

Letter of Inquiry No. DA/12/06/2021

WROCLAW, 2nd June 2021

LETTER OF INQUIRY

of the contract award procedure for providing the service by the foreign lecturer for the training in English "Technology transfer and commercialization options" during purposes of the implementation of the project "TrainESEEv.2. Training trainers in East and Southeastern Europe", financed by EIT Raw Materials GmbH under PA 19159,

DETAILED DESCRIPTION OF THE SUBJECT OF THE CONTRACT

I. ORDERING PARTY:

KGHM CUPRUM sp. z o.o. - Centrum Badawczo-Rozwojowe ul. Gen. Wł. Sikorskiego 2-8, 53-659 Wrocław	
REGON: 930093846 NIP: 8960001770 Tel. +48 71 78 12 201 Fax +48 71 34 43 536 www.cuprum.wroc.pl kghm@cuprum.wroc.pl	<u>Contact person for the Inquiry:</u> Izabela Górnaś <u>e-mail: igornas@cuprum.wroc.pl</u> <i>Tel. 71 78 12 206, mobile +48 609 822 830</i>

II. CONTRACT AWARDING PROCEDURE

The pursuant to Article 3 of the Act of 29 January 2004 Public Procurement Law (Journal of Laws of 2013, item 907, hereinafter: "PPL ACT") is not an entity obliged to apply it. Therefore, subject of the contract for the project follows the principle of fair competition and best value for money.

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III. THE PLACE OF PUBLICATION OF THE LETTER OF INQUIRY

1. Publication of the Letter of Inquiry on the Ordering Party's website: <https://kghmcuprum.com/przetargi/> placing the Inquiry at the registered office of KGHM CUPRUM Ltd. R&D Centre, ul. Gen. Wł. Sikorskiego 2-8, 53-659 Wrocław and sending to minimum 3 potential contractors.

IV. DESCRIPTION OF THE SUBJECT OF THE CONTRACT

1. The subject of the contract is: Choosing a foreign trainer whose task will be to prepare and conduct training in English "Technology transfer and commercialization options" during purposes of the implementation of the project "TrainESEEv.2. Training trainers in East and Southeastern Europe", financed by EIT Raw Materials GmbH under PA 19159.
2. Subject of the contract according to the classification of the Common Procurement Vocabulary (CPV):
80000000-4: Education and training services,
80510000-2 Specialist training services,
80511000-9 Staff training service,
80500000-9 Training services,
80400000-8 Adult and other education services
3. The training aims to understand the key concepts relevant to the transfer and commercialization of technology and the possibilities of implementation in everyday work with innovations for innovators, scientists and other employees related to the creation and use of scientific innovations. The training should be planned for a group of about 20 participants. The training should include a theoretical overview and practical training (case studies, discussions, presentations) of the review of various possibilities for commercializing scientific innovations developed in research organizations or universities. Participants should learn about IP valuation methods, how to evaluate and compare different innovation initiatives.
The training will be held between 15th and 19th of November 2021, 10 training's hours, stationary in Miskolc, Hungary or online.
The place of training and the form of the training depend on the situation of the COVID-19 pandemic development and the restrictions prevailing in European countries.
4. A detailed description of the subject of the contract is presented in **Annex 1** to this Inquiry.
5. The contractor must present the entire order.

V. TERMS OF PARTICIPATION IN THE PROCEEDINGS

1. The Contractors who meet certain conditions may apply for the award of the contract:
 - a) holding the minimum doctoral degree of engineering and technical sciences and ten (10) years of professional practice,
 - b) during the last five (5) years before the deadline the deadline for submitting offers, they conducted trainings services in the field of commercialization of scientific solutions and technology transfer), in English, at a university, in a research and development unit, unit conducting research and development activities or in a company in one of the European Union countries. Required, at least 5 certificates, references or other documents, from at least 3 different Ordering Parties confirming that the trainings have been carried out by the Contractor for the benefit of these Ordering Parties,
 - c) during the last five (5) years before the deadline for submitting offers, they were employed as a trainer/ expert in the field of commercialization of scientific solutions and technology transfer in one of the European Union countries for a period of at least one year;
 - d) have at least ten (10) years of experience in the field of commercialization of scientific solutions , technology transfer and IP,
 - e) have publications in journals, magazines, literature for the last ten (10) years (required, at least 5 publications, confirmed with list of publications),
 - f) Document filed patent applications (minimum 2),
 - g) is in a stable and guaranteeing the execution of the contract in financial and economic situation.
 - The fulfilment of the condition will be verified based on The Contractor's declaration contained in Annex 4 to this Inquiry,
 - h) there are no liquidation or bankruptcy proceedings and is not in bankruptcy
 - The fulfilment of the condition will be verified based on The Contractor's declaration contained in Annex 4 to this Inquiry,
 - i) are not in arrears with contributions to the Tax Office and the Social Insurance Institution (if applicable)
 - The fulfilment of the condition will be verified based on The Contractor's declaration contained in Annex to this Inquiry.
2. Verification of compliance with the above conditions for participation in the procedure will be determined based on the submitted declaration, **Annex 4** to this Inquiry and:
 - a) documents confirming 10 years of professional experience in the field of engineering and technology sciences and ten (10) years of professional practice in the of technology transfer,
 - b) references, certificates or other documents confirming the provision of training services in the selected area,

- c) evidence of employment as a trainer/expert in the commercialization during the last 5 years,
- d) document the list of publications, list of references,
- e) document a list of patent applications filed.

The signing of the declaration and submission of supporting documents about the experience will be treated as confirmation of compliance with the conditions.

3. Any Contractors failing to meet the conditions set out in this Inquiry will be excluded from the procedure. Fulfillment requirements will be assessed on a "meets / does not meet" requirements.
4. In case of problems with answering the questions regarding the rights to perform the subject of the order, the Ordering Party shall require supplementation documentation of the offer. The obligation to check the quality rests with the Contractor.

VI. PRICE CALCULATION METHOD

1. The Contractor calculates the offer price taking into account all costs related to the execution of the contract, which will have to bear, in particular VAT and the cost of travel, accommodation and meals, as well as other required fees.
2. The Ordering Party allows for the possibility of submitting a bid in Polish zloty (PLN) or in foreign currency (to the second decimal place). The offer submitted in a foreign currency will be converted at the average exchange rate announced by the National Bank of Poland on the day the offer is submitted. An invoice issued in a foreign currency will be converted into PLN and paid in accordance with the accounting policy adopted by the National Bank of Poland of the average exchange rate on the day preceding the payment of the invoice.
3. The Ordering Party, when evaluating the offers, will take into account the total amount of funds that will be obliged to spend for the contract – the gross amount including a tax on goods and services. Foreign contractors who, under separate regulations, are not obliged to pay VAT in Poland, indicate only the price with a 0% VAT rate. When evaluating the offer in terms of the price criterion, the Ordering Party, to compare these offers, will add to the offer price of foreign Contractors, the amount of VAT due (if applicable - foreign Contractors from outside the European Union), which the Ordering Party would be obliged to pay to the competent tax office by applicable regulations.
4. The Contractor calculates the offer price taking into account all costs related to the implementation of the subject of the contract that he will have to incur, in particular costs of materials for participants, travel and accommodation costs of the trainer.
5. The price must be given numerically, to two decimal places and in words.

VII. OFFER EVALUATION CRITERION

1. According to the Implementation and Financing Guidelines for projects funded by EIT Raw Materials GmbH, the contract should be awarded on the basis of the most economically and qualitatively advantageous offer (best value for money).
 2. The Ordering Party will select the most advantageous offer, which will obtain the highest number of points, based on the criteria set out below and will sign an agreement with the selected Contractor.
 3. The Ordering Party will select the most advantageous offer, which will obtain the highest number of points, based on the criteria set out below, and will sign a contract with the selected Contractor.
 4. The Contractor may receive maximum **100 points in total**.
 5. The Ordering Party will evaluate and compare only those offers which have been found to comply with the legal provisions, to comply with the conditions set out in this Letter of Inquiry and have not been rejected due to non-compliance with the conditions set out in this Letter of Inquiry.
- a) When selecting offers, the Ordering Party will use the following criteria:
- 1) Gross price - 40%,
 - 2) Experience - 40%,
 - 3) Publications and patent applications - 20%.

The maximum number of points that can be earned is 100 points.

It is assumed that 1% = 1 point

The Contractors shall be evaluated according to the formula:

$$O = C + D + P$$

Where:

O - the total number of points awarded to the evaluated offer

C - the number of points awarded to the offer assessed in the "Price" criterion;

D - the number of points awarded to the offer assessed in the "Experience the trainer" criterion;

P - the number of points awarded to the offer assessed in the "Publications and patent applications" criterion.

The Ordering party will award the contract to the Contractor whose offer received the highest number of points.

• **Criterion 1- Price Criterion,**

Where the proposals are evaluated using conversion rate: $P=C_n/CoB \times \text{points}$

$$P = \frac{C_N}{C_{OB}} \times 40$$

Where:

P – Number of points receive

C_N – the lowest gross price

C_{OB} – gross price of the evaluated proposal.

Max. 40 points (weight 40%);

• **Criterion 2: Experience the trainer 40%**

The experience indicated by the contractor in the performance of the contract will be assessed on the basis of the information contained in the **in the Offer Form**.

Experience in the implementation of training in the field of commercialization of scientific solutions and technology transfer - will be assessed on the basis of a list of experiences, in which training should be indicated, the name of the Employer as well as certificates, references and confirmations of implementation and should be attached.

The Ordering Party will award points for the "Experience" criterion as follows:

2 points for each one (1) conducted and confirmed training to the extent required under the contract.

Number of trainings/courses	Score of points awarded
1 training	2 pkt
2 trainings	4 pkt
3 trainings	6 pkt
Etc.	Etc.

Max. 40 points (weight 40%);

• **Criterion 3: Publications and patent applications- 20 %**

Points under criterion Publications and patent applications of the trainer will be assessed as follows:

- a) each 1 (one) documented publication - 2 points
- b) each 1 (one) documented patent application form - 5 points

Publications and patent applications form	Number	Score of points awarded
Publications		
Patent applications form		

Max. 20 points (weight 20%);

The maximum number of points that can be earned is 100% = 100 points.

The Ordering Party reserves the right not to select any Contractor or to cancel the procedure at any stage. Contractors are not entitled to any claims on this account.

VIII. CONTRACT EXECUTION DATE

Order completion date: **November 15-19, 2021.**

Service Location: University of Miskolc, Hungary - for classroom teaching or online

IX. DESCRIPTION OF HOW TO PREPARE OFFERS

1. Only offers filled in on the offer form, prepared by **Annex 2**, will be taken into account.
2. The following documents must be attached to the offer:
 - a) Completed (following the guidelines set out in the attachments to the Inquiry) and signed Offer Form constituting **Annex 2** to the Inquiry, which includes, among others, valuation of the contract with an accuracy of two decimal places, as well as information on the experience of persons designated by the Contractor to perform the contract and a list of publications. The contractor must include in the bid price all costs necessary for the correct and full performance of the contract as well as all fees and taxes resulting from applicable regulations. The price given by the Contractor is the final gross price for the completion of the entire subject of the contract,
 - b) Completed and signed declaration of no personal and capital links drawn up following **Annex 3**,

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- c) the Contractor's declaration on the fulfilment of the conditions for participation in the procedure, following the template constituting **Annex 4** to this Inquiry,
 - d) a valid Extract from the register or the central records and information about the business (or information corresponding to the current write-off from the register or the central records and information about business), if separate regulations require registration or registration, issued not earlier than 6 months before the deadline for submission of Offers. The above provision shall not apply when the Ordering Party's declaration of an entry in the relevant register or records is possible based on records or another register to which the Ordering Party has access by electronic means (if applicable),
 - e) References, certificates or other documents from different Contractors, including at least 1 confirmation of the contract executed by the Contractor for the Ordering of these in the last 5 years before the deadline for submission of Inquiry.
3. The offer should include:
- a) include costs related to the execution of the contract, prepared on the basis of all information contained in this Letter of Inquiry.
 - b) be submitted on the Offer Form in accordance with the template attached as **Annex 2** to this Inquiry,
 - c) include the name and address of the economic operator and the signature of the person authorised or entitled on behalf of the economic operator, bearing a personal stamp,
 - d) have a minimum 30-day validity period is required,
 - e) include a declaration by the contractor that it is not in arrears with the payment of taxes, fees and health and social security contributions,
 - f) include a Tax residence certificate for foreign entities (if applicable).

X. PLACE, METHOD AND TIMING OF SUBMISSION OF OFFERS

Offers should be submitted by e-mail (a signed scan) to the following e-mail address to:

przetargi@cuprum.wroc.pl

E-mail, should be titled:

Offer for the service by foreign lecturer for the trainings in English "Technology transfer and commercialization options"

Deadline for submission of offers: 10th June 2021 by 8.00 a.m.

(The date and time of receipt by the Ordering Party is decisive)

1. The deadline is considered met if a message containing full documentation will affect the server the Ordering Party in such a way that the buyer will be able to get acquainted with its content.
2. Offers submitted after the deadline will not be considered.



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XI. INFORMATION ON HOW THE ORDERING PARTY COMMUNICATES WITH CONTRACTORS

Form and rules of communication:

1. The Contractor may request the Ordering Party to clarify the content of the Request by e-mail. The Contractor's questions must be in electronic form and sent to the e-mail address igornas@cuprum.wroc.pl by 7th June 2021.
2. The Ordering Party will immediately answer the questions by publishing them on the Ordering Party's website <https://kghmcuprum.com/przetargi/> and will inform about the content of the responses of potential contractors to whom the Inquiry was sent, as well as contractors who expressed their interest in the procedure.
3. The Ordering Party reserves the right to leave any questions received after this date unanswered.

XII. AWARD/SELECTION OF THE OFFER

Offers shall be opened within 7 days of the end of the procedure. The results of the offer selection process will be published on the Ordering Party's website: <https://kghmcuprum.com/przetargi/>

The contractor may amend or withdraw its offer before the opening date. During the examination and evaluation of offers, the Ordering Party may request the Contractors to clarify the contents of submitted offers.

XIII. CONDITIONS OF EXCLUSION FROM PARTICIPATION IN THE PROCEEDINGS

Entities related personally or by capital are excluded from participation in the procedure with the Ordering Party. Capital or personal connections are understood as mutual connections between the Ordering Party or persons authorized to incur liabilities on behalf of the Ordering Party or persons performing activities related to the preparation of the Ordering Party on behalf of the Ordering Party. and carrying out the procedure of selecting the Contractor and the Contractor, consisting in particular of:

- a) participating in a company as a partner in a civil partnership or a partnership;
- b) owning at least 10% of shares or stocks;
- c) acting as a member of the supervisory or management body, proxy, proxy;
- d) being married, in the relationship of kinship or affinity in a straight line, the kinship of the second degree or affinity in the lateral line, or relation to adoption, care or guardianship.

To confirm the fulfilment of the above-mentioned conditions, the Contractors will submit an appropriate statement in **Annex 4** to this request for quotation.

XIV. REJECTING THE OFFER

1. In these proceedings is rejected Offers which:
 - a) is inconsistent with the content of this request for a quotation or
 - b) is incomplete, i.e. it does not contain the documents and/or declarations required by this request for quotation (V point 4.) despite the request for supplementation or
 - c) contains false information or
 - d) about which the Contractor did not provide explanations requested by the Ordering Party in accordance request or
 - e) concerning which the Ordering Party issued a call referred to in section V point 4 of this request for quotation, and the Contractor did not respond to this call, under its content,
 - f) has been modified after the deadline for submitting offers,
 - g) was submitted after the deadline for submission of offers.

XV. CANCELLATION OF THE PROCEEDINGS

1. The Ordering Party reserves the right to cancel this procedure at any stage without giving any reason, in particular when:
 - a) no non-rejection offer has been submitted,
 - b) the price of the best offer exceeds the amount that the Ordering Party may allocate to finance the contract,
 - c) the procedure is encumbered with an irremovable defect which prevents the conclusion of a procurement contract that is not subject to annulment,
 - d) there has been a significant change in circumstances causing that the conduct of the procedure or the performance of the contract is not in the public interest, which could not have been foreseen earlier.
2. In the event of the cancellation of the procedure, potential Contractors shall not be entitled to any claims against the Ordering Party.

XVI. ADDITIONAL INFORMATION

1. The costs of participation in the proceedings shall be cover by the Contractors.
2. The Contractor's remuneration shall be payable after handing over the subject of the contract to the Ordering Party, confirmed by the signing by both parties of an acceptance protocol indicating that the Ordering Party has no reservations concerning the contract.
3. The Contractor undertakes to keep confidential all information and documents received.
4. A contract will be concluded with the selected Contractor to execute the order.

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5. **The expected date of signing the contract by the end of July 2021.**
6. The Ordering Party does not provide for the possibility of submitting partial offers.
7. The Ordering Party does not envisage negotiations.
8. The Contractors are not entitled to make any claims against the Ordering Party in connection with the Inquiry and the proceedings conducted under the project, including costs and damages, in particular in the event of the cancellation of the procedure by the Ordering Party or the selection of another Contractor.
9. The Ordering Party reserves the right to make changes, including the extension of the contract completion date, in the agreement concluded with the Contractor, which will be selected as a result of the conducted procedure. Possible amendments to the provisions of the agreement will be made in the form of a written annex, and may be made in particular for reasons of:
 - a) The occurrence of justified changes in the scope and manner of execution of the subject of the contract, including Ordering additional or replacement works,
 - b) The occurrence of objective reasons beyond the control of the Ordering Party and the Contractor that affect the subject of the Agreement,
 - c) the occurrence of circumstances resulting from force majeure,
 - d) Where administrative procedures are extended beyond the periods indicated in the relevant legislation for reasons beyond the control of the Parties,
 - e) Changes in the law.

XVII. INFORMATION CLAUSE ON THE PROCESSING OF PERSONAL DATA BY THE ORDERING PARTY IN ACCORDANCE WITH ART. 13 GDPR APPLIED BY THE ORDERING PARTY FOR THE PURPOSE OF CONDUCTING THE CONTRACT AWARD PROCEDURE IN THE INQUIRY MODE

1. The Ordering Party informs that in accordance with Article 13 of the General Data Protection Regulation of 27 April 2016 (Official Journal of the European Union L 119 of 04.05.2016) hereby inform that:
 - a) controller of your personal data is KGHM CUPRUM Ltd. R&D Centre 53-659 Wrocław, ul. Gen. Wł. Sikorskiego 2-8,
 - b) contact with the Data Protection Officer - iod@cuprum.wroc.pl
 - c) your personal data will be processed for the purpose of implementing the agreement - pursuant to Article 6(1)(b) of the General Data Protection Regulation of 27 April 2016,
 - d) the data will be disclosed to members of the bodies, employees of KGHM CUPRUM Ltd. R&D Centre and entities and their employees providing legal, financial, accounting and IT services, as well as KGHM Polska Miedź S.A. and EIT Raw Materials GmbH,
 - e) your personal data will be kept for a minimum of 5 years,
 - f) you have the right to demand from the controller the access, rectify, erase, transfer or restriction the processing of personal data.
 - g) you have the right to complain to the supervisory Party,
 - h) providing personal data is voluntary, however, a refusal to provide data may result in a refusal to conclude a contract.

2. In the content of the offer, the Offers are obliged to include a statement on meeting all requirements provided for in this Letter of Inquiry, in accordance with the provisions included of **Annex 4.**

XVIII. APPENDICES:

- Annex 1 - detailed description of Inquiry
- Annex 2 - Offer form
- Annex 3 - Declaration of no capital or personal links
- Annex 4 - Declaration of the Contractor

PREZES ZARZĄDU

Radosław Pilut

PROKURENT

Magdalena Król