

DKZ/13/2010

Date: Warsaw, 04.03.2010

Legal Grounds

This public tender is conducted according to Public Procurement Law of January 29, 2004 (position 1655 in Polish Journal of Acts No 223 of 2007 with later changes).

INSTYTUT TECHNOLOGII ELEKTRONOWEJ
Al. Lotników 32/46, 02-668 Warsaw, Poland

TERMS OF REFERENCE

for:

DELIVERY OF THE SEMICONDUCTOR WAFERS
CPV 31712330-2

**Proceedings are conducted according to open procedure for assessed value below
EUR 206 000,00**

1. Name (company name) and address of the Awarding Entity.

This proceedings are conducted by Tender Committee of Instytut Technologii Elektronowej, Al. Lotników 32/46, 02-668 Warsaw, Poland.

Web page: <http://www.ite.waw.pl>

2. Procedure for awarding the contract.

These proceedings are conducted in mode of open procedure according to Article 39 of Public Procurement Law of January 29, 2004.

The tenders submitted will be opened and evaluated by the Tender Committee according to the evaluation criteria.

From all tenders which have not been rejected, the one will be selected which receives the highest number of points calculated according to the evaluation criteria.

3. Description of the object of contract.

The object of the order is a delivery of the brand new **semiconductor wafers** for scientific research:

- 1) 4H-SiC wafer, 2" diameter, 8° off-axis, Si face, semi-insulating $>10^5 \Omega\text{cm}$ – 1 pc
- 2) 4H-SiC wafer, 3" diameter, 4° off-axis, Si face, N-type $<0.02 \Omega\text{cm}$, <5 micropipes/ cm^2 , epi-layer $>5\mu\text{m}$, type N $>10^{15} \text{cm}^{-3}$ – 3 pcs.

4. Partial and variant tenders are not allowed.

5. Time limit for contract performance.

Deadline for completion of the tender including installation, start up and testing – maximally to 5 weeks after signing the Contract.

6. Conditions for participation in the procedure and the description of the method used for the evaluation of the fulfilment of those conditions:

Eligible to compete for a contract shall be economic operators who meet the conditions related to:

- 1) authorizations to perform specific activities or actions, if such authorizations are required by the law;
- 2) knowledge and experience;
- 3) appropriate technical potential and personnel capable of performing a contract;
- 4) economic and financial standing.

Evaluation of the above requirements will be performed according to the rule: "fulfil - not fulfil", on the basis of documents mentioned in point 7 of this Terms of Reference.

7. Information concerning declarations and documents to be provided by the contractor to confirm the fulfilment of the conditions for participation in the procedure:

7.1. Signed statement, which is enclosed to this Terms of Reference, about fulfilment of conditions defined in article 22 paragraph 1 Public Procurement Law [Appendix No. 1].

7.2. Signed statement, which is enclosed to this Terms of Reference, lack of grounds to exclude the economic operator due to non-fulfilment of conditions referred to in Article 24 paragraph 1 Public Procurement Law [Appendix No. 2].

These documents can be presented in the form of originals or photocopies and should be signed by Contractor or his authorised representative.

The lack of any of the above documents will cause the tender being rejected from further proceedings.

8. Information on the manner of communication between the awarding entity and the contractor as well as of delivery of declarations and documents, indication of persons authorised to communicate with the contractor.

The contact person in matters concerning the tender are:

Michał Urbański M.Sc., e-mail: urbanski@ite.waw.pl

Please address all written correspondence, related to this tended proceedings, to:

Instytut Technologii Elektronowej
Al. Lotników 32/46
02-668 Warsaw, Poland.
building No. VI, room 216
Fax: + 48 22 548 78 46.

9. Deposit requirements: we do not require.

10. Tender validation time – 30 days from the date of submission of tenders.

11. Description of the manner of the tender preparation.

The tender should be prepared in a paper version.

The tender should include:

- a) Name and address of the Contractor,
- b) Date of preparation of the tender,
- c) Description of the object of contract, according to point 3 of this Terms of Reference,
- d) Net price in PLN (The price in EUR, USD or GBP is allowed. In the case of submission of the tenders in EUR, USD or GBP, the price will be exchanged to polish zlotych PLN according to selling exchange rate of the National Bank of Poland dated on the day before of opening of the tenders),
- e) Indication of the component tasks of the order that will be assigned to subcontractors [Appendix No. 3].

The tender should be signed by Contractor or his authorised representative.

Together with the offer the contractor is allowed to submit required documents defined at point 7 of this Terms of Reference, to confirm the fulfilment of the conditions for participation in the procedure.

In the case the contractor company is located outside Poland, it is approved to submit the tender as well as the documents required from the contractors as specified under point 7 of this Terms of Reference either in Polish or in English language.

The contractor is allowed to submit only one offer.

All costs of preparation of the tenders, regardless of the results of the tender, shall be covered by the Contractor.

12. Date and place of submission and opening of tenders.

The tenders should be submitted at the site of the Awarding Entity in Warsaw at Al. Lotników 32/46, building No. VI, room 216, by 12⁰⁰ pm, on 17th March 2010 (in working days from 9 am till 2 pm). **The tenders submitted after this deadline will not be considered.**

Opening of the tenders will take place on 17th March 2010 at 12¹⁵ pm. at the site of the Awarding Entity: Warsaw, Al. Lotników 32/46 in the building No. VI, room 120. The Awarding Entity will open the tenders in accordance with its internal procedures but on occasion may hold a public opening which your representatives may attend.

The offers must be submitted in non-transparent and closed envelopes or packages. The envelope or package must be addressed as follows:

**Instytut Technologii Elektronowej
Al. Lotników 32/46
02-668 Warsaw
Building No. VI, room 216
Do not open before 12¹⁵ pm, on 17th March 2010.**

**OFFER FOR:
DELIVERY OF THE SEMICONDUCTOR WAFERS**

The envelope or package must include full name and address of the Contractor.

The Awarding Entity does not accept responsibility for consequence of contractors failure to keep the above requirements.

13. Description of the method of the price calculation.

The net price in PLN (EUR, USD or GBP) must include:

- a) the device according to requirements indicated in Appendix No. 1 of this Terms of Reference,
- b) transport,
- c) delivery conditions DDU Warsaw,
- d) insurance.

14. Description of criteria which the awarding entity will apply in selecting a tender, specifying also the importance of particular criteria and method of evaluation of tenders.

The Awarding Entity will evaluate whether the tender meets requirements introduced in this Terms of Reference. If the tender is valid (meets requirements introduced in this Terms of Reference), it will be taken into consideration in choice of the best one.

Offer evaluation criteria:

- Price - 100%

Number of points in the price criteria will be calculated according to the following formula:

$$P_n = C_{\min} / C_n * 100 * W$$

where: P_n – points in price criteria
 C_{\min} – the lowest price from all the offers
 C_n – the price from the offer of n-th bidder
 W – weight of the “Price” criteria”

Maximum number of points to be gained within the price criteria is 100.

15. Information concerning formalities which should be met following the selection of a tender in order to conclude a public procurement contract.

Contract with the winning Contractor will be signed within the deadline not shorter defined in article 94 Public Procurement Law.

16. Other important statements which will be included in the contract.

The following statements will be included in the contract:

16.1. Indemnity

- 1) In case of delay, caused by negligence, or poor performance of the Seller, the Seller will pay to the Buyer an indemnity of 0,1% of the total Contract value for each working day of delay up to 10% of it's value.
- 2) In case of delay in payment, the Buyer will pay to the Seller indemnity of 0,1% of the value of delayed payment for each day of delay up to 10% of it's value.
- 3) In case the Seller will cancel the Contract without reason caused by the Buyer, the Seller will pay to the Buyer penalty of the 10% of the total Contract value and the Seller will transfer back all the received payments for the subject of this contract to the Buyer account.
- 4) In case the Buyer will cancel the Contract without reason caused by the Seller, the Buyer will pay to the Seller penalty of the 10% of the total Contract value plus documentary evidence costs of materials and labour based on the following schedule:
 - a) in period shorter than 30 days from order placement - 20% of the contract value
 - b) in period shorter than 30 days before delivery and acceptance – 100% of the contract value
 - c) in period between mentioned in points a and b – percentage approximated by linear function.
- 5) In case of delay, caused by the Seller, in delivery longer than 3 months, the Buyer can cancel the Contract and the Seller will pay to the Buyer penalty of the 10% of the total Contract value and the Seller will transfer back all the received payments for the subject of this contract to the Buyer account.

16.2. Delivery instruction

- 1) Subject of the Contract is to be shipped to the address below and placed at the disposal of the Buyer.

Shipping address: Instytut Technologii Elektronowej
Al. Lotników 32/46
02-668 Warsaw, Poland
- 2) The Seller advises to the Buyer about the dispatch by fax (No.+48 22 54-87-803).

16.3. Terms of payments

Payment will be effected in the following way:

100% of the contract value – (the value from the offer) – payable by the bank transfer to the Seller's account on the basis of an original invoice within 14 days after delivery of the subject of the Contract to the Buyer's site.

The Buyer shall pay to the Seller due amount for the subject of this contract by transfer to the Seller's account in:

.....

All bank charges in Poland are at the Buyer's account and bank charges outside Poland are at the Seller's account.

16.4. Setting of disputes

All disputes arising from the present Contract, failing amicable settlement shall be resolved by the Arbitration Court of the Polish Chamber of Commerce in Warsaw in accordance with the rules of this Court.

17. Requirements concerning the security on due performance of the contract: we do not require.

18. Procedure for additional explanations.

Contractor is authorized to address the Awarding Entity only in written form, fax or e-mail is also allowed with request for additional information regarding the content of Terms of Reference- in this proceeding till 10th of March 2010. The Awarding Entity will respond all the inquiries according to the article 38 of the Act – Public Procurement Law (Act dated 5th of November 2009 – changes of the Public Procurement Law, published in Polish Journal of Acts No. 206 position 1591 dated 7th of December 2009)

The questions and the answers will be published on web site of the Awarding Entity.

19. Information on legal protection measures available to an the contractor during the contract award procedure.

Contractor's legal protection laws are included in Chapter VI of the Public Procurement Law of January 29, 2004 which is available on the Public Procurement Office (PPO) web site: www.uzp.gov.pl

20. Other matters.

For all matters not regulated in this Terms of Reference, the provisions of Public Procurement Law of January 29, 2004 will apply.

Zbigniew Poznański

Director I T E

This order has been founded by the EU: project No. UDA-POIG.01.03.01-00-159/08-01 Innowacyjne technologie wielofunkcyjnych materiałów i struktur dla nanoelektroniki, fotoniki, spintroniki i technik sensorowych – InTechFun (Innovative technologies of multi-functional materials and structures for nanoelectronics, photonics, spintronics and sensors technique – InTechFun).

.....
address stamp of the contractor

.....
/date/

S T A T E M E N T

Acting in accordance with the contract award procedure, we certify that we fulfil the requirements specified in Article 22 paragraph 1 of Public Procurement Law, which states that eligible to compete for a contract are economic operators who fulfil the requirements concerning:

1. authorisation to perform specific activities or actions, if such authorisations are required by the law;
2. knowledge and experience;
3. appropriate technical potential and personnel capable of performing a contract;
4. economic and financial standing.

.....
/signature of authorised representative/

.....
address stamp of the contractor

.....
/date/

S T A T E M E N T

Acting in accordance with the contract award procedure, there is lack of grounds to exclude us from proceeding due to non-fulfilment of conditions referred to in Article 24 paragraph 1 Public Procurement Law.

.....
/signature of authorised representative/

List of the component tasks of the order that the Tender intends to assign to subcontractors

(in case no such tasks please fill in with dashes)

No.	The scope of contract, which the Tender intends to assign to subcontractors.
1.	
2.	
3.	
4.	
5.	

.....
/signature of authorised representative/