

Gdańsk, 10.07.2023 r.

Questions and Responses for the Specification of the Terms and Conditions of the Order

Refers to: the public procurement procedure conducted in the form of an open tender for delivery of 5G/LTE data transmission devices with equipment for PL-5G project, proceeding No. CRZP/143/009/D/23, publication No. 2023/S 115-355488.

The Ordering Party, based on of the Act of 11 September 2019 – Public Procurement Law (consolidated text, Journal of Laws of 2022, item 1710, as amended), informs that on 05.07.2023 a following request to clarify the contents of the Specification of the Terms and Conditions of the Order has been received:

Question 1:

Due to a very tight delivery schedule I would like to ask for specifying the template of the acceptance protocol and a change of the text of § 2 point 4 of the agreement to: "A template of the acceptance protocol is provided as Appendix 4".

Response:

The Ordering Party does not agree to the proposed change of the § 2 section 4 of the agreement.

Question 2:

The proposed statement in § 3 section 8 may (in extreme cases) lead to a very long delay in payment, which crates an unreasonable and unprovoked risk for the Contractor. In this situation we ask for the following text to be added: "but not longer than 60 (sixty) days from the day of delivery of a correct VAT invoice. If the Ordering Party fails to meet this payment deadline as well, the Contractor shall be entitled, at its discretion: to agree to grant the Ordering Party an additional 30-day payment deadline, subject to charging statutory interest for the delay for this period"

Response:

If the payment deadline is extended, the Ordering Party will be obliged to pay statutory interest for delays in commercial transactions after 30 days, counted from the date of fulfillment of agreement and delivery of the invoice, to the date of payment pursuant to Art. 8 of the Act of March 8, 2013 on counteracting excessive delays in commercial transactions. According to Art. 4a of the Act, the provisions of Art. 481 § 2 of the Act of April 23, 1964 - Civil Code. These are statutory provisions that cannot be changed by contractual provisions.

Question 3:

The level of contractual penalties specified in § 5 point 5 and § 5 point 6 (50%) seems excessive considering the subject of the agreement (delivery), so we stipulate its reduction to 20%.

Response:

The Ordering Party agrees to reduce the level of contractual penalties specified in § 5 section 5 and § 5 section 6 to 20%.

Question 4:

The deliveries and payments are divided between different, independent tasks, so we propose to take that fact into account in the procedure of contractual penalties, and make § 5 point 5 more precise by adding after "of the Contractor's net price specified in § 3 section 1" the following text: "letter a) to f)".

Response:

The proposed clarification is already present in § 5 section 1 of the agreement.

Question 5:

Due to a considerable level of contractual penalties we stipulate to make the § 5 point 6 more precise by extending it with the following text: "In such a case, the Ordering Party and any of the Receiving Parties will not apply penalties due to withdrawal from the agreement specified in section 1 point 1 point 2)".

Response:

In case of withdrawal from the agreement a contractual penalty will be applied.

Question 6:

There is a requirement for the N77 band (3800-4100 Mhz) and the requirement for B43 band (3600-3800 MHz – the same as N78 band) in the specification of the Radio head (wireless data transmission device) type A. Due to technical requirements for such a device to function in 5G/4G mode, there is a need to specify a specific frequency band. Please specify, which frequency band is required N77 or N78?

Response:

The required band is the N77 (3800-4100 MHz).

Question 7:

There is a requirement specifying the length of antenna cable to be between 1 and 3 meters in the specification of 5G NR/LTE Digital Data Transmission Device Variants 1/1A/2/3. Will you allow antennas with 0.5 m cables do be delivered?

Response:

The Ordering Party will allow antennas with cable lengths between 0.5 and 3 meters.

The above responses are an integral part of the Specification of the Terms and Conditions of the Order and are binding for all Contractors participating in the Proceeding.

Appendix 4 to the Specification of the Terms and Conditions of the Order has been modified. The modification are indicated by writing them in bold. The modified Appendix 4 to the Specification of the Terms and Conditions of the Order has been published on the webpage of the Proceeding.

Appendix 3 to the Specification of the Terms and Conditionsof the Order has been modified. The modification are indicated by writing them in bold. The modified Appendix 3 to the Draft provisions of the public procurement contract has been published on the webpage of the Proceeding.

Text of both questions and explanations has been published by the Ordering Party on the webpage of the Proceeding.

The Ordering Party informs, that the modified Specification of the Terms and Conditions of the Order will be published on the webpage of the Proceeding, and that the deadline date for submitting tenders will be extended.

Dziekan
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