

Projekt „Zwiększenie liczby absolwentów kierunku chemia ZLAB” realizowany w ramach Priorytetu IV – Szkolnictwo wyższe i nauka, Poddziałanie 4.1.2 Programu Operacyjnego Kapitał Ludzki

Uniwersytet Śląski w Katowicach, ul. Bankowa 12, 40-007 Katowice, <http://www.us.edu.pl>

TERMS OF REFERENCE

– *hereinafter referred to as TOR*

For the procedure for an open tender of the contract value of less than EUR 200,000

No. **DZP.381.48.2013.UG**,

For the performance of the services:

„ORGANISATION OF FOREIGN INTERNSHIPS FOR CHEMISTRY STUDENTS”

CPV: 80.30.00.00-7 CPC- kat. 24

Legal grounds: Act of 29 January 2004 on Public Procurement Law

(Consolidated text Journal of Laws of 2013 item 907)

Hereinafter referred to as Act on Public Procurement Law

Purchaser:

UNIWERSYTET ŚLĄSKI W KATOWICACH

UL. BANKOWA 12

40-007 KATOWICE

This procurement procedure is co-financed from the Project:

“Increasing the number of graduates in the field of Chemistry ZLAB” pursued in the framework of the Human Capital Operational Programme Priority IV Higher Education and Science, Measure 4.1. “Strengthening and development of didactic potential of universities and increasing the number of graduates from faculties of key importance for knowledge-based economy. Submeasure 4.1.2 “Increasing the number of graduates from faculties of key importance for knowledge-based economy”, Task 3. Student internships in Poland (30 persons) and abroad (5 persons, 14 days). Agreement no. UDA-POKL-04.01.02-00-074/12-00

I. OBJECT OF THE CONTRACT:

1. The object of the contract is the service of organising foreign internships for students for the Institute of Chemistry University of Silesia in Katowice, in the framework of the project: „Increasing the number of graduates in the field of Chemistry ZLAB”.
2. Internships shall be held in leading European foreign academic and/or scientific research centres with their seat outside Poland, hereinafter referred to as „Hosting Institutions” or „Institutions” acting in the area of chemistry for at least 3 years prior to the expiry of the date of submitting tenders in the said procedure.

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3. Stipulated time limit of contract execution: internships shall commence as of **15 June 2014** and shall complete until **30 September 2014**. The contract covers the performance of internship for each participant on a continuous basis, i.e. during a period of two weeks, (on average 40 hours a week, total of maximum 80 hours per one participant). One internship hour is equivalent of 60 minutes.
4. Internships shall be held on working days from Monday to Friday during the working hours of the Institution between 06:00 and 18:00. Internships shall not be held on public holidays of the target country.
5. **Place of the contract execution:** within the Institution. The Purchaser shall refund any costs of travel, accommodation and subsistence the internship participants may incur.
6. **Number of participants:** 5 persons – participants of the project.
7. The specific description of the object of contract is included in Attachment 2 (Specific Description of the object of contract) and Attachment 3 (Agreement template) to these Terms of Reference.
8. The Purchaser does not permit the submission of tenders for lots.
9. The contract may be executed with the participation of subcontractors. In the case of using subcontractors it is necessary to indicate in the tender the part of the contract which the Contractor intends to entrust to subcontractor (Attachment no. 4 to the Terms of Reference).
10. The Purchaser does not envisage the award of supplementary contracts.
11. The Purchaser does not envisage the conclusion of a framework agreement.
12. The Purchaser does not permit the submission of variant tenders.
13. The Purchaser does not permit settlements in foreign currencies.
14. The Purchaser does not envisage the application of electronic auctions.
15. The Purchaser does not intend to establish the dynamic purchase system.
16. The Polish zloty is the currency for any settlements between the Purchaser and the Contractor (PLN).
17. The Purchaser does not envisage granting advance payments towards the performance of the contract.
18. The Purchaser does not limit the possibility of submitting a tender only to Contractors with over 50% work power being the disabled persons in view of the regulations on professional and social rehabilitation and employment of disabled persons or relevant regulations of the Member States of the European Union or the European Economic Area.

II. PREPARATION OF TENDER:

1. The Contractor may submit only one tender in this procurement procedure.
2. According to Article 9 para. 2 Act on Public Procurement Law Purchaser carries out public procurement procedure in Polish. Under Article 9 para. 3 Act Public Procurement Law, in particularly justified cases, Purchaser may agree on submitting a tender and other documents also in one of the languages commonly used in international commerce. Consequently, the tender must be submitted in Polish or English, in writing, according to the law and these Terms of Reference, i.e. in the form of a completed tender form according to Attachment no. 1A to these

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Terms of Reference (*the Purchaser permits reproduction of the text of the tender form*). Purchaser permits another language, other than Polish in the above mentioned scope due to the character of the object of the contract, which makes it reasonable to enable Contractors to submit relevant documents. Due to the specific character of the contract the Purchaser shall make available to Contractors the tender documentation in an English language version as ancillary materials for the purpose of a better understanding of the object of contract as well as the content of tender documentation. In case of any possible discrepancies between the language versions of tender documentation – the documentation made in Polish shall be binding.

3. The Purchaser does not agree on the submission of tenders in an electronic way.
4. The tender and any declarations submitted by the Contractor in the course of the procurement procedure must be signed by persons authorised to make declarations of intent for and on behalf of the Contractor, according to the principle of representation resulting from the provisions of relevant laws or agreement, resolution or duly executed power of attorney.
5. **The Contractor's tender must be signed in a way enabling identification of the person signing the document (e.g. the person's legible signature consisting of his first name and surname or illegible signature and name stamp).**
6. The attached powers of attorney are required if the tender is signed by a plenipotentiary (except for proxy) even if he is mentioned in the registration document.
7. The power of attorney, agreement or resolution must be delivered in original or legible, clear xerocopy certified to be a true copy by a notary public.
8. In case of doubt in relations to validity or scope of a given power of attorney the Purchaser reserves their right to require acknowledgement of such power by the Contractor.
9. In the case of Contractors jointly submitting a tender (e.g. consortiums, civil law partnerships) – they must appoint a plenipotentiary for representing them in the procurement procedure or for representing them in the procedure and conclusion of an agreement on public procurement. (A duly made power of attorney or agreement must be attached to the tender).
10. **Method of price calculation:**
 - a) The price should include any costs the Contractor incurred for the purpose of due and complete execution of the contract according to the requirements provided in the Terms of Reference and contract template, including in particular any costs related to creating jobs, costs of merit-related supervision over the trainee, introduce the trainee into his duties and make available specialist research equipment, as well as general costs, any taxes and charges, and elements of risk connected with the execution of the contract and the Contractor's possible profit.
 - b) The detailed method of price presentation contains the tender form (Attachment no. 1A to the Terms of Reference);
 - c) The price specified in the tender form should be given accurate to the second digit after the decimal point, according to the mathematical rules of approximation, i.e. „5” and more to the third digit after the decimal point – it is rounded up, below „5” – rounded down;
 - d) The price should be given in Polish zlotys. The Polish zloty is the currency for any settlements between the Purchaser and the Contractor;

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- e) The Contractor shall be entitled to remuneration set on the basis of the tender unit price for the organisation of one internship and the actual number of executed internships confirmed by the issue of internship certificates;
 - f) In the case of the Contractor with their seat in Poland, the price must include VAT to the amount according to the binding law. The tender price including VAT will be considered for evaluation. In the case of the Contractor who is not a VAT payer, the price considered for evaluation will be the final price quoted in the tender including all price-making elements;
 - g) If there was submitted a tender, whose selection would give rise to tax obligation on the part of the Purchaser, according to the VAT laws in the scope related to the intra-community acquisition of goods, then to such a tender price the Purchaser adds the VAT he would have to pay according to the binding laws;
 - h) In order to establish whether the tender contains an abnormally low price in relation to the object of contract the Purchaser may request the Contractor to explain, within the time determined by the Purchaser, any price-making elements.
11. It is recommended that all the pages of the tender containing text be numbered, and the tender be stapled in a manner ensuring its integrity, with an annotation in the front page indicating the document's number of pages.
 12. If the Contractor intends to insert in the tender information which is the entity's secret it must be submitted in a separate stapled file with an annotation indicating its position in the list of attachments to the tender. Each document which is the entity's secret must contain an indication „This information is the entity's secret – this document is non-public and must not be disclosed to other participants of the procurement procedure.” The entity's secret is deemed to be any non disclosed technical, technological, commercial or organisational information or any other information with economic value, in relation to which the entrepreneur has taken necessary actions for the purpose of keeping it confidential. The sphere of secret may only cover such information that is known only to particular people or a certain group of people. This domain cannot be extended to generally known information or information the content of which may become legally familiar to anyone. The entity's secret does not include the information read during the tender opening, according to Article 86 para. 4 Act PPL.
 13. Any notes, amendment, additions and annotations made for the purpose of self-correction must be initialled (signed) by the Contractor, according to the rule provided in Article II para. 4 and 5 herein.
 14. **The tender with relevant documents must be submitted in an envelope sealed and entitled as follows:**

Name and address of Contractor

OPEN TENDER – DZP.381.70.2013.UG

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Do not open before [date] [time].

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III. CONDITIONS FOR THE PARTICIPATION IN THE PROCUREMENT PROCEDURE AND THE DESCRIPTION OF HOW COMPLIANCE WITH THESE CONDITIONS IS EVALUATED:

1. Tenders in the procurement procedure may be submitted by Contractors who:

1.1 Comply with the requirements for participation in the procurement procedure specified in Article 22 para. 1 of the Act on Public Procurement Law, concerning the following:

a) Being licensed to perform specific business activity or actions if required by the law,

Description of how compliance with this condition is evaluated	<p>The Purchaser does not stipulate special requirements in the scope of meeting this condition.</p> <p>The evaluation whether the requirement for participation in the procedure is met will be made on the basis of a declaration of compliance with the procedure referred to in Section IV para. 1(1) Terms of Reference..</p>
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b) having relevant expertise and experience,

Description of how compliance with this condition is evaluated	<p>The condition will be met if the Contractor proves that within the last three years prior to the expiry of the date of submitting the tender, and where the period of conducting the activity is shorter – during such period , has admitted to a student internship or student placement or study visit at least 1 trainee / apprentice / participant, and the scope of the executed internship / placement / study visit individually amounted to at least 80 hours. The condition is met if the Contractor proves that within the last three years prior to the expiry of the date of submitting tenders, and where the period of conducting his activity is shorter – during such period, has admitted to the student internship or student placement or study visit at least 1 trainee / apprentice / participant, and the scope of the performed internship / placement / study visit amounted to 80 hours in each case.</p> <p><u>Evaluation of compliance with the tender participation requirements</u></p> <p>The evaluation whether the requirement for participation in the procedure is met will be made on the basis of the following documents and declarations:</p> <p>1) declaration on compliance with the tender participation requirements (<i>Attachment no. 1B to the TOR</i>),and</p>
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	<p>2) List of services (<i>a template of the list of services form is included in Attachment 1D to the TOR</i>)</p> <p>referred to in Section IV para. 1(1) and (2) Terms of Reference</p>
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c) having relevant technological capacity and persons capable of performing the procurement tasks,

<p>Description of how compliance with this condition is evaluated</p>	<p><u>TECHNOLOGICAL CAPACITY:</u></p> <p>The Purchaser does not stipulate special requirements in the scope of meeting this condition.</p> <p>The evaluation whether the requirement for participation in the procedure is met will be made on the basis of the declaration of compliance with the procedure referred to in Section IV para. 1(1) Terms of Reference.</p> <p><u>PERSONS CAPABLE OF PERFORMING THE PROCUREMENT TASK:</u></p> <p>The requirement will be considered fulfilled if the Contractor proves he has or will have at his disposal 3 persons (internship coordinators), each of whom complies with these requirements:</p> <ul style="list-style-type: none"> - holds at least secondary education; - holds at least one year experience in working in a scientific research unit or a higher education institution in the scope of providing technical services in relation to teaching and/or scientific research . <p><u>Evaluation of compliance with the tender participation requirements</u></p> <p>The evaluation whether the requirement for participation in the procedure is met will be made on the basis of the declarations and list of persons to be participating in contract performance, attached to the tender:</p> <ol style="list-style-type: none"> 1. declaration on compliance with the tender participation requirements, 2. list of persons to be participating in contract performance, including information on their professional qualifications, experience and education (<i>Attachment no. 1E to TOR</i>), <p>- as referred to in Section IV para. 1(1) and (3) Terms of Reference.</p>
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d) the economic and financial standing

<p>Description of how compliance with this condition is evaluated</p>	<p>The Purchaser does not stipulate special requirements in the scope of meeting this condition.</p> <p>The evaluation whether the requirement for participation in the procedure is met will be made on the basis of the declaration of compliance with the procedure referred to in Section IV para. 1(1)</p>
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Terms of Reference.

- 1) **Is not subject to exclusion from the procurement procedure under Article 24 of the Act on Public Procurement Law.**
2. In the case of Contractors jointly submitting a tender in the procurement procedure, compliance with the requirements referred to in para. 1 (1.1) letter a) – d) must be proved jointly. The requirement described in point 1.2 must be fulfilled by each of the Contractors jointly submitting a tender.
3. On the basis of documents and declarations required in the procurement procedure the Purchaser will estimate whether the Contractor complies with the requirements for participation in the procedure as provided in para. 1 (1) **letter a-d** and whether there is lack of grounds for excluding the Contractor from the procedure on the basis of Article 24 para. 1 of the Act on Public Procurement Law. The Purchaser will evaluate the Contractor's complying with the above mentioned requirements on the complies / does not comply basis.
4. The Contractor may depend on the knowledge, experience, technical capacity, persons capable of performing the contract or financial standing of other entities, regardless of the legal character of their relationship. In this case the Contractor will be obliged to prove the Purchaser that he will have at his disposal any resources necessary for contract execution, in particular by submitting a written statement of such entities in which they undertake to make available to him any necessary resources for the period of using them for the purpose of performing the contract. A relevant document made according to **Attachment no. 5** to the Terms of References must be attached to the tender.
5. A detailed description of documents and declarations required in the procurement procedure is provided in Section IV of the Terms of Reference.

IV. LIST OF DOCUMENTS AND DECLARATIONS TO BE SUBMITTED WITH THE TENDER.

1. Declarations and documents submitted for evaluation of the Contractor's compliance with the requirements referred to in Article 22 para.1 of the Act on Public Procurement (submitted as an attachment to the **Tender Form** – Attachment no. 1A to the Terms of Reference)

Pnt	Required declaration or document	Form of document
1)	<p>Declaration (referred to in Art. 44 Act – Public Procurement Law) on compliance with the tender procedure requirements specified in Art. 22 para. 1 Act – Public Procurement Law (original).</p> <p>In the case of Contractors jointly submitting a tender, the above mentioned declaration is submitted jointly.</p>	<p>ORIGINAL</p> <p>The declaration template is included in ATTACHMENT No. 1B to the Terms of Reference</p> <p>(The Purchaser permits to reproduce the form)</p>



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2)	<p>List of the performed, and in the case of temporal or ongoing actions, also in the process of performing <u>main services</u> , during the period of three years prior to the expiry of the date of submitting tenders, and where the period of conducting activity is shorter – during such period, indicating their value, object, date of performance and entities for whom the services were performed, and submitting proofs of whether they have been performed or are in the process of being performed duly – The said proofs include</p> <ul style="list-style-type: none"> - certificate, provided that in reference to continuously performer temporal or permanent services such certificate must be issued within 3 months before the expiry of the date of submitting tenders. - declaration of Contractor – if for justified objective reasons the Contractor is unable to obtain such certificate. <p>NOTE !!!!</p> <p>According to Article 7 para. 2 Regulation of the President of the Council of Ministers of 19 February 2013 on types of documents required by the purchaser of the contractor and forms in which such documents may be submitted (Journal of Laws of 2013, item 231) in public procurement procedures started during 12 months after the day of coming into force of the said regulation, i.e. from 20 February 2013 to 20 February 2014, the Contractor may instead of the above mentioned certificates, submit documents certifying due performance of services , e.g. references, as defined in Article 1 para 2 and 3 Regulation of the President of the Council of Ministers of 30 December 2009 on types of documents required by the purchaser of the contractor, and forms in which such documents may be submitted. (Journal of Laws no. 226, item 1817)</p>	<p>ATTACHMENT No. 1D</p> <p>to the Terms of Reference (The Purchaser permits to reproduce the form)</p> <p>ORIGINAL OR TRUE COPY certified by the Contractor</p>
3)	<p>List of persons who will participate in contract performance, including information on their professional qualifications, experience and education, necessary to execute the contract as well as the scope of actions they will perform and information on grounds for having such persons at their disposal.</p>	<p>ATTACHMENT No. 1E</p> <p>to the Terms of Reference (The Purchaser permits to reproduce the form)</p> <p>ORIGINAL OR TRUE COPY certified by the Contractor</p>
4)	<p>If, for the purpose of proving compliance with the requirements specified in Article 22 para. 1 Act – Public Procurement Law, the Contractor is dependent on the resources of other entities, according to the rules set forth in Article 26 para. 2b Act – Public Procurement Law, he will be obliged to prove the Purchaser that he</p>	<p>ORIGINAL</p> <p>The declaration template is included in ATTACHMENT No. 5 to the Terms of Reference</p>

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	will have at his disposal any resources necessary for contract execution, in particular by submitting to this end the written statements of such entities undertaking to make available to him any necessary resources for the period of using for the purpose of contract execution (a relevant document must be attached to the tender). The statement template attached.	(The Purchaser permits to reproduce the form)
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2. Declarations and documents submitted for proving lack of grounds for excluding the Contractor from the procedure in the circumstances specified in Article 24 para.1 Act – Public Procurement Law (submitted as an attachment to the tender form):

Pnt	Required declaration or document	Form of document
1)	Declaration of the Contractor of non-exclusion from participation in the procurement procedure in the circumstances referred to in Article 24 para. 1 Act – Public Procurement Law.	The declaration template is included in ATTACHMENT No. 1C to the Terms of Reference (The Purchaser permits to reproduce the form) ORIGINAL OR TRUE COPY certified by the Contractor
2)	In order to prove that there are no grounds for exclusion under Article 24 para. 1(2) Act Public Procurement Law: Valid transcript from the competent National Court Register or Central Registration And Information on Business, if separate laws stipulate entry to the register or record - issued not earlier than 6 months before the expiry of the date of submitting tenders. The Purchaser accepts as the above mentioned valid documents if their date of issue or copy certification by the document's issuing authority is not earlier than 6 months before the date of submitting tenders. In the case of any changes not reflected in the above mentioned documents, the Contractor is obliged to attach to the tender any documents which will serve as basis for such change (e.g. Partners'	ORIGINAL OR TRUE COPY certified by the Contractor

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	resolution, legally valid judgement of the court).	
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3. **Documents of foreign entities** – if the Contractor has its seat or residence outside the Republic of Poland, instead of the documents specified in 2(2), he submits the following:

Pnt	Required declaration or document	Form of document
1)	<p>Document acknowledging that the Contractor has not become liquidated or has not gone bankrupt.</p> <p>If the Contractor has its seat or residence outside the Republic of Poland, instead of the documents referred to above in 2.2) he submits the document(s) issued in the country where he has his seat or residence acknowledging respectively that he has not become liquidated or has not gone bankrupt.</p> <p>The documents should be issued not earlier than 6 months before the expiry of the date of submitting tenders.</p>	ORIGINAL OR TRUE COPY certified by the Contractor

3. **If in the person's country of residence or in the country where the Contractor is seated or resides**, such documents are not issued as described in para. 3(1) above, they are replaced by a document containing a statement, which also determines person authorised to represent the Contractor, made before a competent judicial, administrative body or an organ of local trade self-government or economic self-government of, respectively, the person's country of residence or the country in which the Contractor is seated or resides, or before the notary public - issued not earlier than 6 months before the expiry of the date of submitting tenders.
4. If, for the purpose of proving compliance with the requirements specified in Article 22 para. 1 Act – Public Procurement Law, the Contractor is dependent on the resources of other entities, according to the rules set forth in Article 26 para. 2b Act – Public Procurement Law, and such entities will participate in the performance of the contract, and in the case of Contractors jointly submitting a tender, the documents referred to in 2(1-2) or 3(1) respectively (*Foreign Contractors*), must be submitted respectively in relation to each of the Contractors.
5. Declarations and documents submitted for proving lack of grounds for excluding the Contractor from the procedure in the circumstances specified in Article 24 para.2(5) Act – Public Procurement Law (submitted as an attachment to the tender form), i.e.: relating to a capital group:

Pnt	Required declaration or document	No. of attachment to TOR Form of document
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1)	<p>List of entities belonging to the same capital group in view of Act of 16 February 2007 on the protection of competence and consumers (Journal of Laws no. 50, item 331 as amended)</p> <p>or</p> <p>- information concerning the Contractor not belonging to a capital group – according to point 7 of the tender form (Attachment no. 1A to the Terms of Reference)</p> <p>In the case of Contractors jointly submitting a tender (eg. consortiums, civil law partnerships) the said information or list, respectively, must be submitted in relation to each of the entities jointly submitting a tender.</p> <p>NOTE!</p> <p>If the Contractor does not cross out information on his not belonging to a capital group (point 6 of the tender form) and submits the list of entities belonging to the same capital group, the Purchaser will consider the submission of the list to be binding.</p>	ORIGINAL
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6. In order to confirm that the proposed services suit the requirements specified by the Purchaser, the following documents must be attached to the tender:

Pnt	Required declaration or document	Form of document
1)	<p>Declaration of the <i>Contractor</i> acknowledging that the internships under the contract will be performed according to the internship programme covering issues as defined in para. 8 Terms of Reference (Attachment no. 2 to the TOR)</p>	<p>The declaration template is included in ATTACHMENT No. 6 to the Terms of Reference</p> <p>ORIGINAL OR TRUE COPY certified by the Contractor</p>
2)	<p>Declaration of the <i>Contractor</i> acknowledging that internships under the contract will be held in the Institution acting in the area of chemistry for at least 3 years prior to the expiry of the date of submitting tenders and holding the status of an academic centre and/or scientific research centre, including the indication of the Institution's name and seat as well as the place of holding internships.</p>	<p>The declaration template is included in ATTACHMENT No. 6 to the Terms of Reference</p> <p>ORIGINAL OR TRUE COPY certified by the Contractor</p>

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7. Other documents:

Pnt	Required declaration or document	Form of document
1)	Power of attorney – required if the tender is signed by a plenipotentiary (except for the proxy) even if he is indicated in the registration document. In case of any doubt, as regards validity or scope of powers the Purchaser reserves their right to require acknowledgement of such powers by the Contractor.	ORIGINAL OR TRUE COPY certified by Notary Public

8. Form of documents:

- 1) specified in section IV (except for the declaration referred to in para. 1 (1), document referred to in section 1 (4), and documents referred to in section 6(1) in relation to belonging to the same capital group, which must be submitted in an original form) must be delivered in the form of an original or true copy certified by the Contractor (person or persons authorised to represent the Contractor). Power of attorney must be submitted in the form of original or true copy certified by a notary public.
- 2) Documents specified in section IV TOR, supplemented by the Contractor in response to the Purchaser's call, according to Article 26 para. 3 Act on Public Procurement Law, must be submitted in the form specified in Article 7 para. 1 Regulation of the President of the Council of Ministers of 19 February 2013 on types of documents required by the purchaser of the contractor and forms in which such documents may be submitted (Journal of Laws of 2013 item 231), i.e. in original or certified true copy except for those mentioned in sections IV.1(4) and IV.6(1) which must be submitted in original and powers of attorney submitted in original or true copy certified by a notary public.
- 3) In the case of Contractors jointly submitting a tender and in the case of other entities whose resources the Contractor depends on according to the rules specified in Article 26 para. 2b of the Act, true copies of the documents concerning respectively the Contractor or such entities are certified by the Contractor or such entities respectively.
- 4) The Contractor permits to submit documents in Polish or English. If the documents are made in another language the Purchaser requires that such documents be submitted with their translations into Polish or English.

V. REQUIREMENTS CONCERNING THE TENDER BOND:

The Purchaser does not require providing any tender bond in this procurement procedure.

VI. DATE AND PLACE OF TENDER SUBMISSION. TIME LIMIT OF BEING BOUND BY THE TENDER

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1. The Tender must be submitted in the Public Procurement Department University of Silesia, Katowice, ul. Bankowa 12, Room 69, not later than **15 January 2014 until 10:30**.
2. The Contractors will be bound by the submitted tender for 30 days after the date of tender submission closing.
3. In the case of submitting a tender by post, the date of receipt by the Purchaser decides solely the validity of tender submission.
4. The Purchaser does not bear liability for any occurrences resulting from improper marking of the tender or failure to deliver the tender within the required time.
5. Any tenders submitted after the date of tender submission will be immediately returned to the Contractor.
6. The Contractor may introduce any changes, amendments, modifications and additions or withdraw the tender.
7. Changing or withdrawing the submitted tender is effective only when done prior to the date of tender submission. Both changing and withdrawing the tender must be done in writing. In addition it must be done in the place and according to the rules which are in force while submitting the tender. Duly marked envelopes (packages) must be additionally annotated as follows “CHANGE OF TENDER” or “WITHDRAWAL OF TENDER”. In the case of submitting several “CHANGES” each of the envelopes (packages) annotated: “CHANGE” must be additionally marked as follows: “CHANGE no. ...”.
8. In the case of appeal submitted after the date of tender submission, the duration of the term of being bound by the tender is suspended until the National Chamber of Appeal delivers a decision.
9. The Contractor may independently or upon the Purchaser’s request extend the term of being bound by the tender for the time necessary to enter into a public procurement agreement, provided that the Purchaser may only once, at least 3 days before the term of being bound by the tender, request the Contractor for his agreement to extend such term by a definite period of time fixed time, not longer, however, than 60 days.

VII. MAKING CLARIFICATIONS CONCERNING THE TERMS OF REFERENCE AND INFORMATION ON METHODS OF COMMUNICATION WITH THE CONSTRUCTOR:

1. Subject to the exceptions described in this section it is a rule that Parties communicate in a written form, If for the effectiveness of submission of a letter it is necessary to deliver it within specific time, the date is deemed to be met if within such time the letter was sent by fax and the same fact was acknowledged by the other Party.
2. The Purchaser does not permit possibility of supplementing the documents referred to in section IV of these Terms of Reference under Article 26 para. 3 Act – Public Procurement Law either by means of fax.
3. The Purchaser does not permit the electronic form of communication except:
 - When the Purchaser’s sending a letter, in particular, a notification of the necessity to supplement documents under Article 26 para. 3 Act – Public Procurement Law and/or to submit a clarification under Article 26 para. 4 Act – PZP and/or Article 87 para. 1 Act – PPL and/or Act 90 para. 1 Act - PPL or to send information on making a correction as referred to in Article 87 para. 2 Act PPL or/and notification of

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necessity to extend the term of being bound by the tender, is not possible due to the fact that the Contractor does not have a fax machine or his fax machine is out of order;

- Described in section X para. 2 of these Terms of Reference.

4. Prior to the date of tender opening it is allowed to transmit by fax any statements, requests, notifications and information, both by the Purchaser and the Contractor.

5. Any changes (modifications of the content of the Terms of Reference must be transferred by the Purchaser to Contractors who were granted the Terms of Reference, and will be placed on the website on which the Terms of Reference were placed.

6. The Contractor may request the Purchaser of clarification of the content of the Terms of Reference by fax. The Purchaser will provide clarifications immediately, however, not later than within 2 days before the expiry of the date of submitting tenders provided that the request of clarification of the content of the Terms of Reference was received by the Purchaser by the end of the day being halfway through the set date of submitting tenders. Extension of the term of tender submission does not affect the course of the term of making clarifications concerning the content of the Terms of Reference. The content of the questions with the clarifications will be transferred by the Purchaser to Contractors who were granted the Terms of Reference and placed on the website on which the Terms of Reference were placed.

7. The Purchaser does not envisage convening any meeting of Contractors for the purpose of explaining any doubts concerning the Terms of Reference.

8. The following employees of the Public Procurement Department are authorised to contact Contractors, make clarifications and introduce any changes (modifications) to the content of the Terms of Reference: mgr Ewa Słowik, mgr Aneta Szturc-Krawczyk, mgr Olga Rojek, mgr inż. Artur Baran - fax 032-359-20-48, only on working days between 07:³⁰ and 15:³⁰.

9. Besides, in matters concerning the object of the contract the following employees are authorised to contact Contractors: Joanna Bruch (Logistics), mgr Urszula Widera (Project Coordinator)

10. Any mail or fax correspondence must be addressed to: Uniwersytet Śląski, Dział Zamówień Publicznych; 40-007 Katowice, ul. Bankowa 12, (fax: 0-32-359-20-48) quoting the **procedure reference number DZP.381.70.2013.UG**.

11. The Purchaser will make available the tenders and the procedure protocol with the attachments upon prior arrangement of the date with the person referred to in para. 9, authorised to contacting the Contractors, giving explanation and introducing any changes (modifications) to the content of the Terms of Reference.

VIII. OPENING TENDERS

1. Tenders will be opened on 15 January 2014 at 11:00 in the Public Procurement Department University of Silesia in Katowice, ul. Bankowa 12, Room 61.

1. The tender opening includes:

a) **The public part**, during which Contractors may be present;

During the public part the Purchaser announces

a) the names and addresses of the Contractors

b) information on the price,

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- c) date of contract execution,
- d) period of warranty
- e) terms of payment included in the tender.

b) The non-public part;

During the non-public part the Purchaser evaluates the submitted tenders on the basis of the criteria specified in section IX TOR.

IX. TENDER EVALUATION CRITERIA:

1. For the purpose of selecting the most advantageous tender the Purchaser will consider the following evaluation criteria:

CRITERION	SIGNIFICANCE
Price	100%

2. Description of the criteria used and method of calculation:

The price quoted in the tender form will be evaluated in the following way:

$$X \text{ points} = \frac{\text{The lowest price quoted in the tenders} \times 100}{\text{The price indicated in the tender under consideration}}$$

- The received number of points will be multiplied by the criterion weight, i.e. **100%**
- The score calculation will be made accurate to the second place after the decimal point, according to the mathematical rules of approximation;
- *The maximum number of points to get is 100;*
- **The tender with the lowest price selected out of the tenders not rejected, will be considered to be the most advantageous tender.**

X. ROZSTRZYGNIECIE POSTĘPOWANIA.

1. Each of the Contractors who submitted tenders will be immediately notified in writing and by fax on:
 - The selection of the most advantageous tender (giving the name, firm or first name and surname, seat or address of the Contractor who submitted tenders, and the score given to each tender according to the set criteria),
 - The Contractors whose tenders were rejected (giving the factual and legal justification),

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- The Contractors who were excluded from the procurement procedure (giving the factual and legal justification),
- The date, determined according to Article 94 para. 1 or 2 of the Act on Public Procurement Law, after which an agreement on the said procedure may be entered into.

Besides, the notification will be announced on the **notice board of the Public Procurement Department** in Katowice, at ul. Bankowa 12 and on the Purchaser's website, on which the Terms of Reference were placed.

2. Where it is not possible to send the notification referred to in para. 1 by fax, the Purchaser will send it by email to the address indicated in the tender by the Contractor..

XI. INSTRUCTION ON LEGAL PROTECTION REMEDIES

1. The Contractor, as well as another entity, is entitled to legal remedies, if they have or had interest in a given contract award or suffered or may have suffered damage as a result of the Purchaser's breach of the Act on Public Procurement Law.
2. To legal remedies in relation to the tender notice and the Terms of Reference are also entitled organisations entered into the list referred to in Article 154(5) Act - PPL.
3. Entitlement to appeal is due only against an action inconsistent with the provisions of the Act, done by the Purchaser in tender procedure or omission of an action to which the Purchaser was obliged under the law.
4. In this procedure only the following actions may be appealed against:
 - 1) Description of the method of evaluating compliance with the requirements of participation in the procurement procedure,
 - 2) The appellant's exclusion from the procedure
 - 3) Rejection of the appellant's tender.
5. The appeal must indicate any actions or omissions of the Purchaser which are claimed for their inconsistency with the law, contain concise presentation of claims, determine demands and indicate factual and legal circumstances justifying the appeal.
6. The appeal is submitted to the President of National Chamber of Appeal in writing or an electronic form with a safe electronic signature supported by a valid qualified certificate.
7. The appellant sends a copy of his appeal to the Purchaser before the expiry of the date of appeal in such a way that he could familiarise himself with its content before the expiry of the date of submitting it if the sending of its copy happened before the expiry of the date of submitting it by means of one of the methods determined in Article 27 para. 2 of the Act on Public Procurement Law.
8. Appeal is submitted within 5 days after the date of sending the information on the Contractor's actions being the grounds for the submission – if it was sent in a method determined in Article 27 para. 2 Act – Public Procurement Law, or within 10 days – if sent otherwise.
9. Appeal against the content of tender notice and against the provisions of the Terms of Reference is submitted within 5 days after the date of publishing a relevant announcement in the Public Procurement Bulletin or placing the Terms of Reference on the website.

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10. Appeal against actions other than the actions specified in para. 8 and 9 is submitted within 5 days after the date of becoming informed or with due diligence being able to be informed of circumstances serving as grounds for submitting the appeal.
11. Provisions of section VII para. 9 of the Terms of Reference apply accordingly.

XII.FORMAL REQUIREMENTS FOR CONCLUSION OF AGREEMENT AND XI CONCLUSION OF AGREEMENT

1. The Contractor whose tender has been considered the most advantageous will enter into an agreement with the Purchaser according to the conditions set forth in the Agreement template as attached to these Terms of Reference, such attachment (Attachment no. 3) being its integral part and the tender presented by the Contractor.
2. The Purchaser concludes a public procurement agreement according to Article 94 of the Act on Public Procurement Law.
3. The Purchaser invites the Contractor to enter into the agreement. Failure to enter into the agreement by the Contractor within specified time will be deemed by the Purchaser to be evading from entering into an agreement.
4. In the case of awarding the contract to contractors submitting a joint tender, the Purchaser may, prior to signature of the agreement, require conclusion of an agreement regulating the cooperation between such contractors.
5. The date of agreement conclusion is deemed to be the date of signature by the other Party. If one of the Parties fails to enter the date of signature, the date of agreement conclusion is deemed to be the date of signature by the other Party.

XIII. AMENDMENT (ANNEX)

1. Any amendment of the agreement may be made only within the provisions of Article 144 para. 1 of the Act of 29 January 2004 on Public Procurement Law by mutual consent of both Parties and will not be valid unless made in the form of a written Annex, effective upon signature by both Parties.
 2. The Purchaser may agree to make substantial modifications of the provisions of this agreement in relation to the content of the tender on the basis of which the Contractor was selected in the event of:
 - 1) Necessity of postponing the term of performance of the contract, if such necessity occurred as a result of circumstances which could not have been foreseen at the time of entering into the Agreement and do not result from the Contractor's fault.,
 - 2) Necessity of postponing the date of execution of the contract, if such necessity occurred as a result of circumstances which were within the Purchaser's control,
 - 3) Necessity of changing the place of execution of the contract, if such necessity occurred as a result of circumstances which were within the Purchaser's control, for which the Purchaser bears no responsibility,
 - 4) Necessity of changing the place of execution of the contract, if such necessity occurred as a result of circumstances which were within the Contractor's control which could not have been
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foreseen at the time of entering into the Agreement and do not result from the Contractor's fault,

- 5) Change of the manner of performing the contract from the Contractor's independent performance to his performance with the participation of subcontractors or change of the extent of actions entrusted to the subcontractors, provided that such subcontractors hold capacity necessary for the performance of the contract;
- 6) Possible change of the person performing the role of Internship Coordinator provided that such persons hold the same qualifications as required of persons participating in the execution of the service specified in the documentation prepared for the procedure preceding the conclusion of this Agreement, otherwise not admitted to perform actions,
- 7) Change of the generally binding laws or agreement on financial support in the scope affecting the performance of the Agreement or the project guidelines in the scope affecting the execution of the Agreement,
- 8) Statutory change of tax rates (VAT) within the duration of the Agreement, the Purchaser does not admit possibility of increasing the value of the Agreement as referred to in § 5 para. 1 of the Agreement,
- 9) Change of price where such change be favourable to the Purchaser, i.e. change to a lower price – upon the written request of either of the Parties.

XIV. THESE TERMS OF REFERENCE INCLUDE THE FOLLOWING ATTACHMENTS:

Tender form (template)	Attachment no. 1A
Declaration on compliance with the requirements of participation in the tender procedure (template)	Attachment no. nr 1B
Declaration of non-exclusion (template).....	Attachment no. 1C
List of main services performed, and - in the case of temporary or permanent benefits – in the process of performing, during the last 3 years before the time limit for submitting tenders, and where the duration of business operation is shorter – during such period (template).....	Attachment no. 1D
List of persons participating in the execution of the contract (template)	Attachment no. 1E
Detailed description of the object of contract	Attachment no. 2
Agreement template	Attachment no. 3
Declaration on Subcontractors (template).....	Attachment no. 4
Obligation of other entities (template).....	Attachment no. 5
Declaration on internship programme and place of holding internships (template)	Attachment no. 6

The above mentioned attachments are integral part of these Terms of Reference.