



**DKZ/16/2011**

**Date: Warsaw, 04.03.2011**

**Legal Grounds**

This public tender is conducted according to Public Procurement Law of January 29, 2004 (position 759 in Polish Journal of Acts No 113 of 2010, with later changes).

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

**TERMS OF REFERENCE**

for:

**delivery of the sputtering targets**

**CPV 14523400-7, 14700000-8**

**Proceedings are conducted according to open procedure for assessed value below  
EUR 193 000,00**

**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 the Contract:**

The object of the order is **delivery of the sputtering targets**, including:

1. Delivery of the sputtering target Pt: thickness – 3mm, diameter – 75mm, 99,99% – **Part No. 1;**
2. Delivery of the sputtering target Ir: thickness – 3mm, diameter – 75mm, 99,9% – **Part No. 2;**
3. Delivery of the sputtering target CuAl (50/50 at%): thickness – 3mm, diameter – 75mm, 99,99% – **Part No. 3;**
4. Delivery of the sputtering target IrSi (50/50 at%): thickness – 3mm, diameter – 75mm, 99,8% – **Part No. 4.**

**4. Variant tenders are not allowed.**

The Awarding Entity allows for possibility of submitting partial tenders (for Part No. 1 or/and for Part No. 2 or/and for Part No. 3 or/and for Part No. 4).

**5. Time limit for the Contract performance:**

Deadline for completion of the tender:

- for **Part No. 1** - maximally to 2 weeks after signing the Contract;
- for **Parts: No. 2, No. 3 and No. 4** - maximally to 5 weeks after signing the Contract.

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

**Eligible to compete for the Contract shall be Economic operators who fulfil conditions defined in Article 22 paragraph 1 of Public Procurement Law of January 29, 2004 (with later changes):**

- 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

and are not excluded from the Contract award procedures according to Article 24 paragraph 1 of Public Procurement Law.

**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:**

Signed statement confirming fulfilment of the conditions defined in Article 22 paragraph 1 “Public Procurement Law” – in form of “STATEMENT” [Appendix No. 1] - **for each part separately.**

**8. Other documents required from the Economic operators:**

In case of subcontracting, the Awarding Entity requests the Contractor to indicate in its tender the parts of the Contract which the Contractor intends to subcontract [in this case the Awarding Entity recommends to fill in the Appendix No. 2 to the Terms of Reference].

The lack of any information in subcontracting matter, the Awarding Entity recognize as the Contractor’s intention to perform the Contract by itself.

**9. 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:**

All the statements, notifications and information the Awarding Entity and the Contractor provide in writing form or by fax.

The contact person in matters concerning the tender is Michał Urbański MSc, e-mail: [urbanski@ite.waw.pl](mailto: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.

**10. Deposit requirements: we do not require.**

11. **Tender validation time:** 15 days from the date of submission of the tenders.

12. **Description of the manner of the tender preparation:**

The tender should be presented in writing form.

The tender must include:

- a) Name and address of the Contractor,
- b) Date of preparation of the tender,
- c) Net price in PLN (The price presented in EUR, GBP or USD is allowed. In the case of submission of the tenders in EUR, GBP or USD, the price will be exchanged to Polish zlotys PLN according to selling exchange rate of the National Bank of Poland dated on the day before of opening of the tenders).

**The Contractor can submit tenders for one, two, three or four parts, for each part separately.**

**The Awarding Entity recommends to fill in the tender form - Appendix No. 3 to this Terms of Reference.**

The tender has to be signed by the 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 Contractor as specified under point 7 of this Terms of Reference either in Polish or in English language.

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

13. **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 **10<sup>00</sup> am, on 15<sup>th</sup> of March 2011** (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 15<sup>th</sup> of March 2011 at 10<sup>15</sup> am 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 10<sup>15</sup> am, on 15<sup>th</sup> of March 2011.**

**offer for:  
delivery of the sputtering targets – Part No. ....**

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.

**14. Description of the method of the price calculation:**

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

- a) the target's price - according to the point 3 of this Terms of Reference,
- b) transport,
- c) delivery conditions: DDU Warsaw,
- d) insurance.

**15. Description of the 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                      Weight:                      - 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.

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

The Contract with the winning Contractor will be signed pursuant to Article 94 "Public Procurement Law".

**17. Other important statements which will be included in the Contract:**

The following statements will be included in the Contract:

**17.1 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.

## **17.2 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).

3) The Seller will deliver quality certificate together with subject of the Contract.

## **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 **9<sup>th</sup> of March 2011**. The Awarding Entity will respond all the inquiries according to the article 38 of the Act – “Public Procurement Law”.

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](http://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.

Michał Urbański

Vice-Director for Administrative and Technical Affairs

*This order has been founded by the EU projects:  
POIG No.01.03.01-00-159/08; No. 01.01.02-00-108/09;  
MORGAN: NMP3-LA-2008-214610.*

.....  
/address stamp of the Contractor/

.....  
/date/

### STATEMENT

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 the Contractor or his Authorised Representative/

**List of the component tasks of the order that the Tenderer intends to assign to subcontractors**

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

.....  
/signature of the Contractor or his Authorised Representative/

.....  
/address stamp of the Contractor/

## TENDER FORM

### for Part No. 1

for Institute of Electron Technology

The object of the order		<b>Delivery of the sputtering targets.</b>
1.	Name and address of the Contractor	
2.	VAT identification number	
3.	Phone number: Fax: e-mail:	
4.	Net price of the tender	..... PLN (EUR/ USD/ GBP/ ) ( say: ..... .....)
5.	Time limit for the Contract performance: to 2 weeks after signing the Contract	specify in number of weeks: .....
6.	The persons authorised to represent the Contractor	.....
7.	Acting in accordance with the contract award procedure for <b>delivery of the sputtering target Pt: thickness – 3mm, diameter – 75mm, 99,99%</b> we offer performance of the Contract according to the Terms of Reference.	
8.	The list of documents enclosed to the tender:	1. . .
9.	Place:  Date of preparation of the tender:	..... .....

.....  
/signature of the Contractor or his Authorised Representative/

.....  
/address stamp of the Contractor/

## TENDER FORM

### for Part No. 2

for Institute of Electron Technology

The object of the order		<b>Delivery of the sputtering targets.</b>
1.	Name and address of the Contractor	
2.	VAT identification number	
3.	Phone number: Fax: e-mail:	
4.	Net price of the tender	..... PLN (EUR/ USD/ GBP/ ) ( say: ..... .....)
5.	Time limit for the Contract performance: to 5 weeks after signing the Contract	specify in number of weeks: .....
6.	The persons authorised to represent the Contractor	.....
7.	Acting in accordance with the contract award procedure for <b>delivery of the sputtering target Ir: thickness – 3mm, diameter – 75mm, 99,9%</b> we offer performance of the Contract according to the Terms of Reference.	
8.	The list of documents enclosed to the tender:	1. : :
9.	Place:  Date of preparation of the tender:	..... .....

.....  
/signature of the Contractor or his Authorised Representative/

.....  
/address stamp of the Contractor/

## TENDER FORM

### for Part No. 3

for Institute of Electron Technology

The object of the order		<b>Delivery of the sputtering targets.</b>
1.	Name and address of the Contractor	
2.	VAT identification number	
3.	Phone number: Fax: e-mail:	
4.	Net price of the tender	..... PLN (EUR/ USD/ GBP/ ) ( say: ..... .....)
5.	Time limit for the Contract performance: to 5 weeks after signing the Contract	specify in number of weeks: .....
6.	The persons authorised to represent the Contractor	.....
7.	Acting in accordance with the contract award procedure for <b>delivery of the sputtering target CuAl (50/50 at%): thickness – 3mm, diameter – 75mm, 99,99%</b> we offer performance of the Contract according to the Terms of Reference.	
8.	The list of documents enclosed to the tender:	1. : :
9.	Place:  Date of preparation of the tender:	..... .....

.....  
/signature of the Contractor or his Authorised Representative/

.....  
/address stamp of the Contractor/

## TENDER FORM

### for Part No. 4

for Institute of Electron Technology

The object of the order		<b>Delivery of the sputtering targets.</b>
1.	Name and address of the Contractor	
2.	VAT identification number	
3.	Phone number: Fax: e-mail:	
4.	Net price of the tender	..... PLN (EUR/ USD/ GBP/ ) ( say: ..... .....)
5.	Time limit for the Contract performance: to 5 weeks after signing the Contract	specify in number of weeks: .....
6.	The persons authorised to represent the Contractor	.....
7.	Acting in accordance with the contract award procedure for <b>delivery of the sputtering target IrSi (50/50 at%): thickness – 3mm, diameter – 75mm, 99,8%</b> we offer performance of the Contract according to the Terms of Reference.	
8.	The list of documents enclosed to the tender:	1. . .
9.	Place:  Date of preparation of the tender:	..... .....

.....  
/signature of the Contractor or his Authorised Representative/