

Agricultural Paying Agency Guideline no. 8/2017 on the procurement of goods, construction works and services financed from the RDP SR 2014 - 2020 (hereinafter also "Guidelines") for the purpose of adjustment of the uniform rules in the performance of control and financial control of procurement not falling within the scope of Act no. 343/2015 Coll. on Public Procurement and on Amendments to Certain Acts (hereinafter referred to as "PPA")

TENDER MATERIALS

**to the CALL FOR SUBMISSIONS REQUESTS FOR A NON-REFUNDABLE FINANCIAL CONTRIBUTION FROM
THE RURAL DEVELOPMENT PROGRAM OF THE SLOVAK REPUBLIC 2014 - 2022,
call number: 51 / PRV / 2021**

Subject of the contract:

Špirálová mraznička/Spiral freezer

In Sladkovičovo , dated 18.5.2023

INSTRUCTIONS FOR PREPARING THE OFFER AND GENERAL INFORMATION

(1) Identification of the contracting authority

Name: Pierre Baguette s.r.o.
Registered office: Veľkouľanská 1716/9, 925 21 Sládkovičovo
Company ID: 36255220 VAT ID: SK 2020192119
Represented by: Andrej Šmuro- konateľ
E-mail: pierrebaguette@pierrebaguette.eu
Internet address: www.pierrebaguette.eu

Name and address of the organization from which further information may be obtained

Name: Euro Dotácie, a.s. Company ID: 36 438 766
Contact person: JUDr. Zuzana Waczlavová VAT ID: SK2022122520
Registered office
Municipality (town): Žilina Postcode: 010 01
Street: Na Šefranici Number: 1280/8
Phone: +421 41 5665 265
E-mail: waczlavova@eurodotacie.sk
Internet address: www.eurodotacie.sk

The address of the page where the PP documentation can be accessed: <https://josephine.proebiz.com/>

1. Subject of the contract

- 1.1. The subject of the contract is the supply of new, unrepared, and unused equipment – **Špirálová mraznička/Spiral freezer**
- 1.2. More detailed information regarding the subject of the contract is part of the Technical and Price Specification and the Draft of the Purchase Agreement of call for tenders. /Annex no2 and no4/
- 1.3. The subject of the contract is described in its entirety so that it is precisely and clearly specified. If any of the parameters used, or the range of parameters, identifies a specific type of product or a product of a specific manufacturer, the contracting authority allows such a product to be replaced by an equivalent product or technical solution, provided that the equivalent product or technical solution meets the utility, operational, dimensional, functional, and aesthetic characteristics which are necessary to ensure the purpose for which that equipment is intended.

2. Estimated value of the contract 636 500,00 EUR excluding VAT.

3. Place of delivery: sídlo obstarávateľa Veľkouľanská 1716/9, 925 21 Sládkovičovo

4. Common Procurement Vocabulary (CPV):
42215000-6 Machinery for the industrial preparation or manufacture of food or drink

5. Source of funds:

The subject of the contract will be financed by the European Agricultural Fund for Rural Development (EAFRD), the state budget and the contracting authority's own resources. The contract concerns a project financed from European Union funds: Rural Development Program of the Slovak Republic 2014 - 2022, sub-measure 4.2: Support for investments for processing / marketing and / or development of agricultural holdings.

5. Content of the offer:

- 5.1. Identification data of the tenderer** (business name, registered office or place of business, list of members of the statutory body with their name and surname, contact details of the tenderer for communication with the contracting authority - name of the contact person, telephone number, e-mail address).
- 5.2. Specification of the subject of the contract** – a description of the offered goods with an indication of the quantity, proving the fulfilment of the requirements of the contracting authority for the subject of the contract. The specification must result in the fulfilment of the minimum required parameters for the subject of the contract. / Annex No. 2 call for tenders /
- 5.3. Proposal of a potential supplier to meet the criteria** of the subject of the contract (Annex No. 2 to call for tenders). The price offer must be confirmed by the signature of an authorized representative of the potential supplier (statutory body or other authorized person whose eligibility is proved by the beneficiary by an officially certified power of attorney, the beneficiary must have the original or an officially certified photocopy available to present to the provider upon request; within the procurement documentation the beneficiary submits to the provider only copies), must be stamped, if the potential supplier is obliged to use the stamp, it must contain the date of issue (**the confirmation of the potential supplier must be given on the page where the summary price calculation is given**), it must contain the mandatory annexes. The price offer must not be older than 3 months from the announcement of the call to submit a price offer.
- 5.4. Documents proving the fulfilment of the conditions for participation:**

Conditions for the participation of a potential supplier regarding personal status:

- proof of authorization to supply goods, perform construction work or provide a service (extract from the Commercial Register),
- proof that the potential supplier's assets have not been declared bankrupt, are not in restructuring, are not in liquidation (confirmation of the relevant district court),
- proof that he has not violated the prohibition of illegal work and illegal employment in the previous 3 years since the announcement of the Call for tenders (confirmation of the relevant labour inspectorate),
- proof that his statutory body, a member of the statutory body, a member of the supervisory board or a beneficiary or are not legally convicted of the crime of fraud, the crime of corruption, the crime of damaging the EU's financial interests, the crime of money laundering, the crime of establishing, conceiving and supporting a criminal group, or for the crime of machinations in public procurement and public auctions, crimes related to terrorism or related to terrorist activities, use of child labour or other forms of human trafficking (extract from the criminal record register).

The potential supplier demonstrates compliance with the above conditions:

- a) a solemn declaration; or
- b) a declaration of registration in the list of economic operators together with a valid registration kept by the Office for Public Procurement, or
- c) by stating the internet address/ hyperlink at which the requested documents are made public.

The Contracting Authority verifies the fulfilment of the condition of participation of personal status with all potential suppliers through publicly available registers. If the beneficiary is unable to verify the facts proving the fulfilment of the conditions for personal status through publicly available registers, the successful tenderer is obliged to submit all documents, which he has tentatively replaced by a solemn declaration, at the request of the contracting authority before signing the contract. The documents must not be older than 3 months from the announcement of the invitation to submit a price offer.

In the case of tenderers who have their registered office outside the territory of the Slovak Republic, the documents proving the fulfilment of the conditions of participation shall be submitted by the potential

supplier in accordance with the legalisation of the state in which the tenderer has its registered office. It should be submitted in the form of the scan of the original or officially certified photocopy not older than 3 months on the day of the offer submission.

If the successful supplier does not deliver the documents within the set deadline, his bid will not be accepted and the potential supplier who placed second will be evaluated as successful.

The Contracting Authority **does not require** proof of fulfilment of the conditions for participation regarding financial and economic status and technical or professional competence.

6. Deadline for submission of tenders

Bids must be submitted within 26.5.2023 do 9.00 am

The deadline for submission of Offers may be changed. The contracting authority will inform each of the tenderers in writing about the extension of the original deadline for submission of tenders, no later than 3 working days before its termination.

Estimated date for evaluation of tenders: by 21.6.2023

The deadline for the evaluation of tenders may be changed if the contracting authority invites one of the tenderers to complete the submitted documentation.

7. Business conditions

- 7.1.** A purchase contract will be concluded with the successful tenderer. The contracting authority determines its business conditions for the implementation of the subject of the contract in the contract, which will be concluded with the successful tenderer.
- 7.2.** The purchase contract forms Annex no. 4 of tender materials. By submitting a tender, the potential supplier agrees with the contractual conditions specified by the contracting authority in the purchase contract / of these Tender Conditions.
- 7.3.** The potential supplier / Seller / undertakes to deliver the entire subject of purchase to the contracting authority / Buyer / not later than 12 months from the first instalment of the purchase price which is due within 7 days after the Contract is signed by both Parties.

8. Submission and content of the offer

- 8.1.** Offers will be submitted electronically to the JOSEPHINE system, located at <https://josephine.proebiz.com>.
- 8.2.** The potential supplier logs in to the system using the eID or its passwords acquired during the authentication process.
- 8.3.** After logging in to the JOSEPHINE system in the "My Procurement" tab, the authenticated potential supplier selects the contract in question and enters his offer in the specified offer acceptance form, which can be found in the offer tab.
- 8.4.** The proposed total procurement price must be stated to 2 decimal places in EUR without VAT and entered into the JOSEPHINE system. The submitted through the JOSEPHINE system offer must be accompanied by the required scanned documents and documents forming the content of the offer, required in these tender materials, which must be valid and up-to-date by the date of submission of the offer.
- 8.5.** A potential supplier may submit only one offer. A potential supplier submits the offer in electronic form within the deadline for submission of offers according to the requirements specified in these tender materials.

8.6. The contracting authority warns potential suppliers that the offer submitted after the deadline for submission of offers will not be opened electronically, which means that it will not be included in the evaluation.

8.7. In case of ambiguity or need to clarify the requirements and conditions of participation in the procurement, stated in the call and/ or in the tender materials, within the deadline for submission of offers, any of the potential suppliers may request clarification via the JOSEPHINE communication interface.

9. Addition, change and cancellation of the offer

The potential supplier may supplement, amend, or withdraw the submitted offer until the deadline for submission of offers. The addition or change of the offer can be done through the functionality of the JOSEPHINE web application in a reasonable time before the deadline for submission of offers. The potential supplier proceeds with the change and cancellation of the offer in the same way as when entering the initial offer (by clicking on the Download offer button and submitting a new offer).

10. Offer costs

All costs associated with the preparation and submission of an offer shall be borne by the potential supplier without any financial or other claim against the contracting authority, even if the contracting authority does not accept any of the offers submitted or cancels the procurement procedure.

11. Language of the offer

The offer of the potential supplier, as well as the documents and materials submitted in it, must be prepared in the state language. Any document or materials submitted in a foreign language must be accompanied by an official translation into the state language (except for documents in the Czech language)

12. Variant solution

It is not possible to submit a variant solution. If the offer also includes a variant solution, it will not be included in the evaluation and will be considered as if it had not been submitted. Only the required solutions will be evaluated.

13. Conditions for cancellation of the used procurement procedure

The contracting authority shall cancel the used procurement procedure and declare repeated procurement for the same subject of the contract if:

- a) less than three potential suppliers have submitted an offer (does not apply to subsequent re-procurement if the procurement has been cancelled for this reason and does not apply if there is only one or two suppliers on the market. However, this must be documented by the beneficiary).
- b) no potential supplier has fulfilled the conditions set out in the call for the submission of tenders.
- c) the circumstances under which the procurement was announced have changed as a result of the intervention of the so-called "Force majeure" (these circumstances, the beneficiary is obliged to state and justify the cancellation of the procurement procedure). The contracting authority may cancel the used procurement procedure in accordance with the provisions of the Guidelines.

14. Evaluation of offers

The contracting authority evaluates the fulfilment of the requirements for the subject of the contract, the fulfilment of the conditions of participation after the evaluation of tenders on the basis of the tender evaluation criteria, including the exclusion of conflicts of interest for all potential suppliers.

15. Criteria for the evaluation of offers and the rules for their application

15.1. Criteria for evaluation of offers

Criterion no. 1: Price – 90 points

Criterion no. 2: Line capacity (fryer, oven, freezer)– 10 points

15.2. Method of evaluation of offer evaluation criteria

Criterion no. 1:

The Contracting Authority will evaluate the total price for the subject of the offer in EUR without VAT.

The maximum number of points is assigned to the offer with the lowest price in the given criterion. For other offers, it is determined by a ratio so that the price evaluation is determined as the ratio of the lowest price and the price of the evaluated offer multiplied by the maximum number of points for this criterion.

Criterion no. 2:

The Contracting Authority will evaluate the line capacity in kg/hour.

The maximum number of points will be awarded to the offer with the highest line capacity (if the requirement is met, min. 1,000 kg/hour). For other offers, it is determined by a ratio so that the evaluation of the line capacity is determined as the ratio of the highest line capacity (min. 1,000 kg/hour) and the line capacity of the evaluated offer multiplied by the maximum number of points for this criterion.

The successful bidder will be the bidder whose bid is ranked first based on the rules for applying the offer evaluation criteria, i.e. the bidder who, after adding up the points in both criteria, achieves the highest number of points. Other offers will be ranked in ascending order according to the amount of points achieved, i.e. the bid with the lowest number of points will be assigned the highest ranking number.

The successful bidder will be the bidder who will be evaluated first (successful) for the subject of the contract. Other applicants will be unsuccessful.

16. Information on the result of the evaluation of offers and the conclusion of the contract

The contracting authority shall send information on the result of the evaluation of tenders via the communication interface of the JOSEPHINE system to the successful bidder and shall invite him to conclude the contract.

17. Conciliation and conclusion of the contract

- The Contracting Authority will conclude a contract with the successful bidder in accordance with the Guidelines. The concluded contract must not be in conflict with the tender materials and with the offer submitted by the successful tenderer.
- The successful bidder and its subcontractors, who are required to register with the public sector partners, must be registered with the public sector partners before signing the purchase contract.

18. Special conditions related to the performance of the contract.

The Contracting Authority determines the following special conditions related to the performance of the contract. In order to prove their fulfilment, the contracting authority requires the successful bidder (seller) to submit the following documents to the contracting authority within 5 working days from the date of delivery of the written request for cooperation necessary for the conclusion of the contract as follows:

- **Electronically** via the JOSEPHINE communication interface in the form of scans of originals or officially certified photocopies (pdf format):

1. List of all subcontractors with the identification data of the subcontractor, the subject of the subcontract and data on the person authorized to act for each subcontractor in the range of name and surname, address of residence, date of birth.
2. The successful bidder shall at the same time submit concerning each subcontractor proof of

entitlement to the relevant performance of the subject of the contract and proof of entry in the register of public sector partners if the law requires such entry for such subcontractor.

3. In case of non-use of subcontractors, the successful tenderer shall submit a solemn declaration on non-use of subcontractors.

4. Scan of the completed and signed purchase contract, including all relevant annexes.

- **In hard copy** by post or other delivery service to the contact address of the contracting authority:
EuroDotácie, a.s., Na Šefranici 1280/8, 010 01 Žilina, Slovakia

Completed and signed purchase contract in 4 copies all with the validity of the original, including all relevant annexes (counterparts);

Failure to submit the above documents will be considered by the contracting authority as a breach of the successful bidder's obligation to provide the contracting authority with the proper cooperation necessary for the conclusion of the contract.

The contracting authority warns the bidders to ensure timely registration in the Register of Public Sector Partners, resp. have verified the registration in the Register of Public Sector Partners both in relation to each other as a contracting party and at the same time in relation to subcontractors to whom this obligation applies according to the Partner Register Act.

19. Final provisions

19.1. By submitting its offer and its annexes, the potential supplier agrees with the processing of personal data, in accordance with Act SR No. 18/2018 Z.z. on the protection of personal data and amending certain laws and EU and Council Regulation (EU) 2016/679 of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, repealing Directive 95/46 / EC ("GDPR") for the purposes of this procurement.

19.2. Procurement may not be attended, the bids may not be submitted by the bidder/supplier (natural or legal entity) with which the applicant / beneficiary has or had for a period of one year before announcing a call for tender property or personnel connections. The bidder/supplier cannot be the owner of the real estate on which the project will be implemented, cannot be a subcontractor of the tenderer. This provision also applies to managers, members of the statutory body, members of supervisory board and beneficiary or procurators, if the applicant/ beneficiary is a legal entity. On the applicant's/ beneficiary's side, the following in particular are considered to be interested parties:

- a. partner,
- b. user,
- c. supplier/ subcontractor
- d. statutory body or member of the statutory body, management, or supervisory body of the applicant / recipient, user, supplier/ subcontractor, or partner,
- e. a shareholder of a legal entity that is an applicant / beneficiary, a user, supplier / subcontractor or partner,
- f. a person who is in an employment relationship with the applicant / beneficiary, the user, supplier/ subcontractor or partner or other similar relationship to the applicant / beneficiary, user, supplier / subcontractor, or partner,
- g. the person who participated in the elaboration or implementation of the project for the applicant, or the beneficiary or which has received funding from the project budget,
- h. a person who is a close person according to § 116 of the Civil Code to the applicant/ recipient or to the person referred to in points a) to g),
- i. as it is not an exhaustive calculation of the possibilities of conflict of interest, in practice there may be other cases that the Provider may consider to be a conflict of interest within the meaning of the Guidelines of Agricultural Paying Agency no. 10/2017 to assess conflicts of interest in the process of public procurement of goods, construction works, and services financed from the RDP SR 2014-2022.

19.3. The contracting authority will proceed with the implementation of this procurement procedure

in accordance with the Guidelines of the Agricultural Paying Agency no. 8/2017 for the procurement of goods, construction works, and services financed from the RDP SR 2014 - 2020, or other generally binding legal regulations.