



Ożarów Mazowiecki, 25th April 2022

Request for Proposals no. SDM-WS/69 of 20th April 2022

Amended on 25th April 2022

1. General information

1. Order: this request for proposals relates to delivery of goods needed for a comprehensive implementation by VIGO System Spółka Akcyjna with headquarters in Ożarów Mazowiecki, the project "Production technology of innovative epitaxial structures and VCSEL laser instruments for photonics development" as part of the Path for Mazovia / 2019 competition, application number: MAZOWSZE / 0032/19.
2. Ordering Party: VIGO System Spółka Akcyjna with its registered office in Ożarów Mazowiecki, ul. Poznańska 129/133, 05-850 Ożarów Mazowiecki, entered into the Register of Entrepreneurs of the National Court Register kept by the District Court for the Capital City of Warsaw Warsaw in Warsaw, 14th Commercial Division of the National Court Register, under KRS number 0000113394, with tax identification number NIP: 5270207340, REGON: 010265179, with share capital of PLN 729,000.00 (fully paid up).

2. Description of the object of the contract

1. The subject of the Order is the supply of goods needed for the implementation by the Ordering Party of the project named "Production technology of innovative epitaxial structures for photonics and VCSEL laser devices" as part of the Path for Mazovia / 2019 competition, application number: MAZOWSZE / 0032 / 19 Agreement of November 21, 2019, No. MAZOWSZE / 0032 / 19-00 concluded with the National Center for Research and Development.
2. The subject of the contract is a supply of the scrubber column C2 CC025A, in accordance with the detailed description of the subject of the contract.
3. The **detailed description of the subject of the contract** is attached as **annex 1** to this request for proposals.
4. If the description of the subject of the order indicates any trademark, patent, type or specific origin, it should be assumed that the indicated trademarks, patents, types or



origin specify technical, operational and functional parameters, which means that the Ordering Party allows submitting an offer in this part the subject of the contract with equivalent or better technical, operational and functional parameters. Any indication of a particular type should be considered as exemplary and ancillary.

5. The Ordering Party shall not accept submitting partial offers. The division of the procurement into parts is technologically unjustified, market and technological conditions mean that deliveries in smaller parts would make it difficult for the Ordering Party to correctly achieve the project objectives.

3. **Order completion deadline**

The order shall be completed within 16 weeks from the date of placing the order. The order shall be considered completed at the moment of handing over of the goods to the Ordering Party at the headquarters of the Ordering Party.

4. **Conditions for participating in the procedure and a description of how to assess compliance with them.**

1. The contractor applying for the award of the contract in question should submit a signed **proposal form**, prepared according to the template attached as **annex 2** to the Request for Proposals.
2. Notwithstanding the conditions indicated above, the contractor:
 - a. should have the authority to perform specific activities or activities, if the law imposes an obligation to have them;
 - b. should have the necessary knowledge, experience and technical and human potential to perform the Order;
 - c. should be in an economic and financial situation ensuring the performance of the Order;
 - d. should not be in arrears with taxes, fees and social security contributions.
3. Assessment of meeting the conditions for participation in the procedure will be based on the statements submitted by the contractor contained in annex 2 to the Request for Proposals.
4. Contractors may jointly apply for the contract. In this case:

these entities are required to appoint a proxy in the contract award procedure or to represent in the procedure and conclude the contract agreement and joint and



several liability for its implementation on the basis of art. 366 of the Civil Code; these entities, if their offer is chosen as the most advantageous, are obliged to submit to the Ordering Party, before signing the contract, a certified copy of the agreement regulating the cooperation of these entities certified to be the original; none of the entities jointly applying for the award of the contract may be excluded from the procedure; when assessing the offer submitted by Contractors jointly applying for the award of the contract, the Ordering Party will take into account jointly the Contractors' rights to perform activities / activities falling within the scope of the contract, their total technical or professional potential to perform the contract, as well as their total economic situation or financial.

5. Information on the scope of exclusion - related entities

The contract cannot be awarded to entities related to the Ordering Party. An associated contractor is an entity:

- a. related or being a subsidiary, jointly controlled entity or parent in relation to the Ordering Party within the meaning of the Accounting Act of September 29, 1994;
- b. being an entity that remains with the Ordering Party or members of its bodies in such an actual or legal relationship that may raise reasonable doubts as to impartiality in the choice of the supplier of a good or service, in particular married persons, a relationship of relationship or affinity up to and including the second degree, relationship adoption, care or guardianship, also through membership of the organs of a supplier of a good or service;
- c. being a related entity or partner entity in relation to the Ordering Party within the meaning of Regulation No. 651/2014;
- d. being an entity related personally to the Ordering Party within the meaning of art. 32 section 2 of the Act of 11 March 2004 on tax on goods and services.

6. Requirements for documents submitted by Contractors

1. The Ordering Party requires the Contractor applying for the award of the contract to submit, together with the offer and statements (prepared in accordance with annex 2 - proposal form), **a document indicating persons authorized to represent the Contractor.**



2. **The offer must be signed.** The signature is considered to be a hand-made legible signature consisting of at least the name of the person (persons) authorized (entitled) to represent the entity in accordance with the form of representation specified in the registration document or other official document indicating the management bodies - appropriate for the Contractor or a signature with the person's stamp persons) or other signature allowing the signature to be identified;
3. The signed proposal form and other required documents must be submitted in the form of the original, and in the case of submission of documents by electronic means - in the form of scans in PDF format. The offer in the form of a scan might be sent to an e-mail address provided in the ordinary form or provided with a secure electronic signature confirmed by a qualified certificate; other required documents may be submitted in the form of the original or a copy certified as true to the original by the Contractor of the original, and in the case of submission of documents by electronic means in the form of scans in PDF format; in the case of signing documents or certifying compliance with the original of copies of documents by persons not mentioned in the Contractor's registration document, an appropriate power of attorney should be attached to the offer.
4. The power of attorney should be presented in the form of an original or a copy certified to be a true copy of the original by a notary public or by the issuer of the power of attorney, and in the case of submitting documents electronically in the form of scans in PDF format; the offer form and the offer description should be submitted in Polish or English in accordance with annex 2, an excerpt from the register or a power of attorney is allowed in one of the official European languages or in another with a translation into one of the official European languages; for the avoidance of doubt, the Ordering Party allows the submission of all documents requiring a signature in accordance with the Request for Proposal in electronic form with a secure electronic signature confirmed by a valid qualified certificate.
5. The Ordering Party requires that together with the offer of the Contractor jointly applying for the order submit a document (e.g. power of attorney) specifying at least its scope, parties appearing together and indicating the representative of the Contractors jointly applying for the award of the contract (the power of attorney should be presented in the original form, or a copy certified by a notary public or by



its issuer, and in the case of submitting documents electronically in the form of scans in PDF format); in the case of contractors jointly applying for the award of the contract, copies of documents relating to each contractor respectively are certified as true copies by each of them separately or through a proxy authorized to act

on behalf of the contractor; Contractors jointly applying for the contract are jointly and severally liable for the performance of the contract.

6. Contractors having their registered office or place of residence outside the territory of the Republic of Poland shall submit a relevant document or documents issued in the country in which they have their seat or place of residence.

7. Criteria for the evaluation of bids, information on point or percentage weights and a description of the method of awarding points for meeting a given bid evaluation criterion

1. Offers will be evaluated according to the price criterion, according to the following:
Offer net price – 100 points (100%).

The method of calculation in the scope of the offer price:

Points for the examined offer = (lowest net price for the performance of the subject of the contract / net price for the performance of the subject of the order for the examined offer) x 100.

1% = 1 point.

The maximum number of points to be obtained in this criterion is 100.

2. The highest total number of points obtained (max. 100 points = 100%) will decide on the selection of the best offer. Calculations will be made to two decimal places (rounded from "5" up). Other offers receive further deposits.
3. If it is not possible to select the most advantageous offer due to the fact that two or more offers present the same balance of price The Ordering Party will call Contractors who submitted these offers to submit, within the time limit specified by the Ordering Party, documents indicating environmental and climate parameters, in order to select an offer more favorable in terms of environmental impact (in particular, lower energy consumption, water consumption, use of recycled materials).

8. Deadline of the submission bids

1. The offer should be submitted by: **27th April 2022.**



2. The contractor should be bound by the submitted offer for a period of at least 30 days. The offer validity period begins with the expiry of submission deadline.

9. Price calculation and offer preparation

1. Price calculation method:

The Contractor in the offer should offer a **complete price, including total cost, including all price-generating elements related to the performance of the contract.**

2. The Ordering Party requires the Contractor to express the price of the offer in Polish zlotys (PLN) or in euros (EUR).
3. In the case of Contractors who express the price of an offer in a currency other than PLN, for the purposes of selecting the offer, the Ordering Party may convert the given amounts of currency at the average exchange rate announced by the National Bank of Poland on the day of opening the offers. In the absence of a publication of the exchange rate by the National Bank of Poland on the day referred to above, the Ordering Party shall apply the last exchange rate announced by the National Bank of Poland before that day. The exchange rate risk is borne by the Ordering Party.
4. The price of the offer for Contractors who have no registered office or place of residence in the territory of the Republic of Poland is the net price, expressed in PLN or Euro (not including the tax on goods and services in force in Poland), including all costs related to the performance of the contract, all fees, taxes (excluding value added tax) and all other costs of any nature that may arise in connection with the implementation of the subject of the contract. The price must be expressed to two decimal places, according to the Polish payment system, rounded to the nearest groszy.
5. A proposal form is attached as Annex 2 to this request for quotation. The Ordering Party requires the submission of an offer for the implementation of the Order using the template model form. The offer form should contain the following attachments:
excerpt from the Contractor's National Court Register / Extract from the Contractor's CEIDG / other registration document appropriate for the Contractor indicating persons authorized to represent the Contractor in accordance with the requirements of the Request; power of attorney if the offer is submitted by a proxy; description of the offered goods.



6. The Ordering Party shall not summon to submit personal evidence, if it is possible to access this information by means of complimentary and publicly available database, in particular public register within the meaning of the Act of 17th February 2005 on computerization of activities of entities performing public tasks, on the condition that the Contractor indicated data enabling access to the abovementioned evidence. In case of foreign entities provisions of points 9.5 and 9.6 shall be applied respectively within the scope of registers kept in their countries.
7. The offer should be submitted: 1) in writing at the seat of the Ordering Party: VIGO System Spółka Akcyjna, ul. Poznańska 129/133, 05-850 Ożarów Mazowiecki, however, if the offer is sent by post, the date of delivery of the offer is decided by the date of delivery of the offer to the Ordering Party, or 2) by e-mail to the following address: tenders@vigo.com.pl with the maximum of one 25 MB messages. or 3) by e-mail to the following e-mail address: tenders@vigo.com.pl with a secure electronic signature confirmed by a qualified certificate, with the proviso that the maximum size of one e-mail may not exceed 25 MB - in the case of sending an offer electronically referred to in point 2) and 3) in order to comply with the deadline for submitting bids, the decisive date is the date of registration of e-mails on the Ordering Party's servers, taking into account the Ordering Party's time zone.

10. Examination of the offers

1. The Contractor may change or withdraw his offer before the deadline for submission of bids.

In the course of examination and evaluation of bids, the Ordering Party may:

- a. require the contractor to provide explanations regarding the content of the offer within the prescribed period;
- b. require the contractor to supplement the shortcomings of the offer within the prescribed period;
- c. correct obvious typing or calculation errors and other errors that do not cause significant changes in the content of the offer, notifying the contractor thereof.

Failure to reply by the contractor within the prescribed period, providing a response that does not dispel doubts or failure to complete missing offers within the prescribed period shall be deemed to have been canceled by the contractor.



2. The contracting authority excludes a contractor who does not meet the conditions for participation in the procurement procedure.
3. The Purchaser rejects the Contractor's bid if:
 - a. its content does not correspond to the content of the request for proposal;
 - b. contains price calculation errors that cannot be removed;
 - c. contains an abnormally low price in relation to the subject of the Order;
 - d. the contractor has submitted more than one offer.
4. Contractors may ask questions to clarify doubts regarding the terms of the contract award procedure.
5. The Ordering Party will assess only those offers which will reach the Ordering Party in the period from the date of announcement of this request for proposal until the expiry of the deadline for submission of offers. Offers submitted after this deadline will not be considered.
6. The opening of tenders will take place next day after the deadline for submitting tenders.

11. Contact persons

Contact persons on the part of the Ordering Party are:

In procedural matters: Tomasz Ratajczyk, e-mail: tratajczyk@vigo.com.pl;

In technical matters: Iwona Pasternak, e-mail: ipasternak@vigo.com.pl.

12. Information on the selection of the best offer

1. The Ordering Party reserves the right to start negotiations with Contractors whose bids have been properly submitted during the procedure. Negotiations in order to improve the terms of the contract, they may relate in particular to prices. Negotiations will be conducted in a way that does not deteriorate the terms of the contract specified in the request for proposal, in a transparent manner and does not affect the access of all contractors to negotiations.
2. The Ordering Party may close the order award procedure without selecting any offer.
3. The Ordering Party shall notify the contractors of the selection of the most advantageous offer, or of closing the procedure for awarding the Order without selecting any offer. The notification will be made in the manner provided for making this request for public by announcement on the website <https://vigo.com.pl/o-nas/zamowienia/>.



13. Relevant terms of the order

1. The Ordering Party requires delivery of the ordered goods within the time limit provided for in the request for proposals to the seat of the Ordering Party.
2. Goods must comply with the specification contained in attachment 1 to the Request for Proposals.
3. The payment for the delivered goods shall be made on the basis of an invoice delivered to an e-mail address: invoices@vigo.com.pl after positive receipt of the goods. Payment shall be made within 30 days from the proper delivery of the invoice.
4. In the event of a delay in delivery caused by the Contractor, he shall pay the Ordering Party on a written request a contractual penalty of 0.5% of the net order value for each day of delay – no more than 15%. The Contractor agrees that the potential contractual penalty shall be deducted from the due remuneration.
5. The Contractor, whose offer will be chosen by the Ordering Party as the most advantageous, shall be obliged to proceed with the implementation of the order after the contract has been handed over by the Ordering Party. The Ordering Party requires confirmation of the acceptance of the order for execution.
6. If the contractor whose offer has been selected will refrain from completing the contract within the above deadline, the Ordering Party may choose the most advantageous offer among the remaining offers.

14. GDPR Clouse information

1. Pursuant to Art. 13 sec. 1 and 2 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46 / EC (general regulation on data protection) (Journal of Laws UE L 119 of 04/05/2016, p. 1), hereinafter referred to as "GDPR", I would like to inform you that:
2. The administrator of your personal data is VIGO SYSTEM S.A. based in Ożarów Mazowiecki, the contact person regarding data processing is Ms Sylwia Wiśniewska-Filipiak, e-mail: ado@vigo.com.pl :
Your personal data will be processed on the basis of art. 6 sec. 1 lit. f GDPR in order to conduct the procurement procedure in the project "Production technology of innovative epitaxial structures for photonics and VCSEL laser devices" as part



of the Path for Mazovia / 2019 competition, application number: MAZOWSZE / 0032 / 19 Agreement of November 21, 2019, No. MAZOWSZE / 0032 / 19-00 concluded with the National Center for Research and Development.

3. The recipients of your personal data will be persons or entities to whom the documentation of the procedure will be made available on the basis of the concluded contract for co-financing the project referred to in point 2.
4. Your personal data will be stored in accordance with the concluded co-financing agreement for the period necessary for the proper settlement of the project and due to legal provisions and the co-financing agreement regulating reporting, maintaining project durability and other generally applicable provisions of law aimed at preserving the rights and obligations of the Administrator and the data entrusting entity.
5. The obligation to provide your personal data directly concerning you is a requirement specified in the guidelines regarding the eligibility of expenditure under the above-mentioned project, necessary to participate in the procurement procedure.
6. With regard to your personal data, decisions will not be made in an automated manner, in accordance with art. 22 GDPR; You have:
 - a) pursuant to art. 15 GDPR, the right to access personal data;
 - b) pursuant to art. 16 GDPR, the right to rectify personal data;
 - c) pursuant to art. 18 GDPR, the right to request the administrator to limit the processing of personal data, subject to the cases referred to in art. 18 sec. 2 GDPR;
 - d) the right to lodge a complaint to the President of the Personal Data Protection Office, if you feel that the processing of your personal data violates the provisions of the GDPR.
7. You are not entitled to:
 - a) in connection with Art. 17 sec. 3 lit. b, d or e GDPR, the right to delete personal data;
 - b) the right to transfer personal data referred to in art. 20 GDPR;
 - c) pursuant to art. 21 GDPR, the right to object to the processing of personal data, as the legal basis for the processing of your personal data is art. 6 sec. 1 lit. f GDPR.



15. Final provisions

1. The Purchaser reserves the right to cancel the request for quotation at any time, without giving a reason.
2. The Purchaser may at any time revoke or change the content of this request for quotation without giving a reason. If the changes affect the content of offers submitted in the course of the procedure, the Ordering Party will extend the deadline for submitting offers.

Attachments

The following documents are attached to this request for proposals:

attachment 1 – order description;

attachment 2 – proposal form.



Rzeczpospolita
Polska

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Narodowe Centrum
Badań i Rozwoju