

REQUEST FOR PROPOSAL No: LAS/2/03/2018 FOR:

Delivery of a medical grade, diode laser

as part of a research and development project no. POIR.01.01.01-00-1306/17, entitled: "An innovative laser for applications in endoscopic urological surgery" for the implementation of which Metrum Cryoflex Limited Liability Company, Limited Partnership Company received funding as part of 1.1 "R & D projects of enterprises" action, 1.1.1 "Industrial research and development carried out by enterprises" Smart Growth Operational Programme sub-action.

1. Name (company) and address of the Ordering Party

METRUM CRYOFLEX Limited Liability Company, Limited Partnership Company
ul. Zielna 29
05-082 Blizne Łaszczyńskiego near Warsaw
Phone: +48 22 3313-750, 3313-830 (headquarters)
Fax: +48 22 33-13-766
E-mail: biuro@metrum.com.pl
WWW: <http://metrum.com.pl>

2. Order description

2.1. The subject of this order is:

Delivery of a medical grade, high power diode laser

The diode laser should be characterized by technical parameters not worse than:

- emission wavelength: 1470 +/- 20 nm;
- ex-fiber output power: ≥115 W;
- maximal supply current ≤ 25 A
- capable of operating in both continuous-wave (CW) and quasi-continuous-wave (QCW) mode
- fiber connector: SMA905 standard
- coupling optics optimized for radiation coupling into optical fiber cable characterized by core diameter of 400 μm and numerical aperture NA=0.22
- should be equipped with temperature sensor of semiconductor junction: thermistor
- obligatory equipment:
 - a) laser pointer generating green aiming beam (emission wavelength 520 nm or 532 nm +/- 10 nm)
 - b) power monitor photodiode
 - c) exchangeable exit window (blast-shield)
 - d) fiber detection sensor.

2.2. Type of order: delivery of components



2.3. The name given to the order by the Ordering Party:

Delivery of a medical grade, high power diode laser

More detailed information about the subject of the order can be provided by Metrum Cryoflex after the interested parties have signed the confidentiality statement.

2.4. Common Procurement Vocabulary (CPV): **31712348-1**

2.5. CPV code name: Diode lasers

3. The deadline for completion of the Order

The deadline for completion of the Order: no later than 16 weeks from the date of announcement of the results of the competition for best bid and order placement.

4. Conditions for participation in the proceedings

The Contractor must not be linked personally or financially with the Ordering Party. Personal or financial links mean the interrelationship between the Ordering Party or persons authorized to incur liabilities on behalf of the Ordering Party or persons performing on behalf of the Ordering Party activities related to the preparation and conduct of the selection proceedings of the Contractor and the Contractor, consisting in particular of:

- a) participating in the company as a partner in a civil company or partnership;
- b) owning at least 10% of shares or stocks;
- c) performing the function of a member of the supervisory or management body, a proxy, a plenipotentiary;
- d) being married, related in consanguinity or affinity in a straight line (parents, children, grandchildren, parents-in-law, son-in-law, daughter-in-law), related collaterally in consanguinity or affinity to second degree (siblings, relatives, spouse) or being related by adoption, care or guardianship.

(Statement required)

In the event of a link, the Contractor will be subject to rejection from the proceedings.

The evaluation of compliance with the above conditions will be made according to the formula: "complies - does not comply". A contractor that fails to comply with a condition will be rejected in the proceedings.

5. The currency in which settlements related to the execution of this request for proposal will be conducted

The price of the bid will be provided by the Contractor in **PLN**, in **EUR** or **USD**.

The **EUR / USD** exchange rate calculated according to the average **EUR / USD** exchange rate announced by the National Bank of Poland on the day the proceedings are settled.

6. Description of the bid preparation

1. Basic requirements

- 1) Each Contractor may submit only one bid.
- 2) The bid should be prepared in Polish or English.
- 3) The Contractor shall bear all costs related to the preparation and submission of the bid.

2. Form of the bid

- 1) The bid must be submitted in written, fax or electronic form (scan).
- 2) The Ordering Party does not allow partial bids.

3. Elements of the bid

The complete bid should contain at least technical specification of the offered product, time of completion, payment deadline, schedule.

7. Persons authorized to contact the Contractors

The persons authorized by the Ordering Party to contact the Contractors are:

- 1) Łukasz Gałecki, phone: +48 505 604 841, e-mail: Lukasz.Galecki@metrum.com.pl
- 2) Konrad Wójtowicz, phone: +48 502 327 874, e-mail: Konrad.Wojtowicz@metrum.com.pl

8. Place, date and manner of submitting the bid

The bid must be submitted in the form of a scanned document by e-mail, fax or traditional mail to the address: **ul. Zielna 29, 05-382 Blizne Łaszczyńskiego**; fax.+48 22 33 13 766; e-mail: Lukasz.Galecki@metrum.com.pl

until	3 April 2019	until	23:59
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The date and time of receipt of the bid at the Ordering Party's headquarters is decisive.

9. Criteria for the evaluation of the bids

1. The Ordering Party will evaluate and compare only those bids that will not be rejected by the Ordering Party.
2. The bids will be evaluated by the Ordering Party based on the following criteria and their importance:

Criterion	Percentage importance of the criterion	The maximum number of points a bid can receive for a given criterion
Price	60%	60 points
Lead time	20%	20 points
Terms of payment	10 %	10 points
Quality management system	10 %	10 points

3. The rules for the evaluation of the "Price" criterion (C).

In the case of the "Price" criterion, the bid will receive a number of points rounded out to two decimal places resulting from the equation:

$$P_i(C) = C_{min}/C_i \times Max(C)$$

where:

P _i (C)	the number of points the "i" bid will receive for the "Price" criterion;
C _{min}	the lowest price among all valid and not rejected bids;
C _i	price of the "i" bid;
Max (C)	the maximum number of points a bid can receive for the "Price" criterion, i.e. 60 points.

4. The rules for the evaluation of the "Time of completion" criterion (T).

In the case of the "Time of completion" criterion, the bid will receive a number of points rounded out to two decimal places resulting from the equation:

$$P_i(T) = T_{\min}/T_i \times \text{Max}(T)$$

where:

$P_i(T)$	the number of points the "i" bid will receive for the "Time of completion" criterion;
T_{\min}	The shortest delivery time of the subject of the order (in calendar days) from all valid and not rejected bids;
T_i	delivery time of the subject of the order (in calendar days) of the "i" bid
$\text{Max}(T)$	the maximum number of points a bid can receive for the "Time of completion" criterion, i.e. 20 points.

"Time of completion" is defined as period within which entire order is delivered to ordering party.

5. The rules for the evaluation of the "Terms of payment" criterion (P).

$P_i(P) = 0$ points, when prepayment is required

$P_i(P) = 10$ points, when payment after the delivery of the product (unconditional)

6. The rules for the evaluation of the "Quality management system" criterion (Q).

$P_i(Q) = 0$ points, when a Contractor has not established a quality management system in accordance with ISO 9001

$P_i(Q) = 10$ points, when a Contractor has established a quality management system in accordance with ISO 9001

A contractor can receive a maximum of 100 points

The bid which is not subject to rejection and which, after totalling up the points received in each sub-category, will receive the highest number of points, will be considered the most advantageous. If the most advantageous bid cannot be selected due to the fact that two or more bids present the same price balance and other evaluation criteria, the Ordering Party selects the bid with the lowest price from among those offers.

10. The manner of bid evaluation and announcement of the results

1. Explanations of the contents of the bids and correcting obvious errors.

During the examination and evaluation of the bids, the Ordering Party may request from the Contractors explanations regarding the contents of the submitted bids.

2. Verifying the reliability of the bids.

The Ordering Party reserves the right to verify, during the evaluation of the bid, the reliability of the documents, statements, lists, data and information provided by the Contractors.

3. Announcing the results of the proceedings.

Contractors that submit bids will be notified about the results of the proceedings in electronic form to the e-mail address indicated in the bid, no later than within 7 business days from the day of the deadline for submission of the bids. The information on the results of the proceedings will be published on the Ordering Party's website.

11. Rejection of a Contractor

A Contractor will be rejected from these proceedings:

- 1) in the event of non-compliance with the conditions for participation in the proceedings;
- 2) in the event of non-compliance of the bid with this request for proposal;
- 3) in the event of a Contractor presenting false information.



- 4) in the event of personal or financial link between a Contractor and the Ordering Party.

12. The means of communication between the Ordering Party and the Contractors

In these proceedings, the declarations, applications, notices and information shall be provided by the Ordering Party and the Contractors in writing, by fax or by e-mail.

13. Cancellation of the proceedings

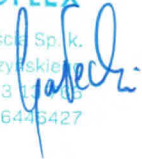
The Ordering Party reserves the right to cancel the Request for Proposal.

14. Other information

1. The Ordering Party reserves the right to change or supplement the contents of the Request for Proposal before the deadline for submitting the bids. The information about the change or supplementing the contents of the Request for Proposal will be forwarded to the Contractors immediately in writing (e-mail, fax), and will be published on the Ordering Party's website. If any changes or additions to the contents of the Request for Proposal will require changing the contents of the bids, the Ordering Party shall extend the deadline for submitting the bids by the time needed to make changes to the bids.
2. The Ordering Party will place an order with the Contractor, whose offer will be considered the most advantageous and which will comply to the requirements set out in the Request for Proposal. The Ordering Party will place an order for the offered product along with the information about the results of the proceedings by e-mail.
3. The Ordering Party reserves the right to make supplementary orders with the selected contractor.
4. The Ordering Party will conclude an agreement with the Contractor whose proposal will be considered to be the most favourable and who will meet the requirements specified in the Request for Proposals. The Ordering Party will inform the Contractor about the date of concluding the agreement by email, including information about the results of the proceedings. Draft of the agreement is an Annex to this Request.

 **M C METRUM CRYOFLEX**

Społka z ograniczoną odpowiedzialnością Sp. k.
ul. Zielna 29, PL 05-082 Blizne Łaszczyńskie
tel. +48 22 33 13 750, fax +48 22 33 13 753
NIP: 527-23-20-862 REGON: 016445427



AGREEMENT

concluded on 2019 in Warsaw between:

Metrum CryoFlex Sp. z o.o. sp. k., with registered office at ul. Zielna 29,
05-082 Blizne Łaszczyńskiego, NIP: 5272320862

hereinafter referred to as **The Buyer**,

and

....., **with registered office at**,
Post Code / City, VAT ID: 000000000000

hereinafter referred to as **The Seller**.

The agreement is the result of proceedings no. **LAS/2/03/2018** for **Delivery of a medical grade, diode laser** implemented as part of the research and development project no. POIR.01.01.01-00-1306/17, entitled: "An innovative laser for applications in endoscopic urological surgery for the implementation of which

Metrum Cryoflex Sp. z o.o. Sp.k. received funding as part of Action 1.1: R+D projects of enterprises within Smart Growth Operational Programme 2014-2020 co-financed by the European Regional Development Fund.

§ 1. Subject matter of the agreement

The subject matter of the agreement includes **Delivery of a medical grade, high power diode laser**

§ 2. The rules of delivery and receipt

1. The Seller will deliver the ordered equipment, being the subject matter of this agreement, at their own expense to the Buyer's premises within days from the date of conclusion of this agreement.
2. The Buyer will confirm receipt of the equipment with a Delivery and Acceptance Protocol, signed by both parties (Annex 1 to this agreement).
3. The Seller provides a guarantee for from the day of issuing the invoice for the delivered equipment

§ 3. Payment rules

1. The Buyer shall pay the Seller for the performance of the Agreement:
net price:**PLN/EUR/USD**
VAT:**PLN/EUR/USD**
gross price:**PLN/EUR/USD**
2. The Seller will issue a VAT invoice, which is to be paid by the Buyer to the account indicated on the invoice within days from the date of its issue.

§ 4. Final Provisions

1. All disputes arising from this agreement shall be resolved by the General Court competent for the Buyer.
2. In matters not governed by this agreement, the relevant provisions of the Civil Code shall apply.
3. Any changes to this agreement shall be made in writing under pain of nullity.
4. The agreement was drawn up in two identical copies, one for the Ordering Party and one for the Seller.

The Buyer:

The Seller:

Annex 1

DELIVERY AND ACCEPTANCE PROTOCOL

1. Name of the equipment / service provided:	
2. Supplier	
3. Delivery method	
4. Date of receipt:	
5. Place of receipt:	
6. Deficiencies found:	
7. Description of the condition of the equipment:	
8. Proof of purchase:	
9. Comments:	

Delivering party

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Receiving party

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