

Request for proposal of 29 September 2020

Concerns:

Software for ECU map loading

code CPV 48100000-9

as part of the Project:

**“Increasing the potential of the R&D Centre
within the scope of alternative technologies of fuelling vehicles”**

Action 2.1 “Support for the investment in the R&D infrastructure of enterprises” as part of the second priority axis: “Support for the environment and potential of enterprises to conduct research, development and innovation activity”

OF THE OPERATIONAL PROGRAMME INTELLIGENT DEVELOPMENT 2014-2020.

1. DESCRIPTION OF THE OBJECT OF THE CONTRACT

The object of the contract is specialist software with a possibility of working on two computers simultaneously, without any time limits, intended for communication with combustion engine control units (ECU), enabling the following functions:

- management of ECU projects (hexadecimal data and descriptions in ASAM MCD-2MC, ASAP3, ASAM MCD-3 MC),
- equipment configuration, experiments, exchange of consistent information using the function of import and export of data with the control unit,
- displaying, comparing and copying calibration data, functional view, support for maturity levels,
- management of calibration data set versions, eCDM interface for calibration data management systems,
- support for transmission protocols ETK, FETK and XETK, CAN (CCP, XCP, KWP, UDS), CAN FD (XCP, UDS), K-Line, (KWP2000, McMess), USB (XCP).

The object of the contract must be brand new and covered by at least 12-month technical support and update services.

A proposal that contains an equivalent solution in relation to the parameters indicated in the foregoing description of the object of the contract will be deemed as a proposal that meets the requirements, whereby the obligation to prove that all requirements of the Ordering Party have been met lies on the bidder.

2. CONDITIONS FOR THE PARTICIPATION IN THE PROCEDURE

1. Entrepreneurs who submit a valid proposal may apply for the award of the contract.
2. The Ordering Party will select a proposal from among valid proposals.
3. A proposal must meet the following conditions:
 - a. A proposal should be submitted within the time limit set for submitting proposals.
 - b. The minimum period of a proposal being binding should be at least one month from the date of its submission.
4. A proposal should be submitted together with the proposal form in accordance with the template constituting Appendix No. 1 and the Declaration on the lack of capital or personal affiliations in accordance with the template constituting Appendix No. 2.
5. The bidder authorises the Ordering Party to check the validity of all data contained in the proposal.
6. The bidders in relation to whom it is determined that they have provided untrue information relevant for the conducted procedure will be excluded from the competition procedure.
7. The deadline for delivery of the object of the contract to the registered office of the Ordering Party may not exceed ten weeks from the moment of making an order.

3. CRITERIA FOR EVALUATION OF PROPOSALS

The requirement specification of AC S.A. presented in the description of the object of the contract must be met in 100%.

If the foregoing requirement is met, another criterion of selection is:

- **Price* – 100%, calculated according to the following formula:**

PC – price criterion

P_{\min} – the lowest price among the considered proposals

P_{proposal} – the price in the currently analysed proposal

$PC = P_{\min} / P_{\text{proposal}} \times 100$ points

* Comparison of the prices of offers in foreign currencies will be made after their conversion into the Polish currency based on the middle exchange rates of the NBP foreign currencies (table A) on the date of the deadline for the submission of proposals.

4. DEADLINE FOR THE SUBMISSION OF PROPOSALS

1. The deadline for the submission of proposals is **8 October 2020**
2. The proposals should be sent to the address AC Spółka Akcyjna, ul. 42 Pułku Piechoty 50, 15-181 Białystok or by email to the address dariusz.kawalko@ac.com.pl
3. The contact person for substantial (technical) determination of the proposal details marcin.dziwiatkowski@ac.com.pl
4. The date of receipt of the proposal is binding.

5. ADDITIONAL INFORMATION

1. The contract cannot be awarded to entities having personal or capital affiliations with the Ordering Party. Capital or personal affiliations are understood as mutual connections between the Ordering Party or persons authorised to incur liabilities on behalf of the Ordering Party or persons performing actions on behalf of the Ordering Party in connection with the preparation and conduct of the procedure for selection of the Contractor and the Contractor, consisting in particular in:
 - a) participation in the company as a partner in a civil-law partnership or personal partnership,
 - b) holding at least 10% of shares or stocks,
 - c) performing the function of a member of a supervisory or managing body, a proxy or an attorney,
 - d) being related by marriage, consanguinity or affinity in a straight line, consanguinity to the second degree or affinity to the second degree in the collateral line, or by adoption, custody or guardianship.
2. The Ordering Party provides for a possibility of amending the contract in relation to the content of the proposal based on which the proposal has been chosen, if the need to introduce such changes follows from the circumstances which could not have been predicted at the moment of conclusion of the contract or if such changes are beneficial for the Ordering Party.
3. The Ordering Party reserves itself the right to conduct additional negotiations with not more than three best bidders.
4. The Ordering Party reserves itself the possibility of choosing the second most favourable proposal, if the bidder whose proposal is chosen as the most favourable one evades the performance of the contract for the subject of this request for proposal.
5. The Ordering Party reserves itself the right to cancel the procedure at any time without stating the reason.
6. A request for proposal does not constitute a proposal within the meaning of Article 66 § 1 of the Civil Code.

Appendix No. 1 to the Request for proposal of

Proposal form

Object of the contract: Software for ECU map loading (CPV 48100000-9)

ORDERING PARTY:

AC Spółka Akcyjna,
ul. 42 Pułku Piechoty 50,
15-181 Białystok

CONTRACTOR:

First name and surname / Company name	
Address	
NIP [Tax No.]	
First name and surname of the contact person	
E-mail address	

1. PROPOSAL

NET PRICE

PROPOSAL EXPIRY DATE

TIME OF ORDER EXECUTION

2. I (we), the undersigned, declare that:

- 1) I have familiarised myself with the content of the request for proposal pertaining to this contract.
- 2) My proposal meets the requirements of the Ordering Party in full.
- 3) The detailed conditions of the proposal are contained in the appendix to this form.

....., date

.....
(signature of an authorised person)

Appendix No. 2 to the Request for proposal of

.....
(place, date)

.....
.....
.....
(Name and address / company stamp of the Bidder)

**AC Spółka Akcyjna,
ul. 42 Pułku Piechoty 50,
15-181 Białystok**

Concerns: *Awarding a contract as part of the Project: "Increasing the potential of the Research and Development Centre within the scope of alternative technologies of fuelling vehicles"*

DECLARATION on the lack of capital and personal affiliations

The Bidder, hereby
(name of the company)
declares that it has no personal or capital affiliations with the Ordering Party.

Capital or personal affiliations are understood as mutual connections between the Ordering Party or persons authorised to incur liabilities on behalf of the Ordering Party or persons performing actions on behalf of the Ordering Party in connection with the preparation and conduct of the procedure for selection of the contractor and the contractor, consisting in particular in:

- a) participation in the company as a partner in a civil-law partnership or personal partnership,
- b) holding at least 10% of shares or stocks,
- c) performing the function of a member of a supervisory or managing body, a proxy or an attorney,
- d) being related by marriage, consanguinity or affinity in a straight line, consanguinity to the second degree or affinity to the second degree in the collateral line, or by adoption, custody or guardianship.

.....
(signature of an authorised person)

Appendix No. 3 to the Request for proposal

Information clause pertaining to the processing of personal data

We kindly ask you to familiarise yourself with the following information pertaining to the processing of your personal data by AC S.A. with its registered office in Białystok in connection with this procedure.

Pursuant to 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 processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), hereinafter: "GDPR", AC S.A. informs that the following company is the controller of your personal data: **AC Spółka Akcyjna with its registered office in Białystok, ul. 42 Pułku Piechoty 50, 15-181 Białystok**. In each matter pertaining to the processing of your personal data, you may contact the controller at the address: **rodo@ac.com.pl**.

Your personal data will be processed on the following basis:

- a) Article 6(1)(c) of the GDPR for the purpose of compliance with the legal obligations incumbent on the controller, including the obligations arising from the provisions of the law related to the procurement procedure, and moreover:
- b) Article 6(1)(b) of the GDPR for the purpose and within the scope necessary for conclusion and performance of the contract (*pertains to events of conclusion of a contract with AC S.A.*) and
- c) Article 6(1)(f) of the GDPR for the purpose of pursuing possible claims or defending against such claims by the controller.

Your personal data will be received by persons or entities to whom the documentation of this procedure will be made available. If this is justified by the purpose of the processing referred to hereinabove, your personal data may be provided to entities with whom the controller cooperates, such as: providers of IT systems, hosting services or other services related to IT systems and software, entities providing legal, advisory, marketing, financial, accounting, tax or audit services etc. to AC S.A., postal operators and couriers, banks within the scope of payment execution, as well as entities authorised to receive your data under the law.

Your personal data will generally be processed for the period required by the obligations imposed on the controller by the law or until the expiry of the limitation period for claims, if the processing of personal data is necessary for the pursuit of possible claims or defence against such claims by the controller, however, at least for the duration of the project and the required period for archiving documents related to this procedure.

Your obligation to provide personal data directly related to you is a statutory condition related to the participation in the procurement procedure.

With regard to your personal data, decisions will not be taken in an automated manner, and your personal data will not be subject to profiling.

You shall have the following rights:

- the right to access your personal data;
- the right to rectify your personal data, subject to the reservation that exercising the right of rectification cannot change the result of the procurement procedure or the provisions of the concluded contract within the scope which is contrary to the provisions of the applicable law and it shall not compromise the integrity of the selection protocol and the appendices thereto;
- the right to request the controller to limit the processing of your personal data, subject to the reservation that the right to limit the processing does not apply in relation to storage, including for the purpose of determining, pursuing or defending claims or for the purpose of protection of rights of another natural or legal person or due to important reasons of the public interest of the European Union or a Member State;
- the right to lodge a complaint with the President of the Personal Data Protection Office, if you determine that the processing of your personal data violates the provisions of the GDPR.

You shall not have the following rights:

- the right to erase your personal data in connection with Article 17(3)(b),(d) or (e) of the GDPR;
- the right to personal data portability;
- the right to object to the processing of your personal data (subject to the possibility of objecting to the processing of data based on Article 6(1)(f) of the GDPR).