

**Procurer:**  
**Biotrio Sp. z o.o.**  
**Ul. Potoki 2/10, 02-717 Warsaw**  
**NIP: 521-383-48-90**

**Address for correspondence:**  
**Dąbie 164B, 21-400 Łuków**

## **Request for proposal**

### **Task: Containerized blast freezing chamber**

In connection with the implementation of the investment project carried out under the National Recovery and Resilience Plan Programme, we invite tenders for the sale, supply and commissioning of one of a containerized blast freezing chamber.

### **Description of the subject matter of the contract**

1. The essentials of the contract are set out in Appendix 2 to the enquiry - technical specifications.
2. Purpose of the unit: Shock-freezing chamber
3. The cost of a comprehensive delivery of the device and its start-up in the Ordering Party's production plant in Dąbie 164B, 21-400 Łuków should be accepted for the calculation.
4. The contracting authority shall not allow more than one tender to be submitted by a single tenderer or a group of joint tenderers. It is not permissible to submit tenders containing more than one variant for the execution of the task.
5. The contracting authority shall allow the use of equivalent technical solutions to those adopted in the technical specifications that do not compromise the basic technical and performance objectives.
6. The contracting authority does not allow partial bids.

### **Contents of the offer**

Essential elements required in a bid

**The offer should include at least:**

1. **The full name and address of the tenderer, as well as the tenderer's VAT number and the number of the entry in the relevant register in which the tenderer is entered.** The records in the relevant register in which the tenderer is entered shall confirm that the person(s) signing the tender are authorised to represent the tenderer.
2. The tenderer's e-mail address for correspondence concerning this procedure
3. The full name and registered address of the purchaser (including postal address if different from the registered office address)
4. The full name of the task
5. Date of offer

6. Expiry date of the offer - minimum 3 months required
7. Time to complete the task (in weeks or days after signing the contract)
8. **The final net and gross value of the offer.**
  - a. **The bid value cannot include the cost of customs, packaging, insurance, cost of training, cost of spare parts, cost of travel, per diem, design documentation, legalisation.**
  - b. **The value of the offer consists of the comprehensive execution of the task at the operating production site Dąbie 164B, 21-400 Łuków.**

**The bidder is required to submit a statement as Appendix 3 to the enquiry confirming the above.**
9. The bid should be made in writing on the Bidder's letterhead or bear the Bidder's company stamp and should be signed by persons authorised to represent the Bidder.
10. **Specifying in months the warranty period for the subject of the contract calculated from the date of written acceptance of the commissioned equipment by the Purchaser.**
11. **Provide in hours the time of arrival of the service to the Purchaser's plant in the event of an emergency stoppage.**

**Tenders not containing the above elements will be rejected for formal reasons.**

#### **Conditions for participation in the procedur**

1. Bidders must meet the conditions listed below:
  - 1) Be authorised to carry out activities or actions in the scope corresponding to the subject matter of the enquiry and not be subject to exclusion from the possibility to perform a task on the basis of separate regulations or final court judgements. In order to confirm the fulfilment of this condition, the Economic Operators are obliged to submit a statement according to the template specified in Annex No. 3 to the enquiry.
  - 2) Have the necessary knowledge and experience in the area covered by the task in question and have the technical potential and people capable of performing this contract.
  - 3) Have public liability insurance for damage arising from their business activities.
  - 4) Be in an economic and financial position to perform this contract.
  - 5) Not be in a state of bankruptcy or liquidation or in a state justifying the filing of a bankruptcy petition;
2. The fulfilment of the conditions outlined above will be assessed on the basis of the bidders' signed declarations attached as Annex 1 and 3 to this enquiry. **Failure to include a statement from the bidder confirming compliance with the above conditions will result in rejection of the bid.**

#### **Criteria for evaluation of the offer and the way in which points will be awarded for meeting the criterion**

1. Bid evaluation criteria.

The bidder is obliged to include data in the bid that allows the bid to be evaluated according to the following criteria:

Lp.	Offer evaluation criteria	Criterion weighting
1	Total tender value in PLN (net)	80%
2	Warranty period for the object of the contract (in months)	10%
3	Service arrival time at the customer's premises in the event of an emergency stop of the equipment (in hours)	10%
	<b>Razem</b>	<b>100%</b>

2. Method of awarding points for meeting the criterion:

The evaluated bid will receive the number of points resulting from the bid evaluation criteria, rounded to two decimal places, calculated on the basis of the following formulas:

The total number of points obtained by the Bidder will be determined according to the formula:

$$\text{TOTAL} = C \times 80\% + G \times 10\% + S \times 10\%$$

where: SUM - total points obtained

C - points for the criterion: total value of the offer in PLN

G - points for the criterion: guarantee period for the subject of the contract S

- points for the criterion: service arrival time

**Criterion 1 - Total tender value in PLN**

$$C = (C_{\min} / C_{\text{of}}) \times 100 \quad \text{where:}$$

-  $C_{\min}$ : lowest price among the submitted bids

-  $C_{\text{of}}$ : price proposed in the tender

- C: number of points awarded to the bid for the criterion of net price

*NOTE: If an offer is submitted in a currency other than the Polish zloty, the Contracting Authority, for the purpose of calculating points for a given criterion, will convert the net price Z using the - sales exchange rate for a given currency as quoted by the National Bank of Poland, Table A, from the day preceding the submission of the offer.*

**Criterion 2 - Warranty period for the subject of the contract (in months)**

$$G = (G_{\text{of}} / G_{\text{max}}) \times 100 \quad \text{where:}$$

-  $G_{\text{of}}$ : the guarantee period proposed in the respective bid in months.

-  $G_{\text{max}}$ : the longest warranty period among the bids submitted, given in months.

- G: number of points awarded to an offer for the criterion of guarantee period.

***(Note: in the case of a guarantee conditional on the Purchaser incurring additional costs not included in the offer, such costs should be specified in the offer. These costs will increase the***

*total cost of the bid and will be subject to evaluation under the criterion "total value of the bid")*

**Criterion 3 - Service arrival time at the customer's premises in the event of an emergency stop of the equipment (in hours)  $S = (S_{min} / S_{of}) \times 100$  where:**

- $S_{min}$ : the shortest response time to a service request among the bids submitted, given in hours.
- $S_{of}$ : the service response time proposed in the respective bid, given in hours.
- $S$ : the number of points awarded to an offer for the service arrival time criterion.

NOTE: For the purpose of calculating the points for a criterion (specifying the warranty period, the response time to a service call in the event of a if a parameter is given in a unit other than that indicated, it shall be assumed that 1 month = 30 days and 1 week = 7 days.

**In order for an appropriate number of points to be awarded under each criterion, it is a condition that the bid contains relevant information confirming the fulfilment of the criteria.**

The bid with the highest number of points will be considered the most advantageous.

3. If more than one tender obtains the same number of points calculated according to the above criteria,
  - a. selection will be based on criterion I. -value of the offer - selection of the cheaper offer.
  - b. In the event that more than one bid with the same number of points and the same lowest bid price is obtained, the Contracting Authority shall call upon bidders whose bids have obtained the same number of points and have the same bid cost to submit, within 7 calendar days of receiving the call by email, additional bids concerning the bid cost.
  - c. When submitting additional bids, contractors may not submit a price or cost higher than that in their bids.

**Deadline for submission and opening of tenders:**

1. The offers should be submitted to w plant production facility of the contracting authority (secretariat)  
**Biotrio Sp. z o.o., Dąbie 164B, 21-400 Łuków** by the deadline:

by	22 January 2024	to hrs.	15:00
----	-----------------	---------	-------

2. The tender must be submitted in an opaque, tamper-proof envelope (package). The envelope (package) should be described as follows:

Bid in proceedings: Containerized blast freezing chamber – **not to be opened before the deadline for the submission of tenders**

3. The envelope (package) shall bear the name and address of the Bidder in addition to the description as mentioned above.

4. It is only permissible to submit a tender in writing, delivered in person, by courier or by post. In each case, the date of receipt at the headquarters of the Purchaser's production facility shall count.

5. Any tender submitted after the deadline for submission of tenders shall be rejected.

6. The opening of tenders will take place at the Purchaser's production site

on	23 January 2024	at	12:00
----	-----------------	----	-------

### **Conditions for excluding a tenderer from the procedure**

The following entities may not participate in the proceedings:

1. Entities with personal or capital relations with the Contracting Authority. Capital or personal links shall mean mutual links between the beneficiary or persons authorised to incur liabilities on behalf of the beneficiary or persons performing activities on behalf of the beneficiary related to the preparation and conduct of the procedure for selecting the contractor and the contractor, consisting in particular in:
  - a. participating in a company as a partner in a civil partnership or partnership;
  - b. owning at least 10 % of the shares;
  - c. acting as a member of a supervisory or management body, proxy or attorney;
  - d. be married or in a relationship of consanguinity or affinity in the direct line; of kinship or affinity in the second degree in the collateral line; or in a relationship of adoption, custody or guardianship;
  - e. have such a legal or factual relationship with the economic operator that it may give rise to justified doubts as to their impartiality.
2. The bidder is obliged to attach to its bid an appropriate statement confirming that there are no prerequisites for excluding the bid from the procedure. A specimen of the statement is enclosed as appendix no. 1 and 3 to this enquiry. **Tenders without the declarations according to the attached samples, signed and stamped by the authorised representatives of the tenderer, will be rejected for formal reasons.**

### **Lead times**

The final date acceptable to the purchaser for acceptance for use of the subject matter of the contract is set for **30/06/2024**.

An extension of the final date for acceptance for use of the subject matter of the contract may take place as a result:

- a) the occurrence of force majeure (including strikes, riots, demonstrations, war, pandemics);
- b) documented and justified delay in the manufacture of machinery and equipment by manufacturers, which the Supplier could not have foreseen on the day of submitting the offer

and signing the contract for the supply of equipment. In this case, the Purchaser may demand payment of contractual penalties.

### **Rules for modifying the content of the request for proposals and modifying tenders**

#### Modification of the tender enquiry

1. The contracting authority shall be entitled to modify the content of the request for tenders before the deadline for submission of tenders.
2. In the case of modification of the content of the enquiry, appropriate information will be placed on the ARMA announcement portal and the Company's website next to the placed enquiry. In the case of a significant modification of the request for quotation, when the modification of the request for quotation will require the extension of the deadline for submission of quotations, the deadline for submission of quotations will be extended by at least 3 working days.
3. A material amendment to the enquiry is understood to be:
  - a. Changes to the technological design
  - b. Modification of the conditions for participation of tenderers in the procedure
  - c. Amending the criteria for evaluating tenders
4. Modification of the request for proposals after the deadline for submission of tenders is not possible

#### Offer modification

1. An amendment to a tender submitted before the deadline for the opening of tenders is only possible by withdrawing the tender and resubmitting a revised tender before the deadline for the opening of tenders.
2. Modification of the bid after the deadline for the opening of bids is not possible.
3. In the course of the examination and evaluation of tenders, the Contracting Authority may request clarifications from the contractors regarding the content of the submitted tenders. The Contracting Authority and the Tenderer may not conduct negotiations concerning the submitted tender or make any changes in its content.

### **Rejection of the offer**

A tender shall be rejected if:

1. its content does not correspond to the content of the request for quotation or
2. was submitted by an entity:
  - i) who do not meet the conditions for participation in the procedure for selecting the contractor for a given task included in the request for proposals, or
  - ii) having personal or capital relations with the Beneficiary or persons authorised to contract on his behalf, or persons performing in his name actions connected with the preparation and carrying out of the procedure for selecting the contractor and the contractor. The aforementioned relationships consist in:
    - participating as a partner in a civil partnership or partnership;
    - holding at least 10 per cent of the shares of an incorporated company;
    - acting as a member of a supervisory or management body, proxy or attorney;
    - they are married or have a relationship of consanguinity or affinity in a direct line, second degree or collateral affinity, or a relationship of adoption, custody or guardianship; they have such a legal

- or factual relationship with the economic operator that it may raise justified doubts as to their impartiality; or
3. It was submitted after the deadline for submission of tenders specified in the request for tenders.
  4. An incomplete bid has been submitted.

### **Cancellation of proceedings**

**The Contracting Authority reserves the right to terminate the tender procedure at any stage without selecting any of the bids and to re-launch the procedure for the same scope.**

### **Key conditions for the performance contract**

1. The tender selected for execution shall constitute an annex to the contract with the Contractor
  2. It is permissible to use substitute technical solutions during the execution of the task, provided that:
    - be justified by technical and technological conditions
    - do not compromise technical and technological performance
    - the application of the alternative solution shall be agreed by both contracting parties in writing
    - the use of substitute technical solutions will not affect the value of the concluded contract.
  3. The contract concluded with the selected contractor may be amended if the amendment does not reduce or increase the scope of performance.
  4. An amendment to the concluded contract resulting in a reduction in the scope of performance is admissible if, due to the occurrence of circumstances unforeseeable at the time of concluding the contract, the performance of part of the work hitherto covered by the task has become unnecessary for the proper execution of the task.
  5. An amendment to a concluded contract resulting in an increase in the scope of performance is permissible if, for the proper performance of a given task, it is necessary to perform additional work not previously covered by this task, and the necessity for its performance arose as a result of unforeseeable circumstances. at the time of the conclusion of the contract, with performance:
    - a) of these works as a new task would result in a significant increase in costs for the Contracting Authority or
    - b) of the task in question is either conditional on the completion of this work or without the completion of this work it is not possible to complete the task in question in its entirety.
5. The commissioning process will be completed with an acceptance protocol for the device/refrigeration unit, signed by both parties after checking the correctness of the documentation provided.

**Annex no. 1 to the request for quotation**

**DECLARATION BY THE TENDERER**

I/we declare that:

- a. I/we have the necessary knowledge and experience to carry out the work/supply of the equipment that is the subject of the enquiry and have the technical potential and people capable of performing this contract.
- b. We are in an economic and financial situation which guarantees the performance of this contract, in particular we have civil liability insurance for damage resulting from our business activities We are not in a state of bankruptcy or liquidation or in a state justifying the filing of a bankruptcy petition;

I/we declare that I/we are not subject to exclusion from the procedure, in particular:

no capital or personal relations with the Contracting Authority, which means mutual relations between the Contracting Authority or persons authorised to make liabilities on behalf of the Contracting Authority or persons performing activities on behalf of the Contracting Authority connected with the preparation and conducting of the procedure for selecting the contractor and the contractor, consisting in particular of the following

- a. participation in a company as a partner in a civil partnership or partnership; holding at least 10 per cent of the shares;
- b. acting as a member of a supervisory or management body, proxy or attorney;
- c. be married or in a relationship of consanguinity or affinity in the direct line; of kinship or affinity in the second degree in the collateral line; or in a relationship of adoption, custody or guardianship;
- d. have such a legal or factual relationship with the economic operator that it may give rise to justified doubts as to their impartiality

.....  
date

.....  
signature of person authorised to represent the tenderer



## **TECHNICAL SPECIFICATIONS**

### **1. Task: Containerized blast freezing chamber**

Subject matter of the technical specification.

The task includes the device/cold store - Container shock freezing chamber according to the following specifications, its delivery to the production plant of the Ordering Party: **Biotrio Sp. z o.o.** including assembly and commissioning at the production plant at **Dąbie 164B, 21-400 Łuków.**

#### 2. Device specifications:

- a. Containerized shock freezing chamber designed for freezing pre-frozen fruit, vegetables, juices and herbs and freezing fresh fruit, vegetables, juices and herbs. The device is adapted to ensure the optimal freezing process for such raw materials as: strawberry, raspberry, chokeberry, apple, black forest berry, blueberry, banana, cherry, chives, parsley, dill, basil, barley grass juice, oat grass juice, nettle juice.
- b. Minimum internal dimensions for the device (L x W x H): 7,2m x 2,50m x 3,50m.
- c. Double-leaf entrance gate, minimum size (width x height) 2m x 3m. Gates designed for frequent opening and closing of the chamber - (at least 10 times a day)
- d. Possibility of freezing fruit to a temperature of -35 degrees Celsius or lower.
- e. Freezing time from a temperature of -18 degrees Celsius to a temperature of -35 degrees Celsius for an amount of 1500 kg of fruit/vegetables/herbs (raw material spread on aluminum trays, layer thickness up to 4 cm, free vertical space between trays of at least 6 cm) - maximum 3 hours.
- f. Freezing time from a temperature of +15 degrees Celsius to a temperature of -35 degrees Celsius for an amount of 1500 kg of fruit/vegetables/herbs (raw material spread on aluminum trays, layer thickness up to 4 cm, free vertical space between trays of minimum 6 cm) - maximum 8 hours.
- g. The chamber must be equipped with its own insulated floor. The thickness of the floor cannot exceed 20 cm.
- h. The thickness of the side walls and ceiling wall is at least 12 cm, filled with polyurethane foam, sheet metal on both sides of the panels.
- i. Inside the chamber, the mounting for installation by the Ordering Party of a support rail for carts for trays of raw material through the entire length of the chamber. The weight of raw material, rail and carts - a total maximum of 4500kg. The lower height of the rail attachment, measured from the floor on which the chamber will be placed: 200cm. The weight will be distributed inside the chamber evenly on the rail. The rail will be fixed ideally in the center of the door opening of the blast freezing chamber, at the height indicated above.
- j. The chamber must be assembled indoors from ready-made elements. Dimensions of the narrowest passage in the building where the chamber elements will be transported: 2m x 3m (width x height).
- k. Refrigeration equipment located outside the shock freezing chamber placed on one frame (except air coolers which should be placed outside the building). Maximum dimensions of the frame with cooling devices (width x height) 2m x 3m.
- l. Refrigeration device powered by a compressor unit of a renowned brand, such as: Carrier, Starcool, ThermoKing, Daikin, Bitzer.
- m. Refrigeration unit based on a refrigerant other than ammonia.
- n. Possibility of smooth temperature regulation.

- o. The device is equipped with 2 control stations - one mounted on the frame with refrigeration equipment, the other to be hung anywhere in the production hall, up to 30 m from the frame with refrigeration equipment. Cable or wireless communication.
  - p. Warranty for the cooling unit is at least 24 months.
  - q. Warranty for installation service for at least 12 months.
  - r. Distance in a straight line from the place of installation of the frame with refrigeration equipment to the place of installation of external coolers for the refrigerant and oil - approx. 8 m
  - s. The distance of the outer side wall of the shock freezing chamber from the place of installation of the frame with refrigeration equipment - approximately 5 meters in a straight line.
  - t. Distance of the electrical connection from the place of installation of the frame with refrigeration equipment - approx. 4 meters in a straight line.
  - u. The production hall in which the chamber will be installed has a steel structure from which supporting troughs for cables/pipes can be suspended.
  - v. Heat exchanger installed and connected to the refrigeration system for the heat recovery system from oil and refrigerant (the size of the exchanger is adapted to the amount of heat generated by the refrigeration system)
3. Materials and equipment:
- This inquiry applies only to brand new, unused, undamaged devices that are not the subject of exhibitions or exhibitions.
  - - All materials and devices supplied by the bidder should be admitted to trading on the European market, have a CE declaration of conformity and appropriate technical approvals and hygienic certificates,
  - - Materials that come into contact with the product should have appropriate hygiene certificates allowing contact with food.
4. Documents required from the selected supplier:
- ✓ CE declaration
  - ✓ DTR documentation
  - ✓ Acceptance protocol
  - ✓ Written warranty

An offer whose content does not fully meet the above specifications will be rejected.

Installation location: Dąbie 164B, 21-400 Łuków, installation service includes delivery of the device and installation in the indicated place inside the hall

**Annex no. 3 to the request for quotation**

**DECLARATION BY THE TENDERER**

1. I/We declare that the person(s) signing the tender and its annexes is/are authorised to represent the tenderer, and that no circumstances have occurred as of the date of signing the tender and its annexes which could affect the correct representation of the tenderer. In the case of proxies, I/we declare that the power of attorney of the person(s) signing the bid has not, in particular, been revoked, modified or expired.
2. I/We declare that the bid submitted does not include in the price the costs of customs duties, packaging, insurance, training costs, costs of spare parts, costs of travel and per diems of personnel, project documentation, legalisation.
3. I/we declare that we are authorised to carry out activities or actions in the scope corresponding to the subject matter of the enquiry and that the members of the management board/persons responsible for the execution of the offer are not subject to exclusion from the possibility to execute the task on the basis of separate regulations or final court judgements.

.....  
date

.....  
signature of person authorised to represent the tenderer