

Poland – Microscopes – Delivery of a low-temperature scanning tunneling microscope -DE-dzp.272-22/24 OJ S 27/2024  
07/02/2024

Contract or concession notice – standard regime - Change notice  
Supplies

1. Buyer

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- 1.1. Buyer  
Official name: AGH University of Science and Technology Stanisław Staszic in Kraków  
Legal type of the buyer: Body governed by public law  
Activity of the contracting authority: Education

2. Procedure

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- 2.1. Procedure  
Title: Delivery of a low-temperature scanning tunneling microscope -DE-dzp.272-22 /24 Description:  
  
Delivery of a low-temperature scanning tunneling microscope, as described in SWZ Procedure identifier:  
ef6201cb-a519-4647-  
a686-38c68b4be896 Internal identifier: DE-dzp.272 -22/24 Type of  
procedure: Open The procedure is  
accelerated: no Main  
features of the procedure: website of  
the procedure: <https://www.dzp.agh.edu.pl/for-contractors/announcements-about-przetargach-agh/>  
communication platform: <https://e-propublico.pl> or e-mail

- 2.1.1. Purpose  
Main nature of the contract: Supplies  
Main classification (cpv): 38510000 Microscopes

- 2.1.2. Place of performance  
Postal address: al. Mickiewicza 30  
Town: Kraków  
Postcode: 30-059  
Country subdivision (NUTS): City of Kraków (PL213)  
Country: Poland

- 2.1.4. General information  
This cancelled or unsuccessful procedure or lot will be relaunched  
Legal basis:  
Directive 2014/24/EU

- 2.1.6. Grounds for exclusion:  
Assets being administered by liquidator: applies to art. 109 section 1 point 4 of the Public  
Procurement Law Act Direct or indirect involvement in the preparation of this procurement procedure: applies  
to Art. 108 section 1 point 6 of the  
Public Procurement Law Act Business activities are suspended: applies to Art. 109 section 1 point 4 of the Public Procurement

Analogous situation like bankruptcy under national law: applies to art. 109 section 1 point 4 of the Public Procurement Law

Conflict of interest due to its participation in the procurement procedure: applies to Art. 109 section 1 point 6 of the Public Procurement Law

Corruption: applies to art. 108 section 1 point 1 and 2 of the Public Procurement Law

Fraud: applies to art. 108 section 1 point 1 and 2 of the Public Procurement Law

Breaching of obligations in the fields of labor law: applies to Article 108(1)(1)(a) hi point 2 of the Public Procurement Law

Insolvency: applies to art. 109 section 1 point 4 of the Public Procurement Law

Payment of social security contributions: applies to art. 108 section 1 point 3 of the Public Procurement Law

Payment of taxes: applies to art. 108 section 1 point 3 of the Public Procurement Law

Purely national exclusion grounds: Applies to Article 108(1) 1 point 1 of the Public Procurement Law, applies to Art. 108 section 1 point 4 of the Public Procurement Law, the Ordering Party will exclude from the contract award procedure the Contractor who is subject to the grounds for exclusion referred to in Art. 7(1) of the Act of April 13, 2022 on special solutions for counteracting support for aggression against Ukraine and for the protection of national security (Journal of Laws of 2022, item 835) and the Ordering Party will exclude the Contractor from the contract award procedure, for which there are grounds for exclusion referred to in Art. 5k of Council Regulation (EU) No. 833/2014 of 31 July 2014 concerning restrictive measures in connection with Russia's actions destabilizing the situation in Ukraine (Journal

Device EU No. L 229 of 31/07/2014, p. 1), hereinafter referred to as: Regulation 833/2014, as amended by Council Regulation (EU) 2022/576 amending Regulation (EU) No. 833/2014 concerning restrictive measures in relation to activities Russia destabilizing the situation in Ukraine (OJ EU No. L 111 of 8/04/2022, p. 1), hereinafter referred to as Regulation 2022/576.

Agreements with other economic operators aimed at distorting competition: Applies to Art. 108 section 1 point 5 of the Public Procurement Law

Child labour and other forms of trafficking in human beings: Dotyczy art. 108 ust. 1 pkt 1 i 2 ustawy Pzp

Money laundering or terrorist financing: Applies to art. 108 section 1 point 1 and 2 of the Public Procurement Law

Terrorist offenses or offenses linked to terrorist activities: Applies to art. 108 section 1 point 1 and 2 of the Public Procurement Law

Early termination, damages or other comparable sanctions: Applies to Art. 109 section 1 point 7 of the Public Procurement Law

Participation in a criminal organization: Applies to art. 108 section 1 point 1 and 2 of the Public Procurement Law

Arrangement with creditors: Applies to art. 109 section 1 point 4 of the Public Procurement Law

Bankruptcy: Applies to Art. 109 section 1 point 4 of the Public Procurement Law

Guilty of grave professional misconduct: Applies to Art. 109 section 1 point 5 of the Public Procurement Law

Guilty of misrepresentation, withheld information, unable to provide required documents and obtained confidential information of this procedure: Dotyczy art. 109 ust. 1 pkt 8-10 ustawy Pzp

## 5. Lot

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### 5.1. Lot: LOT-0001

Title: Delivery of a low-temperature scanning tunneling microscope -DE-dzp.272-22/24

Description: Delivery of a low-temperature scanning tunneling microscope, as described in the SWZ

Internal identifier: DE-dzp.272-22/24

#### 5.1.1. Purpose

**Main nature of the contract: Supplies**

**Main classification (cpv): 38510000 Microscopes**

**5.1.2. Place of performance**

**Postal address: al. Mickiewicza 30**

**Town: Kraków**

**Postcode: 30-059**

**Country subdivision (NUTS): City of Kraków (PL213)**

**Country: Poland**

**5.1.3. Estimated duration**

**Duration: 6 Month**

**5.1.6. General information**

**Procurement Project not financed with EU Funds.**

**The procurement is covered by the Government Procurement Agreement (GPA)**

**5.1.9. Selection criteria**

**Criterion:**

**Type: Other**

**Name: The Ordering Party does not set any conditions for participation in this procedure.**

**Description: The Ordering Party does not set any conditions for participation in this procedure.**

**5.1.10. Award criteria**

**Criterion:**

**Type: Price**

**Description: 55%**

**Weight (percentage, exact): 55**

**Criterion:**

**Type: Quality**

**Description: Technical parameters 20%**

**Weight (percentage, exact): 20**

**Criterion:**

**Type: Quality**

**Description: Response time to reporting a fault 10**

**Weight (percentage, exact): 10**

**Criterion:**

**Type: Quality**

**Description: Warranty period**

**Weight (percentage, exact): 15**

**5.1.11. Procurement documents**

**Languages in which the procurement documents are officially available: Polish**

**Address of the procurement documents: [www.dzp.agh.edu.pl](http://www.dzp.agh.edu.pl) Ad hoc communication channel:**

**Name: <https://e-propublico.pl>**

**5.1.12. Terms of procurement**

**Terms of submission:**

**Electronic submission:** Required

**Address for submission:** <https://e-propublico.pl>

**Languages in which tenders or requests to participate may be submitted:** Polish, English

**Electronic catalogue:** Not allowed

**Deadline for receipt of tenders:** 19/02/2024 10:00:00 (UTC+1)

**Deadline until which the tender must remain valid:** 90 Day

**Information that can be supplemented after the submission deadline:**

At the discretion of the buyer, some missing tenderer-related documents may be submitted later.

**Additional information:** Ordering Party, in accordance with Art. 139 of the PZP, provides for the reverse order of activities, i.e. the Ordering Party will first examine and evaluate the offers, and then subjectively qualify the Contractor whose offer was rated the highest.

**Documents submitted at the request of the contracting authority:** a) declaration of not being subject to exclusion from the procedure and of meeting the conditions for participation in the procedure, submitted on the Single European Procurement

Document form, prepared in accordance with the standard form specified in the Commission Implementing Regulation (EU) No 1268/2012 of 5 January 2016 establishing the standard form for the Single European Procurement

Document (OJ UEL3, 6/01/2016, p. 16); b) declaration of the contractor, within the scope of Art. 108 section 1 point 5 of the Public Procurement Law, on the lack of belonging to the same capital group, within the meaning of the Act of February 16, 2007 on competition and consumer protection (Journal of Laws of 2019, item 369), with another contractor who submitted a separate offer or a partial offer or a declaration of belonging to the same capital group, together with documents or information confirming the preparation of the offer or partial offer independently of another contractor belonging to the same capital group; c) information from the National Criminal Register regarding the grounds for exclusion indicated in Article 108, section 1 point 1, 2 and 4 of the Public Procurement Law, prepared no earlier than 6 months before its submission; d) excerpt or information from the National Court Register or the Central Registration and Information on Business, within the scope of Art. 109 section 1 point 4 of the Act, prepared no earlier than 3 months before its submission, if separate provisions require entry in the register or records.

The ordering party requires the contractor to submit the following along with the offer: Offer form. To prepare an offer, it is recommended to use the Offer Form, which

constitutes Appendix No. 1 to the SWZ. If the Contractor does not use the template Offer Form prepared by the Ordering Party, the offer should contain all the information required in the template. Technical description of the offered equipment along with an indication of all its technical parameters, to the extent enabling the assessment of compliance with the Ordering Party's requirements specified in the SWZ. Power of attorney or other document confirming the authority to represent the contractor. The authorization of the persons signing the offer must result directly from the documents attached to the offer. If such authorization does not result directly from the registration documents (KRS, CEiDG or other relevant register), the offer should be

accompanied by another document confirming the authorization to represent the contractor. Declaration regarding exclusion under Art. 5k of Council Regulation (EU) No. 833/2014 of 31 July 2014 concerning restrictive measures in connection with Russia's

actions destabilizing the situation in Ukraine and Art. 7 section 1 of the Sanctions Act of April 13, 2022, in accordance with the template set out in Annex No. 4 to the SWZ. The offer, together with the attachments constituting an integral part thereof, must be

submitted, under pain of nullity, in electronic form via the Platform and signed with a qualified electro

**Information about public opening:**

Opening date: 19/02/2024 11:00:00 (UTC+1)

Place: The opening of offers will take place via the platform: <https://e-propublico.pl>

Additional information: The offers will be opened using an IT system. In the event of a failure of this system, which makes it impossible to open offers within the time specified by the ordering party, the offers will be opened immediately after the failure is removed.

Terms of contract:

Conditions relating to the performance of the contract: the ordering party provides for the possibility of changing the provisions of the contract, which are specified in the contract template constituting Annex No. 3 to the SWZ

A non-disclosure agreement is required: no

Electronic invoicing: Allowed

Electronic payment will be used

Legal form that must be taken by a group of tenderers that is awarded a contract: Contractors may jointly apply for the award of a contract. In such a case, Contractors are obliged to appoint a representative to represent them in the contract award procedure or to represent them in the procedure and conclude a public procurement contract.

Financial arrangement: by bank transfer within 21 days from the date of receipt of the invoice by the ordering party

Information about review deadlines: The appeal must be submitted within: 1) 10 days from the date of providing information about the ordering party's action constituting the basis for its submission, if the information was provided using electronic means of communication; 2) 15 days from the date of providing information about the ordering party's action constituting the basis for its submission, if the information was provided in a manner other than that specified in point 1. 1.5.

An appeal against the content of the notice initiating the contract award procedure or against the content of the procurement documents must be lodged within 10 days from the date of publication of the notice in the Official Journal of the EU or posting the procurement documents on the website. 1.6.

Appeal in cases other than those specified in section 4 and 5 shall be filed within 10 days from the date on which the information on the circumstances constituting the basis for its filing was learned or could have been learned with due diligence.

1.7. The parties and participants in the appeal proceedings may lodge a complaint against the decision of the National Chamber of Appeal and the decision of the President of the National Appeals Chamber to the District Court in Warsaw - the public procurement court.

#### 5.1.15. Techniques

Framework agreement: No framework agreement

Information about the dynamic purchasing system: No dynamic purchase system

#### 5.1.16. Further information, mediation and review

Review organization: National Chamber of Appeal

Organization providing more information on the review procedures: National Chamber of Appeal

## 8. Organisations

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### 8.1. ORG-0001

Official name: AGH University of Science and Technology Stanisław Staszic in Krakow

Registration number: 6750001923

Postal address: Al. Mickiewicza 30

Town: Kraków

Postcode: 30-059

Country subdivision (NUTS): City of Kraków (PL213)

Country: Poland

Contact point: Public Procurement Department

Email: [dzp@agh.edu.pl](mailto:dzp@agh.edu.pl)

Telephone: +48 126173595

Internet address: [www.dzp.agh.edu.pl](http://www.dzp.agh.edu.pl)

Information exchange endpoint (URL): [www.dzp.agh.edu.pl](http://www.dzp.agh.edu.pl) Roles of this organization: Buyer

#### 8.1. ORG-0002

Official name: National Chamber of Appeal

Registration number: 5262239325

Department: President of the National Chamber of Appeal Town:

Warszawa Postcode:

02-676 Country subdivision (NUTS): Miasto Warszawa (PL911)

Country: Poland

Email: [odwolania@uzp.gov.pl](mailto:odwolania@uzp.gov.pl)

Telephone: +48 224584740

Internet address: <https://www.uzp.gov.pl/kio/kontakt>

Information exchange endpoint (URL): <https://www.uzp.gov.pl/kio/kontakt> Roles of this organisation: Review organisation

Organisation providing more information on the review procedures

#### 10. Change

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Version of the previous notice to be changed: 23259-2024

Main reason for change: Information updated

#### 11. Notice information

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##### 11.1. Notice information

Notice identifier/version: dbdbbbfb7-e990-4175-b482-caecac3e09ab - 01

Form type: Competition

Notice type: Contract or concession notice – standard regime

Notice dispatch date: 06/02/2024 13:23:04 (UTC)

Languages in which this notice is officially available: Polish

##### 11.2. Publication information

Notice publication number: 79989-2024

OJ S issue number: 27/2024

Publication date: 07/02/2024