

**TERMS OF REFERENCE No. 2012/0229/P/NG**  
**in the open tender procedure acc. to “Procedure for purchase of goods and services**  
**in ORLEN OIL Sp. z o.o.”**

**I. Contracting Entity:**

1. Full name of the Contracting Entity:  
ORLEN OIL Sp. z o.o. with its registered seat in Krakow
2. Address:  
31-323 Kracow, ul. Opolska 100
3. Tax Identification Number (NIP) 675-11-90-702
4. Internet:  
<http://www.orlenoil.pl>, email: [centrala@orlenoil.pl](mailto:centrala@orlenoil.pl)
5. Telephone number:  
0-12 66-555-00, fax: 0 – 12 66 – 555 – 01

**II. Information about the tender:**

The procedure is carried out as an open tender according to internal procedures applicable in ORLEN OIL Sp. z o.o., i.e. Procedures for purchase of goods and services in ORLEN OIL Sp. z o.o.

**III. Subject of contract:**

Delivery and installation of the machine to assist palletizing of the Elf line at the ORLEN Oil Production Plant in Trzebinia.

**IV. Description of the subject of contract:**

1. The subject of contract is delivery and installation of the loading and cartoning machine processing cardboard supplied in the flat form (wrapper) into carton which serves as logistic packaging and display packaging (after removal of perforated fragments) in accordance with the following guidelines: products in packages of desired size, then they are moved onto cardboard (wrapper type) collected from warehouse, the next step is carton forming and sealing.
2. It is required to use the system of bottles separation (separation into rows), reorientation on the conveyor system (in the case of lateral packing), and then grouping (into packages). The choice depends on the packaged product, according to the type of bottle and operating speed of product supply equipment (containers with a capacity of 1l, 4l, 5l)  
Packing in the system
  - 2x6 or 3x4 (1 litre bottles)
  - 3x1 (for capacity of 4, 5l), 2x2 and 4x1 (for capacity of 5l).
3. The machine should be fully automatic, equipped with
  - a) colour control panel for an operator,
  - b) easy to use interface for programming of all machine parameters and storing them in memory,
  - c) minimum scope of actions requiring handling by an operator.

4. Carton size range:
  - a) Height: from 180 mm to 500 mm
  - b) Width: from 100 mm to 300 mm
  - c) Length: from 100 mm to 400 mm
5. Packing speed: 25 cycles /minute
6. Energy consumption for air: max 300 litres/minute at 6 bar pressure
7. Electricity max 8 kW 3/PEN/N/400V/50Hz
8. Total mass should not exceed 2 000 kg.
9. The following documentation should be provided upon delivery of the machine:
  - a. description of construction,
  - b. description of operation,
  - c. user manual, maintenance, cleaning, lubrication instructions,
  - d. technical drawings of the machine,
  - e. diagrams of electrical and pneumatic installation, source control programme,
  - f. lists of spare parts with designations and numbers of all spare parts (mechanical, electrical and pneumatic),
  - g. material certificates regarding materials having contact with dispensed substance,
  - h. periodic inspections and maintenance works plan,
  - i. declaration of conformity of equipment with EU directives,
  - j. documentation is to be delivered in paper form and on CD in 5 copies.

Please note!

1. Site visit at the Production Plant in Trzebinia is absolutely required before submission of a bid in order to specify details regarding performance, delivery.
2. In order to obtain packaging documentation, Appendix No. 2 (statement of confidentiality) is to be filled out and signed (by persons authorized to make statements) and sent with the KRS to the address: [Grzegorz.Nowak@orlenoil.pl](mailto:Grzegorz.Nowak@orlenoil.pl) The documentation will be available for collection during a site visit to be held at the premises of the Production Plant in Trzebinia.
3. The recommended term of the contract - December 2012.

## V. Bid preparation method:

1. The bid is to consist of two separate parts: the substantive part and the commercial part, in separate sealed envelopes with a relevant annotation on envelopes: "Substantive part of the bid", "Commercial part of the bid". Envelopes with the substantive and commercial parts are to be appropriately marked.
2. **The substantive part of the bid should contain the following information:**
  - a) Documents listed in Chapter VI of the Terms of Reference.
  - b) The bidder's statement that it is not subject to exclusion from the tender for any of the following reasons:
    - failure to perform at least one agreement for ORLEN OIL with due diligence,
    - being covered by composition arrangement proceedings or any other proceedings related to the restructuring of debt,
    - initiation of bankruptcy procedures, declaration of bankruptcy, or liquidation procedure undertaken.
3. **The commercial part of the bid should contain the following information:**
  - a. Documents listed in Chapter VII of the Terms of Reference.
4. Each bidder may submit only one bid.
5. Bid preparation method:
  - a. **The bid is to be written legibly in the Polish language.**

- b. All pages of the bid with appendices should be signed by the person(s) authorized to act on behalf of the bidder.
  - c. All pages of the bid with appendices should be bound together in a manner ensuring the completeness of the bid.
  - d. Any amendments or changes in the text of the bid should be initialled and marked with the relevant date by the person signing the bid or by any other authorized person.
  - e. Pages of the bid should be numbered.
  - f. Each part (substantive and commercial) should include table of contents and list of enclosed documents.
  - g. CD should include 2 files in pdf as scans of the paper bid.
  - h. Each file should be named accordingly: "substantive part of the bid", "commercial part of the bid".
6. Packaging and marking of bids: The bid should be submitted in a sealed packaging in the place indicated in point X
  7. The Contracting Entity will not be responsible for the consequences of the failure to comply with the abovementioned conditions by the Bidder. Failure to meet the a/m requirements will result in rejection of the bid.
  8. Any costs of preparing and submitting the bid will be borne by the Bidder.

## **VI. Information about documents to be delivered by suppliers in the substantive part of the bid:**

In the substantive part of the bid, bidders are obliged to submit the following documents:

1. A concession, permission or licence (if the law imposes an obligation to have a concession, permission or licence to undertake business activity within the scope covered by the contract).
2. Documents attesting the possession of required qualifications by persons who will perform the contract if the law imposes an obligation to possess such qualifications.
3. A reference list of clients with special consideration of designs and execution of similar machines, with possibility to audit at least two implementations.
4. Technical specification, technical documentation of the machine allowing to assess the degree of conformance of the offered machine with the detailed requirements of point IV of the TOR.
5. Summary of utilities balance.
6. Proposal for the procedure of acceptance tests.
7. List of manufacturers of machine parts.
8. Guaranteed date of delivery and completion.
9. Detailed guarantee conditions and the time of duration of the guarantee (the minimum guarantee period is 12 months).
10. Detailed information on terms and availability of the post-guarantee service.
11. The statement which reads as follows: "We state that we are acquainted with the Policy of Integrated Management System of ORLEN OIL Sp. z o.o., which complies with the standards: ISO 9001 and ISO 14001 and requirements of AQAP 2110 that are available on the website of ORLEN OIL Sp. z o.o. and we state that we will perform the subject of contract in conformity with legal regulations."
12. DVD (described as follows: company name + annotation: "**Tender 2012/0229/P/NG Delivery and installation of the machine to assist palletizing of the Elf line at the ORLEN Oil Production Plant in Trzebinia**") with all abovementioned documents and appendices.

Documents are submitted in paper version in the form of the original or a photocopy certified for conformity with the original. Apart from paper versions, all documents listed in the abovementioned points must also be submitted in electronic version on a DVD.

## **VII. Information about documents to be submitted by suppliers in the commercial part of the bid:**

In the commercial part of the bid, bidders are obliged to submit the following documents:

1. Price and terms of payment. Price should include: value of the machine, delivery to the plant, installation and training for the staff.
2. Information about fulfilment of special requirements stated in point VIII of TOR.
3. A current copy from the relevant register or a current certificate of entry into the record of business activity, if any separate regulations require an entry to be made into the register or into the record of business activity, which is issued not earlier than 6 months before the deadline for submission of bids (or any document confirmed within that period by the issuing body).
4. Power of attorney, if the bid is signed by any other persons than those authorized to incur liabilities on behalf of the bidder.
5. The signed statement constituting Appendix no. 1 to the Terms of Reference.
6. Acceptance of the term of payment of 60 days, starting from the date of receipt of the invoice by ORLEN OIL Sp. z o.o.

## **VIII. Specific requirements for performance:**

- The bidder is fully responsible for any faults in the subject of the agreement in respect of the warranty.
- The bidder is fully responsible for non-performance or improper performance of any obligation under the agreement according to the provisions of the agreement and the rules resulting from generally applicable laws and regulations. There is no possibility of contractual (non-contractual) exclusion or limitation of the bidder's responsibility regardless of its title, if such responsibility results from generally applicable laws and regulations.

## **IX. Period for which the Supplier will be bound by the submitted bid:**

The Supplier will be bound by the submitted bid for a period of 4 months from the deadline for submission of bids.

## **X. Information on the deadline, place of submission, and opening of bids, and on the mode of opening and evaluation of bids:**

1. Deadlines and place of submission of preliminary bids:
  - a) Preliminary bids should be submitted or sent to the address of the Company's Headquarters – 31-323 Krakow, ul. Opolska 100 **by 19 Jun 2012 until 15:00 with annotation: "Delivery and installation of the machine to assist palletizing of the Elf line for the Production Plant in Trzebinia"**.
  - b) Bids submitted after this deadline will be returned to the bidder without being considered.
2. Evaluation of bids.

The Contracting Entity will evaluate the validity of bids from the formal perspective and perspective of the criteria accepted in the TOR for evaluation of bids during a closed meeting.

## **XI. Description of the method of calculation of the bid price:**

The price should be stated:

- a) in numbers in PLN,
- b) as net price,

## **XII. Description of bid selection criteria and their importance:**

- a) Conformance of the offered machine with the detailed requirements of point IV of the TOR
- b) Presented references lists from the last 5 years with special attention to experience in designing and construction of similar equipment
- c) Price, terms and condition
- d) Completion date
- e) Terms and period of guarantee
- f) Ensuring post-guarantee service and its terms

## **XIII. Method of providing clarifications concerning the terms of reference:**

1. Each bidder has the right to request the Contracting Entity to clarify the content of the terms of reference not later than 6 days before the deadline for submission of bids.
2. Correspondence in the course of the tender procedure, including questions of bidders, may be submitted by e-mail.

## **XIV. Employees of the Contracting Entity authorized to contact suppliers directly:**

**Damian Cholewa** (substantive matters)  
*Official position:* Investment Manager  
*Telephone number:* +48/12 66 55 696; +48 601 370 416  
*Email:* [damian.cholewa@orlenoil.pl](mailto:damian.cholewa@orlenoil.pl)

**Grzegorz Nowak** (commercial matters)  
*Official position:* Purchasing Strategy Department Specialist  
*Telephone number:* +48 601 968 198  
*Email:* [grzegorz.nowak@orlenoil.pl](mailto:grzegorz.nowak@orlenoil.pl)

The person performing the function of the Purchasing Strategy Specialist is empowered to submit statements of will required in the course of the purchasing procedure as a sole representative of Orlen Oil Sp. z o.o.

## **XV. Means of appeal:**

The bidders do not have the right to participate in the opening of bids.

Bidders are not entitled to use any measures of appeal in the procedure.

## **XVI. Final provisions**

The results of the procedure will be notified to bidders by the Contracting Entity.

The Contracting Entity has the right to choose the bid at its sole discretion, to carry out additional negotiations with selected bidders and to cancel the procedure without justification.