



**Łukasiewicz**  
PORT  
Polski Ośrodek  
Rozwoju  
Technologii



## **TERMS OF REFERENCE (ToR)**

in the public procurement procedure for social services, conducted in accordance with the basic procedure with the possibility of negotiating in order to improve the content of tenders, with the contract value not exceeding EUR 750,000.00, pursuant to Article 359(2) in conjunction with Article 275(2) of the Act of 11 September 2019 – Public Procurement Law (consolidated text Journal of Laws U. of 2023, item 1605 as amended), hereinafter referred to as the 'PPL', the subject of which is:

**“Provision of patent attorney services for Łukasiewicz – PORT within the Virtual Research Institute”.**

**Case no.: PO.271.11.2024**

APPROVED BY:

**February 2024**



**DOFINANSOWANO ZE ŚRODKÓW  
FUNDUSZU POLSKIEJ NAUKI**

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Sieć Badawcza Łukasiewicz – PORT Polski Ośrodek Rozwoju Technologii (Łukasiewicz Research Network – PORT Polish Centre for Technology Development)

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## 1. Contracting Authority's name and the address.

- 1.1. Sieć Badawcza Łukasiewicz – PORT Polski Ośrodek Rozwoju Technologii (Łukasiewicz Research Network – PORT Polish Centre for Technology Development) ul. Stabłowicka 147, 54-066 Wrocław
- 1.2. tel. +48 71 734 74 39
- 1.3. The address of the website on which the procedure is conducted and where all documents relating to the procedure will be available:  
<https://platformazakupowa.pl/pn/port>
- 1.4. Email address:  
[joanna.oczkowicz@port.lukasiewicz.gov.pl](mailto:joanna.oczkowicz@port.lukasiewicz.gov.pl)
- 1.5. Office hours: working days from Monday to Friday, 8 a.m. to 3 p.m. excluding public holidays.

## 2. Procurement procedure

- 2.1. This procedure is conducted under the basic procedure provided for in Article 275(2) of the PPL in conjunction with Article 359(2) of the PPL and in accordance with the provisions of this Specification of Essential Terms of the Contract (hereinafter referred to as the "Terms of Reference", ToR)
- 2.2. The Contracting Authority envisages selecting the most advantageous tender with the possibility of negotiations:
- 2.3. Pursuant to Article 310 of the PPL, the Contracting Authority provides for the cancellation of the procedure if the public funds which it intended to allocate for the financing of all or part of the contract have not been awarded thereto.
- 2.4. The Contracting Authority does not envisage an electronic auction:
- 2.5. The Contracting Authority does not envisage submitting the tender in the form of electronic catalogues or attaching electronic catalogues to the tender.
- 2.6. The Contracting Authority does not permit the submission of variant tenders.
- 2.7. The Contracting Authority is not proceeding to conclude a framework agreement.
- 2.8. The Contracting Authority does not reserve the possibility for Economic Operators referred to in Article 94 of the PPL to compete for the contract only.
- 2.9. The Contracting Authority does not specify additional requirements related to the employment of persons referred to in Article 96(2)(2) of the PPL.
- 2.10. The Contracting Authority, in relation to Article 95 of the PPL, does not specify the requirements related to the execution of the contract in terms of employment of persons by the Economic Operator or a subcontractor on the basis of an employment contract.



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### 3. Description of the subject of the contract.

- 3.1. The subject of the contract is the provision of legal services in the field of intellectual property protection management, in particular obtaining patent protection and know-how protection, as well as the provision of strategic consultancy services in the field of intellectual property protection in domestic and foreign markets for the Virtual Research Institute managed by the Contracting Authority – Sieć Badawcza Łukasiewicz – PORT Polski Ośrodek Rozwoju Technologii (Łukasiewicz Research Network – PORT Polish Centre for Technology Development in the field of Medical Biotechnology with particular emphasis on mRNA technology.

The Contracting Authority has a demand for the Subject of the Agreement on the basis of the contract for the management of the Virtual Research Institute of 16 October 2020, as it acts as a managing entity within the meaning of the Act of 4 April 2019 on support for scientific activity from the Polish Science Fund (Fundusz Polskiej Nauki), acting on behalf of the State Treasury – the Minister of Science and Higher Education.

- 3.2. A detailed description of the subject of the contract, along with the Contracting Authority's requirements regarding the subject of the contract, have been specified in Appendix 2 to the ToR – Description of the Subject of the Contract, in Appendix 10 to the ToR – Quotation Form and in Appendix 3 to the ToR – Model Agreement.
- 3.3. Name and code according to the Common Procurement Vocabulary (CPV): 79120000-1 – patent and copyright consultancy services.
- 3.4. The Contracting Authority does not envisage awarding contract referred to in Article 214(1)(7) of the PPL.
- 3.5. The Contracting Authority does not allow the submission of tenders for lots.
- 3.6. The Contracting Authority indicates the following reasons for not dividing the contract into lots: The subject of the contract includes services of providing assistance in industrial property matters by patent attorneys in conducting new and continuing ongoing patent proceedings before the Patent Office of the Republic of Poland and before foreign patent offices, including the European Patent Office, the United States Patent and Trademark Office, for inventions applied for under national, international PCT and European procedures. The services covered by the contract are interrelated in order to achieve a single result, which is to obtain patents for inventions filed by the Contracting Authority with patent offices. Dividing the contract into lots will lead to difficulties in coordinating the activities performed by different Economic Operators carrying out individual services, which could hinder or jeopardise the proper performance of the subject of the contract, and which could involve improper protection of the Contracting Authority in terms of industrial property rights.
- 3.7. The Contracting Authority intends to exercise the option clause pursuant to Article 441 of the PPL, on the principles described in the Description of the Subject of the Contract – Appendix 2 to the ToR and in the model contract – Appendix 3 to the ToR.



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#### **4. Contract completion date.**

The term of the contract shall be **48 months** from the date of conclusion of the Agreement (date indicated in the recitals of the Agreement) or until the maximum remuneration referred to in Article 4(1) of the model agreement is exhausted.

#### **5. Conditions for participation in the procedure and grounds for exclusion from the procedure**

- 5.1. Eligible to compete for a contract shall be Economic Operators who are not subject to exclusion pursuant to section 6 of the ToR, and meet the conditions for participation in the procedure defined by the Contracting Authority in section 5.2. of the ToR;
- 5.2. Eligible to compete for a contract shall be Economic Operators who meet the conditions related to:

##### **5.2. 1 Trading capacity:**

The Contracting Authority does not impose any condition in this respect.

##### **5.2.2 authorisation to pursue specific commercial or professional activities, if it results from separate regulations:**

The Contracting Authority does not impose any condition in this respect.

##### **5.2.3 economic or financial standing:**

The Contracting Authority does not impose any condition in this respect.

##### **5.2.4 technical or professional capacity:**

- 5.2.4.1 The Contracting Authority requires that the Economic Operator has, within the last 3 years prior to the time limit for submission of tenders, and if the period of operation is shorter, within this period, the following experience:

a) has performed at least 4 services for the development of intellectual property protection strategies in the field of Medical Biotechnology with a particular focus on mRNA technology. By developing an Intellectual Property Protection Strategy, the Contracting Authority understands the development of a plan of actions aimed at obtaining the broadest possible protection of Intellectual Property Rights and know-how and their enforcement, and it is important that the Economic Operator takes into account geographical and technological aspects and cooperates with the Contracting Authority on an ongoing basis in order to deliberately obtain the broadest possible protection of Intellectual Property Rights, and that the Strategy specifies, inter alia, the analysis of possible protection methods, identification of optimal solutions, estimation of costs, determination of jurisdiction, etc.



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b) has performed at least 1 Intellectual Property Protection service for at least one company in the biotechnology or pharmaceutical industry with International Standards-reported revenue\* of at least USD 500 million in one of the last five years or the company has raised at least USD 100 million in investment from Venture Capital.

\*By the method of verifying either revenue or capital raising, the Contracting Authority means what follows:

- The entity has published financial reports in accordance with International Financial Reporting Standards (IFRS) or US Generally Accepted Accounting Principles (US GAAP),
- The entity regularly had its financial statements audited annually by a reputable audit firm and published them in accordance with the applicable regulations,
- The entity has been listed on a stock exchange and published its financial results in accordance with the requirements of the relevant regulated market,
- The entity has regularly reported and made available to the public its financial results, which were independently audited in accordance with generally accepted accounting standards,
- The entity has published audited financial statements, allowing verification of the revenue generated;

c) has performed at least 4 FTO analysis services for inventions in the area of Medical Biotechnology, of which at least 1 analysis service for mRNA-based technology;

d) has represented customers running business in the area of Medical Biotechnology, of which at least two entrepreneurs before a competent court, in at least 2 Intellectual Property Protection litigations (e.g. patent invalidation or infringement, conducted in countries such as USA or China or Japan or Germany or UK or France or Italy);

e) has performed at least 3 state of the art research reports in the field of Medical Biotechnology, including at least 2 on mRNA technology;

f) has conducted at least 5 proceedings in an international procedure under the Patent Cooperation Treaty (PCT) in the field of Medical Biotechnology on behalf of entrepreneurs, excluding the provision of services to universities and research institutes;

g) has conducted proceedings before the United States Patent and Trademark Office (USPTO) resulting in the grant of a patent for at least five business applications, excluding applications for universities and research institutes;

h) has conducted proceedings before the Patent Office of the People's Republic of China (SIPO) resulting in the granting of patents for at least 5 business applications, excluding applications for universities and research institutes;



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i) has performed at least 4 patent application services before the EPO, resulting in the granting of a patent for at least 3 applications to entrepreneurs, excluding the provision of services to universities and research institutes;

5.2.4.2 The Contracting Authority requires that the Economic Operator has at its disposal the following persons appointed to perform the contract: at least 3 persons who will have the following professional qualifications, education and experience, although one person may have several of the following:

- a) At least 1 person who has performed Intellectual Property Rights protection services for entrepreneurs in the biotechnology or pharmaceutical industry who are listed on a stock exchange and whose revenue is/was at least USD 500 million in the calendar year in which the services are/were provided;
- b) At least 1 person who has carried out the process of filing at least 2 patent applications for entrepreneurs in an international procedure in accordance with the Patent Cooperation Treaty (PCT) in the field of medical biotechnology;
- c) At least 1 person who has conducted a patent application process for entrepreneurs completed with at least 4 patents before the USPTO or SIPO or EPO;
- d) At least 1 person who has led the process of filing mRNA-based technology patent applications resulting in at least 2 entrepreneurial patents before the USPTO or SIPO or EPO;
- e) At least 1 person with experience in a minimum of 2 Intellectual Property Rights litigations (e.g. patent invalidation or infringement) before competent courts in countries such as the United States or China or Japan or Germany or France or the United Kingdom or Italy;
- f) at least 2 persons qualified as European patent attorneys (i.e. who have passed the European Qualification Examination EQE), of which at least one person with a minimum of two years' experience as a patent attorney;
- g) At least 2 persons with a biotechnology background (upper second degree, Master's degree or equivalent);
- h) At least 1 post-doctoral fellow in the area of medical biotechnology (3rd level university degree, PhD or equivalent);

5.3 A specific, objectively justifiable way in which Economic Operators competing jointly for the contract:

NOTE: In relation to Economic Operators competing jointly for the contract, with regard to the condition regarding technical or professional capacity in terms of experience (paragraph 5.2.4.1 above) the Contracting Authority does not allow for the condition to be fulfilled by Economic Operators jointly, i.e. at least one of the Economic Operators should fulfil the condition of technical or professional capacity to the full extent (it does not apply to the disposal of persons fulfilling the specified conditions), with the proviso that it



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concerns the given condition specified in points (a)-(i). Each item (points (a) to (i)) is treated as a separate condition. With regard to a specific condition, Economic Operators competing jointly for a contract may rely on the abilities of the one of the Economic Operators who will perform the services for the performance of which those abilities are required (Article 117(3) of the PPL).

- 5.4 The Contracting Authority may, at any stage of the procedure, conclude that the Economic Operator does not have the required capacities if the Economic Operator's conflicting interests, in particular the involvement of the Economic Operator's technical or professional resources in other economic undertakings of the Economic Operator may negatively affect the execution of the contract.
- 5.5 Economic Operators competing jointly for the contract shall attach to their offer a statement indicating which services will be provided by individual Economic Operators – specimen statement constitutes attachment No. 6 to the ToR.

## **6. Grounds for exclusion from the procedure**

- 6.1. Excluded from the procurement procedures shall be Economic Operators in relation to whom any of the circumstances described in **Article 108(1) of the PPL occur.**
- 6.2. Exclusion of the Economic Operator shall take place in accordance with Article 111 of the PPL.
- 6.3. The Contracting Authority does not provide for exclusion of the Economic Operator on the optional grounds, i.e. Article 109(1) of the PPL Act.
- 6.4. The Economic Operator shall be excluded from the public procurement procedure in the cases referred to in Article 7(1) of the Act of 14 April 2022 on special solutions in the field of counteracting the support of aggression against Ukraine and serving the protection of national security (Journal of Laws 2022, item 1497, as amended). Article 7(3) of the aforementioned Act shall apply to an Economic Operator subject to exclusion in this respect.

## **7. Statements and documents to be provided by Economic Operators to prove the fulfilment of conditions for participation in the procedure and the absence of grounds for exclusion (qualitative evidence).**

- 7.1. The Economic Operator shall attach to the tender a statement, valid as of the date of submitting the tender, that there are no grounds for exclusion from the procedure and that the conditions for participation in the procedure referred to in section 5 above are met – in accordance with **Appendix 4 to the ToR.**
- 7.2. The information contained in the statement referred to in section 7.1 above shall constitute evidence that the Economic Operator is not subject to exclusion and meets the conditions for participation in the procedure referred to in section 5.



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- 7.3. The Contracting Authority shall call upon the Economic Operator whose tender has been awarded the highest score to submit, within a time limit which shall not be shorter than 5 days from the date of the call, the qualitative evidence which is up-to-date as of the date of submission.
- 7.4. The qualitative evidence required of the Economic Operator includes:
- 1) **statement of the Economic Operator**, within the scope of Article 108(1)(5) of the PPL, on not being a member of the same capital group within the meaning of the Act of 16 February 2007 on competition and consumer protection with another economic operator who has submitted a separate tender or a statement of belonging to the same capital group together with documents or information confirming preparation of a tender independently of another economic operator belonging to the same capital group in accordance with the contents set out in Appendix 5 to the ToR;
  - 2) a list of services rendered over the last 3 years before the time limit for the submission of tenders, and if the period of operation is shorter in this period, with indication of their value, object, dates of completion and entities for which the services were performed, as well as enclosing evidence stating whether the services were performed properly, with the evidence being references or other documents prepared by the entity for which the services were performed, and if the Economic Operator, for reasons beyond its control, is not able to obtain such documents – a statement by the Economic Operator. It is to be evident from the list of services that the condition referred to in point 5.2.4.1 has been fulfilled (the model list of services is attached as Appendix 8 to the ToR).
  - 3) list of persons appointed by the Economic Operator to carry out the contract, in particular those responsible for providing the service, quality control, together with information on their qualifications, experience and education necessary to carry out the contract, as well as the scope of activities carried out by them and information on the basis for having such persons at their disposal. It is to be evident from the list of persons that the condition referred to in point 5.2.4.2 of the ToR has been fulfilled (the model list of services is attached as Appendix 9 to the ToR).
- 7.5. The Economic Operator shall not be required to submit the qualitative evidence which the Contracting Authority holds, provided that the Economic Operator indicates this evidence and confirms that it is correct and up-to-date.
- 7.6. In the scope not regulated by the PPL or these ToR, the statements and documents submitted by the Economic Operator in the procedure shall be subject in particular to the provisions of the Regulation of the Minister of Labour and Technology Development of 23 December 2020 on the qualitative evidence and other documents or statements which may be demanded by the Contracting Authority from the Economic Operator and the Regulation of the Prime Minister of 30 December 2020 on the method of preparing and submitting information and technical requirements for electronic documents and means of electronic communication in a public procurement procedure or competition.



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## 8. Relying on the resources of other entities.

- 8.1. An Economic Operator may, in order to confirm that it meets the conditions for participation in the procedure, rely on the technical or professional abilities of the entities providing the resources, regardless of the legal nature of the legal relationship between the Economic Operator and those entities.
- 8.2. With regard to conditions relating to experience, Economic Operators may rely on the capabilities of resource providers if those providers perform the service for which those capabilities are required. With regard to the condition concerning technical or professional capacity – in terms of experience (paragraph 5.2.4.1 of the ToR), the Contracting Authority does not allow aggregation within the fulfilment of the condition by the Economic Operator and the entity providing the resources. The entity providing the resources should fulfil the condition of technical or professional capacity, i.e. experience to the full extent, if the Economic Operator does not fulfil the condition itself, with the proviso that it concerns the particular condition set out in points (a) to (i). Each item (points (a) to (i)) is treated as a separate condition.
- 8.3. **An Economic Operator relying on the capacities or situation of entities making available resources shall submit, along with a tender, a commitment of the entity making available the resources to make available the necessary resources for the purpose of performing a given contract, or other qualitative evidence proving that while performing the contract the Economic Operator will have at its disposal the necessary resources of those entities.**
- 8.4. The Contracting Authority shall assess whether the technical or professional capacities made available to the Economic Operator by the entities making the resources available make it possible for the Economic Operator to prove that it fulfils the conditions for participation in the procedure, and shall also examine whether there are any grounds for exclusion against that entity, which have been provided for the Economic Operator.
- 8.5. If the technical or professional capacities of the entity providing access to resources do not confirm that the Economic Operator meets the terms and conditions of participation in the procedure, or there are grounds for exclusion with respect to that entity, the Contracting Authority shall demand that the Economic Operator replaces that entity with another entity or entities within the time limit specified by the Contracting Authority, or demonstrates that it fulfils the terms and conditions of participation on its own.
- 8.6. **NOTE:** The Economic Operator may not, after the deadline for submission of tenders, rely on the capacities of the entities providing the resources, if at the tenders submission stage it did not rely in a given scope on the capacities of the entities providing the resources.
- 8.7. If the Economic Operator relies on the capacities of entities making available their resources, the Economic Operator shall submit, together with the statement referred to in section. 7.1. of the ToR, also such a statement from



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the entity providing resources which will confirm the lack of grounds for exclusion of that entity and the fulfilment of the conditions for participation in the procedure, respectively, to the extent to which the Economic Operator relies on its resources.

## **9. Information for Economic Operators jointly competing for the contract (consortia and civil law partnerships).**

- 9.1. Economic Operators may jointly compete for the contract. **In such a case Economic Operators shall appoint a proxy to represent them in the proceedings or to represent them and conclude the public procurement contract. The power of attorney shall be attached to the tender.**
- 9.2. In the case of Economic Operators competing jointly for the contract, the statements referred to in section 7.1 of the ToR shall be submitted by each of them. These statements shall confirm the absence of grounds for exclusion to the extent to which each of the Economic Operators demonstrates compliance with the conditions for participation in the procedure.
- 9.3. Economic Operators competing jointly for the contract shall attach to their tender a statement indicating which services will be provided by individual Economic Operators (according to the template in Appendix 6 to the ToR).

## **10. Means of communication and clarification of the content of the ToR**

- 10.1. Communication in the procurement procedure, including submission of tenders, exchange of information and transfer of documents or statements between the Contracting Authority and the Economic Operator, subject to the exceptions provided for in the PPL, shall be carried out via electronic communication means. Electronic communication means shall be understood as electronic communication means defined in the Act of 18 July 2002 on the provision of services by electronic means.
- 10.2. The tender, statements referred to in Article 125(1) of the PPL, the qualitative evidence, powers of attorney shall be prepared in an electronic form, in generally available data formats, in particular in .txt, .rtf, .pdf, .doc, .docx, .odt formats. **The tender, as well as the statements referred to in section 7.1 of the ToR shall be submitted, under pain of invalidity, in an electronic form or in an electronic format bearing a trusted signature or a personal electronic signature.**
- 10.3. Qualified signatures used by Economic Operators to sign any files must comply with the Regulation (EU) no. 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market (eIDAS), or be in an electronic form bearing a trusted signature (within the meaning of the Regulation of the Minister of Digitization of 29th June 2020 on the trusted profile and trusted signature) or a personal signature (within the meaning of Article 2(1)(2) and (9) of the Law of August 6, 2020 on identity cards).



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- 10.4. If the XAdES external signature format is used, the Contracting Authority requires the inclusion of the appropriate number of files, i.e. signed data files and signature files in XAdES format.
- 10.5. Communication between the Economic Operator and the Contracting Authority as well as transfer of information, statements, requests, notices and documents shall take place via electronic communication means. Communication between the Contracting Authority and Economic Operators, including all statements, requests, notices and information shall be transmitted electronically via the Platform and the 'Send a message' form available at <https://platformazakupowa.pl/pn/port> or by e-mail of the Contracting Authority indicated in section 10.6 of the ToR.
- 10.6. Person authorised by the Contracting Authority to contact Economic Operators: Joanna Oczkowicz: [joanna.oczkowicz@port.lukasiewicz.gov.pl](mailto:joanna.oczkowicz@port.lukasiewicz.gov.pl)
- 10.7. The Economic Operator, as a professional entity, is obliged to check messages and communications sent by the Contracting Authority directly on <https://platformazakupowa.pl>, because the notification system may fail or the notification may end up in the SPAM folder.
- 10.8. The Contracting Authority, in accordance with the Regulation of the Prime Minister of 31 December 2020 on the method of preparing and submitting information and technical requirements for electronic documents and means of electronic communication in a public procurement procedure or competition (Journal of Laws of 2020, item 2452), specifies the necessary hardware and application requirements to work on [platformazakupowa.pl](https://platformazakupowa.pl), i.e:
  - 1) permanent access to the Internet with a guaranteed bandwidth of not less than 512 kb/s;
  - 2) PC or MAC computer with the following configuration: min. 2 GB Ram, processor Intel IV 2 GHZ or its newer version, one of the operating systems – MS Windows 7, Mac Os x 10 4, Linux, or their newer versions,
  - 3) any web browser installed, in the case of Internet Explorer at least version 10.0,
  - 4) JavaScript enabled;
  - 5) Adobe Acrobat Reader or other software supporting .pdf file format installed.
  - 6) Encryption at <https://platformazakupowa.pl> is using TLS 1.3 protocol.
  - 7) Indication of data reception time by the purchasing platform is the date and the exact time (hh:mm:ss) generated according to the local time of the server synchronised with the clock of the Central Office of Measures.
  - 8) The maximum size of one file sent via dedicated forms for: submission, modification, withdrawal of a tender is 150MB, while for communication the file size is maximum 500 MB.
- 10.9. By entering into this public procurement procedure, the Economic Operator:
  - 1) accepts the terms and conditions of using [platformazakupowa.pl](https://platformazakupowa.pl) as defined in the regulations placed on the website under the link in the 'Regulations' tab and acknowledges them as binding;
  - 2) has read and follows the Instructions for Submission of Tenders/Applications available at the link:



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<https://drive.google.com/file/d/1Kd1DttbBeiNwt4q4sIS4t76lZVKPbkyD/view>.

- 10.10. The Contracting Authority shall not be liable for submission of a tender in a manner contrary to the instructions for use of [platformazakupowa.pl](https://platformazakupowa.pl), in particular for a situation where the Contracting Authority reads the content of the tender before the time limit for submission of tenders (e.g. submission of a tender in the 'Send a message to the Contracting Authority' tab). Such a tender shall be considered by the Contracting Authority as a commercial offer and shall not be taken into account in the proceedings, because an obligation imposed in Article 221 of the Public Procurement Law has not been met.
- 10.11. The Contracting Authority informs that the instructions for using [platformazakupowa.pl](https://platformazakupowa.pl) regarding in particular logging in, submitting requests for clarification of the content of the ToR, submitting tenders and other actions undertaken in this procedure using [platformazakupowa.pl](https://platformazakupowa.pl) can be found in the 'Instructions for Economic Operators' tab on the website at: <https://platformazakupowa.pl/strona/45-instrukcje>
- 10.12. In correspondence addressed via e-mail to the Contracting Authority, Economic Operators should use the case number of the procedure. All notices, statements, requests and information submitted by e-mail require immediate confirmation of their receipt at the request of each party. If the receipt of correspondence sent by e-mail is not confirmed, the report confirming the sending of the e-mail shall be deemed to be the confirmation of delivery.
- 10.13. The Economic Operator may request the Contracting Authority for clarification of the content of the ToR.
- 10.14. The Contracting Authority shall be obliged to provide explanations immediately, however no later than 2 days before the time limit for submission of tenders, provided that the request for clarification of the content of the ToR was received by the Contracting Authority no later than 4 days before the time limit for submission of tenders.
- 10.15. If the Contracting Authority fails to provide explanations within the time limit referred to in section 10.14 of the ToR, the Contracting Authority shall extend the time limit for submission of tenders by the time necessary for all interested Economic Operators to become familiar with the explanations necessary for proper preparation and submission of tenders. If a request for clarification of the content of the ToR was not received within the time limit referred to in section 10.14 of the ToR, the Contracting Authority shall not be obliged to provide explanations to the ToR or to extend the time limit for submission of tenders.
- 10.16. Extension of the time limit for submission of tenders referred to in section 10.15 of the ToR shall not affect the time limit for submitting requests for clarification of the content of the ToR.
- 10.17. The Contracting Authority shall make the text of the queries along with the explanations available on the platform of the conducted procedure under the link <https://platformazakupowa.pl/pn/port>, without revealing the source of the query.



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10.18. The Contracting Authority does not intend to convene a meeting of Economic Operators.

### **11. Description of the method for tender preparation and formal requirements concerning submitted statements and documents**

- 11.1. An Economic Operator may submit one tender.
- 11.2. The procedure shall be conducted in Polish and in English. The Contracting Authority agrees to the submission of the tender and other documents in Polish or English. **Documents written in a foreign language (other than English) shall be submitted together with their translation into Polish.** The proceedings documentation has been drawn up in Polish and English; in the event of any discrepancies or doubts as to interpretation, the Polish version shall prevail.
- 11.3. The contents of the tender should correspond to the contents of the order.
- 11.4. A tender must be signed by persons authorised to represent the Economic Operator (Economic Operators competing jointly for the award of the contract).
- 11.5. **The authorisation of the persons signing the tender to sign it must be evident from the appropriate register. This means that if such authorisation does not directly come from the appropriate register stating the legal status of the Economic Operator, the tender must be accompanied with a power of attorney.**
- 11.6. The tender and other statements and documents for which the Contracting Authority has prepared the templates in the form of model forms included in the appendices to the ToR should be drawn up in accordance with these templates as regards the content and description of columns and lines.
- 11.7. If the tender contains information that constitutes a business secret within the meaning of the Act of 16 April 1993 on combating unfair competition, the Economic Operator shall, along with the submission of such information, stipulate that it may not be made available and shall demonstrate that the reserved information constitutes a business secret.
- 11.8. All costs related to the preparation and submission of the tender shall be borne by the Economic Operator.
- 11.9. **The tender shall contain:**
  - 1) **A completed and signed Tender Form – the model form is attached as Appendix 1 to the ToR.**
  - 2) **Completed and signed quotation form – Appendix 10 to the ToR;**
  - 3) **Completed and signed list of additional persons – Appendix 11 to the ToR;**
  - 4) Completed and signed statement referred to in section 7.1. of the ToR – a model statement is attached as Appendix 4 to the ToR;



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- 5) Appropriate power of attorney(s) – if the power to sign the tender does not come directly from the appropriate register (if applicable),
- 6) In the case of Economic Operators jointly competing for the contract, a document appointing a Representative to represent them in the contract award procedure or to represent them in the procedure and to conclude the public contract (if applicable).
- 7) Statement of the Economic Operators competing jointly for the contract, referred to in section 9.3. of the ToR (if applicable), Appendix 6;
- 8) A copy or information from the National Court Register, Central Business Activity Register or other relevant register to confirm that the person acting on behalf of the Economic Operator is authorised to represent him.  
The Economic Operator is not obliged to submit the above-mentioned documents if the Contracting Authority can obtain them using free and generally available databases, provided that the economic operator indicates the data enabling access to those documents.
- 9) The statement of the third-party providing resources referred to in section 8.3 of the ToR.

## 12. Price calculation method

- 12.1 The Economic Operator shall indicate in the Tender Form the gross tender price calculated on the basis of the Quotation Form attached as Appendix 10 to the ToR. The net unit prices given in the Quotation Form are lump sum prices and any corrections of obvious calculation errors shall be made on the basis of the net unit prices.
- 12.2 The Economic Operator shall indicate in its tender, the net tender price, the gross tender price and the VAT due, in the manner specified in the Tender Form, which constitutes Appendix 1 to the ToR.
- 12.3 The tender price is the gross price indicated in the Quotation Form to the extent specified in Appendix 10 to the ToR.
- 12.4 The tender price is to be calculated on the basis of the Quotation Form constituting Appendix 10 to the ToR.
- 12.5 **Should the Economic Operator fail to indicate in the Quotation Form (Appendix 10 to the ToR) which currency – Euro or Zloty – its tender was submitted in, the Contracting Authority shall reject the tender on the basis of Article 226(1)(5) of the PPL.** The same applies if the Economic Operator **leaves the fields blank or indicates a currency other than EURO or PLN.**
- 12.6 The Contracting Authority informs that the VAT rate for the subject matter of the contract according to national regulations is: 23%. VAT rates will be amended accordingly in the event of changes in generally applicable laws.
- 12.7 **In the event that the Economic Operator is not obliged to comply with the VAT Act in accordance with the applicable legislation, then section 12.11 below shall apply, which the Economic Operator shall be obliged to apply. In such a situation the Economic Operator shall**



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**insert 'not applicable', with additional statements in the quotation form in accordance with section 12.11 below.**

- 12.8 The tender price for lot indicated in the Tender Form and the prices indicated in the Quotation Form shall include the VAT due, in accordance with the applicable tax regulations at the rate as at the date of submission of the tenders, insofar as the applicable regulations apply to the Economic Operator. If the applicable regulations do not apply to the Economic Operator, the Economic Operator should insert "not applicable" in the VAT Value column and include the Net Value in the Gross Value column.
- 12.9 The tender price for the contract should include all costs necessary to complete the contract, resulting from the content of this ToR and appendices thereto. The price given in the Tender Form must include all costs to be borne by the Economic Operator in respect of performance of the subject of the contract in due manner and in compliance with applicable regulations.
- 12.10 The Economic Operator shall calculate all risks that may occur in the execution of the subject of the contract and shall provide for an appropriate organisation for the correct and timely execution of the material scope of services by the Economic Operator.
- 12.11 The net value and the gross tender price must be given in figures, with an accuracy of one grosz, i.e. to two decimal places, observing the mathematical rule of rounding numbers (they should be rounded so that digits from 1 to 4 are rounded down, while digits from 5 to 9 are rounded up).
- 12.12 Should the selection of the submitted tender result in a tax liability on the Contracting Authority in accordance with the Act of 11 March 2004 on tax on goods and services, for the purpose of applying the price criterion, the Contracting Authority shall add to the price presented in that tender the amount of tax on goods and services which it would be obliged to settle.  
**In the tender, the Economic Operator is obliged to:**
- 1) inform the Contracting Authority that the selection of its tender will result in the tax liability for the Contracting Authority;
  - 2) indicate the name (type) of the goods or services whose delivery or provision shall result in the tax liability;
  - 3) indicate the value of the goods or services subject to the Contracting Authority's tax liability, without the amount of the tax;
  - 4) indicate the VAT rate which, to the Economic Operator's knowledge, will apply. Should the Economic Operator fail to indicate the VAT rate or indicate an incorrect VAT rate, the Contracting Authority shall be entitled to apply the correct rate in order to compare tenders (according to paragraph 4(10)) of the Tender Form – Appendix 1 to the ToR)
- 12.13 The Contracting Authority does not envisage granting an advance payment for the execution of the public contract.



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### **13. Deposit requirements.**

The Contracting Authority does not require a deposit.

### **14. Tender validity period.**

- 14.1. The Economic Operator shall be bound by its tender for 30 days, i.e. until **30.03.2024**. The period, during which the Economic Operator must maintain its tender, shall commence with the expiry of the time limit for submission of tenders.
- 14.2. If the most advantageous tender is not selected before the expiry of tender validity period defined above in section 14.2, the Contracting Authority, before the expiry of the tender validity period, shall ask the Economic Operators once to agree to extend that period by a period specified by the Contracting Authority, not longer than 30 days. The extension of the tender validity period requires the Economic Operator to submit a written statement of consent to extend the tender validity period.

### **15. Manner and date of the submission and of the opening of tenders.**

- 15.1. The tender together with the required documents should be placed on the Platform at the following address: <https://platformazakupowa.pl/pn/port> on the website of the procedure until **01.03.2024 until 10:00 a.m.**
- 15.2. Tenders shall be opened on **01.03.2024 at 10:30 a.m.**
- 15.3. The tender must be accompanied by all the documents required in the ToR.
- 15.4. After completing the tender submission form or a request and uploading all required attachments, click the 'proceed to summary' button.
- 15.5. A tender or request submitted electronically must be signed with an electronic qualified signature, a trusted signature or a personal signature. In the process of submitting a tender via [platformazakupowa.pl](https://platformazakupowa.pl), the Economic Operator should sign directly the documents sent via [platformazakupowa.pl](https://platformazakupowa.pl). We recommend using a signature on each attached file separately, in particular those indicated in Article 63 and paragraph 2 of the PPL, where it is indicated that tenders, requests to participate in proceedings and the statement referred to in Article 125(1) of the PPL shall be drawn up, under pain of invalidity, in an electronic form or in an electronic form bearing a trusted signature or a personal signature.
- 15.6. Detailed instructions for Economic Operators on how to submit, amend and withdraw a tender can be found on the website at: <https://platformazakupowa.pl/strona/45-instrukcje>
- 15.7. No later than before the opening of tenders, information on the amount intended to be spent to finance the contract shall be made available on the Platform.
- 15.8. Immediately after opening the tenders, the following information shall be provided on the website of the conducted procedure:





- 1) company names or names and surnames, registered offices or places of business activity or places of residence of Economic Operators whose tenders have been opened;
- 2) prices contained in the tenders.

15.9. Tenders shall be opened immediately after the expiry of the time limit for submission of tenders, no later than on the day following the day on which the time limit for submission of tenders expired.

15.10. If the opening of tenders is carried out by means of an ICT system, in the event of a breakdown of this system, which makes it impossible to open tenders within the time limit set by the Contracting Authority, the opening of tenders shall take place immediately after the resolution of the breakdown.

**16. Description of the criteria for evaluation of tenders, together with the weights of these criteria and the method of evaluation of tenders.**

16.1 In selecting the most advantageous tender, the Contracting Authority shall be guided by the following tender evaluation criteria:

Criterion 1: Price – weight 50%.

Criterion 2: Professional qualifications and experience of persons appointed to perform the contract – weight 50%

16.2 Principles for assessing tenders under the criterion:

**1) Criterion 1: Price**

Method of calculating scores for the price criterion – scores will be calculated using the following formula:

$$\text{Number of points} = \frac{\text{Lowest price}}{\text{price offered in the examined tender}} \times \text{weight}$$

The evaluation is based on the gross tender price (including VAT).

It is assumed that 1% = 1 point and this is how the number of points obtained will be calculated.

A maximum of 50.00 points can be obtained for the criterion.

**2) Criterion 2: Professional qualifications and experience of persons appointed to perform the contract**

The way of calculating the score in the criterion of Professional qualifications of the persons appointed to perform the contract – the Contracting Authority shall award the following number of points to the Economic Operator who will have at its disposal **additional personnel** in





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addition to the one indicated in the terms and conditions of participation in the procedure, with the qualifications and experience indicated below (i.e. points under this criterion for evaluation of tenders shall be awarded to the Economic Operator only in relation to the persons appointed to perform the contract who will not be demonstrated under the condition of participation in the procedure in terms of technical or professional capacity referred to in section 5.2.4.2 of the ToR).

**Table 1: Professional qualifications and experience of *additional persons* appointed to perform the contract**

No.	Description	Score
1.	For the number of persons who will participate in the execution of the contract having the European Ombudsman qualification and passing the EQE exam, with a university degree in life science (biotechnology or biology) specialising in mRNA technology	1 person – 1.00 point 2 or more persons – 2.00 points
2.	For the number of persons who will participate in the execution of the contract having a Polish patent attorney qualification with a university degree in the area of life science (biotechnology or biology) specialising in mRNA technology	1 person – 1.00 point 2 or more persons – 2.00 points
3.	For the number of persons who will be involved in the execution of the contract having a PhD in the area of medical biotechnology	1 person – 1.00 point 2 or more persons – 2.00 points
4.	For the number of IP protection strategies developed by persons appointed to perform the contract, together with the analysis of possible scenarios and the choice of the optimal protection path taking into account the market situation, together with the financial and legal consequences	At least one person with experience in developing more than 4 strategies – 0.5 points for each strategy over 4 (i.e. the Contracting Authority shall award points according to the following scheme: 5 strategies – 0.5 points, 6 strategies – 1 point, 7 strategies – 1.5 points, etc.).  Maximum 7.00 points.
5.	For the number of FTO analyses for inventions in the area of mRNA technology performed by the persons appointed to carry out the contract	At least one person with experience in preparing more than 4 analyses – 0.5 points for each analysis over 4 (i.e. the Contracting Authority shall award points according to the following scheme: 5 analyses – 0.5 points, 6 analyses – 1 point, 7 analyses 1.5 points, etc.).  Maximum 7.00 points.
6.	For the number of Intellectual Property Rights services performed by the persons appointed to carry out the contract with at least one company in the biotechnology or pharmaceutical industry with revenues reported according to international standards of at least USD 500 million in one of the last five years or the company has raised at	At least one person with experience who has performed more than one service 0.5 points for each service over 1 The Contracting Authority shall award points according to the following scheme: 2 services – 0.5 points, 3 services – 1 point, 4 services 1.5 points, etc.).



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	least USD 100 million in investment from Venture Capital	Maximum 7.00 points.
7.	For the number of state of the art research reports for mRNA technology inventions completed by the persons appointed to carry out the contract	At least one person with experience in preparing more than 2 reports – 0.5 points for each report over 2 (i.e. the Contracting Authority shall award points according to the following scheme: 3 reports – 0.5 points, 4 reports – 1 point, 5 reports 1.5 points, etc.).  Maximum 3.00 points.
8.	For the number of proceedings before the European Patent Office concluded with the granting of a European patent for entrepreneurs, excluding the provision of services to universities and research institutes (the criterion refers to the sum of experience of all persons appointed to perform the contract under criterion 2 – Professional qualifications and experience of persons appointed to perform the contract)	Experience in proceedings resulting in the granting of more than 4 patents* – 0.5 points for each patent over 4 (i.e. the Contracting Authority will award points according to the following scheme: 5 patents – 0.5 points, 6 patents – 1 point, 7 patents 1.5 points, etc.).  Maximum 5.00 points.
9.	For the number of PCT patent application proceedings concluded with the granting of a patent for entrepreneurs, excluding the provision of services to universities and research institutes (the criterion refers to the sum of experience of all persons appointed to perform the contract under criterion 2 – Professional qualifications and experience of persons appointed to perform the contract)	Experience in proceedings resulting in the granting of more than 5 patents* – 0.5 points for each patent over 5 (i.e. the Contracting Authority will award points according to the following scheme: 6 patents – 0.5 points, 7 patents – 1 point, 8 patents 1.5 points, etc.).  Maximum 5.00 points.
10.	For the number of US patent application proceedings resulting in the grant of a patent (also in cooperation with the national representative) completed by persons appointed to perform the contract (criterion refers to the sum of the experience of all persons appointed to perform the contract under criterion 2 – Professional qualifications and experience of persons appointed to perform the contract)	Experience in proceedings resulting in the granting of more than 5 patents* – 0.5 points for each patent over 5 (i.e. the Contracting Authority will award points according to the following scheme: 6 patents – 0.5 points, 7 patents – 1 point, 8 patents 1.5 points, etc.).  Maximum 5.00 points.
11.	For the number of China patent application proceedings resulting in the grant of a patent (also in cooperation with the national representative) completed by persons appointed to perform the contract (criterion refers to the sum of the experience of all persons appointed to perform the contract under criterion 2 – Professional qualifications and experience of persons appointed to perform the contract)	Experience in proceedings resulting in the granting of more than 5 patents* – 0.5 points for each patent over 5 (i.e. the Contracting Authority will award points according to the following scheme: 6 patents – 0.5 points, 7 patents – 1 point, 8 patents 1.5 points, etc.).  Maximum 5.00 points.

\* Whenever patents are referred to in the table, the Contracting Authority means a patent in the area of medical biotechnology or in the area of mRNA.



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NOTE: The Contracting Authority allows the required qualifications referred to in sections 1 to 3 in the table above to be combined by each of the persons referred to above. Thus, one person can be shown in more than one of the quality criteria referred to in the table – sections 1-3 above.

A maximum of 50.00 points can be obtained for the criterion.

Should the Economic Operator fail to submit with the tender a properly completed table of Appendix 11 to the ToR, or fail to submit or complete it, or complete it in a dubious manner, the Contracting Authority shall not award points to the Economic Operator in criterion 2, respectively to sections 1-11 from the above table (i.e. points shall not be awarded in incorrectly completed or unfilled sections). Failure to fill in the table (blank fields) will also result in no points being awarded in this criterion.

The Contracting Authority does not allow any change or clarification to be made to Appendix 11 the ToR submitted with the tender.

16.3. Tenders shall be evaluated on a scale from 0.00 to 100.00 points. The number of points awarded in this criterion shall be recalculated according to the following rules: figures from 1 to 4 after the decimal point will be rounded down and figures from 5 to 9 will be rounded up.

16.4. The tender with the highest number of points as indicated above shall be considered the most advantageous.

16.5. If it is not possible to select the most advantageous tender on account of the fact that two or more tenders present the same price balance, the Contracting Authority shall call upon the Economic Operators who have submitted such tenders to submit additional tenders containing a new price within the time limit specified by the Contracting Authority.

16.6. When submitting additional tenders Economic Operators may not submit tenders with higher prices than those included in their previously submitted tenders.

## **17. Conducting the procedure together with negotiations.**

17.1. The Contracting Authority shall exercise its right pursuant to Article 288(1) of the PPL to limit the number of Economic Operators it invites to negotiate tenders.

17.2. Should the decision be taken to conduct negotiations, the Contracting Authority, acting pursuant to Article 288(1) of the PPL, shall limit the number of Economic Operators invited to negotiations to three, whose tenders satisfy to the highest extent those criteria.

17.3. In the case of a decision to conduct negotiations in the first step, the Contracting Authority shall simultaneously inform all Economic Operators who have submitted tenders of the Economic Operators:

- 1) whose tenders have not been rejected, and the score awarded to tenders in each tender evaluation criterion and the total score;
- 2) whose tenders have been rejected;



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- 3) who were not qualified for negotiations and the scores awarded to their tenders in each tender evaluation criterion and the total score in the case referred to in Article 288(1) of the PPL– providing factual and legal grounds.
- 17.4. The tender of an Economic Operator not invited to negotiations shall be deemed rejected.
- 17.5. If the number of Economic Operators who in response to the contract notice have submitted tenders not subject to rejection is lower than 3, the Contracting Authority in the case referred to in Article 275(2) of PPL shall continue the procedure.
- 17.6. In the invitation to negotiate, the Contracting Authority shall indicate the place, time and manner in which the negotiations will be carried out, as well as the criteria for evaluating the tenders, i.e. criterion 1 price, under which negotiations will be conducted with a view to improving the content of the tenders
- 17.7 The negotiations shall be confidential. Without the other party's consent, neither party may disclose any technical nor business information connected with the negotiations. Consent shall be given in relation to specific information and prior to disclosure.
- 17.8 When negotiations with all Economic Operators have been completed, the Contracting Authority shall inform the participants in the negotiations and invite them to submit additional tenders.
- 17.9. The invitation to submit additional tenders shall include at least:
- 1) the name and address of the Contracting Authority, telephone number, e-mail address and website of the procedure;
  - 2) the manner and time limit for submitting additional tenders and the language or languages in which they must be drawn up, as well as the time limit for opening such tenders.
- 17.10. The Economic Operator may submit a supplementary tender which contains new proposals for the content of the tender to be evaluated under the Price Criterion.
- 17.11. A supplementary tender may not be less favourable in terms of the price criterion than the tender submitted in response to the contract notice.
- 17.12. The tender shall cease to be binding on the Economic Operator to the extent that the Economic Operator submits a supplementary tender containing more favourable proposals under the Price Criterion.
- 17.13. A supplementary tender which is less favourable under the Price Criterion than the tender submitted in response to the contract notice shall be rejected.



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**18. Information concerning formalities which should be met following the selection of a tender in order to conclude a public procurement contract.**

18.1. The contract shall be concluded in accordance with the deadlines laid down in Article 308, paragraphs 2 and 3 of the PPL.

18.2. Before signing the Contract, the Economic Operator whose tender has been selected as the most advantageous shall provide the Contracting Authority, if a tender of Economic Operators jointly competing for the contract is selected, with a copy of the agreement regulating the cooperation of those Economic Operators.

18.3. Failure to provide the above document before signing the Contract shall be treated as the conclusion of the Contract impossible due to reasons attributable to the Economic Operator.

**19. Requirements concerning security on due performance of the contract.**

The Contracting Authority does not require the security on due performance of the Contract.

**20. Information about the content of the Contract to be concluded and the possibility of its amendment.**

20.1. The selected Economic Operator shall be obliged to conclude a public procurement Contract on the terms and conditions specified in the Model Contract constituting Appendix 3 to the ToR.

20.2. The scope of Economic Operator's performance resulting from the Contract shall be identical with the commitment undertaken in the tender.

20.3. The Contracting Authority provides for the possibility of amending the concluded Contract in relation to the content of the selected tender within the scope regulated in Articles 454-455 of the PPL and indicated in the Model Contract constituting Appendix 3 to the ToR.

**21. Subcontracting.**

21.1. The Economic Operator may entrust part of the contract to subcontractor(s).

21.2. The Contracting Authority requires that in the case of entrusting a part of the contract to subcontractors, the Economic Operator indicates in the tender the part of the contract whose performance it intends to entrust to subcontractors and provides (if known at this stage) the names (company names) of these subcontractors.

**22. On-site visit.**

Not applicable.



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### **23. Information concerning foreign currencies in which settlements between the Contracting Authority and the Economic Operators can be made.**

Settlements between the Contracting Authority and the Economic Operator shall be made in Polish zloty (PLN). The Contracting Authority also allows for settlements with the Economic Operator in a foreign currency, i.e. in EUR.

If the Economic Operator submits a tender in a foreign currency, i.e. in EUR, the Contracting Authority, in order to compare the tenders, shall convert the EUR according to the average foreign exchange rate of the National Bank of Poland on the day the procedure is opened.

### **24. Instructions on the legal remedies available to the Economic Operators.**

24.1. The Economic Operator, participant in the competition or other entity shall be entitled to legal remedies if it has or has had an interest in being awarded the contract and has suffered or may suffer damage as a result of breach of the provisions of the PPL by the Contracting Authority.

24.2. Legal remedies against the contract notice initiating the procurement procedure and against the contract documents shall also be available to organisations on the list referred to in Article 469(1)5 of the PPL and to the Ombudsman for Small and Medium Enterprises.

24.3. The appeal shall be available against:

- 1) Contracting Authority's action, non-compliant with the provisions of the Act, taken in the course of the procurement procedure, including the draft contractual provisions;
- 2) failure to act in the procurement procedure, to which the Contracting Authority was obliged under the PPL.

24.4. The appeal shall be lodged with the President of the Chamber. The appellant shall submit a copy of the appeal to the Contracting Authority before the expiry of the final date for the lodging of an appeal in such a way that the Contracting Authority can acquaint itself with the content of the appeal before that deadline expires.

24.5. The appeal against the content of the contract notice or the content of the ToR must be lodged within 5 days of the date of placing the notice in the Public Procurement Bulletin or the content of the ToR on the website.

24.6. The appeal shall be lodged within:

- 1) 5 days from the date of transmitting the information about the Contracting Authority's activities providing the grounds for its lodging, if the information was transmitted by means of electronic communication,
- 2) 10 days from the date of transmission of information on the Contracting Authority's activities providing the grounds for its lodging, if the information was transmitted in a manner other than that specified in point 1).



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- 24.7. In cases other than those referred to in sections 24.5 and 24.6 the appeal shall be lodged within 5 days from the day of becoming aware, or, acting with due diligence, one could have become aware of the circumstances providing grounds for its lodging.
- 24.8. The parties and participants of the appeal proceedings shall have the right to lodge a complaint with the court against the ruling of the Chamber and the decision of the President of the Chamber referred to in Article 519(1) of the PPL.
- 24.9. Appropriate provisions of the Code of Civil Procedure of 17 November 1964 concerning appeals shall apply accordingly to procedures pending as a result of a lodged petition, unless the provisions of this Chapter provide otherwise.
- 24.10. The complaint shall be filed with to the Regional Court in Warsaw – Court of Public Procurement, hereinafter referred to as the Court of Public Procurement.
- 24.11. The complaint shall be lodged through the President of the Chamber, within 14 days of the day of delivery of the Chamber's ruling or the President's decision referred to in Article 519(1) of the PPL, sending at the same time its copy to the complaint's opponent. Lodging a complaint at a post office of a designated operator within the meaning of the Act of 23 November 2012. – Postal Law is equivalent to filing a complaint.
- 24.12. The President of the Chamber shall deliver the complaint together with the files of the appeal procedure to the competent public procurement court within not more than 7 days from the date of its receipt.

## **25. Information obligation under Regulation (EU) 2016/679 of the European Parliament and of the Council.**

Detailed information is provided in Appendix 7 to the ToR.

## **26. List of appendices.**

- Appendix 1 – Tender form;
- Appendix 2 – Description of the subject of the contract;
- Appendix 3 – Model Agreement with appendices;
- Appendix 4 – Statement by the Economic Operator on the grounds for exclusion from the procedure and on the fulfilment of the conditions for participation in the procedure;
- Appendix 5 – Statement of belonging or not belonging to the same capital group
- Appendix 6 – Statement of the Economic Operators competing jointly for the contract;
- Appendix 7 – GDPR Information Clause
- Appendix 8 – Model list of services;
- Appendix 9 – Model list of persons;



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Appendix 10 – Quotation Form

Appendix 11 – List of additional persons;



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