



Case no.: ZZP.261.ZO.40.2020

Cracow, 16.12.2020

Request for Bid:

Polskie Wydawnictwo Muzyczne is hereby asking for a bid to be presented for: **A successive purchase of scores published by foreign publishers**

The Employer reserves the right to revoke the procedure should the price of the most advantageous bid exceed the amount the Employer intends to allocate towards financing the procurement.

I. THE SUBJECT MATTER OF THE PROCUREMENT COVERS THE FOLLOWING:

1. The subject matter of the procurement is the successive purchase of musical notation publications by foreign publishers:

Schott Music, Henle Verlag, Peters, Faber Music, Universal Edition, Boosey&Hawkes, Wiener Urtext Edition, Carl Fischer, IMC, Doblinger, Bote&Bock, Zimmermann, Amadeus.

A detailed description of the subject matter of the procurement can be found in the description of the subject matter of the procurement (OPZ) which constitutes appendix no. 2 to the Request for Bid.

2. Common Procurement Vocabulary (CPV): 22114000-2 - Printed music and other books

3. Should the Employer utilize standards, approvals, technical specifications and reference systems referred to in art. 30 para. 1-3 of the PPL Act when describing the subject matter of the procurement, they should be understood as examples. Pursuant to art. 30 para. 4 of the PPL Act, the Employer, in each case, allows for the application of solutions equivalent to those described in the contents of the present call with appendices. Whenever a standard is indicated in the present call or in the appendices, the expression 'or equivalent' shall be assumed to have been used with reference to it.

II. Deadline and place of execution:

1. Procurement completion date - **36 months from the date of signing the contract.**

2. Place of procurement execution: Polskie Wydawnictwo Muzyczne, al. Krasińskiego 11a, 31-111 Cracow.

III. Conditions for participation:

1. The award of the procurement may be sought by Contractors who meet the conditions regarding the following:

1) holding an authorisation to carry out a specific business activity or action, if such authorization is required by law.

The Employer does not pose specific requirements in this respect.

2) having technical or professional ability:

The Employer does not pose specific requirements in this respect.

3) the economic and financial situation

The Employer does not pose specific requirements in this respect.

2. Description of the manner of assessment of the conditions for participation:

1) The Employer shall assess the Bidder's compliance with the above-mentioned condition for participation in the procedure according to the "satisfies / does not satisfy" formula.

IV. Criteria for the evaluation of bids

- delivery date of goods available for immediate delivery - 20%
- delivery date of PoD (publications on demand) - 20%
- minimum discount on retail prices published on the mds-partner.de website - 60%

1. Points for the criterion '**delivery date of goods available for immediate delivery**'

The criterion of the delivery date of goods available for immediate delivery will be considered on the basis of the information contained in the bid form in point 5.

Points within this criterion will be allocated according to the following rule of thumb:

- 10 days - 0 point
- 9 days - 3 point
- 8 days - 5 point
- 7 days - 10 point
- 6 days - 15 point
- 5 days - 20 point

The information concerning the delivery date shall not be supplemented after the deadline for the submission of bids. If the Contractor does not specify the delivery date, it means that he undertakes to execute the orders within 10 days. In the case of offering a period longer than 10 days, the Contractor's bid shall be rejected as not compliant with the Employer's requirements. If the Contractor Offers a period shorter than 5 days, the Contractor shall take into account the delivery date of 5 days for the sake of the calculation of the number of points.

Within this criterion the bid may receive a maximum of 20 points.

2. Points for the criterion '**delivery date of the PoD (publications on demand)**'

The criterion of the delivery date of goods available for immediate delivery will be considered on the basis of the information contained in the bid form in point 6.

Points within this criterion will be allocated according to the following rule of thumb:

- 10 days - 0 point
- 9 days - 3 point
- 8 days - 5 point
- 7 days - 10 point
- 6 days - 15 point
- 5 days - 20 point

The information concerning the delivery date shall not be supplemented after the deadline for the submission of bids. If the Contractor does not specify the delivery date, it means that he undertakes to execute the orders within 10 days. In the case of offering a period longer than 10 days, the Contractor's bid shall be rejected as not compliant with the Employer's requirements. If the Contractor Offers a period shorter than 5 days, the Contractor shall take into account the delivery date of 5 days for the sake of the calculation of the number of points.

Within this criterion the bid may receive a maximum of 20 points.

3. The score within the criterion of **'minimum discount on retail prices published on the mds-partner.de website'** - understood as a percentage of the granted discount on the publisher's gross catalogue retail prices will be made according to the following formula:

$$C = \frac{C_{bad}}{C_{max}} \times 60\% \times 100$$

where:

C_{bad} - means the amount (percentage) of discount offered in the assessed bid for a given part,

C_{max} - means the highest percentage discount offered for a given part

C - number of points awarded to the examined bid

1% corresponds to 1 point in the score.

The maximum number of points - 60 points will be awarded to the bid with the lowest commission, other offers will receive points using the above-mentioned formula.

V. Method of price calculation:

1. The bid should include the price for the performance of the procurement.
2. The Contractor, taking into account all the requirements referred to in the specification, should include in the gross price all the costs necessary for the proper and complete execution of the subject matter of the procurement and include other charges and taxes. In particular, in the valuation, the Contractor should take into account the costs of materials, labour, customizing and packaging of the subject matter of the procurement.
3. If a bid has been submitted, the selection of which would result in the Employer being subject to VAT in accordance with VAT regulations, the Employer shall, in order to assess such a bid, add VAT, which they would be obliged to account for in accordance with those regulations, to the price presented in the bid. When submitting a bid, the Contractor shall inform the Employer whether the selection of a bid shall lead to a tax obligation on the part of the Employer, indicating the name (type) of the goods or services the supply or provision of which will lead to the tax obligation arising and indicating their value without tax.

VI. The manner of preparing the bid:

We kindly ask you to submit a bid covering the execution of the subject matter of the procurement.

The bid submitted should include:

- a) The completed bid form - in accordance with the template constituting **Appendix no. 1** to this request.
The form sent in must be signed by a person authorized to represent the Contractor. In case of sending the bid form in electronic form it is necessary to scan the document with a handwritten signature.
If the bid is signed by a proxy - the power of attorney to represent the Contractor should be attached to the bid.
- b) An up to date extract from the relevant register or from the central register and information on business activity, if separate regulations require an entry in a register, in order to confirm that there are no grounds for the exclusion under art. 24 part. 5 pt. 1 of the act, unless the Employer is in possession of the of those documents or may obtain them via free, public databases.
- c) A declaration of no personal or capital relations between the Contractor and the Employer constituting Appendix no. 3 to the request for bid. In case of sending a bid in electronic form, it is necessary to scan the document a handwritten signature.

VII. Deadline for sending the bid

- a) Please submit your bid by: **28.12.2020 by 10.00 am.**
- b) Offer validity deadline: **30 days** after the deadline for the submission of Bids.
- c) The Employer allows for the bid to be sent as chosen by the entity submitting the bid:
 - In writing to the address of the Employer's registered office: al. Krasińskiego 11a, 31-111 Cracow. The envelope should be inscribed with the title of the proceedings.
 - By courier (date and time of delivery by courier is definitive).
 - In electronic form to the address zamowienia_publiczne@pwm.com.pl

VIII. Additional information

- a) The procurement awarding procedure is not subject to the provisions of the Act of 29 January 2004. Public Procurement Law (consolidated text Journal of Laws of 2019, para. 1843 as amended)
- (b) The proceedings shall be conducted in Polish. Statements, requests, notices and information shall be submitted by the Employer and Contractors in writing or by e-mail to the address: zamowienia_publiczne@pwm.com.pl
- c) Entities who have a connection to the Employer or to persons authorised to assume liabilities on behalf of the Employer or to persons performing activities connected with the preparation and conducting the procedure of selecting the contractor on behalf of the beneficiary, either personally or in terms of capital, in particular through the following, are excluded from the possibility to execute the procurement:
 - participation in the company as a partner in a civil partnership or a partnership;
 - holding at least 10% of shares or stocks;
 - acting as a member of the supervisory or management body, authorized agent, proxy;
 - being married, in a relationship of direct or secondary kinship or affinity up to the second degree or in a relationship of adoption, custody or guardianship.The Contractor shall be obliged to attach to the bid a declaration of the lack of the above-mentioned relations.
- d) The Contractor's bid shall be rejected if:
 - The offer does not meet the requirements specified by the Employer, including if the Contractor does not meet the conditions for participation in the proceedings or other requirements specified by the Employer,
 - The Contractor's bid includes an abnormally low price for the execution of the procurement,
 - The Contractor's bid is null and void pursuant to the applicable laws,
 - The Contractor did not agree to correct other mistakes in the Bid within the deadline determined by the Employer,
 - The Contractor did not complete or submit explanations concerning his Bid at the request of the Employer,
- e) The Employer reserves the right to change this enquiry, as well as to cancel the procedure without selecting the Contractor and without providing reasons for it. The proceedings may be cancelled in particular if:
 - No Bid has been submitted in the Proceedings or all Bids are rejected,
 - The price of the Most Favorable Bid exceeds the amount which was allocated for financing the procurement, unless it is possible to increase this amount to match the price of the Most Favorable Bid as accepted by the Employer's Manager or a person holding a relevant power of attorney.
 - The procedure is affected by a defect or error.
 - It is not in the interest of the PWM to award the procurement on the terms offered.
 - There has been a significant change of circumstances resulting in the conduct of the proceedings or the execution of the procurement not being in the interest of the PWM, which could not have been foreseen beforehand;

f) Potential Contractors shall not be entitled to make any monetary or non-monetary claims against the Employer in connection with this request for bids, including on account of the costs and damages incurred by them, in particular in the event of their withdrawal from the procedure or the selection of another Contractor.

g) If a bid is incomplete or contains errors, the Employer shall allow for the possibility of supplementing documents, declarations or explanations concerning them. The Employer may limit the scope of explanations and additions only in relation to the Contractor whose bid was rated highest.

h) The Employer shall contact the selected Contractor and inform them via e-mail about the selection of a bid. Moreover, the selection of a given Contractor shall be announced on the Employer's website.

i) The Employer may first evaluate the bids and then examine whether the Employer whose bid was evaluated as the most advantageous one is not excluded and meets the conditions for participation in the procedure.

j) The Contractor may request the Employer to clarify the content of the request for bid.

The Employer is obliged to provide answers to the Economic Operator's questions within the time limit enabling submission of a bid not later than 2 working days before the deadline for submission of a bid, provided that the request for clarification was received by the Employer not later than by the end of the day on which half of the set deadline for submission of bids expires. If a request for clarification of the contents of the Request for Bid was received later than by the end of the day on which half of the set deadline for the submission of bids expires, the Employer may provide clarification or leave the request unprocessed.

IX. Information clause regarding the processing of data

The controller of personal data of natural persons indicated in the course of the procurement award procedure is Polskie Wydawnictwo Muzyczne in Cracow with its seat at al. Krasińskiego 11a, 31-111. Personal data will be processed for the purpose of awarding the procurement and fulfilling the archiving obligation. The personal data of persons indicated shall be processed according to art. 6 sec. 1 letter c) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46 / EC (GDPR) The submission of data is voluntary, however necessary for the performance of the procurement procedure. Data subjects have the right to request access to their personal data, to rectify them and to restrict their processing. Furthermore, data subjects have the right to lodge a complaint with the President of the Office for Personal Data Protection. Data subjects do not have the right to have their personal data deleted in relation to Article 17(3)(b), (d) or (e) of the GDPR, the right to transfer personal data referred to in Article 20 of the GDPR, the right to object on the basis of Article 21 of the GDPR to the processing of personal data, as the legal basis for processing personal data is Article 6(1)(c) of the GDPR. Personal data will be processed for the period related to the public procurement procedure as well as later, i.e. in connection with the performance of the archiving obligation. The recipients of your personal data will be those entities to which we are obliged to provide data on the basis of the applicable law, including the Act on Access to Public Information. Should you have any questions about the GDPR, you can contact us via email: iod@pwm.com.pl It is the Contractor's responsibility to obtain the consent of a natural person to indicate their data in the procurement award procedure, including the submitted bid.

Appendices:

Appendix 1 - the bid form

Appendix no. 2 - the OPZ

Appendix 3 - the declaration of no personal or capital connections

Appendix. 4 - draft of the contract

Approved by: