

ELL Polska Asset Sp. z o.o.
Wladyslaw Andersa Square 7
61 - 894 Poznań

Poznan, 10th December 2024

ENQUIRY

ELL Polska Asset Sp. z o.o., the contracting authority, is carrying out a project entitled 'Purchase of zero-emission electric traction locomotives for intermodal transport', for which it plans to apply for support from European Union funds in the form of state aid under the National Recovery and Reinforcement Plan, and as a result the contracting authority is launching a procurement procedure:

"Purchase of 4 zero-emission electric traction locomotives for intermodal transport".

The tender procedure announced is not subject to the provisions of the Act of 29 January 2004. Public Procurement Law, as amended, and will be conducted in a competitive procedure in accordance with the procurement rules in force at ELL Polska Asset Sp. z o.o. (Procurement Regulations).

The supplier of 4 electric locomotives will be selected in accordance with the principles of competitiveness, equal treatment, openness and transparency.

I. CONTRACTING AUTHORITY

ELL Polska Asset Sp. z o.o.
Wladyslaw Andersa Square 7
61 - 894 Poznań
KRS: 0001034949
REGON: 525279263
NIP: 5273055847

II. SUBJECT MATTER

The subject of the contract is the delivery of new 4 (in words: four) electric traction locomotives for intermodal transport in Poland and other EU member states.

Both locomotives which are the subject of the contract at the date of delivery must be authorized to operate in Poland and other European countries according to the following configuration: Poland, Germany, the Netherlands, Austria, Hungary, Czech Republic, Slovakia, Romania.

1. Designation of the subject matter of the contract according to the code of the Common Procurement Vocabulary CPV:
 - a) 34611000-3 - Locomotives
2. **Contract completion date - until 30.04.2026.**
3. The locomotives will be delivered by the Contractor at his expense to the Poznań.

4. The costs of preparing the technical documentation for the delivered locomotives and releasing them into service will be covered by the Contractor.
5. Locomotives supplied must have at least a 24-month warranty, running from the date on which the Parties sign a protocol of acceptance of the individual vehicles, with the protocol confirming the absence of defects and faults in the vehicles supplied.
6. Construction documentation necessary for maintenance with technical conditions for implementation. Including service records, maintenance records, locomotive history book and:
 - a List of consumables.
7. The locomotives under investigation must be new, built from new modules, components and parts.
8. The specific technical requirements to be met by the locomotives indicated in points. 1 and pt. 2 above can be found in the Description of the Subject of the Order, which constitutes Annex to the Request for Proposals. The Description of the Subject of the Order also contains a list of documents that the Contractor is obliged to provide together with the locomotives.

III. CONDITIONS FOR PARTICIPATION IN THE PROCEDURE

Only those Contractors who meet the following conditions of participation will be allowed to participate in the procurement procedure:

1. The Contractor is not in liquidation or a bankruptcy petition has not been filed against the Contractor;
2. The contractor is not in delay with payment of taxes, fees or social and health insurance contributions;
3. The Contractor has a civil liability insurance policy with respect to its business activity related to the subject matter of the contract for a guarantee amount of at least PLN 20,000,000.00 (in words: twenty million zlotys 00/100).
4. They have no personal or capital relations with the Contracting Authority, which will be confirmed by the submission of a declaration, a specimen of which is attached as Annex to this request for proposals.
5. They are not subject to exclusion from the proceedings on the basis of Article 7(1) of the Act of 13 April 2022 on special solutions to prevent support for aggression against Ukraine and to protect national security. The condition will be considered fulfilled on the basis of the Contractor's statement, the template of which is attached as Annex to this request for proposals.
6. The Contractor must demonstrate that he/she has an operating authorisation for a type of railway vehicle for an electric locomotive manufactured by the Contractor within the last 6 years before the deadline for submission of tenders in this procedure, obtained in the following countries according to the configuration listed in point II. of this notice: Poland, Germany, the Netherlands, Austria, Hungary, Czech Republic, Slovakia, Romania.

In order to confirm the fulfilment of the aforementioned conditions for participation in the proceedings, the Contractor is required to submit the following documents:

1. Declaration of fulfilment of the conditions for participation in the procedure. The statement constitutes attachment to this announcement
2. A current excerpt from the appropriate register (KRS) or from the central register and information on business activity (CEIDG) or from the appropriate register, issued no earlier than 3 months before the deadline for submission of tenders, in order to prove that no liquidation or bankruptcy proceedings have been opened with respect to the Contractor.
3. A current certificate from the competent head of the tax office confirming that the Contractor is not in arrears with payment of taxes or fees.
4. A current certificate from a competent branch of the Social Insurance Institution stating that the Contractor is not in arrears with payment of health and social insurance contributions, issued no earlier than 3 months before the deadline for submission of tenders.
5. A document issued by an insurer, confirming that the Contractor has civil liability insurance in respect of its business activity related to the subject matter of the order for the guarantee amount of at least PLN 20,000,000.00 (in words: twenty million zlotys 00/100).
6. List of deliveries of new electric multi-system locomotives together with documents confirming acceptance of delivered locomotives.
7. Document confirming the authorization for placing in service a type of railway vehicle manufactured by the Contractor in the last 6 years before the deadline for submitting tenders in this procedure, obtained in the EU Member States according to the following breakdown: Poland, Germany, the Netherlands, Austria, Hungary, Czech Republic, Slovakia, Romania.
8. It is acceptable to submit the type approval for each country separately.
9. The contracting authority allows the ERATV-ID to be submitted as proof of acceptance.
10. If the Contractor's seat or place of residence is outside the territory of the Republic of Poland, he shall submit documents analogous to those mentioned in items. 2, 3 and 4 above, issued in the country where the Contractor has its seat or domicile.

The Contracting Authority will assess the fulfilment of the conditions for participation in the procedure on the basis of the statements and documents presented by the Contractor. The evaluation will be carried out on the basis of the principle: Contractor "meets" or "does not meet" a given criterion.

If the Contractor fails to submit statements or documents required by the Contracting Authority which constitute confirmation of fulfilment of the conditions for participation in the procedure, as specified above, or other documents confirming the fulfilment of the conditions and authority to perform activities related to this procedure, or if the statements/documents are incomplete, contain errors or give rise to doubts, the Contractor will be called upon by the Contracting Authority to supplement or correct the documents or provide explanations within the deadline indicated by the Contracting Authority.

IV. TENDER EVALUATION CRITERIA

The evaluation of the tenders will be carried out according to the "Net price criterion". Bids from contractors will be awarded points based on the prices submitted according to the following formula:

$$C = \frac{C_{min}}{C_o} \times 100 \text{ pkt}$$

Where:

C - means the number of points obtained in the "Net price criterion" (to two decimal places)

C_{min} - means the net price of the cheapest of the offers

C_o - indicates the net price of the evaluated offer

Contractors shall express their prices in the tender form in EUR.

V. DEADLINE FOR SUBMISSION OF TENDERS

Offers should be submitted on the offer form attached to the announcement by 11.59 pm on 2025.01.17, only electronically by email to: biuro-polska@ell-group.com

The offer form is attached as Appendix 1 to this request for proposal.

Communication in the procurement procedure, including the announcement of the request for tenders, the submission of tenders, the exchange of information between the contracting authority and the contractor and the transmission of documents and declarations, shall take place in writing by e-mail via the aforementioned designated e-mail addresses.

Tenders sent to the Purchaser's postal address will be rejected.

Other requirements and conditions to be complied with by the Contractor are set out below:

1. The tender and correspondence in the proceedings must be submitted in Polish or in English. For documents submitted in languages other than those mentioned above, the Contractor must submit a translation into one of the 2 indicated languages, certified as a true to the original.
2. It is permissible for the Contractor to make changes to the tender or to withdraw it completely up to the date determining the deadline for the submission of tenders.
3. The Contractor shall be obliged to mark that part of the tender which constitutes a business secret and to make an appropriate declaration in this respect, signed by persons authorized to represent the Contractor.
4. The contracting authority reserves the right to extend the deadline for the submission of tenders.
5. The contracting authority reserves the right to cancel the procedure without incurring any legal or financial consequences.
6. Until the deadline for submission of tenders, the Contracting Authority reserves the right to amend the request for tenders. Information about any changes will be posted without undue delay on the website. Introducing significant changes to the request for quotation will result in extending the deadline for submission of tenders.

7. Should the Contractor whose tender was selected as the most advantageous withdraw from concluding the contract, the Contracting Authority may select the tender and conclude the contract with the Contractor whose tender obtained the next highest number of points.
8. The results of the proceedings will be announced on the Contracting Authority's website and emailed to the participants.

VI. INFORMATION ON THE POSSIBILITY OF SUBMITTING PARTIAL TENDERS

Partial bids are not permitted.

VII. VARIANT OFFER

Variant bids are not permitted.

VIII. AMENDMENTS TO THE TERMS OF THE CONTRACT

The contract for the supply of 4 zero-emission electric traction locomotives for intermodal transport will be concluded in the event that the Contracting Authority receives funding from the European Union in the form of assistance under the National Recovery and Resilience Plan. Which will be available as part of the competition announced and run by the Centre for EU Transport Projects.

A contract draft will be provided by the Bidder with the bid. The contract will be subject to negotiation after submission of the bid.

The contracting authority shall allow for the possibility of making material changes to the contractual provisions in the following situations in the following situations:

1. In case of occurrence of changes in the provisions of the regulations of the target competition in the field of intermodal transport within the framework of the National Plan for Reconstruction of Investments E2.1.3 Intermodal transport and the conditions specified in the grant agreement for the project under which these tender procedures were announced, necessitating changes to the terms of the agreement concluded with the Contractor.
2. Changes to both national and European Union law.
3. Changes resulting from force majeure preventing the execution or proper performance of the contract, in terms of amending the provisions of the contract relating to the scope or manner of execution of the subject matter of the contract, the price, the deadlines set out in the milestone plan for the execution of the contract or the deadlines for the delivery of the locomotives, in accordance with the reason necessitating the change and its consequences;

IX. OTHER PROVISIONS

1. The required offer validity is 17.04.2025
2. The Contractor, on his own or at the request of the contracting authority, may extend the tender validity period.

3. Contractors may compete jointly for the award of the contract. The conditions of participation in the proceedings concerning knowledge and experience and the public liability insurance policy must be fulfilled jointly by Contractors applying jointly for the award of the contract. The conditions of participation in the procedure referred to in item III.I, 1 11.2 and 1 11.4 of the Request for Quotation, regarding the lack of personal or capital relations with the Contracting Authority, not being subject to exclusion, as well as good economic and financial condition, have to be met by each Contractor applying jointly for the award of the contract. economic and financial standing must be fulfilled by each Contractor applying jointly for the award of the contract.
4. The Contracting Authority will only consider references relating to the Contractor(s) submitting the tender. It is not permissible to refer to the experience of other entities (not appearing in the tender as the entity submitting the tender). The provision does not apply to entities with capital ties to the bidder or to companies in the same capital group.
5. If a bid is submitted in English or German, the English-language version of the tender documentation will be conclusive in case of any doubt.
6. There will be no changes to the tender documents one month before the date of the tender submission.
7. The offer may be signed with a qualified electronic signature.