

## **SPECIFICATION OF THE ESSENTIAL ORDER CONDITIONS (SEOC)**

### **PROCEDURAL PART**

#### **(PART I)**

**LED lighting system in 3 grow chamber** as a part of project: "Establishment of Research and Development Center for innovative methods of phenotyping and management of ornamental plants cultivation".

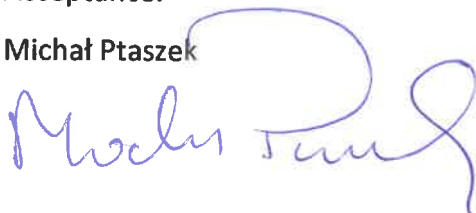
Author:

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Acceptance:

Michał Ptaszek



Stężyca, February 2019



## 1. BASIC INFORMATION

**1.1** Purchaser: „JMP Flowers Grupa Producentów” Sp. z o. o. invites to submit tenders in the procedure carried out in accordance with the principle of competitiveness.

**1.2** The order is not a subject to any protests or appeals.

**1.3** The procedure is carried out by authorized representatives of the Purchaser (the Tender Commission).

### **1.4 Primary stages of the procedure.**

1. Estimating threshold values of the order and choosing the procedure and way of granting the order based on which the Purchaser is conducting the proceedings.
2. Publication of the inquiry, conveyance the Specification of the Essential Order Conditions (SEOC) which consists of procedural part – constituting this document – and attachments.
3. Correspondence concerning clarifications and additions to the SEOC
4. Offers opening submitted within the prescribed period.
5. Form and substance verification of the offers: correspondence concerning clarifications, additions to the offers, eventual dismissal of the offers.
6. Final offers opening (concerning the offers which has not been dismissed at the previous stages of proceedings).
7. Verification of the final offers (eventual dismissal of the offers).
8. Valuation of the offers and preparation of the protocol from the proceedings.
9. Notification the participants about results of the proceedings.
10. Signing the contract

### **1.5 Clarification of the SOEC content.**

The tenderer may request - in writing - from the Purchaser clarifications of the SEOC, no later than 4 days before deadline for submission the offers. Purchaser will answer in writing as soon as possible.

Clarifications will be - without disclosing the source of the inquiry - published on the website and on the competitiveness base.

Purchaser reserves the right not to give the answers submitted after term mentioned above.

### 1.6 Modifications in SEOC.

Before the deadline for submission the offers, Purchaser may modify SEOC content. Made so modifications Purchaser is sending to all the Tenderers, publishing on the website and on the competitiveness base. The Purchaser will extend the time limit for submission the offers for the time needed to make changes to the offers, if necessary due to the scope of the changes.

- 1.7 Any technical documentation which will be forwarded to the Tenderers by Purchaser will be owned by the Purchaser and can't be replicated or disclosed to the third parties without written consent of the Purchaser.

## 2. SUBJECT OF THE ORDER

The subject of the order is: ***LED lighting system in 3 grow chamber as a part of: "Establishment of Research and Development Center for innovative methods of phenotyping and management of ornamental plants cultivation".***

- 2.1 Term of the contract according to Common Procurement Vocabulary (CPV):

*31500000-1 Lighting devices and electric lamps*

- 2.2 A detailed description of the order and conditions of execution are presented in SEOC Technical part - part II.

## 3. EXECUTION TIME

- 3.1 Realisation time: **25.03.2019**

3.2 Purchaser may amend the implementation schedule both at the stage of the proposal as well as during the execution of the contract - under the conditions set out in point. 14.1.

#### 4. POINTS OF CONTACT AND FORM OF PROVIDING WITH THE INFORMATION

**Karolina Lechocińska**

Tel: +48 510 209 156

E-mail: [karolina.lechocinska@jmpflowers.pl](mailto:karolina.lechocinska@jmpflowers.pl)

Working hours.: 7.00 AM – 5:00 PM

4.1 Purchaser is not responsible for the explanation concerning SEOC provided to Tenderers by other persons and entities not entitled to contact Tenderers.

4.2 Purchaser accepts the email correspondence at the above mentioned email address provided that the delivery of any documents with the required attachments will be confirmed by both parties without delay.

#### 5. VALIDITY OF THE OFFER

5.1. The offer should be valid at least sixty (60) days.

5.2. Time of the validity of the offer begins with the end of the time for submission the offers.

5.3. Before the deadline of the submission the offers, Purchaser may request an extension of the deadline of the tender.

#### 6. TERMS OF PARTICIPATION IN THE PROCEEDINGS

6.1 The proposal should be submitted in electronic form.

6.2 One Tenderer may submit only one proposal, excepting point 6.3 and the case when one proposal may be submitted by two or more entities.

6.3 In case of submitting the offer by entities which are together applying for the order, following criteria must be met:

a) Tenderers are required to indicate the Proxy authorized to represent them in the contract procedure, or to represent them in the proceedings and to conclude the

contract; Tenderers are requested to attach appropriate document - the power of attorney,

- b) Tenderers should submit along with the offer, agreement concerning way of interacting Tenderers and responsibilities (reservation joint and several liability is required).

**6.4 Purchaser does not allow the possibility of submitting a partial offer, which would be understood as an offer to execute part of the contract.**

**6.5 Purchaser does not allow submission of alternate offers, which would be understood as offers providing different way of executing the Contract than defined one by the Purchaser.**

## 7. LANGUAGE OF THE PROCEDURE

**7.1** Language of the proposal, associated correspondence and other documentation should be in english.

**7.2** An offer along with all of the appendices should be prepared in english.

## 8. REQUIRED CONDITIONS AND DOCUMENTS

**8.1** The following criteria must be met by the Tenderers:

- a) They should be authorized to perform the activity specified in the proposal, if it is required by the law.
- b) They should possess essential expertise, experience, technical know-how as well as human resources who would be able to execute the order.
- c) They are not excluded from the participation in the proposal.

**8.2** Parties excluded from the participation in the proposal:

- a) Tenderers who have done substantial damage to the Purchaser within the period of 3 years before this proposal by not completing the agreed order or performing it without due diligence.
- b) Tenderers who are subject to liquidation proceedings.
- c) Tenderers who are natural persons, who have been legally convicted of an offense committed in order to obtain a financial benefits.

- d) Natural and legal persons who have been sentenced for obtaining financial gain from the criminal activity.
- e) Tenderers who did not meet the proposal criteria relating to the submission of the required documentation.
- f) Entities with personal or capital links to JMP FLOWERS GRUPA PRODUCENTÓW” Sp. z o.o.

That what is meant by personal or by capital relations are reciprocal connections between Purchaser or persons entitled to incur obligations on behalf of the Purchaser or persons performing on behalf of the Purchaser actions related to the preparation and carrying out the procedure for selecting the contractor and the contractor, they include in particular:

- a) participating in the partnership as a partnership member or civil law partnership member,
- b) holding at least 10% of shares and stock,
- c) acting as a member of the supervisory or management authority, proxy, plenipotentiary,
- d) remaining in a marriage, in a direct kinship or affinity, secondary kinship or affinity, in adoptive relationship, custody or guardianship.

**8.3** In order to meet the submission criteria, the Tenderer should submit the following documents along with the offer:

- a) a copy from the relevant register or a statement of the entry into the register of business activity confirming that there is no on-going liquidation procedure of the company - issued within 3 months before the proposal submission deadline.
- b) power of attorney granted to natural persons if they are not authorised to represent the Tenderer based on the relevant register or to legal entities (in case of consortium).
- c) a copy of the consortium agreement (in case of the Tenderer acting as a consortium).
- d) a statement confirming the compliance with the terms of the participation in the proposal outlined above – **attachment 2**.
- e) a statement confirming no grounds for excluding the Tenderer from the proposal proceedings outlined above – **attachment 3**.

- f) statement confirming that the offer includes full scope of supply and statement confirming acknowledgement of all the elements of technical documentation and inclusion thereof in the proposal net price – **attachment 4**.

**8.4** Documents mentioned above should be submitted as originals or copies legally certified by authorities entitled to represent the Tenderer.

## 9. PROCEEDINGS COSTS

Any costs related to the participation in the proposal proceedings regardless of the outcome are to be incurred by the Tenderer and will not be reimbursed by the Ordering Party.

## 10. PREPARATION OF THE PROPOSAL

**10.1** The offer should be prepared as follow:

- a) In electronic form, as a scan of the offer, password protected. The offer should be sent to the address indicated in point 11.1.

**10.2** Submitted offer should include:

**10.2.1** net price of scope of the supply,

**10.2.2** Confirmation of the realization time: **25.03.2019**

**10.3** The period of warranty – 36 months.

**10.4** The information such as: name and address of the Tenderer, quoted price, terms and conditions, time of delivery should be placed on the first page of the proposal.

**10.5** All contents of the proposal should be clear and legible.

**10.6** Signatures of the parties authorized to make the statement of intent on behalf of the Tenderer should be placed at least on the first and last page of the proposal and the remaining pages should be initialed. If the signature is illegible or does not contain the full name, the proposal should be additionally stamped.

**10.7** The pages of the proposal should be numbered.

**10.8** Any modifications or changes in the content of the proposal should be correctly initialed.



- 10.9** The Tenderer cannot amend or withdraw the submitted proposal unless the Ordering Party receives the relevant notification before the submission deadline.
- 10.10** The Ordering Party will not reveal confidential information of the Tenderer as of regulations relating to unfair competition act, provided that the Tenderer has made the relevant statement thereof before the proposal submission deadline. The information that is not subject to confidentiality refers to the company name, address, price, order completion date, guarantee period and payment terms included in the proposal.
- 10.11** The Ordering Party is authorised to use the proposal and technical documentation prepared based on the agreement with the relevant Contractor for the project execution aims.

## 11. ADDRESS, TIME OF SUBMISSION AND OPENING THE OFFERS

- 11.1** The proposal should be dispatched at the following e-mail address: [karolina.lechocinska@jmpflowers.pl](mailto:karolina.lechocinska@jmpflowers.pl) not later than **12.02.2019, 12:00 PM**.
- 11.2** Offers which will be delivered after time mentioned in point 11.1 will not be taken under consideration, they will be returned to the Tenderers.
- 11.3** Ordering Party is entitled to extend time of submission the Offers, only if:
- a) As a result of modifications in SEOC, additional time is needed to put the changes into the offers,
    - a) On a reasoned request of the Tenderer,
    - b) Ordering Party immediately informs every other Tenderers about extending time for submission and puts an information on the website and the competitiveness base.

## 12. REVIEW OF THE OFFERS

- 12.1** Tender Board may request clarifications of the submitted proposals from the Tenderers.
- 12.2** After proposal review the Tender Board may request the Tenderers to submit the final proposals at the specified deadline with amendments as per commercial terms. The submitted proposals cannot include terms which are disadvantageous to the Ordering Party.



**12.3** Depending on the Tender Board decision, the final proposals may be:

- a) submitted in the course of the minute of meeting with the respective Tenderers.
- b) submitted in the same course as the primary proposals.

Not presenting updated proposal in pointed period of time or unfounded refusal of meeting is tantamount to the acceptance of the final terms and conditions set in the primary proposal.

**12.4** The proposal will be rejected by the Tender Board provided that:

- a) the proposal content is not compliant with the Order Specifications contents.
- b) despite the call to supplement, the Tenderer fails to provide the clarifications and required documentation or to meet other proposal criteria.
- c) despite the call for clarification, Tenderer fails to provide the clarifications in the specified deadline.
- d) the proposal is invalid based on the separate regulations.

**12.5** The proposal rejection results in the Tenderer's exclusion from the further stages of the proposal proceedings.

**12.6** The Tenderer is not entitled to cost reimbursement due to the proposal rejection.

**12.7** The Tender Board is authorised to review the credibility of the documents, statements and data presented by the Tenderers.

**12.8** Providing the false information which may affect the outcome of the proposal review will result in the exclusion of the Tenderer from the further proposal proceedings.

**12.9** Proposal review criteria.

- **Proposal price criteria [in EUR] – 100% weight.** The points will be distributed as follows:

$$L_c = C_{MIN}/C_o * 100 \text{ pt} * 100\%$$

$L_c$  – number of points in the proposal price criteria

$C_o$  – net price in the reviewed proposal

$C_{MIN}$  – the lowest net price of the proposal which was submitted

The most favourable Tender will be the one which obtains the highest number of points Lc.

The maximum number of points for meeting the above criteria is 100.

- 12.10** In case two or more proposals obtain the identical number of points, the Ordering Party will elect the most favourable proposal in terms of environment and climate friendliness – lower energy consumption.
- 12.11** The Tender Board will notify all participants of the proposal proceedings about the result of the proposal review in the same course as informing about the launch of the proceedings. The final decision of electing the most favourable proposal will be made by the representatives of the Ordering Party.
- 12.12** The detailed terms and conditions of the agreement with the elected Contractor are based on the proceedings performed by the Tender Board.
- 12.13** The Ordering Party is authorised to negotiate with the Tenderers who complied with the terms of the proposal proceedings and granted their consent to the negotiations.

### 13. PLACING AN ORDER

The Ordering Party will place an order with the Tenderer whose proposal will meet the terms and conditions specified in the Inquiry Specification and has been assessed as the most favourable and has been granted the highest number of points.

### 14. CONTRACT FOR THE ORDER

- 14.1** The Ordering Party is authorised to perform substantial amendments to the contract concluded with the elected Contractor taking aside the content of the proposal in the following cases:
- a) changes in the implementation schedule will follow the circumstances for which the Ordering Party is liable, in particular arising from delays in obtaining permits, administrative decisions, and changes in the assembly or delivery schedule of any other equipment or installation (which are part of the project) without which it is impossible to mount the subject of this contract.

- b) there will be circumstances caused by external factors e.g. force majeure, unforeseen weather conditions and other external circumstances that may affect the implementation of the contract.
- c) there will be a change in the generally applicable law in matters affecting the implementation of the provisions of the agreement.
- d) the amendments concern the implementation of additional supplies, services or works from the existing Contractor, not covered by the basic contract, provided that the following conditions have been met:
  - i) an amendment to the Contractor can not be made for economic or technical reasons, in particular concerning the interchangeability or interoperability of equipment, services or installations ordered under the basic contract,
  - ii) an amendment the Contractor would cause a significant inconvenience or significant cost increase for the contracting authority,
  - iii) the value of each subsequent change does not exceed 50% of the contract value originally specified in the contract.
- e) the amendment does not change the nature of the agreement and the following conditions have been met:
  - i) the necessity of changing the contract is due to circumstances that the Ordering Party, acting with due diligence, could not predict,
  - ii) the change value does not exceed 50% of the contract value originally specified in the contract,

The amendments to the concluded contract will require the addendum signed by both parties.

## 15. THE END OF PROCEEDINGS WITH NO PROPOSAL ACCEPTED

The Ordering Party is authorised to finish the proposal proceedings without electing any proposal with no justification required and to cancel the proposal proceedings before the submission deadline without bearing any legal and financial consequences.



**Fundusze Europejskie**  
Inteligentny Rozwój



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Rozwoju Regionalnego



## 16. ATTACHMENTS

1. SEOC Technical part. II
2. Tenderer's statement 1
3. Tenderer's statement 2
4. Tenderer's statement 3