

The translation provided is for informational purposes only. The tender procedure is conducted in Polish. In the event of any discrepancies or disputes, the binding version of the agreement is the Polish version.

Order No.: GUM2024ZP0058

## **REQUEST FOR PROPOSAL (RFP)**

in the proceeding conducted via the purchasing platform available at:

<https://platformazakupowa.pl/transakcja/935149>

**Oversight of the comprehensive implementation of a clinical trial (CRO) in the UK.**

CPV 73100000-3 - Research and experimental development services

*Acting Chancellor*

*Prof. Dr. Hab. Jacek Bigda*

Gdańsk, 06.06.2024 r.

## TABLE OF CONTENTS

<b>CHAPTER I NAME AND ADDRESS OF THE ORDERING PARTY AND THE WEBSITE ON WHICH CHANGES AND EXPLANATIONS OF THE CONTENT OF THE STO AND OTHER ORDER DOCUMENTS DIRECTLY RELATED TO THE ORDER AWARD PROCEDURE WILL BE AVAILABLE.....</b>	<b>3</b>
<b>CHAPTER II PROCUREMENT PROCEDURE.....</b>	<b>3</b>
<b>CHAPTER III ORDER DESCRIPTION .....</b>	<b>3</b>
<b>CHAPTER IV ORDER COMPLETION DEADLINE .....</b>	<b>4</b>
<b>CHAPTER V .....</b>	<b>4</b>
<b>V.1. GROUNDS FOR EXCLUSION REFERRED TO IN ARTICLE 108 OF THE PZP .....</b>	<b>4</b>
<b>V.2. GROUNDS FOR EXCLUSION REFERRED TO IN ARTICLE 7 SECTION 1 OF THE ACT ON SPECIAL SOLUTIONS IN THE FIELD OF COUNTERACTING SUPPORT FOR AGGRESSION AGAINST UKRAINE AND SERVING TO PROTECT NATIONAL SECURITY.....</b>	<b>5</b>
<b>V.3. THE CONTRACTING AUTHORITY WILL NOT AWARD A CONTRACT TO A CONTRACTOR FOR WHICH THE PREREQUISITES ARISING FROM ARTICLE 5K OF COUNCIL REGULATION (EU) 2022/576 OF 8 APRIL 2022 ARE APPLICABLE.....</b>	<b>6</b>
<b>CHAPTER VI GROUNDS FOR EXCLUSION REFERRED TO IN ARTICLE 109(1) of the Polish Public Procurement Law.....</b>	<b>6</b>
<b>CHAPTER VII CONDITIONS OF PARTICIPATION IN THE PROCEEDINGS .....</b>	<b>7</b>
<b>CHAPTER VIII LIST OF SUBJECTIVE MEANS OF EVIDENCE .....</b>	<b>8</b>
<b>CHAPTER IX INFORMATION ABOUT THE EVIDENTIARY MEANS.....</b>	<b>10</b>
<b>CHAPTER X DESCRIPTION OF THE METHOD OF PREPARING THE OFFER .....</b>	<b>10</b>
<b>CHAPTER XI METHOD AND DEADLINE FOR SUBMITTING OFFERS.....</b>	<b>14</b>
<b>CHAPTER XII OFFERS OPENING DATE .....</b>	<b>14</b>
<b>CHAPTER XIII PRICE CALCULATION METHOD .....</b>	<b>14</b>
<b>CHAPTER XIV DESCRIPTION OF THE CRITERIA FOR EVALUATING THE OFFERS, ALONG WITH THE WEIGHTS OF THESE CRITERIA AND THE METHOD OF EVALUATING THE OFFERS .....</b>	<b>15</b>
<b>CHAPTER XV INFORMATION ON THE MEANS OF ELECTRONIC COMMUNICATION WHICH THE ORDERING AUTHORITY WILL COMMUNICATE WITH CONTRACTORS, AND INFORMATION ON THE TECHNICAL AND ORGANIZATIONAL REQUIREMENTS FOR PREPARING, SENDING AND RECEIVING ELECTRONIC CORRESPONDENCE .....</b>	<b>17</b>
<b>CHAPTER XVI PERSONS AUTHORIZED TO COMMUNICATE WITH CONTRACTORS.....</b>	<b>18</b>
<b>CHAPTER XVII OFFER VALIDITY PERIOD.....</b>	<b>19</b>
<b>CHAPTER XVIII REQUIREMENTS FOR EMPLOYMENT ON THE BASIS OF AN EMPLOYMENT RELATIONSHIP IN THE CIRCUMSTANCES REFERRED TO IN ARTICLE 95 OF THE PPL ACT .....</b>	<b>19</b>
<b>CHAPTER XIX INFORMATION ON THE FORMALITIES THAT MUST BE COMPLETED AFTER SELECTING AN OFFER IN ORDER TO CONCLUDE A PUBLIC PROCUREMENT AGREEMENT .....</b>	<b>19</b>
<b>CHAPTER XX INSTRUCTIONS ON LEGAL PROTECTION MEASURES AVAILABLE TO THE CONTRACTOR..</b>	<b>20</b>

**CHAPTER I NAME AND ADDRESS OF THE ORDERING PARTY AND THE WEBSITE ON WHICH CHANGES AND EXPLANATIONS OF THE CONTENT OF THE STO AND OTHER ORDER DOCUMENTS DIRECTLY RELATED TO THE ORDER AWARD PROCEDURE WILL BE AVAILABLE**

1. The ordering party is:

Gdańsk Medical Univeristy  
ul. M. Skłodowskiej-Curie 3A  
80-210 Gdańsk (*working hours: Monday to Friday 7.30am - 3.30pm*)  
Tax identification number (NIP): 5840955985  
website [www.gumed.edu.pl](http://www.gumed.edu.pl)

Unit handling the case:

Sekcja Zamówień Publicznych  
Phone no. 58 349 12 23  
email address: [zp@gumed.edu.pl](mailto:zp@gumed.edu.pl)

2. Changes and clarification of the content of the Tender Specifications document and other procurement documents directly related to the procedure are available at <https://platformazakupowa.pl/transakcja/935149>.

3. A contractor wishing to participate in a public procurement procedure is required to have an account on the purchasing platform.

Registering and maintaining an account on the procurement platform, as well as using the platform, is free of charge.

**CHAPTER II PROCUREMENT PROCEDURE**

The public procurement procedure is conducted in an open tender procedure, based on Article 132 of the Act of September 11, 2019, on Public Procurement Law, also referred to as "PZP." The procedure is conducted in both **Polish and English** languages.

**CHAPTER III ORDER DESCRIPTION**

1. The subject of the contract is the 'CRO supervision of the comprehensive implementation of a clinical trial in Great Britain as part of the project: *Efficacy and safety of metoprolol as an adjunct to standard therapy in the prevention of the development of cardiomyopathy in patients with Duchenne muscular dystrophy aged 8-17 years. A randomized, double-blind, parallel-group, placebo-controlled trial*', application number: 2019/ABM/01/00026. Where CRO is the English abbreviation for Clinical Research Organization, in Polish: Organizacja Badań Klinicznych.

2. **The proceedings are conducted in Polish and English.**

3. The scope of the order, the order consists of two stages:

**1) Stage No. I - Preparation of documentation concerning the clinical trial;**

**2) Stage No. II - Supervision over the implementation of clinical trials and development of results.**

4. A detailed description of the subject of the order, the scope of the individual stages are included in the offer estimates (Appendices No. 2 to the RFP) Description of the Subject of the Order (OPZ - Annex No. 3 hereto).

5. When preparing the offer, the Contractor should carefully familiarise themselves with the content of all documents constituting the tender documentation, which should be read together with any modifications and changes introduced by the Ordering Party during the proceedings.

6. The Ordering Party does not allow for the possibility of submitting variant offers.

7. The Ordering Party does not require a deposit.
8. The Ordering Party does not allow for the possibility of submitting partial offers.

The services covered by the subject of the order constitute a series of actions resulting from each other, interlocking, technically coherent and constituting one, indivisible whole.

Dividing the order would cause technical difficulties, excessive costs of executing the order and would threaten the proper execution of the order, resulting from the need to coordinate the activities of different contractors executing different parts of the order. This does not prevent potential Contractors from submitting an offer in the procedure in question, the acquisition of which is within the reach of every potential Contractor.

9. The Ordering Party does not provide for the possibility of awarding orders without a contract, as referred to in art. 214 sec. 1 points 7 and 8.
10. The Ordering Party does not require the Contractor to conduct a site visit or to verify the documents necessary for the execution of the order.
11. The Ordering Party does not reserve the obligation for the Contractor to personally perform key tasks.
12. The Ordering Party does not require the provision of security for the proper performance of the contract.
13. The Ordering Party does not envisage any method of communication with the Contractors other than by means of electronic communication indicated hereto.
14. The contracting authority does not foresee the possibility of providing advances for the execution of the order.

#### CHAPTER IV ORDER COMPLETION DEADLINE

1. The subject of the order (including Stage No. II) will be completed within a maximum period of **76 months** from the date of conclusion of the agreement, including the implementation of **Stage No. 1** of the order within a maximum period of **60 calendar days** from the date of conclusion of the Agreement.
2. A necessary condition for the commencement and continuation of the contract (Stage II of the order) is the completion of Stage I of the order.

#### CHAPTER V

##### V.1. GROUNDS FOR EXCLUSION REFERRED TO IN ARTICLE 108 OF THE PZP

1. The following Contractors are excluded from the contract award procedure, subject to Article 110 section 2 of the Public Procurement Law:
  - 1) natural person who has been legally convicted of an offense:
    - a) participation in an organized criminal group or association aimed at committing a crime or a fiscal crime referred to in Article 258 of the Penal Code,
    - b) human trafficking referred to in Article 189a of the Penal Code,
    - c) referred to in art. 228–230a, art. 250a of the Penal Code, art. 46–48 of the Act of 25 June 2010 on sports (Journal of Laws of 2020, item 1133 and of 2021, item 2054) or art. 54 paragraphs 1–4 of the Act of 12 May 2011 on the reimbursement of medicines, foodstuffs for particular nutritional uses and medical devices (Journal of Laws of 2021, items 523, 1292, 1559 and 2054),
    - d) financing a terrorist offence referred to in Article 165a of the Penal Code, or the offence of preventing or hindering the determination of the criminal origin of money or concealing its origin, referred to in Article 299 of the Penal Code,
    - e) of a terrorist nature, as referred to in Article 115 § 20 of the Penal Code, or aimed at committing this

crime,

- f) entrusting work to a minor foreigner, as referred to in art. 9 sec. 2 of the Act of 15 June 2012 on the effects of entrusting work to foreigners staying illegally on the territory of the Republic of Poland (Journal of Laws item 769),
  - g) against economic turnover, referred to in Articles 296–307 of the Penal Code, the offence of fraud, referred to in Article 286 of the Penal Code, the offence against the credibility of documents, referred to in Articles 270–277d of the Penal Code, or the fiscal offence,
  - h) referred to in Article 9, paragraphs 1 and 3 or Article 10 of the Act of 15 June 2012 on the effects of entrusting work to foreigners staying illegally on the territory of the Republic of Poland - or for an appropriate prohibited act specified in the provisions of foreign law.
- 2) if an acting member of its management or supervisory body, a partner in a general partnership or professional partnership, a general partner in a limited partnership or limited joint-stock partnership or a proxy has been validly convicted of an offence referred to in point 1;
  - 3) against whom a final court judgment or a final administrative decision has been issued on arrears in the payment of taxes, fees or social security or health insurance contributions, unless the Contractor, respectively, before the deadline for submitting applications to participate in the procedure or before the deadline for submitting offers, has paid the due taxes, fees or social security or health insurance contributions together with interest or fines or has entered into a binding agreement on the repayment of these liabilities;
  - 4) against whom a final and binding ban on applying for public procurement contracts has been imposed;
  - 5) if the Ordering Party can establish, based on credible premises, that the Contractor has entered into an agreement with other Contractors aimed at distorting competition, in particular if, while belonging to the same capital group within the meaning of the Act of 16 February 2007 on the protection of competition and consumers, they have submitted separate offers, partial offers or applications to participate in the procedure, unless they prove that they have prepared these offers or applications independently of each other;
  - 6) if, in the cases referred to in art. 85 sec. 1, there has been a distortion of competition resulting from the previous involvement of that Contractor or an entity that belongs to the same capital group with the Contractor within the meaning of the Act of 16 February 2007 on the protection of competition and consumers, unless the resulting distortion of competition can be eliminated in a manner other than by excluding the Contractor from participation in the contract award procedure.
- 2. The Contractor may be excluded by the Ordering Party at any stage of the contract award procedure.
  - 3. The Contractor is not subject to exclusion if the Ordering Party, taking into account the gravity and special circumstances of the Contractor's act, considers the evidence presented to be sufficient (pursuant to art. 110 sec. 2).
  - 4. In order to confirm that it is not subject to exclusion from the procedure, the Contractor is obliged to submit, together with the offer, a current declaration within the scope indicated by the Ordering Party in the Contract Notice and the RFP in the form of a Single Procurement Document (SPD) – Annex No. 5 to Tender Specifications (RFP).

#### V.2. GROUNDS FOR EXCLUSION REFERRED TO IN ARTICLE 7 SECTION 1 OF THE ACT ON SPECIAL SOLUTIONS IN THE FIELD OF COUNTERACTING SUPPORT FOR AGGRESSION AGAINST UKRAINE AND SERVING TO PROTECT NATIONAL SECURITY

- 1. In accordance with Article 7 paragraph 1 of the Act on special solutions for counteracting support for aggression against Ukraine and for protecting national security (Journal of Laws of 2022, item 835), the following are excluded from the contract award procedure:
  - a) A contractor and a competition participant listed in the lists specified in Regulation 765/2006 and Regulation 269/2014 or entered on the list on the basis of a decision on entry on the list deciding on the application of the measure referred to in Art. 1 point 3
  - b) The contractor and the competition participant whose beneficial owner within the meaning of the Act of 1

March 2018 on counteracting money laundering and terrorism financing (Journal of Laws of 2022, items 593 and 655) is a person included in the lists specified in Regulation 765/2006 and Regulation 269/2014 or entered on the list or being such a beneficial owner from 24 February 2022, provided that he or she was entered on the list on the basis of a decision on entry on the list deciding on the application of the measure referred to in Art. 1 point 3;

- c) A contractor and a competition participant whose parent entity within the meaning of art. 3 sec. 1 item 37 of the Act of 29 September 1994 on accounting (Journal of Laws of 2021, items 217, 2105 and 2106) is an entity listed in the lists specified in Regulation 765/2006 and Regulation 269/2014 or entered on the list or being such a parent entity from 24 February 2022, provided that it was entered on the list on the basis of a decision on entry on the list deciding on the application of the measure referred to in art. 1 item 3
- 2. The exclusion referred to above shall apply for the duration of the circumstances specified in paragraph 1.
  - 3. In order to confirm that the Contractor is not subject to exclusion from the procedure in accordance with paragraph 1, the offer must be accompanied by a declaration of not being subject to exclusion from the procedure - Annex No. 6 to Tender Specifications (RFP)- in electronic form, provided with a qualified electronic signature.
  - 4. In the case of Contractors jointly applying for the contract, the declaration referred to above shall be submitted by each of the Contractors jointly applying for the contract.

**V.3. THE CONTRACTING AUTHORITY WILL NOT AWARD A CONTRACT TO A CONTRACTOR FOR WHICH THE PREREQUISITES ARISING FROM ARTICLE 5K OF COUNCIL REGULATION (EU) 2022/576 OF 8 APRIL 2022 ARE APPLICABLE.**

- 1. In accordance with Article 5k of Council Regulation (EU) 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilizing the situation in Ukraine (OJ EU L 229, p. 1), as amended by Council Regulation (EU) 2022/576 of 8 April 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilizing the situation in Ukraine (OJ EU L 111, p. 1), the award or continued performance of any public contract or concession falling within the scope of the Public Procurement Directives as well as within the scope of Article 10(1), (3), (6)(a) to (e), (8), (9) and (10), Article Articles 11, 12, 13 and 14 of Directive 2014/23/EU, Articles 7 and 8, Article 10(b) to (f) and (h) to (j) of Directive 2014/24/EU, Article 18, Article 21(b) to (e) and (g) to (i), Article 29 and 30 of Directive 2014/25/EU and Article 13(a) to (d), (f) to (h) and (j) of Directive 2009/81/EC for or with the participation of:
  - a) Russian citizens or natural or legal persons, entities or bodies based in Russia;
  - b) legal persons, entities or bodies whose ownership rights are directly or indirectly held by more than 50% by an entity referred to in point (a) of this paragraph;
  - c) natural or legal persons, entities or bodies acting on behalf or at the direction of an entity referred to in point (a) or (b) of this paragraph, - including subcontractors, suppliers or entities on whose capacities are relied upon within the meaning of the Public Procurement Directives, where they account for more than 10% of the value of the contract.
- 2. In order to confirm that the circumstances specified in section 1 do not apply to the Contractor, an appropriate declaration should be attached to the offer – Annex No. 6 to the Tender Specifications (RFP)– in electronic form, provided with a qualified electronic signature.
- 3. In the case of Contractors jointly applying for the award of the contract, the declaration referred to above shall be submitted by each of the Contractors jointly applying for the contract.

**CHAPTER VI GROUNDS FOR EXCLUSION REFERRED TO IN ARTICLE 109(1) of the Polish Public Procurement Law**

The Ordering Party shall exclude from the public procurement procedure pursuant to Article 109 paragraph 1 item 4 a Contractor in respect of whom liquidation has been opened, bankruptcy has been declared, whose assets are managed by a liquidator or court, who has entered into an arrangement with creditors, whose business activity has

been suspended or who is in another similar situation resulting from a similar procedure provided for in the regulations of the place of initiation of this procedure.

## CHAPTER VII CONDITIONS OF PARTICIPATION IN THE PROCEEDINGS

1. Contractors who meet the conditions for participation in the procedure specified by the Ordering Party may apply for the award of the contract (pursuant to Article 112 of the Public Procurement Law)::

- 1) ability to engage in economic activity – the Ordering Party does not set any detailed conditions in this respect.
- 2) authorisations to conduct specific business or professional activities, unless this results from separate regulations – *the Ordering Party does not set out detailed conditions in this respect. sytuacji ekonomicznej lub finansowej.*
- 3) **technical or professional ability:**

### REGARDING THE CONTRACTOR

The Ordering Party will consider the condition to be met if the Contractor demonstrates that in the last 3 years before the deadline for submitting offers, and if the period of conducting business activity is shorter - in that period: **it conducted (properly performed) at least 1 (one) clinical trial that included at least 50 patients.**

#### NOTE:

The Ordering Party reserves that the condition described above is not cumulative. This means that in the case of Contractors jointly applying for the contract, one of the Contractors must demonstrate all the required experience (the condition will not be met if all the Contractors have demonstrated the required experience, but none of them has demonstrated all the required experience on their own).

In the case of Contractors jointly applying for the contract, the condition referred to above must be met by the Contractor who will conduct clinical trials on behalf of the Ordering Party/Sponsor in the CRO function.

2. In order to confirm the fulfilment of the conditions for participation in the procedure, in appropriate situations and in relation to a specific contract or part thereof, the contractor may rely on the technical or professional abilities or the financial or economic situation of entities providing resources, regardless of the legal nature of the legal relations which connect it with them (Article 118, paragraph 1 of the Public Procurement Law).
3. In relation to the conditions concerning education, professional qualifications or experience, Contractors may rely on the capabilities of entities providing resources if these entities perform construction works or services for the performance of which these capabilities are required (Article 118, paragraph 2 of the Public Procurement Law).
4. A contractor who relies on the capabilities or situation of entities providing resources shall submit, together with the offer, a commitment from the entity providing resources to provide the contractor with the necessary resources for the purpose of performing the given order or other subjective evidence confirming that the contractor, while performing the order, will have the necessary resources of these entities at its disposal (Article 118, Section 3 of the Public Procurement Law).
5. The obligation of the entity providing the resources referred to in paragraph 4 above confirms that the relationship between the Contractor and the entities providing the resources guarantees actual access to these resources and specifies in particular:

- 1) the scope of resources of the entity providing the resources available to the Contractor;

- 2) the method and period of making the resources of the entity providing the resources available to the Contractor and its use in performing the contract;
  - 3) whether and to what extent the entity providing the resources, on whose capabilities the Contractor relies in relation to the conditions of participation in the procedure concerning education, professional qualifications or experience, will perform the construction works or services to which the indicated capabilities apply.
6. The Ordering Party shall assess whether the technical or professional capabilities made available to the Contractor by the entities providing the resources or their financial or economic situation allow the Contractor to demonstrate compliance with the conditions for participation in the procedure referred to in art. 112 sec. 2 items 3 and 4 of the Public Procurement Law, and shall also examine whether there are no grounds for exclusion with respect to this entity, which have been provided for with respect to the Contractor (art. 119 of the Public Procurement Law).
  7. The entity that has undertaken to provide resources is jointly and severally liable with the Contractor, relying on its financial or economic situation, for any damage suffered by the Ordering Party resulting from failure to provide these resources, unless the entity is not at fault for failure to provide the resources (Article 120 of the Public Procurement Law).
  8. If the technical or professional capabilities, economic or financial situation of the entity providing the resources do not confirm that the Contractor meets the conditions for participation in the procedure or there are grounds for exclusion with respect to this entity, the Ordering Party requests that the Contractor replace this entity with another entity or entities within the time limit specified by the Ordering Party or demonstrate that it independently meets the conditions for participation in the procedure (Article 122 of the Public Procurement Law).
  9. The contractor may not, after the deadline for submitting offers, rely on the capabilities or situation of entities providing resources if, at the stage of submitting offers, it did not rely in a given scope on the capabilities or situation of entities providing resources.
  10. With respect to the conditions concerning education, professional qualifications or experience, Contractors jointly applying for the award of the contract may rely on the capabilities of those Contractors who will perform the construction works or services for the performance of which these capabilities are required.
  11. In the case referred to in par. 3, Contractors jointly applying for the award of the contract shall attach to the application for admission to the procedure or to the offer, respectively, a declaration specifying which services will be performed by individual Contractors – Annex No. 8 to the RFP – in electronic form, provided with a qualified electronic signature.

## **CHAPTER VIII LIST OF SUBJECTIVE MEANS OF EVIDENCE**

1. In order to provide preliminary confirmation of not being subject to exclusion from the procedure and fulfilling the conditions for participation in the procedure, pursuant to art. 125 sec. 1 and 2 of the Public Procurement Law, the Contractor shall submit a declaration in the form of a Single European Procurement Document (hereinafter referred to as the ESPD/single document), drawn up in accordance with the template included in Annex No. 5 to the RFP (the standard form is specified in Commission Implementing Regulation (EU) 2016/7 of 5 January 2016 - OJ EU L 3 of 6 January 2016, p. 16). The Single Document (ESPD) shall be drawn up, under penalty of nullity, in electronic form and shall be provided with a qualified electronic signature.
2. In the case of Contractors jointly applying for the contract, a declaration in the form of ESPD is submitted by each of the Contractors jointly applying for the contract. This declaration is to confirm the lack of grounds for exclusion and the fulfilment of the conditions for participation in the procedure to the extent to which each of the



Contractors demonstrates fulfilment of the conditions for participation in the procedure.

3. The Contractor shall submit the ESPD in the original in the form of an electronic document signed with a qualified electronic signature by a person authorized to represent the Contractor in accordance with the form of representation specified in the registration document appropriate for the organizational form or another document.
  4. Before selecting the most advantageous offer, the Ordering Party will call upon the Contractor whose offer was assessed the highest to submit, within a specified period of no less than 10 days, the relevant evidence valid on the date of submission (Article 126 of the Public Procurement Law), i.e.:
    - 1) information from the National Criminal Register within the scope specified in art. 108 sec. 1 points 1, 2, 4 of the Public Procurement Law, prepared no earlier than 6 months before its submission,
    - 2) an extract or information from the National Court Register or from the Central Register and Information on Business Activity, within the scope specified in art. 109 sec. 1 point 4 of the Public Procurement Law, drawn up no earlier than 3 months before its submission, if separate provisions require entry in the register or records,
    - 3) a declaration by the Contractor on not belonging to the same capital group (within the scope of art. 108 sec. 1 point 5 of the Public Procurement Law), within the meaning of the Act of 16 February 2007 on the protection of competition and consumers (Journal of Laws of 2020, items 1076 and 1086), with another contractor who has submitted a separate offer, partial offer or application to participate in the procedure, or a declaration on belonging to the same capital group together with documents or information confirming the preparation of an offer, partial offer or application to participate in the procedure independently of another contractor belonging to the same capital group (Annex 8 to the this Tender Specification);
    - 4) **the Contractor's declaration on the validity of the information contained in the declaration** referred to in art. 125 sec. 1 of the Public Procurement Law, in the scope of the grounds for exclusion from the procedure indicated by the Ordering Party, referred to in chapter V of the RFP and in:
      - a) art. 108 sec. 1 item 3) of the Public Procurement Law,
      - b) art. 108 sec. 1 item 4) of the Public Procurement Law, concerning the ruling of a ban on applying for a public contract as a preventive measure,
      - c) art. 108 sec. 1 item 5) of the Public Procurement Law, concerning the conclusion of an agreement with other contractors aimed at distorting competition,
      - d) art. 108 sec. 1 item 6) of the Public Procurement Law,
  - 5) **a list of services (Annex 7 to the RFP)** performed, and in the case of recurring or continuous services also performed within the last 3 years, and if the period of conducting business activity is shorter – during this period, together with the specification of the subject, dates of performance and entities for which the supplies or services were performed or are being performed, and attaching evidence specifying whether these services were performed or are being performed properly, where the evidence in question is references or other documents drawn up by the entity for which the supplies or services were performed, and in the case of recurring or continuous services are being performed, and if the contractor is unable to obtain these documents for reasons beyond its control – a statement by the contractor; in the case of recurring or continuous services still being performed, references or other documents confirming their proper performance should be issued within the last 3 months.
- The 3-year period is counted backwards from the date on which the deadline for submitting offers in the procedure expires.
6. If the Contractor has its registered office or place of residence outside the borders of the Republic of Poland, instead of:
    - a) information from the National Criminal Register referred to in par. 5 item 1) above – it shall submit information from the appropriate register, such as the court register, or, in the absence of such a register, another equivalent document issued by the competent judicial or administrative authority of the country in which the Contractor has its registered office or place of residence, within the scope specified in art. 108 par. 1 items 1, 2, 4 of the Public Procurement Law. This document should be issued no earlier than 6 months before its submission.

b) an extract or information from the National Court Register or the Central Register and Information on Business Activity referred to in par. 5 point 2) above – submits a document or documents issued in the country where the contractor has its registered office or place of residence, confirming, respectively, that no liquidation proceedings have been opened, no bankruptcy has been declared, its assets are not managed by a liquidator or court, it has not entered into an arrangement with creditors, its business activity is not suspended and it is not in another similar situation resulting from a similar procedure provided for in the regulations of the place of initiation of this procedure. These documents should be issued no earlier than 3 months before their submission.

7. If in the country in which the Contractor has its registered office or place of residence, or the person to whom the document relates has their place of residence, the documents referred to in paragraph 6 are not issued or if these documents do not refer to all the cases referred to in art. 108 paragraph 1 points 1, 2 and 4 of the Act, they shall be replaced in whole or in part, respectively, by a document containing, respectively, a declaration of the Contractor, indicating the person or persons authorized to represent them, or a declaration of the person to whom the document was supposed to relate, made under oath, or if in the country in which the Contractor has its registered office or place of residence, or the person to whom the document was supposed to relate has their place of residence, there are no regulations on a declaration under oath made before a judicial or administrative authority, notary, professional or economic self-government body competent for the registered office or place of residence of the Contractor or place of residence of the person to whom the document was supposed to relate.
8. In order to confirm that the person acting on behalf of the Contractor is authorized to represent him, the Ordering Party may request from the Contractor an extract or information from the National Court Register, the Central Register and Information on Business Activity or another appropriate register.
9. If a person whose authorisation to represent the Contractor does not result from the documents referred to in paragraph 8 above acts on behalf of the Contractor, the Ordering Party may request from the Contractor a power of attorney or another document confirming authorisation to represent the Contractor.
10. If the Contractor has not submitted the ESPD declaration, subjective evidence, other documents or declarations submitted in the proceedings or they are incomplete or contain errors, the Ordering Party, pursuant to Art. 128 sec. 1 of the Public Procurement Law, shall call on the contractor to submit, correct or supplement them within the specified time limit, unless:
  - 1) the contractor's offer is subject to rejection regardless of their submission, supplementation or correction
  - or
  - 2) there are grounds for invalidating the procedure.
11. If it is necessary to ensure the proper course of the contract award procedure, the Ordering Party may, at any stage of the procedure, request contractors to submit all or some of the declarations or documents confirming that they are not subject to exclusion, meet the conditions for participation in the procedure, and if there are reasonable grounds to believe that the declarations or documents previously submitted are no longer valid, to submit current declarations or documents.
12. To the extent not regulated in this ToR, the provisions of the Regulation of the Minister of Development, Labour and Technology of 23 December 2020 on the subjective means of evidence and other documents or declarations that the Ordering Party may request from the Contractor (Journal of Laws of 2020, item 2415) shall apply.

#### **CHAPTER IX INFORMATION ABOUT THE EVIDENTIARY MEANS**

The Ordering Party does not require the submission of the evidence in question.

#### **CHAPTER X DESCRIPTION OF THE METHOD OF PREPARING THE OFFER**

##### **1. Basic requirements.**

- 1) The Contractor submits the offer with attachments via the purchasing platform on which the procedure is conducted. The address of the website of the conducted procedure is indicated by the Ordering Party in

Chapter I, point 2 of this Tender Specifications document.

- 2) The contractor is entitled to submit only one offer.
- 3) The content of the submitted offer must correspond to the content hereto.
- 4) The offer should be submitted by persons authorized to make declarations of will and assume obligations on behalf of the Contractor.
- 5) In the event that an offer and its accompanying documents and statements are submitted by a person(s) not listed in the registration (record-keeping) document of the Contractor, it is necessary to attach the appropriate power of attorney to the offer.
- 6) Contractors bear all costs associated with preparing and submitting the tender, including the costs incurred for acquiring a qualified electronic signature.

**To properly submit an offer, you should familiarize yourself with the Instruction for submitting an offer for the Contractor - <https://platformzakupowa.pl/strona/45-instrukcje>**

## **2. Form of offer, documents and declarations**

- 1) The offer together with its attachments should be prepared in Polish or English, in electronic form (qualified signature) under penalty of nullity,
- 2) The documents or declarations referred to in this RFP are submitted in the original in the form of an electronic document or in an electronic copy of the document or declaration certified to be true to the original.
- 3) The certification of conformity with the original is made by the contractor, the entity on whose abilities or situation the contractor relies, contractors jointly applying for the award of the public contract or the subcontractor, as appropriate, in the scope of documents or declarations that concern each of them.
- 4) The certification of conformity with the original of the electronic copy of the document or declaration referred to in point 3) above is made using a qualified electronic signature by the authorized person/persons.
- 5) In the event of attaching documents or declarations drawn up in a foreign language to the offer, they must be submitted together with a translation into Polish.
- 6) The Ordering Party recommends the use of forms attached to the RFP. It is permissible to submit attachments prepared by the Contractors in the offer, provided that their content is consistent with the forms specified by the Ordering Party.
- 7) Qualified signatures used by contractors to sign all files must comply with the "Regulation of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market (eIDAS) (EU) No. 910/2014 - from 1 July 2016".
- 8) In the case of using the XAdES external signature format. The Ordering Party requires the attachment of an appropriate number of files, signed data files and XAdES files.
- 9) Information constituting a business secret, within the meaning of the provisions on combating unfair competition, shall not be disclosed. If the Contractor, no later than the deadline for submitting offers, has clearly stated that it cannot be made available and has demonstrated, by attaching appropriate explanations, that the reserved information constitutes a business secret. On the platform in the offer submission form there is a place designated for attaching the part of the offer constituting a business secret.
- 10) The Contractor, via [platformzakupowa.pl](https://platformzakupowa.pl), may change or withdraw the offer before the deadline for submitting offers. The method of changing or withdrawing the offer is included in the instructions posted on the website at: <https://platformzakupowa.pl/strona/45-instrukcje>

### 3. Offer Contents:

#### 1) The offer (Annex No. 1 hereto) should be accompanied by:

- a) Bid estimates – **Annex No. 2 to the RFP;**

**The Ordering Party will reject an offer that does not contain bid estimates.**

- b) ESPD declarations referred to in Chapter VIII of this RFP – Annex No. 5 to the RFP;

- c) declarations indicated in Chapter V of the RFP – **Annex No. 6 to the RFP;**

#### **regarding letters b and c above:**

In the event of a joint application for the order by Contractors, the declarations indicated above shall be submitted by each of the Contractors. These declarations shall confirm the lack of grounds for exclusion and the fulfilment of the conditions for participation in the procedure to the extent to which each of the Contractors demonstrates fulfilment of the conditions for participation in the procedure.

- d) declaration indicated in Chapter VII of the RFP – **Annex No. 8 to the RFP** – if applicable;

- e) the evidence in question – if applicable;

- f) if applicable – power of attorney to submit the offer, if the offer is submitted by a proxy;

- g) if applicable – a document confirming the appointment by the Contractors jointly applying for the contract of a proxy to represent them in the contract award procedure or to represent them in the procedure and conclude a public procurement contract.

#### 2) The power of attorney to submit an offer must be submitted in original in the same form as the submitted offer.

It is also permissible to submit an electronic copy (scan) of a power of attorney previously prepared in writing, in the form of an electronic certification prepared in accordance with art. 97 § 2 of the Act of 14 February 1991 - Notary Law, which certification the notary shall affix with a qualified electronic signature, or by affixing a scan of a power of attorney previously prepared in writing with a qualified signature of the principal. An electronic copy of a power of attorney cannot be authenticated by the authorized person.

#### 3) A joint offer submitted by two or more Contractors should meet the following requirements:

- a) the joint bid should be prepared in accordance with the RFP,

- b) the method of submitting documents in the joint bid:

- documents concerning one's own company, such as: a declaration of no grounds for exclusion, shall be submitted by each of the Contractors submitting the joint bid in their own name;

- joint documents such as: a bid form, a price form, subject and object documents shall be submitted by the Contractors' proxy on behalf of all Contractors submitting the joint bid;

- c) copies of documents concerning each of the Contractors submitting the joint bid must be certified as true copies by the person or persons authorized to represent these Contractors.

In the event that the offer selected in the conducted procedure was submitted by two or more Contractors jointly applying for the award of a public contract (e.g. a consortium), the Ordering Party may request an agreement regulating the cooperation of these entities before signing the public contract, which shall clearly specify:

- the entrepreneurs responsible for the submitted offer and the execution of the order the economic purpose for which the agreement was concluded,
- the duration of the agreement, which may not be shorter than the period covering the execution of

- the order
- the manner of conducting the consortium's affairs and the principles of representation.
- the Ordering Party shall conduct all correspondence and settlement for the performed deliveries with the authorized representative of the consortium.
- the manner of terminating the consortium agreement.

#### 4. RODO

In accordance with Article 13 paragraphs 1 and 2 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ EU L 119, 4.5.2016, p. 1), hereinafter referred to as "GDPR", I inform you that:

1. The administrator of your personal data is the Medical University of Gdańsk, ul. M. Skłodowskiej-Curie 3a, 80-210 Gdańsk, you can contact the Personal Data Protection Officer at the following email address: [iod@gumed.edu.pl](mailto:iod@gumed.edu.pl)
2. Your personal data will be processed on the basis of:
  - art. 6 sec. 1 letter c of the GDPR in connection with the Act of 11 September 2019 - Public Procurement Law (consolidated text: Journal of Laws of 2023, item 1605, as amended), hereinafter referred to as "PZP", Regulation of the Minister of Development, Labour and Technology of 23 December 2020 on the subjective means of evidence and other documents or declarations that the contracting authority may request from the contractor in order to conduct and resolve the public procurement procedure (Journal of Laws of 2020, item 2415),
  - art. 6 sec. 1 letter c of the GDPR b GDPR in order to conclude a public procurement contract with the selected contractor and perform this contract.
3. The recipients of your personal data will be persons or entities to whom the documentation of the procedure will be made available pursuant to art. 18 and art. 74 of the Public Procurement Law and public authorities or other entities authorized under the provisions of law or entities providing technical, IT and advisory services, including legal and consulting services, companies archiving documents, postal operator.
4. Your personal data will be stored, in accordance with art. 78 sec. 1 and sec. 4 of the Public Procurement Law for a period of 4 years from the date of completion of the procurement procedure, and if the duration of the contract exceeds 4 years, the storage period covers the entire duration of the public procurement contract;
5. Providing data is necessary to participate in the procedure. The obligation to provide your personal data directly concerning you is a requirement specified in the provisions of the Public Procurement Law and implementing provisions related to participation in the public procurement procedure; the consequences of failure to provide certain data result from the Public Procurement Law.
6. In relation to your personal data, decisions will not be made in an automated manner, in accordance with Article 22 of the GDPR;
7. You are entitled to:
  - pursuant to Article 15 of the GDPR, the right to access your personal data;
  - pursuant to Article 16 of the GDPR, the right to rectify your personal data
  - pursuant to Article 18 of the GDPR, the right to request that the controller restrict the processing of personal data, subject to the cases referred to in Article 18 paragraph 2 of the GDPR;
  - the right to lodge a complaint with the President of the Personal Data Protection Office if you consider that the processing of your personal data violates the provisions of the GDPR;
9. You are not entitled to:
  - in connection with Article 17 paragraph 3 letters b, d or e of the GDPR, the right to have your personal data deleted;
  - the right to transfer your personal data, as referred to in Article 20 of the GDPR;
  - under Article 21 of the GDPR, the right to object to the processing of your personal data, as the legal basis for the processing of your personal data is Article 6 paragraph 1 letter c of the GDPR.

10. In accordance with art. 75 of the Public Procurement Law, in the event that a person exercises the right referred to in art. 15 sec. 1-3 of the GDPR, the ordering party may request that the person making the request provide additional information aimed at specifying the name or date of the completed procurement procedure. In accordance with art. 19 sec. 2 of the Public Procurement Law, the exercise by the data subject of the right to rectify or supplement personal data referred to in art. 16 of the GDPR may not result in a change in the outcome of the public procurement procedure or a change in the provisions of the public procurement contract to the extent inconsistent with the Act. In accordance with art. 19 sec. 3 of the Public Procurement Law, making the request referred to in art. 18 sec. 1 of the GDPR does not limit the processing of personal data until the completion of the public procurement procedure.

#### CHAPTER XI METHOD AND DEADLINE FOR SUBMITTING OFFERS

1. The offer with attachments must be submitted via the purchasing platform on which the procedure is conducted no later than 10/07/2024, 9:00 AM.

**The address of the website of the conducted procedure was indicated by the Ordering Party in Chapter I, point 2 of this Tender Specification.**

2. All documents required in the tender documentation must be attached to the offer.
3. Detailed instructions for Contractors regarding the submission, modification and withdrawal of the offer can be found at: <https://platformazakupowa.pl/strona/45-instrukcje>
4. After the deadline for submitting offers, the contractor cannot withdraw a submitted offer.

#### CHAPTER XII OFFERS OPENING DATE

1. The offers will be opened on 10/07/2024 at 9:15 a.m. via the purchasing platform.

**The address of the website of the conducted procedure has been indicated by the Ordering Party in Chapter I, point 2 hereto.**

2. The opening of the bids is secret.
3. The Ordering Party, no later than before the opening of the bids, shall make available on the website of the conducted procedure information on the amount it intends to allocate to finance the order.
4. The Ordering Party, immediately after the opening of the bids, shall make available on the website of the conducted procedure information on
  - 1) names or first and last names and registered offices or places of business or places of residence of contractors whose offers have been opened,
  - 2) prices or costs included in the offers.
5. In the event of a failure of the IT system, which results in the inability to open the bids within the time specified by the Ordering Party, the bids will be opened immediately after the failure has been removed.
6. The Ordering Party will inform about the change of the bid opening date on the website of the conducted procedure.

#### CHAPTER XIII PRICE CALCULATION METHOD

1. The price given in the offer must include the final, total gross price guaranteeing the performance of the full scope of works specified for this procedure, taking into account all fees and taxes, with particular emphasis on VAT and any discounts and rebates.
2. The price given in the offer must be expressed in Polish zloty. The gross price must take into account all the requirements of the RFP and include all costs that the Contractor will incur for the proper and compliant with applicable regulations implementation of the subject of the order.
3. The price must be provided and calculated rounded to two decimal places (rounding rule - below 5 the ending should be omitted, equal to and above 5 should be rounded up).
4. There can only be one price for the offered item of the order; price variants are not permitted.

5. The offer price should be expressed in Polish zloty (PLN).
6. In accordance with art. 225 sec. 1 of the Public Procurement Law, If a bid is submitted, the selection of which would lead to the creation of a tax liability for the Ordering Party in accordance with the provisions on the tax on goods and services in the scope concerning the intra-Community acquisition of goods, the Ordering Party, in order to evaluate such a bid, will add to the price presented in it the tax on goods and services in the amount of 23%, which it would be obliged to pay in accordance with the applicable provisions. The total gross value obtained in this way will be accepted by the Ordering Party solely for the purpose of comparison and evaluation of the submitted bids.
7. In the bid referred to in sec. 6, the contractor is obliged to:
  - 1) inform the ordering party that the selection of its bid will lead to the creation of a tax liability for the ordering party;
  - 2) indicate the name (type) of the goods or services, the delivery or provision of which will lead to the creation of a tax liability;
  - 3) indicate the value of the goods or services subject to the ordering party's tax liability, without the amount of tax;
  - 4) indicate the rate of the tax on goods and services which, according to the contractor's knowledge, will apply.

**CHAPTER XIV DESCRIPTION OF THE CRITERIA FOR EVALUATING THE OFFERS, ALONG WITH THE WEIGHTS OF THESE CRITERIA AND THE METHOD OF EVALUATING THE OFFERS**

1. When selecting an offer, the Ordering Party will be guided by the following evaluation criteria:

Criterion	Maximum points	Weight %
1. Gross price (C)	60	60
2. Completion date for Stage No. I(T)	40	40
Total	100	100

**Method of calculating the point value of the assessed criterion:**

- 1) „Gross price - C” – the evaluation of offers and calculation of points in a given criterion will be made based on the following formula:

$$C = (C_{min} / C_x) \times 60$$

where: C – number of points in the "gross price" criterion  
 $C_{min}$  – the lowest price among the submitted offers  
 $C_x$  – price of the offer being examined

- 3) „Completion date of Stage No. I (T)” – the number of points in this criterion will be determined according to the following rules:

The deadline for the completion of Stage 1 of the order, as mentioned in the RFP and OPZ, is in calendar days.	The number of points that can be obtained
from 1 to 14 calendar days from the date of conclusion of the contract	40
from 15 to 20 calendar days from the date of conclusion of the contract	30
from 21 to 30 calendar days from the date of conclusion of the contract	20
from 31 to 40 calendar days from the date of conclusion of the contract	10
from 41 to 60 calendar days from the date of conclusion of the contract	0

Note:

If the deadline for the completion of Stage No. I of the subject of the order is offered to be longer than 60 calendar days, the offer will be rejected.

If the deadline for completion is not entered on the offer form, the Ordering Party will consider that the Contractor declares that the deadline for the completion of Stage No. I of the subject of the order is 60 calendar days in accordance with the provisions hereto.

2. The most advantageous offer will be the one that is not subject to rejection, with the highest score being the sum of the gross price and the other criteria described above, i.e.:

$$\text{Final score} = C + T$$

3. Calculations will be made to an accuracy of 0.01 points (two decimal places), in accordance with generally accepted principles of mathematics.
4. The offer that is not subject to rejection submitted by a Contractor not excluded from the procedure and which obtains the highest number of points - a maximum of 100 - will be deemed the most advantageous.
5. Only offers that are not subject to rejection will be evaluated.
6. In a situation where the Ordering Party is unable to select the most advantageous offer since offers with the same price have been submitted, it will call on the Contractors who submitted these offers to send additional offers containing a new price within the time specified by the Ordering Party. Contractors, when submitting additional offers, cannot offer prices higher than those offered in the offers previously submitted by them. In such a case, the Contractor, when submitting an offer, is obliged to inform the Ordering Party that the selection of its offer will lead to the creation of a tax liability for the Ordering Party, indicating the name (type) of the goods or services, the delivery or provision of which will lead to its creation, and indicating their value without the amount of tax.
7. If the most advantageous offer cannot be selected because two or more offers present the same balance of price or cost and other offer evaluation criteria, the contracting authority shall select from among those offers the offer that received the highest score in the criterion with the highest weighting.
8. If the offers received the same score in the criterion with the highest weighting, the contracting authority selects the offer with the lowest price or lowest cost.
9. If it is impossible to select an offer in the manner referred to in par. 8, the Ordering Party shall call upon the Contractors who submitted such offers to submit additional offers containing a new price or cost within the time specified by the Ordering Party.
10. During the examination and evaluation of offers, the Ordering Party may request explanations from the Contractors concerning the content of the offers submitted by them or other documents or declarations submitted. The Contractors are obliged to provide explanations within the time specified by the Ordering Party.
11. The Ordering Party shall select the most advantageous offer within the time limit for binding the offer specified in the RFP.
12. If the validity period of the offer expires before the most advantageous offer is selected, the Ordering Party will call on the Contractor whose offer received the highest score to express, within the time limit set by the Ordering Party, its written consent to the selection of its offer.
13. In the absence of consent referred to in par. 12, the offer is subject to rejection and the Ordering Party requests such consent from the next Contractor whose offer was assessed the highest, unless there are grounds for invalidating the procedure.



**CHAPTER XV INFORMATION ON THE MEANS OF ELECTRONIC COMMUNICATION WHICH THE ORDERING AUTHORITY WILL COMMUNICATE WITH CONTRACTORS, AND INFORMATION ON THE TECHNICAL AND ORGANIZATIONAL REQUIREMENTS FOR PREPARING, SENDING AND RECEIVING ELECTRONIC CORRESPONDENCE**

1. Communication between the Ordering Party and the Contractors will take place electronically using the purchasing platform indicated in Chapter I, Section 2.
2. The Ordering Party informs that the instructions for using the Platform, in particular regarding logging in, submitting requests for clarification of the content of the RFP, submitting offers, receiving electronic documents, changing or withdrawing the offer and other activities undertaken in this procedure using the Platform can be found in the "Instructions for Contractors" tab on the website at: <https://platformazakupowa.pl/strona/45-instrukcje>
3. The file formats used by contractors should be consistent with the "REGULATION OF THE PRIME MINISTER OF 21 May 2024 on the National Interoperability Framework, minimum requirements for public registers and the exchange of information in electronic form and minimum requirements for ICT systems".
4. Recommendations:
  - a) The Ordering Party recommends using the following formats: .pdf .doc .xls .jpg (.jpeg) with particular reference to .pdf;
  - b) for possible data compression, the Ordering Party recommends using one of the following formats: – .zip – .7Z;
  - c) among the common formats NOT included in the regulation are: .rar .gif .bmp .numbers .pages.;
  - d) The Ordering Party draws attention to the size limitations of files signed with a trusted profile, which is a maximum of 10MB, and to the size limitations of files signed in the eDoApp application used for submitting a personal signature, which is a maximum of 5 MB;
  - e) due to the low risk of file integrity violation and easier signature verification, the Ordering Party recommends, if possible, converting the files that make up the offer to .pdf format and signing them with a qualified PAdES signature.;
  - f) files in formats other than PDF are recommended to be signed with an external XAdES signature. The Contractor should remember to submit the file with the signature together with the signed document;
  - g) The Ordering Party recommends that in the case of signing the file by several people, signatures of the same type should be used. Signing with different types of signatures, e.g. personal and qualified, may lead to problems in verifying the files;
  - h) The Ordering Party recommends that the Contractor tests the possibility of using the selected method of signing the offer files in advance;
  - i) if the Contractor packs the documents, e.g. in a ZIP file, we recommend signing each of the compressed files in advance.
5. The date of submission of the offer and applications, notifications, electronic documents, declarations or electronic copies of documents or declarations and other information shall be deemed to be the date of their submission on the purchasing platform. The address of the website of the conducted procedure was indicated by the Ordering Party in Chapter I, point 2 of this RFP.
6. The Ordering Party, in accordance with § 3 section 3 of the Regulation of the Prime Minister of 27 June 2017 on the use of electronic means of communication in public procurement proceedings and the provision and storage of electronic documents (Journal of Laws of 2020, item 1261), specifies the necessary technical requirements enabling work on the <https://platformazakupowa.pl> platform, i.e.
  - a) permanent access to the Internet with guaranteed bandwidth of no less than 512 kb/s,
  - b) PC or MAC computer with the following configuration: min. 2 GB RAM, Intel IV 2 GHZ processor or its newer version, one of the operating systems - MS Windows 7, Mac Os x 10 4, Linux, or their newer versions,

- c) any Internet browser installed, in the case of Internet Explorer, minimum version 10 0,
  - d) JavaScript support enabled,
  - e) Adobe Acrobat Reader installed or another program supporting the .pdf file format,
  - f) The Platform operates according to the standard adopted in network communication - UTF8 encoding,
  - g) the time of data receipt by the purchasing platform is the date and the exact time (hh:mm:ss) generated according to the local time of the server synchronized with the clock of the Central Office of Measures.
  - h) By entering this public procurement procedure, the Contractor accepts the terms and conditions of use of platformzakupowa.pl specified in the Regulations available on the website under the link in the "Regulations" tab and recognizes them as binding, and has read and complies with the Instructions for submitting offers/applications available at the link: <https://drive.google.com/file/d/1Kd1DttbBeiNWt4q4sIS4t76lZVKPbkyD/view>
8. The Ordering Party shall not be liable for the Contractor submitting an offer in a manner inconsistent with the Instructions for using the platformzakupowa.pl website, in particular for a situation where the Ordering Party reads the content of the offer before the deadline for submitting offers (e.g. submitting an offer in the "Send a message to the Ordering Party" tab). Such an offer will be considered by the Ordering Party as a commercial offer and will not be taken into account in the proceedings in question because the obligation imposed by art. 221 of the Public Procurement Law has not been fulfilled.
  9. The method of preparing electronic documents, declarations or electronic copies of documents or declarations must be in accordance with the requirements specified in the Regulation of the Prime Minister of 30 December 2020 on the method of preparing and transmitting information and technical requirements for electronic documents and electronic means of communication in public procurement proceedings or competitions (Journal of Laws 2020 item 2452) and the Regulation of the Minister of Development, Labor and Technology of 23 December 2020 on the subjective means of evidence and other documents or declarations that the ordering party may request from the contractor (Journal of Laws 2020 item 2415).
  10. The Contractor may request the Ordering Party to clarify the content of the RFP (Article 135 of the Public Procurement Law).
  11. The Ordering Party will provide explanations immediately, but no later than 6 days before the deadline for the submission of offers, provided that the request for explanation of the content of the Technical Specifications was received by the Ordering Party no later than 14 days before the deadline for the submission of offers.
  12. If the ordering party does not provide explanations within the deadlines referred to above, it shall extend the deadline for submitting offers by the time necessary for all interested Contractors to familiarise themselves with the explanations necessary for the proper preparation and submission of offers.
  13. The extension of the deadline for submitting offers does not affect the deadline for submitting a request for clarification of the content of the RFP, referred to above.
  14. If the request for clarification of the content of the RFP is not received within the deadline provided for this purpose, the Ordering Party is not obliged to provide clarification of the RFP or to extend the deadline for submitting offers.
  15. The content of the enquiries, together with explanations, is made available by the contracting authority on the website of the conducted procedure, without disclosing the source of the enquiry.

## CHAPTER XVI PERSONS AUTHORIZED TO COMMUNICATE WITH CONTRACTORS

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## CHAPTER XVII OFFER VALIDITY PERIOD

1. The contractor is bound by the offer from the date of expiry of the deadline for submission of offers (for a period of 90 days), i.e. until 07/10/2024.
2. If the most advantageous offer is not selected before the expiry of the offer validity period specified in the tender documentation, the Ordering Party shall, before the expiry of the offer validity period, request the Contractors once to express their consent to extend this period by a period indicated by the Ordering Party, not longer than 60 days.
3. The extension of the bid validity period referred to in paragraph 2 requires the Contractor to submit a written declaration of consent to the extension of the bid validity period.
4. If an appeal is filed after the deadline for submitting offers, the validity period of the offer will be suspended until the KIO issues its ruling.

## CHAPTER XVIII REQUIREMENTS FOR EMPLOYMENT ON THE BASIS OF AN EMPLOYMENT RELATIONSHIP IN THE CIRCUMSTANCES REFERRED TO IN ARTICLE 95 OF THE PPL ACT

1. The Ordering Party, in accordance with Article 95 section 1 of the Public Procurement Law, requires that the Contractor employs, under an employment contract, within the meaning of the Act of 26 June 1974 – the Labour Code, a person supervising the comprehensive implementation of the clinical trial in Great Britain.
2. The responsibilities of the Clinical Trial Monitor employed by the Contractor under an employment contract during the execution of the order will include, among others::

### **supervision of the comprehensive implementation of the clinical trial in the UK**

if the performance of these activities consists in performing work within the meaning of the provisions of Art. 22§ 1 of the Act of 26 June 1974 - the Labor Code (consolidated text: Journal of Laws of 2020, item 1320, as amended) Art. 22 § 1 - Labor Code: By entering into an employment relationship, the employee undertakes to perform work of a specified type for the employer and under his management and at the place and time designated by the employer, and the employer - to employ the employee for remuneration.

3. During the execution of the order, the ordering party is entitled to perform control activities towards the contractor regarding the contractor's compliance with the requirement to employ persons performing the activities indicated in paragraph 1 on the basis of an employment contract. The ordering party is entitled in particular to: request declarations and documents confirming the fulfillment of the above-mentioned requirements and to assess them, request explanations in the event of doubts regarding the confirmation of the fulfillment of the above-mentioned requirements, carry out inspections at the place of performance of the service.

## CHAPTER XIX INFORMATION ON THE FORMALITIES THAT MUST BE COMPLETED AFTER SELECTING AN OFFER IN ORDER TO CONCLUDE A PUBLIC PROCUREMENT AGREEMENT

1. The Ordering Party will notify the Contractors participating in the proceedings about the outcome of this procedure and will post information about the selection of the most advantageous offer (in accordance with Art. 253 of the Public Procurement Law) on the website of the conducted procedure.
2. The contractor whose offer is selected as the most advantageous will be informed by the Ordering Party about the place and date of signing the contract.
3. The Ordering Party shall conclude a public procurement contract, taking into account Article 577 of the Public Procurement Law, within a period of no less than 10 days from the date of sending the notification of the selection of the most advantageous offer, if the notification was sent using electronic means of communication, or 15 days if it was sent in another manner.
4. The Ordering Party may conclude a contract regarding this public procurement before the deadline referred to above, if only one offer was submitted in the procurement procedure.

5. If the Contractor whose offer was selected as the most advantageous refuses to conclude a public procurement contract, the Ordering Party may re-examine and evaluate the offers from among the offers of the remaining Contractors in the procedure and select the most advantageous offer or cancel the procedure (if the conditions of Art. 255 sec. 1 of the Public Procurement Law are met).
6. In the event of selection of an offer submitted by Contractors jointly applying for the award of the contract, the Ordering Party may request, before concluding the contract, the presentation of an agreement regulating the cooperation of these Contractors. Such an agreement should specify the parties to the contract, the purpose of the activity, the method of cooperation, the scope of work to be performed by each of them, joint and several liability for the execution of the order, the designation of the duration of the consortium (including the period of execution of the subject of the order, guarantee and warranty), exclusion of the possibility of termination of the consortium agreement by any of its members until the execution of the order.
7. In order to confirm that the person acting on behalf of the Contractor is authorized to represent him, the Ordering Party may request from the contractor an extract or information from the National Court Register, the Central Registration and Information on Business or another appropriate register.

#### **CHAPTER XX INSTRUCTIONS ON LEGAL PROTECTION MEASURES AVAILABLE TO THE CONTRACTOR**

1. The Contractor is entitled to legal remedies if he has or had an interest in obtaining the contract and has suffered or may suffer damage as a result of the Ordering Party's violation of the provisions of the Public Procurement Law.
2. The appeal may be lodged against:
  - 1) an action by the ordering party undertaken in the contract award procedure that is inconsistent with the provisions of the Act, including a draft provision of the contract;
  - 2) failure to take action in the contract award procedure, which the contracting authority was obliged to take under the Act;
  - 3) failure to conduct a procurement procedure based on the Act, even though the contracting authority was obliged to do so.
2. The appeal shall be submitted to the President of the National Appeals Chamber in written form or in electronic form with a trusted electronic signature.
3. The appellant shall provide the contracting authority with a copy of the appeal in electronic or written form before the deadline for lodging the appeal, in such a way that the contracting authority can review its content before the deadline expires.
4. The appeal must be lodged within 10 days of the publication of the notice in the Official Journal of the European Union or the posting of the procurement documents on the website, and within 10 days of the provision of information about the contracting authority's action that constitutes the basis for lodging the appeal.
5. The parties and participants of the appeal proceedings may file a complaint to the court against the judgment of the National Appeal Chamber and the decision of the President of the National Appeal Chamber, referred to in art. 519 sec. 1 of the Public Procurement Law. The complaint shall be filed with the District Court in Warsaw through the President of the National Appeal Chamber.
6. Detailed information on legal protection measures is specified in Section IX "Legal protection measures" of the Public Procurement Law.

#### List of attachments:

1. Annex No. 1 to Request for Proposal - offer form;
2. Annex No. 2 to Request for Proposal - detailed cost estimate;
3. Annex No. 3 to Request for Proposal - description of the subject of the order;
4. Annex No. 4 to Request for Proposal - draft of the contract;

5. Annex No. 5 to Request for Proposal - ESPD;
6. Annex No. 6 to Request for Proposal - statements;
7. Annex No. 7 to Request for Proposal - list of services;
8. Annex No. 8 to Request for Proposal - declaration pursuant to Article 117 section 4 of the Public Procurement Law;
9. Annex No. 9 to Request for Proposal - statement - capital group.