



Contract is co-financed under Smart Growth Operational Programme 2014-2020
Project no POIR.01.01.01-00-D011/16 „Nowa generacja modułowych maszyn, wierzącej i kotwiącej, z napędami bateryjnymi,
przeznaczonych do pracy w podziemnych kopalniach rud miedzi i surowców mineralnych”.
Project no: POIR.01.01.01-00-0093/19

REQUEST FOR QUOTATION P3/2020/07/10

Contract award procedure conducted in
accordance with the principle of competitiveness

The Subject Matter of the Contract:

Delivery of conversion of Deutz TCD2013 L04 V2 engine into explosion proof version according to Atex directive for a set of modern multipurpose self-propelled mining machines.

Approved


Vice-Chairman of the Management Board
Andrzej Czajkowski

stamp and signature of the contracting entity (authorized person)

Wilków 28.07.2020



Unia Europejska
Europejski Fundusz
Rozwoju Regionalnego



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I. NAME AND ADDRESS OF THE CONTRACTING ENTITY

1. The Contracting Entity is:

Mine Master sp. z o.o.
Wilków, 59-500 Złotoryja
ul. Dworcowa 27

NIP: 6940007277
REGON: 390234796

KRS: 0000114912

Registered in: Sąd Rejonowy dla Wrocławia-Fabrycznej IX Wydział Gospodarczy.
Share capital: 27.194.925,93 PLN

2. Correspondence address and contact with the Contracting Entity:

Mine Master sp. z o.o.

Address: **Wilków, 59-500 Złotoryja**
ul. Dworcowa 27

Tel: **+48 (76) 87 83 511**

Fax: **+48 (76) 87 84 101**

e-mail: przetargi@minemaster.eu

www: www.minemaster.eu

3. The procedure's number:

The procedure described in the document has the following number:

P3/2020/07/10

This number should be used by the Contractor in contacts with the Contracting Entity.
All materials concerning following procedure, submitted by the Contractors, are not refundable.

4. Contact person with Contractors:

- a. Andrzej Czajkowski tel. +48678778103, e-mail: aczajkowski@minemaster.eu
- b. Lesław Ostapów tel. +48768778111, e-mail: lostapow@minemaster.eu
- c. Marta Dobrzańska tel. +48678778170, e-mail: mdobrzanska@minemaster.eu
- d. Monika Hnat tel +48768778198 email: mhnat@minemaster.eu
- e. In technical issues: Mr/Ms Mateusz Jacek tel.+48768778134 e-mail: mjacek@minemaster.eu

The contract is financed from Regional Development Fund under 1.1.1. Smart Growth Operational Programme 2014-2020, identification number: **POIR.01.01.01-00-0093/19** („**A modern set of multi-purpose mechanized mining machines with computer – aided operation for the operator, designed for drilling and supporting galleries of underground mining and tunnel construction**”).

II. CONTRACT AWARD PROCEDURE

1. In the procedure the competition rules established in the Guidelines on the eligibility of expenditure under European Regional Development Fund, European Social Fund and the Cohesion Fund for 2014-2020, approved on 19th July 2017 by the Ministry of Development (Partnership Agreement 2014-2020 MR/H 2014-2020/23(3)07/2017) apply.
2. The procedure is not subject to the Act of January 29, 2004. Public procurement law. The Request for quotation was made public in the Competitiveness base – European Funds and by posting on the following website: <http://www.minemaster.eu/pl/przetargi>, except from classified information, which can be made available at the request of the Contractor. Classified information will be made available if Non-disclosure Declaration is signed by the Contractor. (Attachment No 1) (“NDD”).
3. The procedure is carried out pursuant to the internal Rules of awarding contracts in accordance with the principle of competitiveness in Mine Master sp. z o.o. in relation to the implementation of the project „ A modern set of multi-purpose mechanized mining machines with computer – aided operation for the operator, designed for drilling and supporting galleries of underground mining and tunnel construction” co-financed from the European Regional Development Fund under Measure 1.1.1 Smart Growth Operational Programme 2014-2020 observing the principles of competitiveness, openness, transparency and equal access (subject to classified information described in point 2 above).

III. SUBJECT MATTER OF THE CONTRACT:

1. Subject of the contract is the delivery of conversion of Deutz TCD2013 L04 V2 engine into explosion proof version according to Atex directive for a modern set has to conform multi-purpose self-propelled mining machines.
2. The explosion-proof conversion is to meet the requirements of the: ATEX Directive 2014/34/EU for Group 1 Category M2 – T4 135 C.
3. The engine type designated for conversion: DETUZ TCD2013 L04 2V – 126kW @2,300 rpm
4. The detailed description of the Subject Matter of the Contract is specified in the Attachment No 2 to Request for a tender – Technical specification.
5. Due to the nature of the Subject Matter of the Contract, its detailed description is confidential. The Contractor may, within 7 days from the date of the specification is made public, send to the Contracting Entity via e – mail przetargi@minemaster.eu the request to provide the Technical specification.

6. The NDD as indicated in the Attachment no 1 to the Request for Quotation with the request for providing Technical specification must be signed by the Contractor to obtain access to Technical Specification.
7. The NDD with the request to provide the Technical Specification must be sent on the e - mail address przetargi@minemaster.eu described in point 3 above as a pdf file blocked for editing and simultaneously as the written statement sent on the correspondence postal address provided in the point I of this Request for Quotation.
8. The NDD with the request to provide the Technical Specification must be signed by the person authorized to represent the Contractor.
9. If the Non – Disclosure Declaration was already provided to the Contracting Authority based on any other legal relationship between the Parties and it is valid on the date of submitting offers or the Parties concluded the confidentiality agreement, the Contractor is allowed to submit the request to provide the Technical Specification only. The rules set out in point 8 - 12 above apply accordingly to submitting the request to provide the Technical Specification.
10. The Contracting Entity sends the Attachment No 2 to the Request for tender – Technical Specification on the e – mail address indicated in NDA, within 3 days from receiving the Contractor’s written statement.
11. The Contractor should consider the fact that the Subject Matter of the Contract is intended to operate in underground mines and will be exposed to the difficult environmental conditions specified in the Attachment no 2 – Technical Specification, section: Environmental Requirements.
12. The Contractor will provide the Contracting Entity a guarantee lasting minimum 12 months from the date of the delivery. The delivery must be confirmed in the protocol of delivery and acceptance, signed without any reservations. The guarantee must cover THE Subject Matter of the Contract as a device in its entirety, as well as its individual components and microelements, considering the purpose and a method of use of the Subject Matter of the Contract –its operation in underground mines.

IV. GROUNDS FOR EXCLUSION

1. Entities related to the beneficiary/Contracting Entity personally or equity linked are excluded from this procedure.
2. To confirm that the Contractor does not fall within the grounds of exclusion, it submits the Declaration of the absence of capital or personal links according to the Attachment No 4 to this Request. The Contractor submits the Declaration of the absence of capital or personal links with the offer in written form, signed by the person authorised.
3. The Contractors competing for a contract jointly (consortium) submit Declaration of the absence of capital or personal links separately for each member of consortium.
4. The Contracting Entity demand that the Declaration of the absence of capital or personal links is submitted also by the entity on whose capacities the Contracting Entity relies to demonstrate compliance with the procedure. The declarations of those entities, signed by persons authorized to represent them, the Contractor submits with the offer.

5. The Contract Entity demand that the Declaration of the absence of capital or personal links is submitted by subcontractors. The subcontractor submits the declaration to the Contracting Entity before any activity resulting from the contract is carried out by him. If the Contract Entity concludes that the subcontractor is affected by the grounds for exclusion, the Contractor is obliged to replace this subcontractor or resign from entrusting the performance of a part of the subcontractor's contract.

V. CONDITIONS FOR PARTICIPATION IN THE PROCEDURE AND EVALUATION

1. Only those Contractors who meet the following requirements for participation.

- a) competence or authorizations to conduct a specific professional activity where this ensues from separate provisions;

The Contracting Entity does not require any special conditions to be met in relation to this requirement.

- b) economic or financial standing

The condition of economic or financial standing is met if the Contractor proves that it holds a civil liability insurance arising from its professional activity and related to the Subject Matter of the Contract with an insurance cover sum not less than 200.000zł

- c) technical and professional ability

The condition of technical and professional ability is met in a scope of experience if the Contractor proves that in the last 3 years before the deadline for submission of bids (and if the period of activity is shorter - during this period):

- it carried out the delivery of the Subject Matter of the Contract or technically equivalent and in the serial production he implemented at least one type of them in drilling/bolting machines designed for use in underground copper ore and mineral mines.
- The Contractor should consider the fact that the Subject Matter of the Contract is intended to operate in underground mines and will be exposed to the difficult environmental conditions specified in the Attachment no 2 – Technical Specification, section: Environmental Requirements.

2. Required documents and declarations.

To confirm that the Contractor meets requirements as above, the Contracting Entity requires:

1. To confirm the Contractor's economic or financial standing – documents confirming that the Contractor is insured against civil liability arising from its professional activity and related to the Subject Matter of the Contract with an insurance cover sum of not less 200.000zł
2. To confirm the Contractor's technical and professional ability in regards to point 1 §C – a declaration (presented described in the Attachment no 5) confirming deliveries already carried out in full, or still being performed.

3. An evaluation whether the Contractor fulfilled the requirements above will be made in accordance with the meets - does not meet formula. The evaluation will be based on the documents submitted.
4. The documents must confirm without doubt that the Contractor meets the requirements mentioned above.
5. Failure to meet any of the requirements mentioned above may result in rejecting an offer (bid) and the Contractor being excluded from the procedure. Before rejection the Contractor is requested to supplement documents required.
6. The Contractor, to meet requirements, may rely on the other entities' technical or professional capacities or their economic or financial standings, regardless of the legal nature of the links which it has with them.
7. The Contractor who relies on the other entities' capacities or standings must prove that it will have at its disposal the resources necessary, by producing a commitment by those entities to that effect. The entity on whose resources the Contractor relies provides its commitment on the template constituting Attachment No. 8 Declaration that the capacities are made available. This declaration shall be signed by the entity making the resources available.
8. If the other entities' technical and professional capacity or economic or financial standing do not confirm that the Contractor met requirements, or the entity falls under the grounds of exclusion, the Contracting Entity demands that within the certain period the Contractor:
 - a. replaces an entity which does not meet a relevant requirement, or
 - b. require that certain critical tasks be performed directly by the Contractor itself if it can demonstrate meeting the technical and professional capacities or financial or economic standing listed in the Request for quotation above.

VI. OFFER VALIDITY PERIOD

1. The Contractor is bound by an offer within **30 days**, from the expiry of the date for submitting offers.
2. The Contractor may, independently or at the contracting entity's request, extend the offer validity period, although the contracting entity may ask contractors to extend that period only once, at least 3 days before the expiration of the offer validity period, by a specific period, but not longer than 60 days.

VII. CONTRACT COMPLETION DATE AND PLACE

1. The Subject Matter of the Contract delivery date: up to 90 days from the date of signing the contract.
2. The deadline for delivery of the Subject Matter of the Contract: Up to 7 days from the date of signing the contract.
3. Delivery method: Delivery of the Subject Matter of the Contract at the expense and risk of the Contractor to the registered office of Contracting Entity.

VIII. COMMUNICATION WITH CONTRACTORS AND SUBMITTING DOCUMENTS

1. Forms and method of communication:
 - a. declarations, requests, notification and information, the Contracting Entity and the Contractor provide in writing or electronically on the address indicated in point I.4 of Request of quotation,
 - b. if communication of declarations, requests, notification and information was not made in writing, either Party, at the request of the other, will immediately confirm receiving them,
 - c. whenever the Contracting Entity requires written form, it means that it must be preserved under the pain of nullity,
 - d. The Contractor is obliged to provide declarations, requests, notification and information in the manner which allows the Contracting Entity to acknowledge them i.e. on a working day between 8:00 a.m. to 2:00 p.m.,
 - e. The parties are obliged to inform each other about every change of address and other contract details, including e – mail address. Declarations, requests, notification and information communicated on last given address of the Contractor will be considered effectively submitted.
2. Providing information about the content of the Request for quotation, introducing any changes to the draft contract and its modifications:
 - a. The Contractor may request the Contracting Entity in writing or by e-mail to clarify the content of the Request.

The Contracting Entity answers the question or provide a clarification without delay, provided the Contracting Entity receives a request to clarify the content of the Request for quotation at the latest by the end of the day marking half of the time limit set for the receipt of tenders. If a request to clarify the content of the terms of reference is delivered after the expiration of this time limit, the contracting entity may not answer such request.
 - b. The contracting entity shall provide such clarifications without delay, though not later than 2 days before the expiration of the time limit for the receipt of offers.
 - c. In justified cases the Contracting Entity may, at any time before the expiry of the time limit for the submission of offers, modify the contents of the Request of quotation. The Contracting Entity immediately sends modifications electronically to all the Contractors, who received content of the Request and publishes it on its website (without disclosing the source of request).

- d. If, due to changes in the Request for quotation, additional time to modify offers is required, the Contracting entity shall extend the time limit for the receipt of offers and notify the Contractors who obtained the Request for quotation.

IX. PREPARING OFFER

1. Each Contractor may submit only one offer. Submitting more than one offer in the procedure will result in rejecting all submitted by the Contractor.
2. The Contracting Entity neither allows the Contractor to act as a Subcontractor of another Contractor participating in the procedure, nor he agrees that the Contractor who participated in the procedure would be indicated as a Subcontractor by the Contractor being awarded with the contract.
3. The Offer is submitted on the Offer Template in Attachment No 3 to the Request with enclosures. It must be prepared strictly according to Request for quotation. The Contracting Entity does not require attaching the draft contract, settled technical specification and terms of guarantee. The Offer and other documents, for which the Contracting Entity specified templates, must be prepared accordingly.
4. The Contractors applying for a contract jointly (e.g. consortium) appoint a representative for the contract award procedure or for the procedure and for the conclusion of a public contract Power of attorney along with consortium agreement must be submitted with the tender, and fulfil the following conditions:
 - a. the power of attorney as well as the consortium agreement must be submitted with the offer,
 - b. the content of the power of attorney should specify the scope of the authorization,
 - c. the consortium's agreement should include a clause on joint and several liability of the consortium participants towards the Contracting Entity,
 - d. all correspondence will be carried out only with the representative.
5. The offer must be prepared in Polish or English according to Offer Template in the Attachment no 3 to the Request for quotation and submitted either:
 - in 1 copy in paper form as well as electronically – USB drive/CD as PDF or as PDF to email przetargi@minemaster.eu;
 - electronically only – USB drive/CD as PDF or as PDF to email przetargi@minemaster.eu. All the amendments in the tender must be readable and initialled by person (persons) signing the contract – otherwise they will not be taken into consideration
6. The Contracting Entity does **NOT ALLOW** a possibility of submission of a partial bid.
7. The Contracting Entity does NOT ALLOW of submission of an equivalent bid.
8. The Contracting Entity does NOT ALLOW making a framework agreement.
9. The Contracting Entity **allows** a possibility of awarding supplementary orders.
10. The Contracting Entity allows Subcontractors to operate within the contract awarded provided that the Contractor will notify his subcontractors of the content of the Non – disclosure declaration (Attachment No. 1 - NDD) and be responsible for disclosing information contained in the Technical Specification by them.
11. The Offer and all the documents and declarations attached (including those made on templates) must be signed by the person/s authorised to represent in accordance with the form of representation of Contractor specified in the registration documents or other

- document, appropriate for the organizational form and incur liabilities in a sum corresponding to the offer's price. Signing is considered a handwritten signature or signature along with a stamp allowing identification of the signature.
12. It is required that all pages of the offer are numbered and permanently connected in a way that prevents them from being accidentally de-completed and their total number provided in Offer template.
 13. If the Contractor fails to submit the required authorizations, declarations or documents confirming that the requirements for participation in the procedure are met, or submits documents containing errors - the Contractor may call for supplementing them within the definite period, unless the offer would be rejected otherwise, or the procedure is annulled.
 14. **The offer with attachments should be placed in a non-transparent, closed envelope, addressed at: Mine Master Sp. z o.o. ; Wilków ul. Dworcowa 27; 59-500 Złotoryja and marked as follows: Request for quotation No. P3/2020/07/10 or sent on the e-mail address: przetargi@minemaster.eu**
 15. The Contractor may change or withdraw his offer prior to the expiry of the time limit for submission of offers. Changes should be provided to the Contracting Entity in writing prior to the expiry of the time limit for submission of offers. Declaration of making changes should be packed as described in point 11, in a closed envelope with an additional indication: **CHANGE OF THE OFFER P3/2020/07/10.**
 16. The Contractor may prior to the expiry of the time limit for submission of offers withdraw its offer by submitting statement packed as mentioned in point 11, in a closed envelope with an additional indication: **WITHDRAWAL OF THE TENDER NO P3/2020/07/10.**
 17. The Contractor may reserve a business secret, within the meaning of the provisions on combating of unfair competition, if within the time limit for the submission of offers, made a reservation as to its non-disclosure and proved that the information constitutes a business secret.

X. SUBMITTING OFFERS:

1. Offers must be submitted until 20.08.2020 at 11:00 in Mine Master Sp. z o.o. Wilków, ul. Dworcowa 27, 59-500 Złotoryja or via e – mail przetargi@minemaster.eu until 20.08.2020 at 11:00
2. The offers received by the Contracting Entity after the time limit for submission of tenders will be returned to the Contractors without opening them.
3. The opening of offers is **public**.

XI. OFFER'S EVALUATION CRITERIA

Criteria for evaluating the delivery of the subject of the contract:

| Symbol | Criterion | Criterion weight |
|--------|---------------------------------------------|------------------------------------------------------|
| A | Compliance with „Technical requirements” | Obligatory requirement – condition for the admission |
| B | Compliance with „Declaration of Conformity” | Obligatory requirement – 20% |
| C | Compliance with „Essential requirements” | 20% |
| D | Compliance with „Additional requirements” | 10% |
| E | Price | 35% |
| F | Guarantee period | 5% |
| H | Delivery time | 10% |

A – Compliance with „Technical requirements” of the request for quotation

A1- A2 =1 : the offer is compliant

A1- A2=0 : the offer is not compliant

$$A = A1 \times A2$$

B - Compliance with „Declaration of Conformity” of the request for quotation

B=1 : the offer is compliant

B=0 : the offer is not compliant

$$B = B \times 20$$

C - Compliance with „Essential requirements” of the request for quotation

C1 – C4 =1 the offer is compliant

C1 – C4 =0 : the offer is not compliant

$$C = (C1 \times C2 \times C3 \times C4) \times 20$$

D - Compliance with „Additional requirements” of the request for quotation

D1- D2 =1 : the offer is compliant

D1- D2=0 : the offer is not compliant

$$D = (D1 \times D2) \times 10$$

E- PRICE

$$\text{Price (C)} = \frac{\text{lowest price}}{\text{price of the offer in question}} \times 35 \text{ points}$$

The contracting entity allows placing offers in the following currencies:

- Polish zloty (PLN)
- Euro (EUR)
- American dollars (USD)

If prices in the offer are provided in foreign currencies, then the Contracting Entity shall convert them into the Polish zloty (PLN) at the average exchange rate of Narodowy Bank Polski [National Bank of Poland] as of the date of placing the offers.

F - Guarantee period

$$\text{Guarantee period (G)} = \frac{\text{number of months of guarantee period of the offer in question}}{\text{number of months of the longest guarantee period}} \times 5 \text{ points}$$

H - Delivery time

$$\text{Delivery time (T)} = \frac{\text{shortest delivery time (how many days)}}{\text{delivery time in the offer in question (days)}} \times 10 \text{ points}$$

XIII. DEPOSITS AND PERFORMANCE BONDS

1. The Contracting Entity does not require tender/offer security deposit.
2. The Contracting Entity does not require performance bond.

XIV. GENERAL TERMS AND CONDITIONS

1. The Contracting Entity requires that the Contractor, which offer will be evaluated as most advantageous, concludes the contract according to the Draft Contract specified in the Attachment no 7 to Request for quotation. At the stage of submitting offers, the Contractor may submit his comments and suggestions to the Draft contract in accordance with the procedure laid down in point VIII subsection 2 above.
2. Changes, resulting from the answers given by the Contracting Entity and having an impact on the content of Draft Contract, are binding to the Contractors.

XV. AWARD OF THE CONTRACT:

1. The Contracting Entity awards the contract to the Contractor(s) whose offer meet all the requirements and is selected as the most advantageous based on the criteria listed in section XI.
2. Under conditions determined during the procedure of selection of Contractors, the Contracting Entity submits the final version of the Contract to the prospective Contractor/ Contractors and the Contractor is obliged to sign it and return within **7 business days** from the date of its receipt.

3. If the Contractor whose offer is selected will evade the conclusion of the contract, the Contracting Authority may choose the next offer from among the remaining offers without conducting their re-evaluation.

XVI. FINAL INFORMATION:

1. The Contracting Entity reserves a right to conduct negotiations and/or to submit additional bids in form of an electronic auction and to allow not more than 3 bidders who submits the best Bid.
2. The Contracting Entity notifies the Contractor/Contractors of the term of negotiation and/or electronic auction with sufficient notice.
3. The offer submitted is rejected if:
 - a. it is not compliant with the Civil Code or the Commercial Companies Code or other generally applicable laws providing principles of representation of business entities,
 - b. is submitted in breach of the Request for quotations or requirements to participate in the procedure;
 - c. the content of the offer does not correspond to the content of the Request for quotation,
 - d. submitting the offer is an act of unfair competition within the meaning of provisions on combating unfair competition,
 - e. an offer was submitted by the Contractor excluded from the procedure,
 - f. is not valid under separate provisions,
4. The procedure may be changed or cancelled by the Contracting Entity if the co-financing guidelines would change.
5. The procedure may be closed or revoked by the Contracting Entity if material change, that could not be foreseen, occurs.
6. The Contracting Entity is allowed to conclude the contract with more than one Contractor.
7. Documents and information included in the Request for quotation may be used only in accordance with their intention. Information in each section is confidential and cannot be used to other purposes.
8. The Contractors are obliged to read the Request for quotation and its specific requirements carefully, considering questions asked by the Contractors and answers of the Contracting Entity.
9. The Contractors bear all the costs associated with preparing and submitting the tender, irrespective of its outcome. The Contracting Entity is not responsible for the costs incurred by Contractors in connection with the preparation and submission of the offer and does not provide for reimbursement of the costs of participation in the proceedings. The Contractors undertake not to raise any claims in this respect against the Contracting Entity.
10. The Contractors are not allowed to raise claims if their offer is rejected.
11. The Contractors excluded or rejected from the procedure would be informed about this fact after the procedure is resolved.
12. Any arrangements made prior to the conclusion of the contract do not give any legal basis for making financial claims against the Contracting Entity.
13. The Contractors acknowledge information clause related to 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)(Dz. Urz. UE L 119 z 04.05.2016, str. 1) („GDPR”) in the Attachment No 6 to the Request. The Contractor who applies for the contract is obliged to meet all formal and legal obligations connected with applying for the contract, also resulting from the GDPR, in the information obligation provided for in Art. 13 RODO concerning natural persons and their personal data to and from which the Contractor obtained data directly.

XVII. LIST OF ATTACHEMENTS

| | | | |
|---------------|---|---|---------------------------------------------------------|
| Attachment No | 1 | - | NDD |
| Attachment No | 2 | - | Technical specification. |
| Attachment No | 3 | - | Offer template |
| Attachment No | 4 | - | Declaration of the absence of capital or personal links |
| Attachment No | 5 | - | Procedure Eligibility Declaration |
| Attachment No | 6 | - | Information clause (GDPR) |
| Attachment No | 7 | - | Draft contract |
| Attachment No | 8 | - | Declaration that the capacities are made available |

Attachment No 1 – Non-disclosure Declaration to the Request for quotation No **P3/2020/07/10**

Non – Disclosure Declaration

with the request to provide the Technical Specification

(the statement is signed by the person with authority to represent the Contractor and submitted in written/paper form)

For the information purposes only.

In the event of inconsistency or discrepancy, the original Polish language version shall prevail.

In response to the Request for quotation for the Delivery of conversion of Deutz TCD2013 L04 V2 engine into explosion proof version according to Atex directive for a modern set of multi-purpose self-propelled mining machines published on P3/2020/07/10 concerning the selection of the Contractor to the project financed from the European Regional Development Fund under Measure 1.1.1. of the Smart Growth Operational Programme 2014-2020, Project Identification Number: POIR.01.01.01-00-0093/19 („A modern set of multi-purpose mechanized mining machines with computer – aided operation for the operator, designed for drilling and supporting galleries of underground mining and tunnel construction.”)

I hereby request for the Technical specification, in order to submit an offer in the response to the Request for quotation. I would appreciate it if you sent the Technical specification on the following e-mail address przetargi@minemaster.eu

Simultaneously, I declare that:

I, the undersigned acting on behalf of(the „**Contractor**”) undertake to preserve confidentiality of information, data or correspondence constituting business secrets, which would be included in the „Attachment No 2 to the Request for quotation - Technical specification,” and I declare and guarantee the Contracting Entity, that:

1. I acknowledge that the Technical specification includes in its entirety and in detail technical, technological and organisational information of the Contracting Entity, or other information of economic value that is not publicly available and whose confidentiality is protected by the Contracting Entity, and thus constitute a business secret within the meaning of Art. 11 of Act of 16 April 1993 on Fair Trading (Dz.U.2018.419).,
2. I will use the information specified in the Technical specification solely for the purpose of the preparation of the procedure and, as the case may be, of the implementation of the contract,
3. I accept that, I am not acquiring implicitly or otherwise any legal title to information included in the Technical specifications;
4. I undertake neither to disclose, nor to use and transfer to any other entity of all or any information of Technical Specification without the written consent of the Contracting Entity.

5. I would keep the information detailed in the **Technical specification** confidential and would limit access to the information only to those employees and subcontractors who are required to have the information for the purpose of this procedure and were previously obliged to preserve confidentiality under the conditions at least similar to the hereby agreement, and
 - a. I will instruct employees and subcontractors referred to above about the obligations arising from the content of this declaration, regarding confidentiality, and
 - b. I will not disclose data included in the Technical specification to third parties;
 - c. I will not use information included in the Technical specification, for purposes other than the award procedure;
 - d. under no circumstances I would copy information included in Technical specifications, unless it is required in order to apply for a contract, and I accept the fact that the copies of information specified in the Technical specification include business secret.
6. I am obliged to secure the Technical specification's data, constituting the Contracting Entities' business secret with the utmost care and I would protect storage devices containing the Technical specification against loss, damage, theft, the data hack and any unauthorized access.
7. I am obliged to inform the Contracting entity, about any event that could affect the security of storage data which include Technical specifications not later than within 3 days from obtaining the information about the incident related.
8. Not later than 7 days after the contract is awarded I would delete the Technical specification from any storage devices and I would destroy all the copies and recordings of the Technical specification.
9. If the Contracting Entity states that duties resulting from this Declaration were not fulfilled I would pay the Contracting entity PLN 100 000 (one hundred thousand zł) payable on first demand within 14 days from the date of receiving the demand.
10. If the damage resulted from the business secret misconduct exceeds the amount mentioned in point 9 above I accept responsibility over the reserved amount up to the full amount of damage.

Place, date.....

(signature and stamp of the person authorized to
represent the economic operator)



Attachment No 3 Offer template to the Request for quotation No P3/2020/07/10

Contractor's stamp

..... r.

The Contracting Entity:

Mine Master Sp. z o.o.

Wilków, ul. Dworcowa 27, 59-500 Złotoryja

NIP: 6940007277; REGON: 390234796;

KRS: 0000114912

The offer template

Acting on behalf of the Contractor

.....
(Registered name of the Contractor)

.....
(Registered address of the Contractor)

.....
(National Court Register number, if applicable)

.....
(telephone number, e-mail)

In response to the Request for Quotation concerning Delivery of conversion of Deutz TCD2013 L04 V2 engine into explosion proof version according to Atex directive for a modern set of multi-purpose self-propelled mining machines carried out pursuant to the Measure 1.1.1. Smart Growth Operational Programme 2014-2020, **I hereby submit the following offer:**

I declare that the offer meets all the requirements of the Subject of the Contract specified in the Request to quotation and relates to:

1. Deutz TCD2013 L04 V2 engine into explosion proof version according to Atex directive and I offer the following

Nett Price:.....

The contracting entity allows placing offers in the following currencies:

- Polish zloty (PLN)
- Euro (EUR)
- American dollars (USD)

If prices in the offer are provided in foreign currencies, then the Contracting Entity shall convert them into the Polish zloty (PLN) at the average exchange rate of Narodowy Bank Polski [National Bank of Poland] as of the date of placing the offers.

2. I offer working days form the day of awarding the Contract as time of delivery of the Subject Matter of the Contract.
3. I offer months of guarantee.
4. I offer a device with the parameters specified in Appendix 2 to the Inquiry - Technical Specification and attach to the offer the proposed list of changes for the Deutz engine. Thus, I confirm that the proposed offer meets the conditions:
A1. Environmental requirements (YES / NO).....
A2. Temperature requirements (YES / NO).....

Further I hereby declare:¹

1. I declare that I acknowledge the Request for quotation and I accept its conditions and do not raise objections. I undertake to perform the Subject Matter of the Contract in accordance with these conditions.
2. I declare that the offered Subject of the Agreement meets the requirements of the ATEX directive and that the relevant certificates (YES / NO) will be delivered with it.
3. 1. I declare that the price of the subject of the contract includes the price for:
C1. Technical specification (YES/NO)
C2. Use and Maintenance Manual (YES/NO)
C3. Commissioning: Participation in starting - up of the prototype device (YES/NO)
C4. Launch: training for the Ordering Party's operating personnel (YES/NO)
4. I confirm the Confidentiality statement– Attachment Nor 1 to the Request for quotation and I consider myself bound by its provisions.
5. If my offer is selected, I would conclude an agreement provided by the Contracting Entity in the place and time proposed by the Contracting Entity.
6. I declare that I feel bound by this offer within 30 days form the expiry of the date for submitting offers.
7. I declare that the would be carried out with the following sub-contractors / I declare that no subcontractors would be involved in the Contract operation
.....
.....
.....
(please provide names (companies) and addresses of subcontractors if they are already known)

¹ Concerns all of the lots of the Contract.



8. According to the Request for quotation I attach the following documents:
- a) List of changes for the Deutz engine
 - b) GDPRs' information clause to Request for quotation no
 - c) Declaration of the absence of capital or personal links
 - d) Procedure Eligibility Declaration
 - e) The recent excerpt from the National Court Register or the power of attorney or its authenticated copy made by the Contractor to the person authorized to act on its behalf if its power of attorney cannot be deducted otherwise.*
 - f) Certificate of liability insurance
 - g) Others
.....
 - h) The offered includes Sequentially numbered pages frpm the page to the page
.....

.....
(date and place)

.....
Stamp and signature of the Contractor

* Delete where applicable



Attachment no. 4 Declaration of the absence of capital or personal links P3/2020/07/10

.....
(place)

.....
(date)

.....
.....
.....
.....
(name and the address)

Declaration of the absence of capital or personal links

I declare that, is not linked capitally or personally with the Contracting Entity, e.g. company Mine Master Sp. z o.o. in Wilków.

The above means that there are no mutual affiliations between the Contracting Entity and the Contractor or persons authorised to make commitments on the Contracting Entity behalf or persons acting on the Contracting Entity behalf within preparation of and the contract award procedure itself, consisting in particular in:

- a) Participation as a partner in civil-law partnership or partnership;
- b) Possession of at least 10% of shares or stocks;
- c) Being a member of the supervisory or management body, proxy or attorney;
- d) Being a spouse, relative by blood or affinity in direct line or relatives by blood or affinity in the collateral line up to the second degree, or relatives by adoption, guardianship or curatorship.

.....
(stamp and signature)

Attachment no. 5 to the Request for quotation No. **P3/2020/07/10**

PROCEDURE ELIGIBILITY DECLARATION

Acting on behalf of (name of the Contractor),

I/We declare that I/We are aware of the requirements included in the Request for quotation for the **Delivery of conversion of Deutz TCD2013 L04 V2 engine into explosion proof version according to Atex directive for a modern set of multi-purpose self-propelled mining machines and:**

- We accept its requirements without any reservations,
- I/We have competence or authorization to conduct a specific professional activity, if demanded,
- I am/We are in economic or financial standing allowing to operate the order timely and in accordance with the requirements,
- I/We have necessary knowledge, experience and technical potential and the persons capable of performing the contract,
- Completed the delivery of the Subject of the Agreement or technically equivalent and implemented into serial production at least one type of drilling and bolting machine to be used in underground copper and ore mines,
- I am not subject to exclusion form the proceeding (lack of personal and capital links with the Contracting Entity listed in section IV of the Request for quotation).

.....
Signature of person which have legal
authorisation

Attachment no. 6 GDPRs' information clause to Request for quotation no. P3/2020/07/10

Information to be provided where personal data are collected from the data subject based on Art. 13 GDPR.

According to the General Data Protection Regulation 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) (Dz. Urz. UE L 119 z 04.05.2016, str. 1), hereinafter „GDPR”, I inform that:

- Your personal data is managed by the Mine Master sp. z o.o. with registered office in Wilków, 59-500 Złotoryja, ul. Dworcowa 27, e-mail: info@minemaster.eu;
- Ms Martyna Michalska is managing personal data in Mine Master sp. z o.o. contact: e-mail mmichalska@minemaster.eu, telephone: +48 67 8778 133;
- Your personal data is processed on the basis of Art. 6 par. point c GDPR in relation to the Request for quotation for the Delivery of conversion of Deutz TCD2013 L04 V2 engine into explosion proof version according to Atex directive for a modern set of multi-purpose self-propelled mining machines, No. P3/2020/07/10
- Persons or entities to whom the documents concerning this procedure will be made available according to the Request for quotation and the rule of competitiveness would be personal data recipients;
- Your data will be stored for 4 years from the date of completion of contract award procedure, and if the duration of the contract exceeds 4 years, the storage period covers the entire duration of the contract;
- The obligation to provide the personal data collected from the data subject is a requirement set out in relation to the rule of competitiveness related to participation in the proceedings;
- Your personal data will not be processed automatically according to Art. 22 GDPR;
- You have right to:
 - obtain access to your personal data; on the basis of art. 15 GDPR
 - correct the personal data on the basis of art. 16 GDPR **;
 - require restriction of processing regarding Your personal data on the basis of art. 18 GDPR with reservations from art. 18 par. 2 GDPR ***;
 - the right to file a complaint to the President of the Office for Personal Data Protection, if You decide that the processing of Your personal data violates the provisions of the GDPR;
- You do not have right to:
 - remove Your personal data according to Art. 17 par. 3 lit. b, d or e GDPR;
 - relocate Your personal data mentioned in Art. 20 GDPR;
 - to object against processing Your data according to art. 21 GDPR, because legal basis for processing exists in Art. 6 par. 1 lit. c GDPR.

.....
stamp and signature



Attachment No 8 Declaration of providing resources to the Request for quotation no P3/2020/07/10

.....

Name and address of the entity
providing the resources

In the proceedings for the award Contract award procedure conducted in accordance with the principle of competitiveness for the **Delivery of conversion of Deutz TCD2013 L04 V2 engine into explosion proof version according to Atex directive for a modern set of multi-purpose self-propelled mining machines No P3/2020/07/10**, I guarantee to make available to the Contractor

..... the following resources necessary for the implementation of the subject of the contract:

.....

Fromto

Date:.....

.....

Signature of the person authorised to
represent the entity providing the resources

