



SPECIFICATION OF THE ESSENTIAL ORDER CONDITIONS (SEOC)

PROCEDURAL PART

(PART I)

**Delivery of 2 devices for packing potted plants in a sleeves, concerning the project:
*Construction of a plant for storing flowers and plants and purchase of machinery and equipment.***

Author:

Karolina Lechocińska

Arrangements:

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.
 6. Verification of the final offers.
 7. Valuation of the offers and preparation of the protocol from the proceedings.
 8. Notification the participants about results of the proceedings.
 9. 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.

Written content of the clarifications will be published on the website and on the ARiMR website without disclosing the source of the inquiry.



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 publishing on the website, sending to the tenderers and publishing on ARIMR website.

In the amended offer inquiry, the deadline for submitting offers will be extended by the time necessary to introduce changes to the offers, as long as the extension of this deadline is necessary due to a significant change in the request for proposals consisting in particular in the change of:

- a. description of the order,
- b. the condition of participation in the proceedings on the selection of the given order by the Ordering Party given in the physical and financial statement of operations or the method of making an appraisal of meeting a given condition in this proceeding,
- c. the criterion for the evaluation of offers.

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: **Delivery of 2 devices for packing potted plants in a sleeves,** concerning the project: *Construction of a plant for storing flowers and plants and purchase of machinery and equipment.*

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

42900000-5 Various general and special purpose industrial machines

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 Realization time: 26.04.2019

3.2 Purchaser may amend the implementation schedule both at the stage of the proposal as well as during the execution of the contract. The basis for the amendment thereof may be the amendment to the schedule of other project elements.

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

Karolina Lechocińska

Tel: +48 510 209 156

E-mail: karolina.lechocinska@jmpflowers.pl

Working hours.: 7:00 – 17:00

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



6.3 Purchaser does not allow submission of alternate offers, which would be understood as offers providing different way of executing the Contract than one defined 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.
- e) remaining with the contractor in such a legal or factual relation that it may raise justified doubts as to the impartiality of these persons.

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.
- c) a statement confirming the compliance with the terms of the participation in the proposal outlined above (*Tenderer's statement 1 attached*)
- d) a statement confirming no grounds for excluding the Tenderer from the proposal proceedings outlined above (*Tenderer's statement 2 attached*)
- e) statement confirming acknowledgement of all the elements of technical documentation and inclusion thereof in the proposal net price and confirmation that the offer includes full scope of supply and (*Tenderer's statement 3*).

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

8.5 Failure to deliver any of the required documents mentioned above or submission of the documents in the incorrect form will result with an rejection of the proposal.



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 Purchasing.

10. PREPARATION OF THE PROPOSAL

10.1 The offer should be prepared as follow:

- a) In electronic form, as a scan of the offer. 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 all services and delivery relating to the completion of the order, compliant with SEOC part II, point 2.

10.2.2 the net price should be given in numbers and in words – if there will be a difference between the first and the latter, the net price in words is binding.

10.2.3 Confirmation for realization time: **not later than 26.04.2019**

10.3 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.

10.4 All contents of the proposal should be clear and legible.

10.5 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.

10.6 The pages of the proposal should be numbered.

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

10.8 The Ordering Party is not responsible for the incorrect delivery of the proposal or earlier opening of the proposal due to the incorrect marking of the offer.

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** In case of attaching to the offer other materials than required by the Ordering Party (e.g. commercial materials), they should be put as a separate document.
- 10.12** 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 addresses:

e-mail address: karolina.lechocinska@jmpflowers.pl not later than **08.03.2019 until 12:00 PM.**

- 11.2** 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,
- b) On a reasoned request of the Tenderer,

Ordering Party immediately informs every other Tenderers about extending time for submission and puts an information on the website and on the ARiMR website.

12. REVIEW OF THE OFFERS

- 12.1** During the evaluation of offers, the Tender Committee may demand that Tenderers provide explanations regarding the content of submitted offers. The Ordering Party and Tenderer are not allowed to negotiate the submitted offer and make any changes in its content.

- 12.2** The offer is rejected if:

- a) its content does not correspond to the content of the offer inquiry or



- b) was submitted by the entity:
 - o failing to meet the conditions for participation in the tender procedure
 - o personally or capitalally related with the Tenderer or persons referred to in point 8.2.
- c) was submitted after the deadline for submission of offers specified in the request for proposal.

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

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

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

12.6 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.

12.7 Proposal review criteria.

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

$$L_c = C_{MIN}/C_0 * 100 \text{ pt} * 100\%$$

L_c – number of points in the proposal price criteria

C_0 – 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 (P) after totalling the above criteria, i.e.:

$$P=L_c$$

12.8 The Ordering Party calls Bidders who submitted offers with the same lowest price or the same lowest cost, to submit additional offers within the time specified by the Awarding Entity in terms of price or cost in the case when the price or cost is the only offer evaluation criterion specified.

Tenderers, when submitting additional offers, can not provide a price or a higher cost than in the submitted offers.

12.9 Additional offer shall be rejected if:



- a. includes the price or cost higher than in the submitted offer or
 - b. was submitted after the deadline for submitting additional offers specified by the Ordering Party in the request to submit these offers.
- 12.10** If no additional offer is submitted, or additional offers have been submitted with the same lowest price or the same lowest cost, or all additional offers are rejected, the Ordering Party shall terminate the procedure without choosing any of the offers.
- 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 will be based on the proceedings performed by the Tender Board.

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 reserves the right to make significant changes to the provisions in the concluded contract with the selected Contractor in relation to the content of the offer, in the following cases:
- a) changes to the schedule of implementation of other elements of the project;
 - b) changing the schedule of construction works in the hall where the object of this order is to be instal;
 - c) changing the schedule of assembly or delivery of other equipment (being part of the project), without which it is impossible to instal the subject of this order;
 - d) delays in obtaining permits, administrative decisions.
- 14.2** The contract concluded with the selected contractor may be changed, if this change does not reduce or increase the scope of the service.



- 14.3** The change of the contract concluded with the selected contractor resulting in the reduction of the scope of the benefit is permissible if due to circumstances unforeseeable at the time of concluding the contract for the proper performance of a given task, it has become unnecessary to perform some of the work previously covered by this task.
- 14.4** An amendment to the contract concluded with the selected contractor resulting in an increase in the scope of the service is permissible if it is necessary to carry out additional work not covered by the task to date and the necessity to perform them arose as a result of unforeseeable circumstances at the time the contract was concluded:
- a) this work as a new task would significantly increase costs for the beneficiary or
 - b) a given task depends on the execution of this work or it is not possible to complete a given task without doing this work.

Amendments to the provisions of the concluded contract shall require for their validity a written form under pain of nullity, in the form of an annex 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.

16. ATTACHMENTS

- 1.** Technical attachment
- 2.** Tenderer's statement 1
- 3.** Tenderer's statement 2
- 4.** Tenderer's statement 3

