

Contract Notice

for transport services of children of Polish soldiers serving in Brunssum garrison to the United World College international school in Maastricht and transport of soldiers to the shooting range in Weert.

SECTION I – CONTRACTING AUTHORITY

1.1. The role of the Contracting Authority

The procurement procedure is conducted solely by The role of the Contracting Authority.

1.2. The name of the Contracting Authority: Ministry of National Defence

1.4. National Identification Number: REGON 014872806

1.5. The address of the Contracting Authority:

1.5.1. Street: Al. Niepodległości 218

1.5.2. City: Warszawa

1.5.3. Postal code: 00-911

1.5.4. Voivodship: Mazowieckie

1.5.5. Country: Poland

1.5.6. Location of NUTS 3: PL911 – City of Warszawa

1.5.9. Electronic mailing address: wag.pnpw.brunssum@ron.mil.pl

1.5.10. Website address: <https://www.gov.pl/web/obrona-narodowa>

1.6. Type of the Contracting Authority: Public Contracting Authority – financial public unit – central government sector – general government sector.

1.7. The Contracting Authority sector: National Defence.

SECTION II – GENERAL INFORMATION

2.1. The notice concerns:

Public procurement.

2.2. The notice concerns social and other specific services: No

2.3. Title of the contract or framework agreement:

Transport services of children of Polish soldiers serving in Brunssum garrison to the United World College international school in Maastricht and transport of soldiers to the shooting range in Weert.

2.4. Identification code of the procurement process: ocds-148610-4932e27f-2577-11ec-b885-f28f91688073

2.8. The procurement or framework agreement has been in a plan of procurement procedures: Yes

2.9. The number of the plan of procurement procedures in PPO: 2021/BZP
00010427/04/P

2.10. Identifier of the plan of procurement procedures:

1.3.25 Transport of children to the UWC Maastricht and transport of soldiers to the shooting range.

2.11. Only contractors specified in Article 94 of Public Procurement Law (PPL) can compete on awarding the contract: No

2.14. Does the procurement or framework agreement concerns project or program co-financed by the European Union: No

2.16. Type of procurement procedure and legal basis:

The contract is awarded in accordance with basic procedure pursuant to Article 275 (1) of PPL.

SECTION III – SHARING OF PROCUREMENT DOCUMENTATION AND COMMUNICATION

3.1. The website address of pending procurement:

platformazakupowa.pl/pn/damon

3.2. The Contracting Authority restricts access to documentation of the procurement: No

3.4. Contractors shall submit tenders, requests to participate in a procurement procedure, statements, and other documents only using electronic communication media: Yes

3.6. Technical and organizational requirements concerning electronic communication:

1. Communication between the contracting authority and economic operators shall take place exclusively by means of electronic communication via a purchasing platform, hereinafter referred to as "the purchasing platform".
2. The term "procurement platform" shall be understood as a computer application/programme designed for the implementation of the process related to the conduct of this public procurement procedure in electronic form:
 - 1) the contracting authority uses the Open Nexus sp. z o.o. purchasing platform
 - 2) website address of the purchasing platform:
<https://platformazakupowa.pl/pn/damon>
3. The Contracting Authority, in accordance with the Regulation of the Prime Minister of December 30, 2020 on the manner of preparing and submitting information and technical requirements for electronic documents and means of electronic communication in a public procurement procedure or competition (Journal of Laws, item 2452), specifies the necessary hardware and application requirements enabling work on the purchasing platform, i.e:
 - 1) permanent access to the Internet with a guaranteed bandwidth of at least 512 kbps;
 - 2) PC or MAC computer with the following configuration: min. 2 GB Ram, Intel IV 2 GHZ processor or better, one of the following operating systems - MS Windows 7, Mac Os x 10 4, Linux or later versions;
 - 3) any web browser installed, in case of Internet Explorer at least version 10.0;
 - 4) JavaScript enabled;
 - 5) Adobe Acrobat Reader or other software supporting the .pdf file format installed;
 - 6) encryption on platformazakupowa.pl takes place using TLS 1.3 protocol;
 - 7) the time indication of data reception by the purchasing platform is the date and the exact time (hh:mm:ss) generated according to the local time of the server synchronized with the clock of the Central Office of Measures.
4. The Contrator, when entering into this public procurement procedure:
 - 1) accepts the terms of use of platformazakupowa.pl as set out in the Regulations placed on the website under the tab "Regulations" and acknowledges them as binding: <https://platformazakupowa.pl/strona/1-regulamin>;

- 2) has read and followed the Instructions for Submission of Tenders:
<https://platformazakupowa.pl/strona/45-instrukcje>.
 5. The Contracting Authority shall not be responsible for submitting an offer in a manner inconsistent with the Instructions for Using platformazakupowa.pl
 6. The Contracting Authority informs that the instructions for use of the purchasing platform, in particular regarding logging in, submitting requests for clarification of the content of the notice, submitting tenders and other activities undertaken in this procedure using the purchasing platform are available in the "Instructions for Contractors".
 7. The tender and the statement referred to in Article 125(1) of PPL shall be submitted, under pain of invalidity, in an electronic form (bearing a qualified electronic signature) or in an electronic form bearing a trusted signature or a personal signature, pursuant to Article 63(2) of PPL.
 8. Qualified signatures used by contractors to sign any files must comply with Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market (eIDAS) - from 1 July 2016.
- 3.8. The Contracting Authority requires preparation and submitting of tenders using electronic tools for construction data modeling or other similar tools, not commonly available: No**
- 3.12. Tender – electronic file: Not applicable**
- 3.14. Languages in which a tender and documents of the procurement should be composed.**
- 3.15. GDPR (information responsibilities):** The personal data protection.
1. In accordance with Article 13(1) and (2) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the related to the processing of personal data and on the free flow of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Official Journal of the EU L 119 of 4 May 2016 p. 1) hereinafter referred to as "GDPR", the contracting authority informs the contractor that:
 - 1) the administrator of the personal data is the Minister of National Defence/Ministry of National Defence with their/its seat in Warsaw, at Al. Niepodległości 218, phone +48 22 628 00 31;
 - 2) the controller has appointed a Data Protection Officer who can be contacted by e-mail at: iod@mon.gov.pl or by post at the following address: Ministry of Defence, Al. Niepodległości 218, 00-911 Warsaw, marked "Data Protection Officer";
 - 3) personal data will be processed for the purpose of carrying out this public procurement procedure and concluding the contract, pursuant to Article 6(1)(b) and (c) of the GDPR;
 - 4) personal data may be transferred to entities processing personal data upon order of the administrator, as well as to persons or entities to whom documentation of the proceedings will be made available pursuant to Article 18 and Article 74 of PPL;
 - 5) personal data will not be transferred to a third country or international organization;
 - 6) personal data obtained in connection with the proceedings will be stored for a period of 5 years from the date of completion of the contract award procedure, and if the duration of the contract exceeds 5 years, the storage period shall cover the entire contract duration;
 - 7) with regard to the personal data of persons participating in the proceedings in question, decisions will not be taken by automated means, pursuant to Article 22

- of the GDPR;
- 8) the data subject has the right to:
 - (a) access to personal data;
 - (b) request that they be corrected or supplemented, provided that the exercise of the right of correction or supplementation may not have the effect of changing the outcome of the public procurement procedure or changing the provisions of the public procurement contract to an extent contrary to PPL, or affect the integrity of the minutes and their annexes;
 - (c) restrict processing, subject to the cases referred to in Article 18(2) of the GDPR, whereby the right to restrict processing shall not apply in relation to storage, in order to ensure the exercise of legal remedies or to protect the rights of another natural or legal person, or on important grounds of public interest of the European Union or of a Member State, and shall not restrict processing of personal data until the end of the procurement procedure;
 - d) the right to lodge a complaint with the President of the Office for Personal Data Protection (address: 00-193 Warsaw, ul. Stawki 2);
 - 9) the data subject shall not be entitled to:
 - (a) in relation to Article 17(3)(b), (d) or (e) of the GDPR, the right to erasure of personal data;
 - (b) the right to the portability of personal data as referred to in Article 20 of the GDPR;
 - c) pursuant to Article 21 of the GDPR, the right to object to the processing of personal data, as the legal basis for the processing of personal data is Article 6(1)(c) of the GDPR;
 - 10) the obligation for the economic operator to provide personal data directly concerning them and personal data of persons participating in the proceedings is a requirement laid down in the provisions of PPL, related to participation in the procurement procedure; consequences of failure to provide certain data result from PPL.
2. When applying for the award of the contract, the economic operator is obliged to comply with all formal and legal obligations related to participation in the procedure, including the obligations arising from the GDPR. In connection with the above, an economic operator is obliged to submit in the contract award procedure a statement about fulfilling their information obligations provided for in Article 13 or Article 14 of GDPR, according to the contents included in Annex No. 1 to the ToR.
 3. The subcontractor is obliged, when acquiring personal data for the purposes of this procurement procedure, to comply with the information obligations under the GDPR in relation to natural persons to whom the personal data relates and from whom the data is directly obtained.
 4. The above provisions concern personal data of natural persons, directly obtained from them, and in particular personal data of:
 - 1) a contractor who is a natural person;
 - 2) a contractor being a natural person running a sole proprietorship;
 - 3) a proxy of the economic operator who is a natural person (e.g. personal data included in the power of attorney);
 - 4) a member of the managing body of the economic operator, being a natural person.

SECTION IV – SUBJECT OF THE PROCUREMENT

- 4.1.1. **Prior to the launching of the procurement procedure, the contracting authority conducted preliminary market consultation:** No
- 4.1.2. **Reference number:** 19/ZP/21
- 4.1.3. **Type of contract:** Services

4.1.8. Partial bids are allowed: No

4.1.13. The Contracting Authority takes into account social and environmental aspects or labels in description of the subject-matter: No

4.2. Details concerning the subject of the procurement:

4.2.2. Short description of the subject-matter of the contract

The subject of the contract is the provision of transport services for children by bus with a driver during the school year 2021/2022 and two trips with Polish soldiers to the shooting range.

4.2.6. The main CPV: 60172000-4 – Rental of buses and coaches with a driver

4.2.8. The contract includes variants: No

4.2.10. Term of the contract or framework agreement: to 13.07.2022

4.2.11. The Contracting Authority envisages renewal: No ,

4.2.13. The Contracting Authority envisages awarding current contractor with similar services or construction works: No

4.3. The criteria for evaluation of tenders

4.3.1. The way of tender evaluation: The way points are awarded in the criterion

Criterion 1 - price (C):

$$C = (C_{\min} / C_{\text{of.}}) \times 100 \times 60\%$$

where:

C_{\min} - is the lowest price among the bids to be evaluated;

$C_{\text{of.}}$ - is the price proposed in the remaining bids;

C - is the number of points obtained for the price by the given offer.

Criterion 2 - environmental criterion - emission standard to be met by the vehicle to be used to carry out the contract (N):

The criterion will be evaluated as follows:

Euro IV - 10 points (%)

Euro V - 20 points (%)

Euro VI - 30 points (%)

The Contracting Authority will award points in this one on the basis of the statement made by the contractor in the Tender Form.

Criterion 3 - social criterion - employment under an employment contract of a disabled person (Z):

The criterion will be evaluated as follows:

Employment of a disabled person to carry out the contract - 10 points. (%)

Failure to employ a disabled person to carry out the contract - 0 points (%)

The Contracting Authority will award points in this one on the basis of the statement made by the contractor in the Bid Form regarding the employment of a disabled person to carry out the contract.

3. The offer that obtains the highest number of points based on the established criteria will be considered the most advantageous. The remaining offers will be ranked according to the decreasing number of points.

4. The contractor with the highest number of points will be invited to perform the contract.

5. The evaluation of the offers with regard to the criteria presented above will be made

on a hundred-point scale according to the formula:

$$S = C + N + Z$$

where:

- S - is the sum of points obtained;
- C - is the points for price;
- N - is the score for the environmental criterion;
- Z - are the points for the social criterion.

6. The points awarded to the tenderers in the individual criteria will be calculated to two decimal places. The highest number of points shall determine the most advantageous offer.
7. The Contracting Authority shall award the contract to the contractor whose tender complies with all the requirements laid down in the Act and in ToR and is assessed as the most advantageous on the basis of the selection criteria indicated, subject to provisions of Article 255(3) of PPL.

4.3.2. The way of determination of the weight of the criteria for evaluation of tenders: percentage

4.3.3. The criteria employed in for evaluation of tenders: Price and quality criterion

Criterion 1

4.3.5. Criterion name: Price

4.3.6. Weight: 60

Criterion 2

4.3.4. Criterion type: environmental aspects including exegetical efficiency of the contract subject

4.3.5. Criterion name: environmental criterion - emission standard to be met by the vehicle to be used to carry out the contract (N)

4.3.6. Weight: 30

Criterion 3

4.3.4. Criterion type: social aspects including professional and social integration referred to in Article 94 of PPL.

4.3.5. Criterion name: social criterion - employment under an employment contract of a disabled person (Z)

4.3.6. Weight: 10

4.3.10. The Contracting Authority determines social, environmental, or innovational aspects labels or uses cost of living calculations in reference to the tenders' evaluation criteria: Yes

4.3.11. The determination of social, environmental, or innovational aspects labels or uses cost of living calculations in reference to the tenders' evaluation criteria:

In accordance with Article 242(2) PPL – social aspects

In accordance with Article 242(2) PPL – environmental aspects

SECTION V - QUALITATIVE SELECTION OF ECONOMIC OPERATORS

5.1. The Contracting Authority provides for optional grounds for exclusion: Yes

5.2. Optional grounds for exclusion:

Article 109(1)(4) PPL

5.3. Conditions for participation in the proceedings: Yes

5.4. Title and description of conditions for participation in the proceedings

The Contracting Authority shall require that a contractor applying for awarding the contract demonstrates that they meet the conditions for participation in the procedure concerning:

- 1) the right to conduct a specific economic or professional activity, if it results from separate regulations:

Description of the fulfilment of the condition:

The contractor must be in possession of a license for transport services, authorizing them to transport passengers within the Netherlands.

- 2) technical and/or professional capacity:

Description of the fulfilment of the condition:

I. The contractor shall have at least one bus meeting all the requirements listed below:

- technically sound with up-to-date technical inspection;
- has at least 50 seats, equipped with safety belts;
- meets the emission standards applicable in the Netherlands on the route JFC Brunssum - UWC Maastricht.
- has adequate signage indicating that children are being transported
- the door control system shall eliminate the possibility of accidental opening of the doors while the vehicle is in motion; the doors shall incorporate an occupant restraint system;
- air-conditioned;
- equipped with fire-fighting and first-aid equipment in conspicuous and readily accessible places in a number appropriate to the number of persons carried;
- has emergency exits that should not be difficult to access;
- maintained in impeccable sanitary and hygienic conditions;
- suitable for transporting children from 5 to 18 years of age, as well as adults;
- in the event of breakdown of the bus, the service provider is responsible for arranging replacement transport, which must meet the same requirements as above.

II. The contractor will direct at least one person (bus driver) who meets all of the following requirements:

- the driver must have a category D driving licence and at least 2 years' experience of driving a coach;
- the driver must have an employment contract;
- the driver must be in possession of a certificate confirming in terms of criminal no contraindications to practice the profession, i.e. a Verklaring Omtrent het Gedrag (VOG) or other relevant document confirming no criminal record and no contraindications to practice the profession, issued in the country of residence of the driver;
- the driver must be able to communicate in English.

5.5. The Contracting Authority requires of submitting a statement referred to in Article 125 (1) PPL: Yes

5.6. List of qualitative means of proof as evidence for the absence of grounds for exclusion:

In order to confirm that there are no grounds for excluding the Contractor from participation in a public procurement procedure, the Contracting Authority requests the following

qualitative evidence: updated excerpts or information from the National Court Register or Central Register and Information on Business Activity within the scope of Article 109 (1) (4) of PPL, prepared not earlier than 3 months before submission, if separate regulations require entry in the register.

In case of a tender submitted by contractors jointly, this document shall be submitted separately by each of the contractors.

5.7. List of qualitative means of proof as evidence to confirm fulfilment of the conditions for participation in the procurement procedure:

In order to confirm that a contractor meets the conditions for participation in the procedure, the Contracting Authority shall demand the following subjective evidence:

- 1) a document proving possession of a license authorizing the provision of transport services for the carriage of passengers;
- 2) a list of tools, plant equipment or technical devices available to the economic operator in order to carry out the public procurement, together with information on the basis to dispose of these resources, according to the template constituting Annex No. 8 to ToR (List of vehicles);
- 3) a list of persons appointed by the economic operator to carry out the public contract particularly responsible for providing services, quality control or managing construction works, together with information about their professional qualifications, entitlements, experience and education necessary to perform the public procurement, as well as the scope of activities performed by them and information on the basis to dispose of these persons, according to the template constituting an appendix No.9 to ToR.

5.8. List of qualitative means of proof: Not applicable

5.11. List of other required declarations and documents:

1. Documents and statements to be submitted with the tender:

- 1) offer form - Attachment No. 1 to ToR;
- 2) statement on fulfilling the conditions of participation in the proceedings - Annex No. 2 to ToR;
- 3) statement concerning the grounds for exclusion from the procedure - Annex No 3 to ToR;

In the case of relying on the capabilities or situation of entities making available resources, the Economic Operator shall, together with the statement referred to above, present a statement of the entity making available the resources, confirming that there are no grounds for exclusion of that entity and that the conditions for participation in proceedings are met, respectively, to the extent to which the Economic Operator relies on its resources.

- 4) the commitment of the entity providing resources, referred to in chapter 17 item 9 of ToR - attachment No. 6 to ToR (if a contractor invokes the resources of another entity);
- 5) power of attorney(s) for the person(s) signing the bid if the bid is signed by a proxy (if applicable).

If a tender is submitted by economic operators applying jointly for awarding the contract - a power of attorney to represent all the economic operators applying jointly for awarding the contract or another document confirming the authorisation to represent the economic operator - the power of attorney may be prepared according to the specimen constituting Attachment No. 5 to ToR.

A proxy may be appointed to represent the economic operators in the proceedings or

to represent them in the proceedings and to conclude the agreement.

- 6) a statement indicating which services will be provided by individual contractors – the statement template constitutes attachment No. 7 to ToR - applies to contractors jointly applying for awarding the contract (consortium, civil partnership, etc.) in the case mentioned in Article 117 (2) (3) of PPL.

SECTION VI – THE TERMS OF THE CONTRACT

- 6.1. **The Contracting Authority requests or allows for variants:** No
- 6.3. **The Contracting Authority provides for an electronic auction:** No
- 6.4. **The Contracting Authority requires to lodge a tender guarantee:** No
- 6.5. **The Contracting Authority requires a guarantee of the proper performance of the contract:** No
- 6.7. **The Contracting Authority provide for possibility of cancellation of the procurement procedure if the public funds intended to allocate to finance all or part of the contract have not been granted:** No

SECTION VII – DRAFT PROVISIONS OF THE CONTRACT

- 7.1. **The Contracting Authority provides for grant advances:** No
- 7.3. **The Contracting Authority provides for the contract modifications:** Yes
- 7.4. **Types and scope of modifications and conditions for implementation:**

The envisaged modifications to provisions of the contract, their types, scope, and conditions are specified in ToR, Annex No. 4 - Draft contractual provisions.

- 7.5. **The Contracting Authority has taken into account social, environmental, and innovational aspects or labels connected with performance of the contract:**
Yes
- 7.6. **The Contracting Authority stipulates following requirements of employment connected with performance of the contract:**

Employment under an employment contract in the circumstances referred to in Article 95 of PPL.

SECTION VIII - PROCEDURE

- 8.1. **Time limit for the submission of tenders:** 2021-10-14 12:00
- 8.2. **Place of submitting the tenders:** The Contractor shall submit a tender, together with all annexes, on the purchasing platform at platformazakupowa.pl/pn/damon on the site related to the relevant procedure.
- 8.3. **Time for the opening of tenders:** 2021-10-14 12:30
- 8.4. **Time frame during which the tenderer must maintain its tender:** until 2021-11-12