



Krakow, on 24 August 2017

TERMS OF REFERENCE

hereinafter: ToR

**in the procedure to award a public contract for services for the price lower than the equivalent of EUR
750,000 under Article 138o of the Act of 29 January 2004
Public Procurement Law (consolidated text Journal of Laws 2015.2164, as amended),
concerning:**

**THE DEVELOPMENT AND DELIVERY OF A TRAINING PROGRAMME FOR POLONEZ PROGRAMME
FELLOWS**

Reference No.: DSO.271.4.4.2017

**I. CONTRACTING AUTHORITY'S NAME AND ADDRESS****1. Narodowe Centrum Nauki [National Science Centre]**

Address: ul. Królewska 57, 30-081 Kraków

VAT no.: 676-24-29-638, **Statistical No. "REGON":** 121-361-537

Phone no. +4812-341-90-00, **Fax** +4812-341-90-99

E-mail address: zamowienia.publiczne@ncn.gov.pl

2. Announcements and materials concerning public tenders will be published at: www.ncn.gov.pl/BIP.

3. Contracting Authority's business hours: Monday – Friday from 8.00 to 16.00.

II. CONTRACT AWARDING PROCEDURE

The contract pertains to social services listed in the Attachment XIV to the directive 2014/24/EU with the value in PLN below the equivalent of EUR 750,000. The procedure is being carried out under Article 138o of the Public Procurement Law Act of 29 January 2004 (consolidated text Journal of Laws 2015.2164, as amended), hereinafter also referred to as "PPL Act".

III. SUBJECT OF THE CONTRACT

1. The Contract concerns the development and delivery of a training programme for POLONEZ programme fellows.
2. Detailed terms and conditions of contract performance are laid down in **Attachment 1 to ToR**. The description of the POLONEZ programme is enclosed as **Attachment 1A to ToR**.
3. The Contracting Authority requests that the Contractor specify the parts of the contract that it intends to subcontract.
4. The Contracting Authority does not accept variant bids.
5. Contract designation pursuant to the **Common Procurement Vocabulary (CPV)**:
80570000-0 –Personal development training services.

IV. SERVICE DELIVERY DATE

Services under Contract must be performed by 31 December 2019.

V. CONDITIONS FOR PARTICIPATION IN THE PROCEDURE

1. Bids can be submitted only by Contractors who meet the conditions for participation in the procedure laid out by the Contracting Authority with respect to:
 - 1) Competence or license to run specified professional activity, if required under separate laws;
The Contractor does not specify a detailed condition.
 - 2) Economic and financial standing;
The Contractor does not specify a detailed condition.
 - 3) Technical and professional capacity:
 - a) Experience in training activity, namely:
 - delivery, in the period of 3 years immediately preceding the deadline for submitting bids, of at least 15 training services in the thematic area specified in item V of Attachment 1 to ToR, with the training comprising at least 8 hours and delivered to groups of 10-20 participants,

including at least 3 services in the English language with the gross value of at least PLN 5,000 each;

b) Experience in cooperation with the R&D sector, namely:

- delivery, in the period of 3 years immediately preceding the deadline for submitting bids, of at least 4 training services in the thematic area specified in item V of Attachment 1 to ToR with the training comprising at least 8 hours and delivered to groups of 10-20 people, to at least three different institutions from the R&D sector;

c) Appropriate technical potential and personnel capable to perform the contract, namely

- at least 5 qualified trainers (the requirements applicable to trainers are specified in detail in item VII – TRAINERS AND EXPERTS of Attachment 1 to ToR).

2. The Contracting Authority verifies Contractors' compliance with conditions for participation in the procedure based on the documents and declarations enclosed to the bind and listed in Section VII.1 ToR.
3. Using resources of other entities:
 - 1) a Contractor can rely on resources of other entities, regardless of the legal relationship between the relevant entity and the Contractor. Should that be the case, the Contractor must **prove to the Contracting Authority that it will have such resources at its disposal in order to perform the contract, in particular by submitting a written obligation of the relevant entity to provide the Contractor with necessary resources for the period of their use for the purpose of contract performance**; a sample form of the written obligation is enclosed as Attachment 8 to ToR;
 - 2) **the entity that undertakes to make their resources available bears joint and several liability with the Contractor for any damage suffered by the Contracting Authority as a result of failure to make the resources available, unless it is not culpable for such a failure.**

VI. REASONS FOR EXCLUSION

A Contractor that fails to prove that they have met the conditions to participate in the procedure laid down in Section V ToR is barred from the public contract tender procedure by the Contracting Authority.

VII. LIST OF DECLARATIONS OR DOCUMENTS REQUIRED FROM CONTRACTORS

1. Contractors must submit the following declarations and documents:
 - 1) **declaration of compliance with conditions for the participation in the procedure**, compliant with the form enclosed as **Attachment 3 to ToR**;
 - 2) a list of training services in the English language, delivered or – in the case of periodical and continuous services – being delivered in the period of the 3 years immediately preceding the deadline for bid submission; if the bidder has run its operations for a shorter period, they list services delivered in that period; the list must specify the subject, delivery dates, clients to whom services were delivered, training language, the number of people trained, the number of hours and, in the case of training in the English language – also the value of such services. To the list the Contractor must append evidence confirming that the services in the English language were delivered or are being delivered properly, with reservation that with respect to periodical services or continuous services that are still being delivered evidence confirming proper performance should be issued not earlier than 3 months before the deadline for bid submission. The evidence referred to above includes reference letters, confirmations or other documents issued by the entity to whom the services were delivered. A list of services template is enclosed as **Attachment 4 to ToR**;
 - 3) a list of training services delivered or – in the case of periodical and continuous services – being delivered to at least three different R&D institutions in the period of the 3 years immediately

preceding the deadline for bid submission; if the bidder has run its operations for a shorter period, they list services delivered in that period; the list must specify the subject, delivery dates, clients to whom the services were delivered, training language, the number of people trained, the number of hours. To the list the Contractor must append evidence confirming that the services were delivered or are being delivered properly, with reservation that with respect to periodical services or continuous services that are still being delivered evidence confirming proper performance should be issued not earlier than 3 months before the deadline for bid submission. The evidence referred to above includes reference letters, confirmations or other documents issued by the entity to whom the services were delivered. The template of a list of services is enclosed as **Attachment 5 to ToR**;

- 4) a list of trainers meeting the criteria laid down in item VII of Attachment 1 to ToR (TRAINERS AND EXPERTS) who are at Contractor's disposal with information on their education and experience, including experience in conducting training in priority and optional areas, conducting training in the English language, allocated thematic area, the name of the institution to which the training was delivered. To the list of trainers should be attached the trainers' declarations of their command of English. The template of the list of persons is enclosed as **Attachment 6 to ToR**, whereas the template of the trainer's declaration of the command of English is enclosed as **Attachment 6A to ToR**;
- 5) written obligation of other entities to make necessary resources available to the Contractor for the purpose of contract performance if the Contractor relies on the technical potential of other entities, regardless of the legal relationship between such entities and the Contractor. Sample template of the obligation is enclosed as **Attachment 8 to ToR**;
- 6) if the bid is signed by an attorney – a power of attorney; this applies also to bids submitted by entities acting jointly, such as consortia members or partners in a civil law partnership. Power of attorney must specify the scope of authority and explicitly define activities that the attorney is authorised to perform;
- 7) valid extract from the relevant court register or the central register and information on businesses if other provisions of the law require registration in the court register or the business register, issued not earlier than 6 months before the deadline for bid submission;

2. Form of documents:

- 1) declarations referred to in item 1(1)-1(5) of this ToR section are submitted by the Contractor as originals in writing together with the bid;
- 2) letters of reference, certificates or other documents confirming that services have been or are being properly delivered referred to in items 1(2)-(3) of this ToR section are submitted as originals or certified true copies. Copies are certified as true copies by the Contractor or Contractors acting as joint bidders – with respect to the documents that pertain to each of them individually. Copies are certified as true copies in writing.
- 3) the power of attorney referred to in item 1(6) of this ToR section is submitted with the bid as the original or a true copy certified by a notary;
- 4) the documents referred to in item 1(7) of this ToR section are submitted with the bid as the original or a true copy certified by a notary. Copies are certified as true copies by the Contractor or Contractors acting as joint bidders – with respect to the documents that pertain to each of them individually. Copies are certified as true copies in writing.

VIII. SUBCONTRACTORS

The Contractor must specify the parts of the contract that it intends to subcontract and identify subcontractors' names.

**IX. CONTRACTORS ACTING AS JOINT BIDDERS**

1. Contractors can submit a joint bid for the contract (this applies to, for instance, consortium members or partners in a civil law partnership).
2. In such a case, Contractors appoint an attorney who will represent them in the tender procedure.
3. Provisions concerning the Contractor are applicable accordingly to Contractors acting as joint bidders.
4. Contractors acting as joint bidders can meet the conditions for participation laid down in Section V(1) ToR jointly.
5. In their bid Contractors acting as joint bidders specify their attorney's mailing address and telephone number. Any and all correspondence will take place only with the entity acting as the attorney.
6. Before the contract is signed, Contractors acting as joint bidders must submit to the Contracting Authority an agreement on joint contract performance (partnership, consortium agreement) specifying at least the following:
 - 1) obligation to perform the contract;
 - 2) specification of the scope of activities of the parties;
 - 3) duration of the agreement, which cannot be shorter than the period of contract performance.

X. INFORMATION ON CONTRACTING AUTHORITY'S COMMUNICATION WITH CONTRACTORS

1. The Contracting Authority and the Contractor submit any and all declarations, requests, notices and information:
 - 1) **in writing**, to the mailing address: Narodowe Centrum Nauki, ul. Królewska 57, 30-081 Kraków or
 - 2) **by e-mail** to: zamowienia.publiczne@ncn.gov.pl.
2. If the Contracting Authority or the Contractor submit any documents or information by fax or e-mail, each party must immediately confirm the receipt thereof at the request of the other party.
3. The persons authorised to contact Contractors are: in substantive matters – **Ms. Joanna Komperda** and **Ms. Katarzyna Borysiewicz** e-mail: polonez@ncn.gov.pl, informal matters – **Ms. Beata Habuda**, e-mail: zamowienia.publiczne@ncn.gov.pl.

XI. CLARIFICATIONS AND AMENDMENTS TO ToR

1. A Contractor can request the Contracting Authority to clarify the content of ToR.
2. Any requests must be sent by e-mail to the e-mail address specified in section X(1)(2) no later than on the day marking the middle of the period designated for bid submission. If the Contracting Authority receives a request for clarifications after this date, the Contracting Authority can leave the request unexamined.
3. The Contracting Party will immediately provide clarifications, publishing the question and answer, without revealing the source of the question, on the website where the ToR have been published.
4. In justified cases, the Contracting authority can, before the lapse of the deadline for bid submission, amend the ToR. The Contracting Authority shall immediately publish the amendment on the website where the ToR have been published. The amendment will be binding for the Contractors submitting their bids.

**XII. BINDING PERIOD OF THE BID**

Bids are binding for 60 days. The Contractor can extend the binding period of the bid, independently or at Contracting Authority's request, by a fixed period of no more than 60 days.

XIII. BID PREPARATION METHOD**1. General requirements:**

- 1) the bid with appendices must be made in writing in the Polish language or in the English language;
- 2) each Contractor can submit only one bid;
- 3) the bid form with declarations and documents prepared by the Contractor must be signed by persons authorised to represent the Contractor; if the bid is signed by persons whose authority to represent the Contractor is not confirmed by the registration documentation enclosed with the bid, the Contractor must append to the bid the power of attorney, either the original or a true copy certified by a notary;
- 4) any and all corrections or amendments to the bid must be signed by the person(s) signing the bid and must specify the dates on which such corrections or amendments were made;
- 5) any and all costs related to the preparation and submission of the bid are borne by the Contractor.

2. The bid must include:

- 1) a completed and signed bid form, the template of which is appended as **Attachment 2 to ToR**;
- 2) a training programme concept compliant with the requirements laid down in item IV of Attachment 1 to ToR;
- 3) an additional materials concept compliant with the requirements laid down in item VIII.5 of Attachment 1 to ToR;
- 4) Declarations and documents listed in section VII(1) ToR.

3. Bid packaging and marking:

- 1) The Contractor should place the bid in a non-translucent sealed envelope addressed to the Contracting Authority's address specified in section XV(1) ToR marked in the following way and bearing the Contractor's address stamp:

<p style="text-align: center;">BID</p> <p style="text-align: center;">to design and deliver a training programme for the POLONEZ programme fellows</p> <p style="text-align: center;">Reference No.: DSO.271.4.4.2017</p> <p style="text-align: center;">Do not open before 20 September 2017, 12:05.</p>
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- 2) NOTE: If the bid is delivered by courier mail, the external envelope must be also marked in the foregoing way.

**4. Business secret:**

If the Contractor makes a reservation that information that constitutes its business secret in the meaning of the Act on Preventing Unfair Competition cannot be made available, such information must be placed in a separate envelope inside the bid envelope and marked in the following way: **"Business secret information"**. What is more, the information on the proprietary nature of documents that constitute business secret must be specified in the bid form.

5. Amendment to or withdrawal of a bid:

- 1) A Contractor can amend or withdraw their bid on condition that the Contracting Authority is served a written notice on amendments to or a withdrawal of a bid before the date for bid submission, clearly marked as "BID WITHDRAWAL" or "BID AMENDMENT" and with the reference number placed on the envelope.
- 2) The Contractor cannot withdraw the bid or make any amendments to its content once the deadline for bid submission has lapsed.

XIV. PRICE CALCULATION METHOD

1. The Contractor must fill in the bid form enclosed as Attachment 2 to ToR and specify therein:
 - 1) gross price per one 2-day workshop;
 - 2) gross price per one networking meeting;
 - 3) total gross price for the bid calculated as the sum of the gross prices specified in items 1)-2) above.
2. The price should be inclusive of all costs related to contract performance, in particular taxes in compliance with effective laws and other terms and conditions compliant with the requirements laid down in ToR and concerning the comprehensive preparation and delivery of the training programme.
3. **The contract is financed entirely with public funds and is exempt from the value added tax (VAT) under Article 43(1)(29)(c) of the Tax on Goods and Services Act of 11 March 2004 (Journal of Laws 2017.1221 as amended)**
4. The bid price must be specified in Polish zloty (PLN), in digits and in words, with the precision up to two decimals.
5. No price indexation throughout the contract is stipulated, save for the circumstances specified in major contractual clauses.

XV. PLACE AND DATE OF BID SUBMISSION AND OPENING

1. Bids are to be submitted to the registered office of Narodowe Centrum Nauki, ul. Królewska 57, 30-081 Kraków, 1st floor, Documents Lodgement section – room 1/16 **by 20 September 2017, 12:00.**
2. Any bids submitted after the deadline for bid submission will be immediately returned by the Contracting Authority.
3. Opening of the bids is public and will take place on 20 September 2017 at 12:05 in the registered office of Narodowe Centrum Nauki, ul. Królewska 57, 30-081 Kraków, 1st floor, room 1/14.

XVI. BID ASSESSMENT CRITERIA

1. The Contracting Authority selects the best bid from the bids submitted within the procedure, based on the bid assessment criteria laid down in ToR.
2. Bid assessment criteria and their weight:

Criterion	Weight
Gross price of the bid	30%
Training programme concept	30%
Training delivered at request of R&D institutions in the English language	30%
Training materials	10%

3. Description of the bid assessment method:

- a) points awarded for the criterion **“Gross price of the bid”** are calculated pursuant to the following formula (maximum number of points – 30):

$$C = (C_{NAJ} : C_O) \times 30$$

where:

C – the number of points awarded to the bid,

C_{NAJ} – the lowest gross price among the bids that are not subject to being rejected,

C_O – gross price specified by the Contractor for whom the result is being calculated.

- b) points awarded for the criterion **“Training programme concept”** (maximum number of points – 30) will refer to the assessment of the concept submitted by the Contractor with the bid; if the Contractor fails to submit the concept with the bid, the bid is rejected.

The Contractor can be awarded the maximum of 30.00 points. Each concept will be assessed on the basis of the following subcriteria:

- completeness of the programme from the perspective of inclusion of all key issues listed in item V(1) of the Precise Description of the Subject of the Contract – 5 points,
- description of skills and competences to be acquired by workshop participants explaining which programme components enable the attainment of such goals – 10 points;
- presentation of the practical aspects of knowledge taught (how the workshops could be practically applied by participants, including during their POLONEZ fellowships) – 5 points;
- presentation and rationale for the training programme objectives assumed in the concept – 3 points
- adjustment of the training programme concept to the participants’ group with specification which components of the programme refer strictly to the academia – 4 points
- presentation of networking meeting scenario inclusive of the outcomes described in the Precise Description of the Subject of the Contract – 3 points

- c) Points awarded for the criterion **“Training delivered in the English language at request of R&D institutions”** (maximum number of points – 30):

In the criterion **“Training delivered in English at request of R&D institutions”** the Contractor is given 3 points per each training carried out during the last 3 years in the English language at request of a research institution from the R&D sector (the training of at least 8 hours for the groups of 10-20 people). The maximum number of points to be awarded for this criterion is 30.

- d) Points awarded for the criterion **“Training materials”** (maximum number of points – 10) shall be based on the evaluation of the additional materials concept submitted by the Contractor with the bid; if the Contractor fails to submit the concept with the bid, the bid is rejected.

The Contractor shall receive points for the means of making the materials available (here in the sense of: dropbox, e-learning platform, e-mail, etc.) and for the diversity of types/techniques (here in the sense of: film, animation, game, quiz, etc.) of the additional resources offered to Programme Participants (extension of the workshops).

The Contractor shall receive up to 10,00 points:

- for additional multimedia/interactive training resources – 6,00 points
- for additional practice tasks with answers/feedback – 2,00 points
- for the opportunity for programme participants to consult with trainers through computer-mediated communication – 2,00 points

4. All points will be calculated with the precision up to two decimals.
5. The bid which has been awarded the highest number of points (the sum of points awarded for all criteria) is deemed the best bid.

XVII. BID EXAMINATION AND ASSESSMENT

1. Clarification and supplementation of declarations, documents and powers of attorney:

- 1) should the Contractor fail to submit the required declarations, documents or powers of attorney with the bid or if such documents are incomplete, defective or raise Contracting Authority's reasonable doubts, the Contracting Authority will request such documents to be re-submitted, supplemented or corrected or will request clarifications in the period specified by it unless the bid would be rejected despite the submission, supplementation or correction or if the procedure had to be invalidated;
- 2) the documents that form an integral part of the bid, such as the bid form, price form, concept, additional materials concept are not subject to supplementation;
- 3) in the case referred to in item 2(1), a Contractor will be requested to submit, supplement or correct a document only once with respect to each declaration, document or power of attorney.

2. Clarification to the bid:

- 1) at the stage of bid examination and assessment the Contracting Authority may request Contractors to provide clarifications concerning their bids;
- 2) the Contracting Authority and a Contractor cannot run any negotiations concerning the submitted bid or make any modifications to the bid.

3. Error correction:

The Contracting Authority will correct obvious typing errors and obvious arithmetic errors in Contractor's bids taking account of the arithmetic consequences of such corrections.

4. A bid is rejected by the Contracting Authority if:

- 1) the bid does not comply with the requirements laid down in ToR;



- 2) bid submission is an act of unfair competition in the meaning of the laws on preventing unfair competition;
- 3) it proposes a flagrantly low price or cost for the services to be contracted;
- 4) it contains price calculation errors that cannot be corrected as obvious calculation errors.

XVIII. BEST BID SELECTION AND CONTRACT AWARD

1. The Contracting Authority selects the best bid from the bids submitted within the procedure and not subject to rejection, based on the bid assessment criteria laid down in ToR.
2. The Contracting Authority immediately notifies all Contractors of:
 - 1) the selection of the best bid, specifying the name or the name and surname, registered office or the residence address if the residence address is the business address of the selected Contractor, together with the points awarded to the bid of the Contractor being notified for each bid assessment criteria and in total;
 - 2) invalidation of the procedure, specifying actual and legal grounds.
3. The contract will be signed in place and on the date specified by the Contracting Authority.
4. If the winning Contractor evades the signing of the contract awarded in a public tender procedure, the Contracting Authority can select the best bid from amongst the remaining bids, without re-examination and re-assessment, unless one of the conditions for the invalidation of the procedure is met.
5. Persons representing the Contractor when signing the contract must hold documents confirming their authority to sign the contract if such authority is not evidenced by the documents enclosed to the bid.

XIX. MAJOR CLAUSES THAT WILL BE INCLUDED IN THE CONTRACT AWARDED IN THE PUBLIC TENDER PROCEDURE

Major contractual clauses are laid down in **Attachment 7 to ToR**.

XX. CONDITIONS FOR INVALIDATION OF THE PROCEDURE

The Contracting Authority invalidates the procedure to award a public contract if:

- 1) no offer which would not be subject to rejection has been submitted;
- 2) the price of the best bid or the bid with the lowest price is higher than the amount the Contracting Authority intends to allocate to finance the contract, unless the Contracting Authority can increase that amount to match the price of the best bid;
- 3) the procedure is affected by an irremediable defect that would result in awarding the contract in breach of the rules laid down in Article 138o(2) of the PPL Act.

XXI. ADDITIONAL INFORMATION

Contractors have the right to view the minutes and the bids throughout the procedure, except for the documents classified as business secret in the meaning of the Act on Preventing Unfair Competition.

XXII. APPENDICES TO ToR

- Attachment 1:** Precise description of the subject of the contract
Attachment 1A: POLONEZ programme description;



- Attachment 2:** Bid form;
- Attachment 3:** Declaration on compliance with terms and conditions to participate in the procedure;
- Attachment 4:** Template of the list of services;
- Attachment 5:** Services for the R&D sector list template;
- Attachment 6:** Template of the list of people;
- Attachment 6A:** Trainer's declaration on command of English;
- Attachment 7:** Major contractual clauses;
- Attachment 8:** Obligation of a third party on provision of resources – sample template.