tender including the technical requirements is contained in the **Technical Specification (The Description of Subject of the Contract)** constituting **Attachment No. 1** to The Tender Conditions.
3. The offer validity: since the date of submission till the date of expiry of **100 days**, starting from the closing date for the submission of tenders.

II. Partial and option bids.

Bidding in parts is allowed.

Option offers are not allowed.

III. Description of criteria applied by the Awarding Entity at the selection of a bid.

The price - 100%, provided the technical requirements are met.

IV. Bid security (non applicable).

1. The condition for participation in tender is the payment of bid security in the amount of PLN
2. Tendering for contracts, the tenderer is obliged to pay bid security in the amount set forth in the Tender Conditions and in the notice of intended procurement, in one or several forms: in cash, bank guarantee, insurance guarantee.
3. Bid security (security deposit) in money should be paid by bank transfer to the indicated bank account:
Bank
4. Deposit in a form of insurance guarantee (valid minimum 100 days from the opening day of tenders), bank guarantee (valid minimum 100 days the opening day of tenders) should be filed in the Office for Purchases and Cooperation, in advance of the date for submission of tenders. Photocopies of the above guarantees certified by the tenderer to be true copies of the original should be attached to the bid. Tenderer's filing of an original guarantee in an envelope together with a tender (as a separate document) will be accepted, however, it shall not detract the tenderer from the obligation to attach a certified true copy of such a document to the bid).

5. In case of a guarantee issued by foreign entity, the document should be accompanied by the translation into Polish language.

V. The requirements concerning the contractors

No requirements are provided by the Awarding Entity as for the contractors.

VI. The manner of preparing the offer

1. The offer should be filed in one glued and sealed or stamped envelope addressed as follows:

PIT-RADWAR S.A.

ul. Poligonowa 30

04-051 Warszawa

**Tendering procedure for the supply of elements
of the stand for the laboratory manufacture of the absorption materials
„Do not open”**

(Biuro Zakupów i Kooperacji NZ - Monika Królikowska)

The offers may be sent by post operator, courier service or delivered in hand to the Awarding Entity's seat, the Company's Main Office, building 2, the ground floor. For the offers sent via post operator or courier service, the date of the receipt of the mail by the Awarding Entity shall be a proof of compliance with the period defined in section 3 below.

2. **The offers should be filed in the written form, in a sealed envelope; a tender form should be provided by the tenderer in two copies, one of which should not include the proposed prices (the tender form with prices should be placed in an additional, inner envelope). The offer should be accompanied by its scan on CD/DVD/USB pen drive, and the pricing in an electronic editable version.**

NOTE: 1 PAPER COPY OF THE TENDER FORM MUST NOT INCLUDE THE PROPOSED PRICES – PRECONDITION.

3. The offers should be furnished within the non-extendible deadline by **17 September 2018, 2 p.m.**
4. The offer should be prepared in the Polish language and should meet the Tender Conditions.
5. The documents included in the offer should be firmly joined – stapled or bound up. The completed pages of the offer should be numbered and initialed by the tenderer or an authorized person.
6. The tender form, all and any representations and powers of attorney should be filed in original. Any other documents should be submitted by the tenderer in original or as photocopy certified to be a true copy of the original by the persons authorized to represent the tenderer as per the principle of representation. The documents drawn up in the foreign language should be filed with the attached translation into Polish language.
7. The bid should include a tender form, technical part, economic part and supporting documents defined in the Tender Conditions.

A. Tender Form.

Tender form constitutes Attachment No. 2 to the Tender Conditions.

i) Technical part (NOTE: if applicable to this tender procedure):

1. The manner of complete marking of the offered products with their trade names.
2. Numbers of the Polish Standards relating to the offered products, and in the absence thereof, the branch /company standard or technical conditions should be attached; in the case of import a foreign standard should be specified including the translation into Polish.
3. Design drawings if not included in the documents as per point 2 above.

4. Copies of appropriate approvals, attestations, recommendations, references etc. indicating that a tenderer guarantees the required quality of delivery or performance of subject of the tender.
5. In the case where the subject of the tender refers to the execution of construction work, the declaration of having appropriate commissions and qualifications to be confirmed among others by a copy of the Site Manager/ Site Supervisor building qualifications with the confirmation of membership to the Chamber of Construction Engineers.
6. Detailed terms and conditions of quality guarantee.
8. The method of the packages and wastes management in the meaning of the applicable provisions.
- *9. Operation Manual of the machine / device in the Polish language (formerly The Operation and maintenance Documentation (DTR)).
- *10. A list of fast-wearing components accompanied by the company's price list.
- *11. The rules of provision of the services under warranty- and post-warranty period supported by the price list of services.
- *12. A list of the parts and assemblies necessary to maintain the operation of the device with reliability index
- **13 Information on the equipment:
 - a) Mass (kg),
 - b) Information about the outer dimensions of the device exceeding 50 cm,
 - c) Type of a battery /accumulators and their mass (if operating in the equipment),
 - d) Information as for the screen of a surface more than 100 cm²,
 - e) Is the device equipped with any lamps ?
 - f) Is it the temperature exchange equipment?
14. Templates of the documents supporting the delivery such as: Declaration of Conformity, Certificate of Conformity etc. ...
15. The description (characteristics) of the quality control system applied in the production proces of the offered items.

* *refers to the devices*

** *refers to the equipment purchased abroad.*

ii) Economic part of the documentation should contain:

1. In the event the producer's prices are applicable, attach the producer's price list or any other price list certified by the producer, valid under the term of the contract.

iii) Other documents.

The tenderer is obliged to attach the following documents to the offer:

- Original or a photocopy certified by the tenderer to be a true copy of original of a valid copy of the entry into the National Court Register (KRS) of the tenderer or the information corresponding to a valid copy from the Register of Entrepreneurs obtained pursuant to Article 4 section 4aa dated August 20, 1997 on the National Court Register (Journal of Laws 2017.700 as amended) or – in case of tenderers being natural persons conducting business activity or filing the offers as civil partnership - excerpt of the information from CEIDG [*Register of Sole Traders*] [website: <http://firma.gov.pl>] and printout of data from the entry into REGON register [*Statistical Identification Number*] [website: <http://wyszukiwarkaregon.stat.gov.pl>], **issued not earlier than 1 week preceding the date for submission of tenders,**
- Current certificate of the competent Tax Office confirming the absence of the Tenderer's arrears in payment of taxes and charges or the approval for exemption, postponement or division into instalments of the outstanding payments or suspension of the enforcement of the entire decision by the Tax Office, **issued not earlier than 3 months prior to the date for submission of tenders,**
- Current certificate of the competent Branch of the Social Insurance Institution or the Agricultural Social Insurance Fund confirming that the Tenderer is not in default of payment of the charges and premiums for the social and health insurance or a certificate that the Tenderer obtained exemption by law, or postponement or division into instalments of the outstanding payments or, the enforcement of entire decision by the Tax Office was suspended, **issued not earlier than 3 months prior to the date for submission of tenders,**
- Other documents or representastions specific for a respective type of the tender as set forth in the technical attachment to the Tender Conditions (e.g. a list of the contracts performed) and

other documents and representations required by law or deemed necessary for due performance of the contract concluded as a result of the tender procedure,

- The Contractor's written comments regarding the template of the contract or essential provisions of the contract or the contract performance conditions, provided the Contractor submits such remarks,
- Other documents defined in the technical attachment to the Tender Conditions,
- If the offers are filed by the tenderers who are likely to seek the award jointly [the consortium of companies], the Awarding Entity requires filing:
 - the tenderers' contract regulating their co-operation [consortium contract/ contracts],
 - specifying (in the tender form) the scope of relevant order to be performed by each of the tenderers, jointly bidding for a public contract (with percent share in the value of the entire contract).

VII. Other requirements:

1. The bids **must be signed** by the persons authorized to represent the tenderer in compliance with the principle of representation, accordingly:
 - 1) persons authorized to represent the contractor mentioned in the valid copy from the National Court Register (KRS),
 - 2) natural person conducting self-employment company (sole proprietor), entered into the Central Registry and Information about Business Activities [*Centralna Ewidencja i Informacja o Działalności Gospodarczej*] or all partners in the civil partnership (the bids filed by civil partnerships),
 - 3) attorney named in the written power of attorney attached to the offer, signed by persons authorized to represent the tenderer in compliance with the principle of representation.

Note! The signatures should be submitted in other color than black

2. The tenderer may, prior to the expiry of date for submission of tenders, change or withdraw the offer. After opening, the offers are not subject to return (they serve only for evidencing the tender procedure).
The offers filed upon time-limit for submission of tenders, will be returned to the tenderers without opening.
3. The rules of reimbursement and retention of bid security are set out in the *Regulations for awarding the contracts by PIT-RADWAR S.A. on the basis of tender procedure*.
4. Conclusion of the contract between the Company and the Tenderer as a result of the tender procedure shall take place on the terms defined in the *Regulations for awarding the contracts by PIT-RADWAR S.A. on the basis of tender procedure*.

VIII. The reasons for rejection of the offers or exclusion of the Tenderers are set forth in the *Regulations for awarding the contracts by PIT-RADWAR S.A. on the basis of tender procedure*.

IX. Draft contract / Essential terms of the contract / Contract performance conditions

1. Should the Contractor intend to submit any notes as for the template of the contract, essential terms of the contract or the contract performance conditions, they should be made only in writing, at the time of submission of the offer at latest, as an **attachment** to the offer - under pain of omission of the notes provided after deadline or made in other form than required.
 2. The contract performance conditions constitute **Attachment No. 3** to the Tender Conditions and are an integral part thereof. In exceptional instances, only and exclusively upon the Awarding Entity's approval it may be possible to implement some changes in course of negotiations.
- X.** The Awarding Entity reserves its right to freely choose an offer (including carrying out the negotiations with the selected tenderers) or to cancel the tender without selecting any offer, giving no reasons therefor or to choose other tenderer and also to cancel or repeat respective actions in the tender procedure without cause, including oral bidding/electronic auction/direct negotiations – without any adverse effects for the Awarding Entity. Satisfying the requirements set forth in the Tender Conditions by the tenderer and the offer as well as the obtainment by the offer of the

highest score according to the criteria of the evaluation outlined in the Tender Conditions should not oblige the Awarding Entity to select a particular offer (or to invite the tenderer to the direct negotiations/bidding /electronic auction) and it does not mean the acceptance of the offer and is not in line with the conclusion of the contract; the execution of the contract requires signing by the parties of a separate document made in writing otherwise being it null and void.

XI. Applying the Regulations for awarding the contracts by PIT-RADWAR S.A. on the basis of tender procedure.

To the extent not regulated by these tender conditions, *the Regulations for awarding the contracts by PIT-RADWAR S.A. on the basis of tender procedure shall apply, enclosed in PDF format as Attachment No. 4.*

XII. For further information contact:

Economic part: Monika Królikowska monika.krolikowska@pitradwar.com, phone No. 693300089

Technical part: Damian Prusak damian.prusak@pitradwar.com phone No. 22 786835 (1-5) ext.121

XIII. Attachments to the Tender Conditions:

Attachment No. 1 - Description of Subject of the Contract

Attachment No. 2 - Tender Form

Attachment No. 3 - Contract Performance Conditions

Attachment No. 5 - The Regulations for awarding the contracts by PIT-RADWAR S.A. on the basis of tender procedure.

I, the undersigned, ANNA CICHOCKA, M.A., in my capacity as Sworn Translator of English at the Provincial Court, entered into the register of the Minister of Justice in Warsaw under No. TP/89/2005, the Republic of Poland, certify the above to be a true, correct and accurate copy of the document drawn up in Polish.

Number of characters w/ spaces: 14.978
Warsaw, 22 August 2018 *Rep. No. 188 / 2018*

