

Public procurement - 414874-2014

06/12/2014 S236 Member states - Public procurement for supplies -
Procurement notice - Open procedure

I.II.III.IV.VI.

Poland-Toruń: Railway carriages

2014/S 236-414874

Contract notice

Supplies

Directive 2004/18/EC

Section I: The Contracting Authority

1.1) **Name, addresses and contact points**

Laude Smart Intermodal Spółka Akcyjna
Włocławska 131

Contact points: Janusz Górski
87-100 Toruń

POLAND

Tel.: +48 566190789

E-mail: janusz.gorski@laude.pl

Fax: +48 566190700

Internet addresses:

General address of the Contracting Authority: <http://www.laude.pl>

Further information can be obtained at: The above contact point(s)

Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained at: The above contact point(s)

Bids or requests to participate must be sent to: The above contact point(s)

1.2) **Type of the Contracting Authority**

Other: Joint Stock Company

1.3) **Main activity or activities**

Other: transport, freight forwarding, logistics

1.4) **Contract award on behalf of other contracting authorities**

The Contracting Authority is purchasing on behalf of other contracting authorities: no

Section II: Object of the contract

II.1) **Description**

II.1.1) **Title attributed to the contract by the Contracting Authority:**

Notice for the delivery of specialised railway carriages for the transport of containers.

II.1.2) Type of contract and location of building works, place of delivery or performance of services

Supplies

Purchase

Main site or location of building works, place of delivery or of performance of services: Incoterms 2010 CPT Zamosc (Lublin Province, Wysokie 2, 22-400 Zamość), railway station Zamość Bortatycze LHS.

NUTS code PL312

II.1.3) Information about a public contract, a framework agreement or a dynamic purchasing system (DPS)**II.1.4) Information on framework agreement****II.1.5) Short description of the contract or purchase**

The procurement includes the delivery of 93 specialized railway carriages for the transport of containers (the carriages must be brand new), which should meet the following technical parameters:

- Track width 1 435 mm,
- Permissible total weight of a carriage 90 tons,
- Bogies type Y25Lsd1(k) or Y25Ls1(k),
- Axle sets with max. Ø 920mm monobloc/band-type
- Length of the carriage up to 13 550 mm
- Width of the carriage: up to 3 000 mm
- Cargo height of the floor: 1 155 mm
- The turning radius of a single carriage: 35 m
- The maximum speed for a loaded carriage 120 km/h
- The speed when empty 120 km/h
- The permissible net weight of a carriage 16.5 tons
- 20 % of the carriages must be equipped with a parking brake operated from the track level, and port hooks
- A carriage must have a control valve, and an automatic piston travel adjuster, compatible with the UIC standard
- A carriage must have foldable platforms making access from the carriage floor to the door of the container possible.
- Required documents to confirm the necessary parameters:
- General drawings of carriages and equipment that make them up with an explanation of the terms used,
- TSI certificate issued by an approved certification body (Nobo) and compatibility with the SD/SB noise emission standard,
- "Type-approval and commissioning" issued by the competent authority in the European Union,
- List of interoperable components and CE certificates, and their reference numbers and drawings,
- The results of structural-mechanical FEM tests in accordance with the terms of the standard EN 12663,
- Certificate of technical efficiency
- Declaration of Conformity of each carriage with Type,
- DSU documentation (documentation of rolling stock maintenance system),
- Guaranteed for 36 months from the date of receipt of the carriage,
- All documents required for registration of carriages in the country designated by the Employer in the European Union,
- Technical acceptance made by the Contracting Authority, to be held in the premises of the Supplier.

The above descriptions apply to the minimum technical requirements - adequate to the requirements of the Project. A bidder may propose better or equivalent parameters.

- II.1.6) **Common Procurement Vocabulary (CPV)**
34622400
- II.17) **Information on the Government Procurement Agreement (GPA)**
The contract is covered by the Government Procurement Agreement (GPA):
no
- II.1.8) **Parts**
This contract is divided into parts: no
- II.1.9) **Information about variant bids**
Variant bids are allowed: no
- II.2) **Quantity or scope of the contract**
 - II.2.1) **Total quantity or scope:**
 - II.2.2) **Information about options**
 - II.2.3) **Information about renewals**
- II.3) **Duration of the contract or time limit for completion**
Starting 05/01/2015. Ending 20/12/2015

Section III: Legal, economic, financial and technical information

- III.1) **Conditions relating to the contract**
 - III. 1.1) **Bid bonds and guarantees required:**
 1. The deposit in the amount of PLN 6 million, or the equivalent in Euro within 7 days of the signing of the Agreement between the Contracting Authority and the Supplier.
 2. Granting the Contracting Authority a bank guarantee or other guarantee of timely production of carriages in the amount of PLN 5,500,000, approved by the Contracting Authority's Board (this will be a penalty for non-production of carriages by 20.12.2015) within 10 days of signing the Agreement. If a guarantee other than a bank guarantee is proposed, such guarantee must be approved by the Contracting Authority's Board prior to the signing of the Agreement. If the winner is a company that fails to submit a reasonable bid bond within 3 days of the Contracting Authority's request, the Contracting Authority will order the performance of the contract to a company that has won the next place in order in the tender, and the bid of the company which has been awarded, and has not secured the contractual penalty, will be rejected.
 - III. 1.2) **Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them:**

Payment - 30% of the contract value within 14 days of signing the contract, 70% after the commissioning protocol of the carriages at the headquarters of the supplier and the supply of the carriages to Zamość, Incoterms 2010 CPT

Zamość (Lublin Province, Wysokie 2, 22-400 Zamość), railway station Zamość Bortatycze LHS.

Offering value in a foreign currency will be determined using the average exchange rate of National Bank of Poland as at the date of the publication of the award in TED.

For matters not governed by these terms and conditions for participation in the procedure, the provisions of the Civil Code shall apply in the contract notice.

III. 1.3) Legal form to be taken by the group of economic operators to whom the contract is awarded:

Not applicable.

III.1.4) Other particular conditions

Performance of the contract is subject to particular conditions: no

III.2) Conditions for participation

III.2.1) Personal situation of economic operators, including requirements relating to enrolment on professional or trade registers

Information and formalities necessary for evaluating if requirements are met: A bid may be filed a legal person, enterprise, company, as well as an organizational unit without legal personality. The condition is that the criteria specified in the contract notice published in the Official Journal of the European Union are met. Each economic operator, an entity participating in the present procedure, may submit only one bid.

A bid to be valid must be made in writing (on paper) and must include:

- Name, full address and contact telephone number or name (business name), address of the bidder, phone, fax., PESEL (Personal Number) in the case of natural persons, and NIP (Tax ID Number) and REGON (Business Register Number) in the case of entrepreneurs,
- In the case of an entrepreneur (doing business) participating in the tender, the bid must include a valid transcript from a relevant register or a valid certificate of registration in the register of economic activities issued not earlier than 6 months before the deadline for submission of bids,
- Declaration by the bidder that It has read the terms of the tender
- Production schedule,
- Declaration by the bidder that It accepts the bid validity period of 60 days from the deadline for bid submission
- Declaration by the bidder that in the past 3 years no motion has been filed for its bankruptcy or any of the members of the bidder's holding company or consortium,
- -Description referring to the parameters specified in the request for quotation
- The value of the offer (net and gross price), the price must include the cost of transportation based on Incoterms 2010 CPT Zamość (Lublin province, Wysokie 2, 22-400 Zamość), railway station Zamość Bortatycze LHS,
- Indication of the delivery period to 20/12/2015,
- Declaration by the bidder that, along with the produced carriages, It will provide all the required documents (as indicated in point 11.1.5. Short description of the contract or purchase) to confirm the necessary parameters.

The language of procedure shall be equally Polish and English (for contracting authorities outside the territory of the Republic of Poland). Bids must be submitted in writing on paper, but in the case of requests for additional clarifications by the Contracting Authority in relation to the offer, such explanation is allowed in electronic form (mail) or by fax.

A bid must be signed by a person authorized to represent the economic operator

The Contracting Authority shall bear all costs associated with the preparation and submission of a bid.

Bids submitted must meet the requirements specified in the formal contract notice published in the Official Journal of the European Union, as well as the technical requirements specified in the contract notice published in the Official Journal of the European Union.

III.2.2) Economic and financial capacity

Information and formalities necessary for evaluating if requirements are met: Acceptance by the bidder of payment and security conditions, and confirmation that in case of winning, It will sign an agreement annexed to the "Conditions of participation in the tender", i.e. in case of winning by a company, the Contracting Authority and the producer of carriages will confirm to Laude the payment by Laude of 30% of the contract value within 14 days after signing the contract, 70% after commissioning protocol of the carriages at the headquarters of the supplier and the supply of carriages based on Incoterms 2010 CPT Zamość (Lublin province, Wysokie 2, 22-400 Zamość), railway station Zamość Bortatycze LHS.

In addition, confirmation by the manufacturer of the carriages of:

- a) a deposit in the amount of PLN 6 million, or the equivalent in Euro within 7 days of the signing of the Agreement between the Contracting Authority and the Supplier,
- b) granting the Contracting Authority a bank guarantee or other guarantee of timely production of carriages in the amount of PLN 5,500,000, approved by the Contracting Authority's Board (this will be a penalty for non-production of carriages by 20.12.2015) within 10 days of signing the Agreement. If a guarantee other than a bank guarantee is proposed, such guarantee must be approved by the Contracting Authority's Board prior to the signing of the Agreement. If the winner is a company that fails to submit a reasonable bid bond within 3 days of the Contracting Authority's request, the Contracting Authority will order the performance of the contract to a company that has won the next place in order in the tender, and the bid of the company which has been awarded, and has not secured the contractual penalty, will be rejected.

III.2.3) Technical qualifications

Information and formalities necessary for evaluating if requirements are met: Not applicable.

III.2.4) Information about reserved contracts

III.3) Conditions specific to contracts for services

III.3.1) Information about a particular profession

III.3.2) Staff responsible for the execution of the service

Section IV: Procedure

IV. 1) Type of procedure

IV. 1.1) Type of procedure

Open

IV. 1.2) Limitations on the number of operators who will be invited to tender or to participate

IV. 1.3) Reduction of the number of operators during the negotiation or dialogue

IV2) Award criteria

IV.2.1) Award criteria

Lowest Price

IV.2.2) Information about electronic auction

An electronic auction will be used: no

IV3) Administrative information

IV.3.1) File reference number attributed by the Contracting Authority:

IV.3.2) Previous publications concerning the same contract

no

IV.3.3) Conditions for obtaining specifications and additional documents or a descriptive document

IV.3.4) Time-limit for submission of bids or requests to participate in the procedure

17.12.2014-16:00

IV.3.5) Date of dispatch of invitations to tender or to participate to selected candidates

IV.3.6) Languages in which tenders or requests to participate may be drafted

English, Polish.

IV.3.7) Minimum time frame during which the bidder must maintain the bid

in days: 60 (from the date stated for submission of bids)

IV.3.8) Conditions for opening bids

Section VI: Supplementary information

VI.1) Information about the recurrent nature of the contract

This is a recurrent contract: no

VI.2) Information about European Union funds

This contract is related to a project and/or programme financed by European Union funds: yes

Reference to project(s) and/or programme(s):

Operational Programme Infrastructure and Environment 2007-2013, Priority VII "Environment-friendly transport", Measure 7.4 "Development of intermodal transport" Grant Agreement No. POIS.07.04.00-00-030/13-00 signed on 24/10/2013. Project Title: "Increasing the competitiveness of intermodal transport through the use of railway carriages to transport heavy containers".

VI.3) Additional information

Any additional information, "Conditions of the tender" as well as the standard supply agreement annexed to the "Conditions of participation in the tender" are available on the Company webpage www.laude.pl tab Firma - Ogłoszenia.

A bid must be submitted in a sealed envelope. The envelope must be addressed as follows:

Laude Smart Intermodal Spółka Akcyjna.

ul. Włocławska 131

87-100 Toruń

with a note

"Bid for the delivery of specialised railway carriages to transport containers."

Bids made in writing must be submitted on weekdays from Monday to Friday between 8:00 - 16:00, but no later than 17/12/2014 at the registered office of Laude Smart Intermodal Spółka Akcyjna.

The Caller of the tender shall have the right, with no obligation to give reasons, to cancel, interrupt or leave the tender procedure unresolved, close or cancel the tender without selecting any of the bids, or the right to change the terms of the tender. In such a case, the Contracting Authority shall promptly notify the bidders of closing the tender without making a selection.

In this respect, the bidder shall not be entitled to any claims.

Changing the auction or tender terms may not take place after the start of the auction or after the deadline for submission of bids in the tender.

The Caller of the tender has the right to extend the deadline for submission of bids, of which it shall promptly inform the participants in the tender.

After evaluation of bids, the Contracting Authority may invite the selected bidders to further negotiations, being the next stage of the procedure. The bidders who have submitted the most advantageous bids will be admitted to negotiations.

It is unacceptable that the Contracting Authority should admit a bid less favourable than the bid not admitted, to the next stage of the proceedings.

The Contracting Authority may, during additional negotiations with bidders, submit more detailed and additional requirements in relation to the object of the contract, but may not make a substantial modification to the contract object itself. As a result of additional negotiations, successful bidders will submit bids again, taking into account the results of the negotiations.

In the above case, after the completion of additional negotiations, a report of the selection of a bid after negotiations shall be drawn up, which will be available to bidders at the Contracting Authority's registered office.

The Contracting Authority shall notify all bidders of the selection in writing without delay. A decision on the bid awarded will be made no later than 23/12/2014.

Following the tender procedure, the Contracting Authority decides to select one Economic Operator with whom it will enter into an agreement for the performance of the contract.

The tender is carried out in accordance with the provisions of Articles 70(1) to 70(5) of the Civil Code (Journal of Laws No. 16, item. 93 of 1964 as amended)

and taking into account the requirements of the European Commission, i.e.: transparency, non-discriminatory description of the object of the tender, equal access for economic entities from all Member States, mutual recognition of diplomas, certificates, and other evidence of qualifications, according to the Polish law, relevant dates, transparent and objective approach.

A prior written, including electronic, as well as telephone contact with the Contracting Authority, in connection with a bid being prepared, and questions related to the formal issue of participation in the procedure, shall be permitted. It is worth emphasizing, however, that only the documents submitted in writing within the period specified in the contract notice published in the Official Journal of the European Union will be subject to assessment.

All correspondence to the Contracting Authority related to this procedure should be sent to the address given in point II.1.2) of these Terms and Conditions for Participation in the procedure.

Statements, requests, notifications may be sent by the parties by post or courier.

Object of the tender

1. The object of the tender has been specifically determined, as described in point II.1.5) of the Contract Notice published in the Official Journal of the European Union (Short description of contract or purchase).
2. The date of completion of the Contract shall be on or before 20/12/2015.
3. The Contracting Authority allows extension of the deadline for submission of bids. Information in this regard will be immediately published in the place of publication of the contract notice no later than three calendar days before the deadline for submission of bids.

Conditions for participation in the procedure.

1. Formal Terms and Conditions for participation in the procedure are contained in the contract notice, point VI.3) Additional Information, defining the Requirements to be met by a tender bid.
2. The bid selection criteria are contained in the contract notice published in the Official Journal of the European Union, but if the selection criteria have not been specified, the price will be the only criterion.
3. The bid term is contained in the contract notice published in the Official Journal of the European Union.
4. The economic operators have the right to make inquiries and requests for clarification regarding the content of the notice.
5. The Contracting Authority will answer the Economic Operators' questions concerning the content of the notice in the form of a reply addressed individually to the Economic Operator.
6. In the case of significant number of inquiries, the Contracting Authority may extend the deadline for submission of bids. Point II.1.2) of these Terms and Conditions shall apply accordingly, unless a significant number of questions flow to the Contracting Authority within a period of less than three days before the deadline for submission of bids; in such a case, the information about extending the deadline for submission of bids will be published immediately.

How to prepare a bid and form of a bid

1. A bid must be made in Polish and/or English.

2. Bids must be submitted in writing on paper, but in the case of requests for additional clarifications by the Contracting Authority in relation to the offer, such explanation is allowed in electronic form (mail) or by fax.
3. A bid must be signed by a person authorized to represent the Economic Operator
4. The Economic Operator shall bear all costs associated with the preparation and submission of a bid.
5. Bids submitted must meet the formal requirements specified in the contract notice published in the Official Journal of the European Union and these terms and conditions, as well as the technical requirements specified in the contract notice published in the Official Journal of the European Union.

Form of a bid

1. The graphic form of a bid is not specified, provided that the Economic Operator shall include in the bid all the required elements, including but not limited to: the name and address of the Economic Operator, a bid complying in terms of content and technical aspects with the contract notice published in the Official Journal of the European Union and providing additional information if such information is required by the Contracting Authority, price and other Terms and Conditions of performance of the contract (if applicable). If the Contracting Authority requires the submission of additional documents proving the fulfilment of certain criteria or having relevant qualifications and experience, the Economic Operator must provide the required documents.
2. A submitted bid must be clear and legible.
3. In the case of bids submitted on paper, it is recommended the pages of the bid should be numbered and all bid sheets bound permanently.
4. A bid must comprise all the declarations and documents referred to in the Contract notice, as required by the Contracting Authority.
5. A bid should consist of:
 - a) the form of the bid proper containing all the elements required in the contract notice published in the Official Journal of the European Union and these conditions of participation in the procedure,
 - b) the required statements and documents referred to in the contract notice published in the Official Journal of the European Union
 - c) optionally, additional documents which, in the Economic Operator's opinion, will be helpful in bid evaluation
6. At the request of the Contracting Authority and within a reasonable time frame given by the Contracting Authority, the Economic Operator shall submit an explanation as to the content of the bid and/or supplement the bid with additional documents.

Place, date and manner of bid submission

1. A bid should be submitted to:
Laude Smart Intermodal Spółka Akcyjna
ul. Włocławska 131
87-100 Toruń
with a note

“Bid for the delivery of specialised railway carriages to transport containers.”

2. A bid must be submitted by the deadline specified in the contract notice published in the Official Journal of the European Union.
3. The date of submission of a bid on paper to the Contracting Authority, confirmed by an employee receiving incoming mail, shall be deemed the date of serving the bid on the Contracting Authority.
4. A bid submitted after the deadline or a bid which does not meet the requirements contained in the notice, will be left without further consideration and will not be returned to the Economic Operator.
5. Further activities of the tender procedure shall be held in accordance with the internal policies of the Contracting Authority, under the terms and conditions for participation in the tender and selection criteria specified in the contract notice published in the Official Journal of the European Union.

Selection of the bidder and the notification of the procedure outcome.

1. When choosing a bid, the Contracting Authority shall apply only the rules described in these terms and conditions for participation in the procedure, fully respecting the provisions of the notice published in the Official Journal of the European Union.
2. An agreement with the Economic Operator whose bid has been found to be the most advantageous will be concluded by 05/01/2015.
3. Where in response to the notice only one bid that meets the requirements contained in the notice is submitted to the Contracting Authority, the Contracting Authority may enter into an agreement with the Economic Operator who has submitted the bid or cancel the procedure.
4. At each stage of the the procedure the Contracting Authority has the right to cancel the procedure.
5. The Contracting Authority shall notify all the Economic Operators who have applied for the award of cancellation of the procedure at the same time - in the case of cancellation of the procedure before the deadline for submission of bids, while in the event of cancellation of the procedure after the deadline for submission of bids - those who have submitted bids.

Final Provisions

For matters not governed by these terms and conditions for participation in the procedure as well as by the contract notice published in the Official Journal of the European Union, the provisions of the Civil Code shall apply.

VI.4) Appeal procedures

VI.4.1) Authority responsible for appeal procedures

VI.4.2) Lodging appeals

VI.4.3) Source where information about the lodging of appeals can be obtained

VI.5) Date of dispatch of this notice:

3/12/2014