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Inteligentny Rozwój

**Unia Europejska**  
Europejski Fundusz  
Rozwoju Regionalnego



Poznań, 22 March 2017

**Request for Tender**

for the purposes of project:

**“Centrum Badawczo-Rozwojowe Rekultywacji i Ochrony Ekosystemów Wodnych”  
[Water Eco-System Reclamation and Protection Research and Development Centre],  
co-financed by the European Regional Development Fund  
as part of Measure 2.1 of Smart Growth Operational Programme 2014-2020**

**for the purchase of know-how covering the base compound of a bacteria composition to initiate phosphorus sorption processes by minerals of natural origin, with right to modify and manufacture the composition**

*Proceedings not subject to Public Procurement Act of 29 January 2004*

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**CPV code: 73110000-6 – Research services**

**I. AWARDING ENTITY**

Advanced Phosphorus Removal Solutions Sp. z o. o.  
ul. Wachowiaka 8b  
60-681 Poznań  
Poland  
NIP Tax Identity no. 9721263378  
KRS National Court Register no. 0000613877

**II. OBJECT AND SCOPE OF CONTRACT**

1. The object of the contract is purchase of know-how covering production of base microbiological compound to initiate phosphorus sorption processes by minerals of natural origin (Technological Solution/Product) or equivalents, with the right to modify the Technological Solution, as well as manufacture products which employ the said composition developed on the basis of the Tenderer's own licences and knowledge, as well as adaptive research carried out in favour of the Awarding Entity (if applicable).
2. Basic purpose of the base compound:  
The product should be able to intercept phosphate ions from water, e.g. owing to spatially extensive EPS (bacteria exopolysaccharides) structure.
3. Requirements concerning basic qualities of the Technological Solution/Product:
  - a. composition of Product – solely genetically unmodified bacteria strains which assure qualities specified in par. 2,
  - b. shelf life of Product – not shorter than 24 months.



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4. Detailed specification of the order:

The order encompasses:

- a/ Technology of manufacturing the base microbiological compound
- b/ Exclusive right granted to Awarding Entity in the territory of Europe for a period not shorter than 20 years,
- c/ Quality control standards and Licensee's technological requirements,
- d/ Performance of adaptive research intended to adjust the properties of the base compound for use with minerals of natural origin (if applicable).

Tenders assuming use of genetically modified organisms in the composition of the base compound which constitutes the object of the contract will not be considered.

### **III. CONDITIONS FOR ADMISSION TO PROCEEDINGS**

1. Tenderers to meet the following criteria are entitled to make a bid for the award of contract:

- a) have knowledge and experience necessary to perform the contract, validated with a document of registration;
- b) posses adequate technical potential and personnel capable of performing the contract;
- c) have obtained a patent in the scope tantamount or related to the object of contract;
- d) will supply the object of contract not later than on 31 January 2018.

2. Subject to the contents of the tender and documents submitted, incl. Tenderer's declarations, the Awarding Entity by using the "meets / does not meet" formula shall determine whether the Tenderer meets the criteria for admission to the proceedings. Documents and declarations appended to the tender must unequivocally indicate that the Tenderer has met the said conditions.

3. A Tenderer who timely submits a tender for a comprehensive execution of services under the contract is entitled to apply for the contract.

4. The Awarding Entity does not accept partial or variant tenders to supply services under the contract.

5. The Tenderer may use the tender form which constitutes Appendix 1 to the present Request, as well as submit declarations specified in Appendices 2 and 3 to the present Request.

### **IV. EXCLUSIONS**

The contract may not be awarded to entities related to the Awarding Entity by equity or persons, to persons authorised to contract obligations on behalf of the Awarding Entity, or to persons who perform tasks related to running the contractor selection procedure, incl. persons to participate in the tender evaluation process on behalf of the Awarding Entity. In particular, the following relationships are excluded:

- membership in the capacity of partner in a civil law company or in a partnership,
- holding a stake of no less than 10% of stocks or shares,
- holding the position of a member of a supervisory or managerial body, proxy or attorney,
- matrimony, direct consanguinity or affinity, second-degree consanguinity or collateral second-degree affinity, adoption, guardianship, or custody relations.

### **V. TENDER EVALUATION CRITERIA**

1. The Awarding Entity shall select the most cost-effective tender, i.e. one of the most advantageous relation between the price and the remaining criteria. The tender to be awarded the highest no. of points (max. 100) shall be deemed the most cost-effective.



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2. Types and description of criteria adopted by the Awarding Entity in tender selection process:

- Criterion A – gross price – weighted average: 70% (70 points)

Value in points =  $70 \times (c_{\min}/c_a)$

$c_{\min}$  – lowest gross price for execution of the object of contract of all tenders submitted [PLN]

$c_a$  – gross price of tender under review [PLN]

The maximum no. of points to be awarded within Criterion A is 70.

- Criterion B – date of contract object execution – weighted average 30% (30 points):

Evaluation shall be performed of the contract object execution dates, which is calculated in full months commencing on 1 May 2017. During the review process, all dates of execution within a given calendar month are awarded the same number of points e.g. the execution date of 1/05 (first day of May) is awarded the same number of points during the review process, as the execution date of 31/05 (thirty-first day of May).

Value expressed in points =  $30 \times (t_{\min}/t_a)$

$t_a$  – execution date of tender under review calculated in full months; execution date indicated as “May 2017” denotes value “1”, execution date indicated as “January 2018” denotes value “9”.

$t_{\max}$  – the shortest period of contract object execution of all tenders submitted calculated in accordance with the above principles.

The maximum no. of points to be awarded within Criterion B is 30.

Should tenders submitted in response to the present request be awarded the same number of points, the Awarding Entity shall select the most beneficial offer with regard to its impact on the environment and climate. To verify which tender is the most beneficial in this respect, Tenderers awarded the same number of point shall be requested to provide relevant statements. The tender to offer the lowest level of electrical energy consumption in the process of base compound production [kWh/1 litre of compound] shall be selected.

## VI. VENUE AND DATE OF CONTRACT EXECUTION

**Contract execution venue:** the Tenderers' seat

**Contract execution dates:**

- commencement – as at the date of signing the contract
- completion – not later than 31 January 2018

## VII. PLACE, MANNER AND DEADLINE FOR SUBMISSION OF TENDERS

1. The tender must be submitted in a sealed envelope marked “**Tender for the purchase of know-how covering the base compound of a bacteria composition to initiate phosphorus sorption processes on minerals of natural origin, with right to modify and manufacture the composition**” not later than by 3:00 p.m. of the Awarding Entity's local time on 24.04.2017, in the following manner:

- by registered mail against acknowledgement of receipt, or
- by a courier service, or
- delivered in person



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at the following address:

Advanced Phosphorus Removal Solutions Sp. z o.o.  
ul. Wachowiaka 8b  
60-681 Poznań  
Poland  
(date and time of reception or delivery prevails)

2. Tenders submitted after the deadline shall be returned unopened.
3. Prior to tender submission deadline the Tenderer may change or withdraw his tender.
4. In the course of tender review, the Awarding Entity may request from the Tenderers additional information concerning the contents of the tender submitted.

#### **VIII. DESCRIPTION OF TENDER PREPARATION METHOD**

Tenders may be submitted by legal persons and unincorporated organizational entities granted legal capacity by statutory regulations, both enterprises and other entities, hereinafter referred to as Tenderers.

The tender must be signed by a person authorised to represent a given entity, in accordance with the Tenderer's representation form given in the National Court Register, or with any other document relevant for the Tenderer's organisational form.

Binding date of tender: the tender remains binding for the Tenderer between the moment of its submission to the Awarding Entity and 31 May 2017. The tender ceases to be binding if a different tender is selected and agreement with Contractor signed prior to the said date, or the proceedings are closed without selecting a tender.

The tender must contain:

- **A bid** which should at least include:
  - a) object of contract,
  - b) contract execution date,
  - c) net and gross price,  
N.B.: The tender should contain net and gross price (incl. VAT) expressed in Polish zlotys or in other currency, which, for the purposes of tender comparison, will be converted into Polish zlotys based on the exchange rates announced by the National Bank of Poland ([www.nbp.pl](http://www.nbp.pl) – average rate of exchange) on the day of publication of the request for tender, i.e. on 22 March 2017.
  - d) validity date of tender.
- **The Tenderer's statement asserting that pursuant to Appendix 2:**
  1. the Tenderer has become familiar with the conditions specified in the request for tender and accepts them without reservations,
  2. the Tenderer meets the criteria for admission to the proceedings,
  3. the Tenderer has acquired relevant information and clarifications necessary to prepare the tender,
  4. the Tenderer has taken necessary measures and familiarised himself with indispensable technical studies to properly prepare the tender and execute the contract,



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5. all information contained in the tender is up-to-date and accurate,
  6. the Tenderer possesses the experience, knowledge and authorisations necessary to execute the contract,
  7. no genetically modified microorganisms are contained in the microbiological preparation under the contract,
  8. the Tenderer owns the of rights to the know-how offered.
- **Tenderer's statement, in accordance with Appendix 3**, to confirm that the Tenderer is not an entity related by equity or persons to the Awarding Entity, to persons authorised to contract obligations on behalf of the Awarding Entity, or to persons who perform tasks related to running the contractor selection procedure, incl. persons to participate in the tender evaluation process on behalf of the Awarding Entity.
  - **Documents:**
    - a) Registration Document (e.g. extract from KRS [National Court Register], CEIDG [Register of Companies] or equivalent)
    - b) Document to validate holding a patent or patent application directly or indirectly associated with the object of contract.

#### **IX. FINAL REMARKS**

1. Each Tenderer is allowed to submit one tender only.
2. Tenders will be evaluated by a three-member Committee appointed by the Awarding Entity from among its employees or other persons.
3. The Committee oversees proper course of the proceedings.
4. All expenses associated with preparation and submission of the tender incl. appendices are exclusively incurred by the Tenderer.
5. The Committee:
  - validates proper course of the proceedings and number of tenders submitted,
  - opens tender-containing envelopes,
  - verifies the tenders and determines which of them meet the criteria set out in the request for tender,
  - sends back overdue tenders unopened,
  - rejects tenders which do not meet the criteria set out in the request for tender,
  - receives written explanations and declarations which may be submitted by Tenderers upon request from the Committee,
  - selects the most profitable tender or ascertains that it does not select any of the submitted tenders.
6. The Committee reserves the right to verify information provided by Tenderers by requesting documents to validate information contained in the present request for tender.
7. The Awarding Entity reserves the right to terminate or abrogate the proceedings for convenience at any stage of the proceedings.
8. Should no agreement be signed with the Tenderer whose tender has been awarded the highest number of points, the Awarding Entity reserves the right to select the offer which was awarded the second highest number of points.



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9. Tender selection proceedings shall be adjudicated on 25.04.2017.
10. Contract execution agreement shall be signed by 10 May 2017.
11. Additional information can be obtained from the Awarding Entity at [office@aprs.com.pl](mailto:office@aprs.com.pl).
12. Request for tender is available at [www.bazakonkurencyjnosci.gov.pl](http://www.bazakonkurencyjnosci.gov.pl) and [www.aprs.com.pl](http://www.aprs.com.pl).

Appendices:

Appendix 1 – Tender form

Appendix 2 – Tenderer's declaration

Appendix 3 – Declaration of No Conflict of Interest