



Open tender with a value that exceeds the amounts set in the regulations issued on the basis of art. 11 oar. 8 of the Public Procurement Law Act (Journal of Laws of 2015 item 2164 and of 2016 items 831, 996 and 1020)

Realized within the framework of the Human Resources Development Programme for 2014-2020 as a part of the project: „The development of an innovative, universal construction of transmissions for tractors,” number POIR.01.01.02- 00-0086/15

Terms of Reference (ToR)

Specyfikacja Istotnych Warunków Zamówienia (SIWZ)

For the supply of test stands for URSUS S.A. no. of the case: 07/07/2016. with a division for three tasks (three parts of the subject of the public procurement):

Task no. 1: the supply of the functional and endurance test stand of rear lift.

Task no. 2: the supply of the endurance test stand.

Task no. 3: the supply of the test stand of gearbox and synchronizers.

Lublin, August 2016





The terms used in this ToR, mean:

1. **PLP Act** - the Public Procurement Law Act of 29 January 2004 (the uniform text Dz. U. of 2015, item 2164)
2. **ToR** – this Terms of Reference;
3. **The Ordering Party** – URSUS S.A. 20-209 Lublin ul. Frezerów 7
4. **The Contractor** - a natural person, a legal entity or organizational unit without corporate existence, who/which is competing for the procurement, submitted a bid or entered into an agreement regarding the procurement.

I. Name and address of the Ordering Party.

URSUS S.A.
20-209 Lublin, ul. Frezerów 7
NIP 739 23 88 088
tel.: +48 22 266 02 66
www.ursus.com

II. The contract award procedure.

The proceeding is conducted in the procedure of an open tender on the basis of art. 10 par. 1 and art. 39 of the PLP Act.

III. The description of the subject of the tender for the supply of test stands for URSUS S.A. no. of the case: 07/07/2016 with the division onto three tasks (three tasks of the subject of the tender):

Task no. 1: the supply of the functional and endurance test stand of rear lift.

Task no. 2: the supply of the endurance test stand.

Task no. 3: the supply of the test stand of gearbox and synchronizers

1. Task 1. The supply of the functional and endurance test stand of rear lift.

a) The stand should allow to carry out functional and endurance tests according to the following specification of the Vigus transmission lift:

- Normal load capacity of the lift 70kN (on the hitching point) (required to use safety factor 1,5)
- Operating pressure 200 [bar]
- Three-point linkage system category 3 according to ISO 730
- The ability to test the lift with full attachment to the three-point linkage system and the transport hitch
- Integration with the system EHR Bosch Rexroth SB23 LS-V1

b) The stand should consist of:

- The possibility of programming work cycles of lifting/lowering the three-point linkage system by using inter alia maximum load capacity of the lift (including the safety factor).
- The possibility of measuring the lifting time and the time of staying in lifted position (the so-called lift falling time).
- The external hydraulic system powering the lift, which includes cooling and filtering systems during the tests.

c) it should allow to read and save the following working parameters of the lift:





- The operating pressure of the system measured in [bar] or [MPa] including the measuring of the peak pressure up to 300 bar (with a measurement accuracy of 0,1 [bar] 0,01 [MPa])
 - Current forces measured in points a, [3, y (attachment no. 1) given in units
 - [N, daN, kN] (with a measurement accuracy of 1[N]; 0,1[daN]; 0,01[kN])
 - Load capacity of the lift measured in [kg] or [kN] measured in points [3, v. (with a measurement accuracy of 0,1[kg] 0,01[kN])
 - Vertical movement of ball hitches within the range T-h —attachment no. 1 (with a measurement accuracy of 1[mm])
 - Lifting time t [s] (with a measurement accuracy of 0,1 [s])
 - The stand should be adjusted to tests carried out according to OECD code 2
- d) It is allowed to prepare testing systems for the abovementioned components as one stand including all the requirements.
- e) The Ordering Party requires to install the stand (stands) in the headquarters of Ursus S.A.
- f) The Ordering Party will not purchase the subject of the procurement directly from the Contractor.
- g) The subject of the procurement will constitute an object of a financial lease contract, whose purchase will be financed by the Lessor (hereinafter referred to as the “Buyer”) indicated by the Ordering Party and it will hand it over to the Ordering Party as the Lessee under the terms consistent with the leasing contract concluded by the leasing parties.
- h) The Contractor undertakes to sell the subject of the procurement pointed by the Ordering Party to the Lessor under the terms and conditions stipulated in proceedings and place procurement.
- i) The sale agreement will be concluded between the Contractor and the lessor (the Buyer) with the participation of the Purchaser. The invoice for the execution of the contract will be issued to the lessor (the Buyer).

2. Task 2. The supply of the endurance test stand

- c) The stand will be used to assess the developed construction of chosen components and the elements of transmission in Synchro and Power versions. The test stand should allow to carry out endurance tests according to the following specification of Vigus transmission:
- Maximum input torque 1000 [Nm]
 - Maximum gearbox input rotational speed 2500 [rpm]
 - Types of transmission (number of gears):
 - 24x24 (I module A-B-C synchronized, synchro shuttle F-R; II module 1-2-3-4 synchronized + reducer H-L synchronized,) 3x4x2
 - 32x32 (I module Power A-B-C-D, power shuttle Power F-R; II module 1-2-3-4 synchronized + reducer H-L synchronized,) 4x4x2, Creeper doubling the number of gears as an option.
- d) A stand (stands) for accelerated endurance tests of the two developed versions of transmissions (version 24x24 Synchromesh and version 32x32 Power):
- A supporting structure adjusted to the geometry of the tested transmissions



- An independent drive system of the test stand in the form of a motor together with the torque receiving system installed on the half shafts of the transmission rear axle and a steering system (a module with a computer equipped with adequate software ensuring precise and smooth possibility of regulating at the full range of the torque (0- 1000Nm) and rotational speed (from 550 to 2500 rpm)
 - Interface (adapter) between the motor and the transmission
 - Interface (adapter) between the rear axle hubs and the torque receiving system
 - Systems independent from the transmission system: recirculation, cooling and lubricating of the test stand
 - The cooling system of the hydraulic/transmission oil
 - It is required to share the material concerning the testing possibilities of a concrete stand and DTR documentation:
 - It is required to have the possibility of programming the test stand including the number of load change cycles, types and number of alarm conditions and a systematic backup of the characteristics of working parameters of the tested transmission
 - The stand should allow to read and save the following working parameters in real time:
 - The values of operating pressure in the range of 0-300 [bar] measured by at minimum 20 measuring probes
 - The values of temperature within the range of 0-300 NJ measured by at minimum 20 measuring probes
 - The values of temperature within the range of 0-300 [°C] measured by at minimum 20 measuring probes
 - The value of the power, torque and rotational speed of motors and receiving systems
 - The system should work on the basis of the power flow
- c) The requirements regarding the testing system of power take-off (PTO):
 - A supporting structure adjusted to the geometry of the tested transmissions
 - An independent drive system of the test stand in the form of a motor together with the receiving system installed on the outlet of the universal joint shaft connection of PTO and a steering system - a module with a computer equipped with adequate software ensuring precise and smooth possibility of regulating at the full range of the torque (0-1000Nm) and rotational speed (from 550 to 2500 rpm)
 - Interface (adapter) between the motor and the transmission
 - Interface (adapter) between the PTO shaft and the torque receiving system
 - Systems independent from the transmission system: recirculation, cooling and lubricating of the test stand
 - The cooling system of the hydraulic/transmission oil
 - The possibility of testing the PTO ration as described below:
 - PTO shaft revolutions dependant on the drive speed (GD PTO)
 - PTO shaft revolutions independent form the drive speed (IND PTO) within the following range of the outlet rotational speed: 540 rpm and 1000 rpm - in normal and economy mode
 - It is required to share the material concerning the testing possibilities of a concrete stand and operation and maintenance documentation;
 - It is required to have the possibility of programming the test stand including the number of load change cycles, types and number of alarm conditions and a systematic backup of characteristic working parameters of the tested transmission
 - The stand should allow to read and save the following working parameters in real time:





- The values of operating pressure in the range of 0-300 (bar) measured by at minimum 20 measuring probes
- The values of temperature within the range of 0-300 NJ measured by at minimum 20 measuring probes
 - The values of temperature within the range of 0-300 [°C] measured by at minimum 20 measuring probes
 - The value of the power, torque and rotational speed of motors and receiving systems
 - The system should work on the basis of the power flow
- d) The requirements concerning the testing system of transmitting drive onto the front axle FWD:
- A supporting structure adjusted to the geometry of the tested transmissions
 - An independent drive system of the test stand in the form of a motor together with the receiving system installed on the outlet of the universal joint shaft connection of PTO and a steering system - a module with a computer equipped with adequate software ensuring precise and smooth possibility of regulating at the full range of the torque (0-1000Nm) and rotational speed (from 550 to 2500 rpm)
 - Interface (adapter) between the motor and the transmission
 - Interface (adapter) between the PTO shaft and the torque receiving system
 - Systems independent from the transmission system: recirculation, cooling and lubricating of the test stand
 - The cooling system of the hydraulic/transmission oil
 - The possibility of testing the PTO ration as described below:
 - PTO shaft revolutions dependant on the drive speed (GD PTO)
 - PTO shaft revolutions independent form the drive speed (IND PTO) within the following range of the outlet rotational speed: 540 rpm and 1000 rpm - in normal and economy mode
 - It is required to share the material concerning the testing possibilities of a concrete stand and operation and maintenance documentation;
 - It is required to have the possibility of programming the test stand including the number of load change cycles, types and number of alarm conditions and a systematic backup of characteristic working parameters of the tested transmission
 - The stand should allow to read and save the following working parameters in real time:
 - The values of operating pressure in the range of 0-300 (bar) measured by at minimum 20 measuring probes
 - The values of temperature within the range of 0-300 NJ measured by at minimum 20 measuring probes
 - The values of temperature within the range of 0-300 [°C] measured by at minimum 20 measuring probes
 - The value of the power, torque and rotational speed of motors and receiving systems
 - The system should work on the basis of the power flow
- e) It is allowed to prepare testing systems for the abovementioned components as one stand including all the requirements.
- f) The Ordering Party requires to install the stand (stands) in the headquarters of Ursus S.A.
- g) The Ordering Party will not purchase the subject of the procurement directly from the Contractor.





- h) The subject of the procurement will constitute an object of a financial lease contract, whose purchase will be financed by the Lessor (hereinafter referred to as „the Buyer“) indicated by the Ordering Party and it will hand it over to the Ordering Party as the Lessee under the terms consistent with the leasing contract concluded by the leasing parties.
- i) The Contractor undertakes to sell the subject of the procurement pointed by the Ordering Party to the Lessor under the terms and conditions stipulated in this proceeding and the placed procurement.
- j) The Sale agreement will be concluded between the Contractor and the Lessor (the Buyer) involving the Ordering Party. The invoice for the execution of the subject of the procurement will be issued to the Lessor (the Buyer).

3. Task 3. The supply of test stand of gearbox and synchronizers

a) The stand will be used to assess the developed construction of chosen components and the elements of transmission in Synchro and Power versions.

The test stand should allow to carry out endurance tests according to the following specification of Vigus transmission:

- Maximum input torque 1000 [Nm]
 - Maximum gearbox input rotational speed 2500 [rpm]
 - Types of transmission (number of gears):
 - 24x24 (I module A-B-C synchronized, synchro shuttle F-R ; II module 1-2-3-4 synchronized + reducer H-L synchronized,) 3x4x2
 - 32x32 (I module Power A-B-C-D, power shuttle Power F-R ; II module 1-2-3-4 synchronized + reducer H-L synchronized,) 4x4x2, Creeper doubling the number of gears as an option.
- b) The requirements of the testing system of the gear shifting mechanism of
- 24x24 transmission and the electrohydraulic system of gear shifting of 32x32 transmission
 - A supporting structure adjusted to the geometry of the tested transmissions
 - An independent drive system of the test stand in the form of a motor together with the torque receiving system installed on the half shafts of the transmission rear axle and a steering system - a module with a computer
 - Interface (adapter) between the motor and the transmission
 - Interface (adapter) between the PTO shaft and the torque receiving system
 - Systems independent from the transmission system: recirculation, cooling and lubricating of the test stand
 - The cooling system of the hydraulic/transmission oil
 - The possibility of testing the PTO ration as described below:
 - PTO shaft revolutions dependant on the drive speed (GD PTO)
 - PTO shaft revolutions independent form the drive speed (IND PTO) within the following range of the outlet rotational speed: 540 rpm and 1000 rpm - in normal and economy mode
 - It is required to share the material concerning the testing possibilities of a concrete stand and operation and maintenance documentation;
 - It is required to have the possibility of programming the test stand including the number of load change cycles, types and number of alarm conditions and a systematic backup of characteristic working parameters of the tested transmission



- The stand should allow to read and save the following working parameters in real time:
The values of operating pressure in the range of 0-300 (bar] measured by at minimum 20 measuring probes
 - The values of temperature within the range of 0-300 NJ measured by at minimum 20 measuring probes
 - The values of temperature within the range of 0-300 [°C] measured by at minimum 20 measuring probes
 - The value of the power, torque and rotational speed of motors and receiving systems
 - The system should work on the basis of the power flow
- d) The requirements concerning the testing system of the lubricating system of the tested transmissions in conditions simulating angular changes of the tested.
 - supporting structure adjusted to the geometry of the tested transmissions allowing for angle changes of the transverse and longitudinal axes of the tested transmission, the angle range: 0°- 45°
 - An independent drive system of the test stand in the form of a motor together with a steering system - a module with a computer equipped with adequate software ensuring precise and smooth possibility of regulating at the full range of rotational speed (from 550 to 2500 rpm)
 - Interface (adapter) between the motor and the transmission
 - Systems independent from the transmission system: recirculation, cooling and lubricating of the test stand
 - The cooling system of the hydraulic/transmission oil
 - It is required to share the material concerning the testing possibilities of a concrete stand and operation and maintenance documentation;
 - It is required to have the possibility of programming the test stand including the number of load change cycles, types and number of alarm conditions and a systematic backup of characteristic working parameters of the tested transmission
 - The stand should allow to read and save the following working parameters in real time:
The values of operating pressure in the range of 0-300 (bar] measured by at minimum 20 measuring probes
 - The values of temperature within the range of 0-300 NJ measured by at minimum 20 measuring probes
 - The values of temperature within the range of 0-300 [°C] measured by at minimum 20 measuring probes
 - The value of the power, torque and rotational speed of motors and receiving systems
 - The system should work on the basis of the power flow
- e) The requirements regarding the testing system of the transmission brakes system:
 - A supporting structure adjusted to the geometry of the tested transmissions
 - An independent drive system of the test stand in the form of a motor together with a steering system - a module with a computer equipped with adequate software ensuring precise and smooth possibility of regulating at the full range of rotational speed (from 550 to 2500 rpm)
 - Interface (adapter) between the motor and the transmission
 - Systems independent from the transmission system: recirculation, cooling and lubricating of the test stand
 - The cooling system of the hydraulic/transmission oil



- It is required to share the material concerning the testing possibilities of a concrete stand and operation and maintenance documentation;
- It is required to have the possibility of programming the test stand including the number of load change cycles, types and number of alarm conditions and a systematic backup of characteristic working parameters of the tested transmission
- The stand should allow to read and save the following working parameters in real time:
The values of operating pressure in the range of 0-300 (bar] measured by at minimum 20 measuring probes
 - The values of temperature within the range of 0-300 NJ measured by at minimum 20 measuring probes
 - The values of temperature within the range of 0-300 [°C] measured by at minimum 20 measuring probes
 - The value of the power, torque and rotational speed of motors and receiving systems
- The system should work on the basis of the power flow
- f) The requirements concerning the testing system of the transmission transmitting drive torque onto the driving wheels.
 - A supporting structure adjusted to the geometry of the tested transmissions
 - An independent drive system of the test stand in the form of a motor together with a steering system - a module with a computer equipped with adequate software ensuring precise and smooth possibility of regulating at the full range of rotational speed (from 550 to 2500 rpm)
 - Interface (adapter) between the motor and the transmission
 - Systems independent from the transmission system: recirculation, cooling and lubricating of the test stand
 - The cooling system of the hydraulic/transmission oil
- It is required to share the material concerning the testing possibilities of a concrete stand and operation and maintenance documentation;
- It is required to have the possibility of programming the test stand including the number of load change cycles, types and number of alarm conditions and a systematic backup of characteristic working parameters of the tested transmission
- The stand should allow to read and save the following working parameters in real time:
The values of operating pressure in the range of 0-300 (bar] measured by at minimum 20 measuring probes
 - The values of temperature within the range of 0-300 NJ measured by at minimum 20 measuring probes
 - The values of temperature within the range of 0-300 [°C] measured by at minimum 20 measuring probes
 - The value of the power, torque and rotational speed of motors and receiving systems
- The system should work on the basis of the power flow
- g) The requirements concerning the testing system of the power take-off (PTO):
 - A supporting structure adjusted to the geometry of the tested transmissions
 - An independent drive system of the test stand in the form of a motor together with a steering system - a module with a computer equipped with adequate software ensuring precise and smooth possibility of regulating at the full range of rotational speed (from 550 to 2500 rpm)
 - Interface (adapter) between the motor and the transmission





- Systems independent from the transmission system: recirculation, cooling and lubricating of the test stand
- The cooling system of the hydraulic/transmission oil
- It is required to share the material concerning the testing possibilities of a concrete stand and operation and maintenance documentation;
- It is required to have the possibility of programming the test stand including the number of load change cycles, types and number of alarm conditions and a systematic backup of characteristic working parameters of the tested transmission
- The stand should allow to read and save the following working parameters in real time:
The values of operating pressure in the range of 0-300 (bar) measured by at minimum 20 measuring probes
 - The values of temperature within the range of 0-300 NJ measured by at minimum 20 measuring probes
 - The values of temperature within the range of 0-300 [°C] measured by at minimum 20 measuring probes
 - The value of the power, torque and rotational speed of motors and receiving systems
- The system should work on the basis of the power flow
- h) The requirements concerning the testing system of transmitting drive onto the front axle FWD:
 - A supporting structure adjusted to the geometry of the tested transmissions
 - An independent drive system of the test stand in the form of a motor together with a steering system - a module with a computer equipped with adequate software ensuring precise and smooth possibility of regulating at the full range of rotational speed (from 550 to 2500 rpm)
 - Interface (adapter) between the motor and the transmission
 - Systems independent from the transmission system: recirculation, cooling and lubricating of the test stand
 - The cooling system of the hydraulic/transmission oil
 - It is required to share the material concerning the testing possibilities of a concrete stand and operation and maintenance documentation;
 - It is required to have the possibility of programming the test stand including the number of load change cycles, types and number of alarm conditions and a systematic backup of characteristic working parameters of the tested transmission
 - The stand should allow to read and save the following working parameters in real time:
The values of operating pressure in the range of 0-300 (bar) measured by at minimum 20 measuring probes
 - The values of temperature within the range of 0-300 NJ measured by at minimum 20 measuring probes
 - The values of temperature within the range of 0-300 [°C] measured by at minimum 20 measuring probes
 - The value of the power, torque and rotational speed of motors and receiving systems
 - The system should work on the basis of the power flow
- i) It is allowed to prepare testing systems for the abovementioned components as one stand including all the requirements.
- j) The Ordering Party requires to install the stand (stands) in the headquarters of Ursus S.A.





- k) The Ordering Party will not purchase the subject of the procurement directly from the Contractor.
 - l) The subject of the procurement will constitute an object of a financial lease contract, whose purchase will be financed by the Lessor (hereinafter referred to as „the Buyer”) indicated by the Ordering Party and it will hand it over to the Ordering Party as the Lessee under the terms consistent with the leasing contract concluded by the leasing parties.
 - m) The Contractor undertakes to sell the subject of the procurement pointed by the Ordering Party to the Lessor under the terms and conditions stipulated in this proceeding and the placed procurement.
 - n) The Sale agreement will be concluded between the Contractor and the Lessor (the Buyer) involving the Ordering Party. The invoice for the execution of the subject of the procurement will be issued to the Lessor (the Buyer).
- 4. The code of the subject of the procurement according to CPV: 38970000-5 Research, testing and scientific technical simulators
 - 5. Norms, approvals, technical specifications and systems of reference as well as references to brands, catalogue numbers, trademarks, patents or origins indicated by the Ordering Party in ToR are only of descriptive nature - they are not limiting. In such cases, the Ordering Party allows comparable solutions. The Contractor who points to comparable solutions is obliged to show that the supplies offered by it will meet the requirements stipulated by the Ordering Party.
 - 6. The Ordering Party reserves the right to carry out an inter-operational examination during the production process of the subject of the procurement. The examination is carried out by a representative of the Ordering Party having a written authorization letter and after prior written notice to the Contractor (by phone or e-mail) about the date of the planned examination.
 - 7. The required guarantee period: a minimum of 24 months. The period of guarantee starts from the date of signing by the parties to the final acceptance protocol of test stands. The warranty period is equal to the period of guarantee.
 - 8. The offered test stands as well as all other parts, elements and components should be brand-new.

IV. Other requirements connected with the realization for the supply

The Ordering Party requires the Contractor to submit a statement that during the realization of the test it will use devices of the lowest possible energy and water consumption and it will use products which can be recycled (at least 70% of the parts) and reused.

V. Information about partial offers, variant offers, a framework agreement, dynamic system of purchasing and an electronic auction

- 1. The Ordering Party allows to submit partial offers. The Contractors can submit an offer for the chosen part or parts of the procurement (Task 1, 2 or 3).
- 2. The Ordering Party does not allow to submit variant offers as understood in art. 83 par. 1 of the PLP Act,
- 3. The Ordering Party does not plan to conclude a framework agreement on the basis of art. 99 of the PLP Act,





4. The Ordering Party does not plan to choose the most advantageous offer with the use of an electronic auction.

VI. Information about the expected supplementary procurements

The Ordering Party informs that it does not plan to issue supplementary procurements.

VII. The Ordering Party does not stipulate in the description of the subject of the procurement the requirements described in art. 29 par. 4 of the PLP Act.

VIII. Required procurement execution date::

The supply of the test stand described in the given tasks (parts) of the subject of the procurement shall be done not later than 9 months from the day of signing the lease contract.

IX. Conditions for participation in proceedings and description of method of assessment of compliance with these conditions for each part of the order.

The supply of the test stand described in the given tasks (parts) of the subject of the procurement shall be done not later than 9 months from the day of signing the lease contract,

- 1. They are authorized to perform certain activities or operations, if the regulations of the law impose so.**

The activity conducted in the procurement to realize the subject of the procurement does not require special authorization. The assessment of this condition in the proceeding will be based on the statement issued by the Contractor according to the formula „meets - does not meet.

- 2. They have knowledge and experience.**

The method of assessing this condition:

The Ordering Party accepts that the Contractor has necessary knowledge and experience if within the last three years, before the final date for submitting the offers to participate, and if the period of conducting business activity is shorter - then within that period of time, it is able to prove adequate realization of at least one supply encompassing in its range one of the test stands below:

- a) functional and endurance test stand,
- b) PTO system test stand,
- c) transmission test stand,
- d) test stand of gearbox and synchronizers,

and the value of this supply was not lower than 100.000,00 PLN.

- 3. They have at their disposal adequate technical potential and appropriate**

- 4. people to execute the procurement.**

The method of assessing this condition: The assessment of this condition of the proceeding will be based on the statement issued by the Contractor according to the formula „meets - does not meet”





5. They are in an economic and financial situation which ensures the realization of the procurement.

The method of assessing this condition:

The Ordering Party accepts this condition as fulfilled if: the Contractor will show to have in total:

- financial resources or credit capacity in the amount of min. 200 000,00 PLN;
- valid insurance policy or other document confirming that the Contractor holds professional civil liability insurance covering the performed activity connected with the subject of the procurement up till the amount of 1 000 000,00 PLN.

In case of Contractors which want to participate together in an open tender, each of the abovementioned conditions of participation in the proceeding should be met by at least one Contractor or all Contractors together. The Contractor can rely on the knowledge and experience, technical potential, people who are able to execute the procurement or financial or economic capacity of other entities, independently from the legal character of their connections. In such situation the Contractor is obliged to demonstrate to the Ordering Party that it will have these resources at its hand during the realization of the procurement, especially by demonstrating a commitment of these entities, in a written form (in the original), that they place at his disposal necessary resources to execute the procurement. The submitted evidence shall include the information about the range of the resources of the other entity available to the Contractor, the way of using the resources of the other entity by the Contractor during the realization of the procurement, the character of the relation which will connect the Contractor with the other entity, the range and period of share of the other entity while realizing the procurement. The entity which/who undertook to provide the abovementioned resources, is jointly liable with the Contractor for any loss incurred by the Ordering Party resulting from the failure to supply these resources, unless it is not guilty for failing to supply these resources.

X. For the award of the contract can apply contractors who meet the conditions for participation in the proceedings and against which there is no grounds for exclusion from the proceedings. Contractors shall include:

1. Own statement of the Contractor in the form of a European Single Procurement Document "ESPD" according to Implementing Regulation of the Committee (EU) 2016/7 of 5 January 2016 on Establishing a standard form of European Single Procurement Document – hereinafter referred to as ESPD (OJ EU L 3 / 16),
2. The Contractor, which relies on the resources of other entities, in order to demonstrate the absence of the existence of grounds for exclusion and the conformity, in the extent relying on their resources, with conditions for participation in the procedure or selection criteria: submits also single documents for these entities
3. In the case of joint participation by contractors, a single document or statement made by each of the contractors jointly applying for the order. These documents confirm the fulfillment of conditions for participation in proceedings and lack of grounds for





exclusion to the extent to which each of the performers demonstrates fulfillment of conditions for participation in proceedings and no grounds for exclusion.

- 4. XI. Apart from prerequisites referred to in Article 24 section 1 of the Public Procurement Law, the Ordering Party will exclude the contractor:**
1. put into liquidation, approved by in court system in restructuring proceedings is intended to satisfy creditors by liquidation of its assets or the court ordered the liquidation of its assets pursuant to Art. 332 paragraph 1 of the Act of 15 May 2015. - Restructuring Law (Journal of Laws of 2015, item 978, 1259, 1513, 1830 and 1844 and 2016, item. 615) or whose bankruptcy has been declared, with the exception of the contractor, which after bankruptcy has entered into an arrangement approved under a valid court decision, if the system does not provide for satisfaction of creditors by liquidation of the assets of the bankrupt, unless the court ordered the liquidation of its assets pursuant to Art. 366 paragraph 1 of the Act of 28 February 2003 - Bankruptcy Law (Journal of Laws of 2015, item. 233, 978, 1166, 1259 and 1844 and 2016, item. 615);
 2. who culpably seriously violated professional duties, which undermines its integrity, particularly when the contractor as a result of deliberate action or gross negligence failed to perform or improperly performed the contract, which the contracting authority can demonstrate by means of appropriate evidence;
 3. if the contractor or persons referred to in paragraph. 1, item 14, entitled to represent the contractor remain in the relationship referred to in Article. 17 paragraph 1 point 2-4 with:
 4. the Ordering Party,
 1. persons authorized to represent the customer,
 2. members of the tender committee,
 3. persons who made the declaration referred to in Article. 17 paragraph 2a unless it is possible to ensure the impartiality of the ordering party in any other way than by the exclusion of a contractor from participation in the proceedings;
 5. who, for reasons attributable to him, has not performed or improperly performed significantly earlier agreement on a public contract or concession contract concluded with the contracting authority referred to in Article. 3 paragraph 1 point 1-4, which led to the termination of the contract or awarding compensation;
 6. if the incumbent member of its management or supervisory body, a partner of in general partnership or a partner or general partner in limited partnership or limited joint-stock or a proxy is validly sentenced for an offense, an offense against the rights of an employee or an offense against the environment, if his committing sentenced to arrest, restriction of freedom or a fine of not less than PLN 3,000;
 7. against whom was issued final administrative decision on the breach of obligations under the labor law, environmental law or social security legislation, if the decision were imposed a fine of not less than 3,000 PLN;
 8. who has breached the obligations relating to the payment of taxes, fees or premiums for social or medical insurance, which the Ordering Party can demonstrate by appropriate evidence, except in the case referred to in paragraph. 1, point 15, unless the contractor made the payment of taxes, fees or premiums for social or health insurance with interest or fines or has entered into a binding agreement on repayment of debts.





9. linked personally or by capital with the Ordering Party. Capital or personal are understood the interactions between the Ordering Party (Ursus SA with its registered office in Lublin) or persons authorized to enter into commitments on behalf of the Ordering Party or persons performing on behalf of the Contracting Authority activities related to the preparation and the procedure for selecting the contractor and the contractor, in particular by:
 1. participating in the company as a partner or private company;
 2. possessing stakes or at least 10% of the shares;
 3. being a member of the supervisory or management, proxy, representative;
5. remaining in the legal or actual relationship that could give rise to reasonable doubts as to the , impartiality in the selection of the contractor, in particular marriage, consanguinity or affinity in a straight line, consanguinity or affinity in the collateral line to the second degree or by adoption, guardianship or custody.

XII. Information about statements and documents to be provided the Contractor, whose tender was rated the highest on the confirmation of fulfilling conditions for participation in proceedings and no grounds for exclusion.

1. List of performed and in the case of periodic and continuous deliveries also list of still rendered services to the extent necessary to demonstrate the condition of knowledge and experience in the last three years prior to the deadline for submission of tenders, and if the period of activity is shorter - in this period, specifying their the values, dates and subjects for which they have been made - according to **Appendix 2 to ToR** and attach evidence that these services have been or are being performed properly.
2. details of the bank or a savings and credit union confirming the amount of held financial means or the creditworthiness of the contractor, within a period not earlier than one month prior to the deadline of submitting tenders or applications for admission to proceedings
3. paid-up policy, and in the case of its lack other document confirming that the contractor is insured against the civil liability in conducted activity associated with the contract.

If from a valid reason, the contractor cannot submit documents relating to the financial or economic required by the contracting authority it may submit another document, which adequately confirms the fulfillment of the condition, described by the Ordering Party, for the participation in the proceedings

4. A valid copy of an extract from the appropriate register or the central registration and information on business, should separate regulations require such an entry into the register, in order to demonstrate the lack of the grounds for exclusion, basing on the art. 24 par. 1 point 2 of the PLP Act, issued not later than 6 months before the final date for submitting offers to participate; (the original of the documents or the copies certified by the Contractor).
5. A valid certificate of a competent head of a tax office confirming the Contractor's absence of the arrears in the payment of taxes, or a certificate, as provided for by the law, that it has been exempted from the outstanding payments, or such payments have been postponed or divided into instalments, or the enforcement of the whole decision of a competent body has been suspended, with such a certificate issued not earlier than 3 months before the final date for submitting the offers to participate.





6. A valid certificate of a relevant ZUS (Social Insurance Institution) or KRUS (Agricultural Social Insurance Fund) branch, confirming the Contractor's absence of the arrears in the payment of fees and health and social insurance contributions, or a confirmation that, as provided for by the law, it has been exempted from outstanding payments, or such payments have been postponed or divided into instalments, or the enforcement of the whole decision of a competent body has been suspended, with such certificate issued not earlier than 3 months before the final date for submitting the offers to participate.
7. A valid information from the National Criminal Record within the scope determined in art. 24 par. 1 point 4-8 of the Act, issued not earlier than 6 months before the final date for submitting the offers to participate.
8. A valid information from the National Criminal Record within the scope determined in art. 24 par. 1 point 9 of the Act, issued not earlier than 6 months before the final date for submitting the offers to participate
9. A written commitment of other entities to make available to the Contractor necessary resources for their use in the performance of the contract – **according to Appendix to 4 ToR.**

XIII. In order to confirm that offered services meet the requirements specified by the Ordering Party, the Contractor shall submit: a statement that during research work Contractor uses a device with the lowest consumption of electricity and water and uses products that can be processed (at least 70% share) and re-used.

XIV. Remarks concerning the forms of submitting the documents

Documents drawn up in a foreign language must be submitted together with their translation into Polish. If submitted document shall be unreadable or shall arise doubt as to its veracity, the Ordering Party may request the original or a notarized copy of a document.

XV. Information on the method of communication between the Ordering Party and the Contractors:

1. Tender, statements, requests, notifications and information must be submitted electronically.
2. Tender, statements, requests in that single document shall be made, under pain of nullity, in electronic form, and signed by a secure electronic signature verified by a qualified certificate or equivalent means of meeting the requirements for this type of signature.
3. Ordering Party requires that all documents be submitted electronically in PDF format.

XVI. The method of providing explanation:

1. The proceeding of awarding the procurement, subject to the exceptions set out in the PLP Act, is conducted in writing. The statements, application forms, notifications and information may be submitted by fax or e-mail.





2. The Contractor may request from the Ordering Party the explanation of the content of SIPC. The Ordering Party shall provide explanation as soon as possible but not later than 2 days before the final date for submitting the offers to participate, under the condition that the application form regarding the explanation of the content of SIPC is received by the Ordering Party, not later than till the end of the day in which the half of the defined offer submission period ends.
3. The content of the questions together with the explanation will be forwarded to all of the Contractors who received SIPC, without pointing to the source of the question and also it will be published on the internet website:

www.ursus.com and www.bazakonkurencjynosci.funduszeuropejskie.gov.pl

The person who is directly responsible for the contact with the Contractors is Mr Rafal Słomka. e-mail: rafal.slomka@ursus.com. phone number: +48 22 266 02 66.

XVII. The requirements concerning tender guarantee

1. The Contractor is obliged to pay a tender guarantee in the amount of:
 - a) **Task no. 1: the supply of the functional and endurance test stand of rear lift - 7200,00 PLN. (in words: seven thousand zloty).**
 - b) **Task no. 2: the supply of the endurance test stand - 12000,00 PLN. (in words: twelve thousand zloty).**
 - c) **Task no. 3: the supply of the test stand of gearbox and synchronizers - 30000,00 PLN. (in words: thirty thousand zloty).**
2. The tender guarantee has to be paid before the final date for submitting the offers to participate, depending on the Contractor's choice of one or several forms presented below:
 - a) cash, by a transfer to the bank account of the Ordering Party: BZ WBK PL18 1500 1298 1212 9003 7126 0000 before the final date for submitting the offers to participate, with the title „wadium - przetarg nieograniczony znak sprawy 07/07/2016" ("tender guarantee - open tender case number 07/07/2016");
 - b) bank securities;
 - c) credit and savings union sureties;
 - d) bank guarantees;
 - e) insurance guarantees;
 - f) the guarantees given by entities referred to in Article. 6b section. 5 pt 2 act of 9 November 2000 on the establishment of the Polish Agency for Enterprise Development (Journal of Laws of 2007. No. 42, item 275, as amended.).
3. The tender guarantee submitted as a surety or guarantee should be submitted in the original and it cover the whole period of binding of the procurement. The tender guarantee submitted in the abovementioned form should be issued to: **URSUS S.A. 20-209 Lublin, Frezerow Street no. 7.** In case of submitting the tender guarantee as a guarantee or surety, it is necessary that the guarantee or surety covers the liability for all cases which may cause the loss of the tender guarantee by the Contractor, as referred to in art. 46 par. 4a and 5 of the act of 29th January 2004 - Public Procurement Law.





4. The tender guarantee in cash paid by a bank transfer has to be received onto the bank account of the Ordering Party, as mentioned in point 2, at the latest before the final date for submitting the offers to participate. The date of receiving the tender guarantee is the date on which the funds are credited to the Ordering Party's bank account.
5. The Ordering Party will return the tender guarantees basing on the rules specified in art. 46 par. 1-4 of Public Procurement Law Act.
6. According to the art. 46 par. 5 of Public Procurement Law Act, the Ordering Party will keep the tender guarantee together with the interest, in case when the Contractor whose offer is chosen:
 - a) refuses to sign the agreement of public procurement on the conditions specified in the offer;
 - b) does not lodge the required security which is necessary to perform the agreement;
 - c) concluding the agreement of the public procurement will be impossible the reasons directly attributable to the Contractor.
7. The Ordering Party shall withhold the tender guarantee together with the interest also in a situation described in art. 46 par. 4a of Public Procurement Law Act.

XVIII. The tender validity period

- The tender validity period of this proceeding is 60 days.
- The Contractor alone or upon the request of the Ordering Party may extend the tender validity period but the Ordering Party may only once, at least 3 days before the expiry of the tender validity period, ask the Contractors for their permission for extending this period by a specific period, however, not longer than 60 days. The time-limit for the tender validity period starts with the final date of submitting the offers.

XIX. Instructions for preparing the offer

1. The offer should be prepared according to the specimen and requirements of the offer application form which is the Annex no. 2 to ToR.
2. The offer should be accompanied by:
 - a) A schedule of the realization of the subject of the procurement, which is the annex no. 1 of the application form of the offer,
 - b) Statements and documents mentioned in Chapter X of SIPC and possibly powers of attorney.
 - c) Proof of payment of the bid security
3. It is recommended that the offer should be bound together with all of the attachments in order to prevent their detachment. The offer should be in writing in Polish under pain of invalidity. It is recommended that every page of the offer should be numbered and initialed by the Contractor or a person/people authorized to represent the Contractor. The Ordering Party advises to include the table of contents.



4. The offer together with all attachments has to be signed by the Contractor or a person/people authorized to represent the Contractor. The power of attorney should be attached to the offer if it is not implied in other attached documents. The power of attorney should be submitted in the original or a copy certified by a notary. The corrections should be made legibly and accompanied by signatures of the Contractor or a person/people authorized to represent the Contractor. Costs connected with the preparation of the offer are incurred on the Contractor who/which submits the offer.
5. The content of the offer has to match the content of ToR. The Ordering Party does not agree for submitting an offer in an electronic form.
6. The Contractor should submit the offer in a closed envelope addressed to the Ordering Party. On the envelope there should be the name and the address of the Contractor and a notice: "Oferta: Dostawa stanowisk badawczych dla URSUS S.A. nr sprawy: 07/07/2016. Zadanie nr Nie otwierać przed dniem 10.10.2016 r. godz. 14:00." (Offer: the delivery of test stands for URSUS S.A no. of the case 07/07/2016. Task no Do not open before 10.10.2016 at 14:00.)
7. The Contractor may introduce changes in the submitted offer before the final date of submitting the offers to participate. Introducing changes to the submitted offer should be done in the form described in point 3, labelled as „Zmiana oferty" ("The change of the offer").
8. The Contractor before the final date of submitting the offer to participate may withdraw its offer by sending information to the Ordering Party about withdrawing its offer, under the condition that this information will be received by the Ordering Party before the final date of submitting the offers.
9. Information presented in the offer constituting the company secret, as understood in the act of 16 April 1993 on the fight against unfair competition (the uniform text Dz. U. of 2003, No. 153, item 1503 with later amendments), and which the Contractor claimed - not later than within the period of submitting the offers - that it cannot be disclosed, has to be labelled with the notice „Tajemnica przedsiębiorstwa" ("company secret"). In case where it is stipulated that certain parts of the offer constitute a company secret, the Contractor is obliged to demonstrate that such reservation is applicable basing on the regulations art 11 par. 4 of the act of 16 April 1993 on the fight against unfair competition (the uniform text Dz. U. of 2003, No. 153, item 1503 with later amendments).

The Contractor cannot reserve information regarding the name (company) and the address of the Contractor and also the information connected with the price of the offer, the date of the execution of the procurement, warranty period and the payment terms included in the application form of the offer. Furthermore, it is recommended to have the documents bound, clearly labelled and secured against its separation from the rest of the offer.





XX. Place and date of submitting and opening the offers

1. Only the offers, which will be received by the Ordering Party until the date of **10.10.2016** till 14:00 (2.00 p.m.), shall participate in the tender. The factor, which will decide about keeping the abovementioned date and time, is the date and time of receiving the offer by the Ordering party, not the date of sending electronic deals. Email address to send offer: ursus@ursus.com
2. The opening of the offers will be held in the headquarters of the Ordering Party **Frezerow Street no. 7, 20-209, Lublin on 10.10.2016 at. 14:15.**
3. The opening of the offers is open.
4. Immediately before the opening of the offers, the Tender Committee will inform the Contractors which amount of money it would like to spend on financing of the procurement.

XXI The way of calculating the price

- The price should be provided according to the requirements of the application form of the offer. It is necessary to present the net value, value added tax (VA)T and the gross price for the realization of the total of a given task (part).
- The price has to encompass the total procurement for the given task and include all costs which the Contractor will have to pay in connection with the execution of the subject of the procurement.
- The price has to be complete, unequivocal and final, including the appropriate rate of VAT.
- The price has to be provided in PLN (Polish zloty) with an accuracy of two decimal places.

XXII. The description of the criteria regarding the choice of the offers and the procedures of their examination.

All offers, which are not rejected, shall be examined on the basis of the following criteria:

- **the price of the offer - weight 90%**
- **the date of the execution of the procurement - weight 10%**

The maximum number of points is equal to a certain weight of the criterion in %.

1. The procedure of examining the criterion price - the Ordering Party will examine the price of the offer pointed by the Contractor in the application form of the offer, calculated in the method stipulated in point XVII SIPC, on the basis of inserting data to the formula below. While examining the offer, The Ordering party will consider the final price presented in the application form of the offer to two decimal points.

The number of the points, which may be gathered in the criterion price, will be calculated according to the following formula:

$$PK = [CN / CR] \times 90$$

PK - number of points for the criterion



CN - the lowest offered price

CR - gross price of the examined offer

2. The procedure of examining the criterion execution - The Ordering Party will examine the offers considering this criterion on the basis of the time of the execution of the subject of the procurement, (presented in full months) and matching the time stipulated by the Ordering Party, that is 9 months for each task, declared by the Contractor in the offer and in the schedule of the execution of the agreement, which is the annex no. 1 to the offer.
 - a) In case of offering the date of the execution of the subject of the procurement for a given task within 9 months that is the minimal time required by the Ordering Party - the Contractor receives 0 points.
 - b) The offer of the Contractor, who will offer the date of the execution of the total subject of the procurement for the given task over 9 months, will be rejected as incompatible with SIPC.
 - c) In case of not filling in the application form of the offer the date of the execution, the Ordering Party will take the date specified in the schedule of the execution of the subject of the procurement.
 - d) The number of points in the criterion execution of the procurement will be calculated in the following way:

$$TW = [NOTW / OTW] \times 10$$

TW - number of points for the criterion execution

NOTW - the shortest deadline among the offers

OTW - the deadline from the offer.

- e) The Contractor may gather max. 10 points for the criterion execution

XXIII. Information about the formalities which should be completed following offer selection in order to enter into a public procurement contract

1. The Ordering Party concludes the contract of a public procurement not less than 10 days from the date of sending the notice informing about the selection of the most advantageous offer, if this notice was sent in the way specified art. 27 par. 2 of the PLP Act or 15 days - if it was send in other way
2. The Ordering Party may conclude the contract of public procurement before the deadlines referred to in point 1 if just one offer was submitted, no offer was rejected and no Contractor was excluded in the proceeding of awarding the procurement in case of an open tender.
3. In case of selecting the offer of Contractors who/which are jointly applying for the award of the procurement, they are obliged to submit to the Ordering Party the agreement regulating their cooperation (in the original or a copy certified to be true by the Contractor).





XXIV. The requirements regarding the performance bond

1. The Ordering Party demands a performance bond.
2. The performance bond shall act as the means of securing the claims of the Ordering Party with respect to non-performance or improper performance of the agreement.
3. The Ordering Party sets the performance bond in the amount of 2% of the total price given in the offer.
4. The performance bonds may be paid in one of the several forms below:
 - cash,
 - bank sureties or credit and savings union sureties, but the liability of the union is the monetary one,
 - bank guarantees,
 - insurance guarantees,
 - sureties provided by entities referred to in art. 6b par. 5 point 2 of the act of 9th November 2000 on the creation of the Polish Agency for Enterprise Development

XXV. Instruction on legal remedies available to the Contractor during the course of the proceeding of the award of the procurement

1. If the Contractors and also other entities have or had an interest in being awarded the procurement, and they have suffered or may suffer damage as a result of a breach by the Ordering Party of the provisions of the act, they shall receive legal protection.
2. The provisions concerning legal protection are regulated by the rules of the Section VI of the PPL Act.

XXVI. Other information

All activities, powers and duties of the Contractors and the Ordering Party not covered by this ToR and the notice, and which the PLP Act does not order the Ordering party to include in ToR and which may contribute to the proper course of the proceeding, are regulated by the PLP Act and decrees issued on its base.

XXVII. Annexes to ToR

1. Three-point linkage system
2. Application form of the offer with the schedule
3. The statement of the Contractor of fulfilling the conditions of the participation in the proceeding pursuant to art. 22 par. 1 of the PLP Act.
4. The list of supplies which have been done and which confirm the fulfilling of the condition of the participation in the proceeding.



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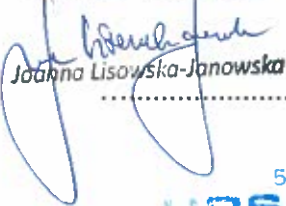
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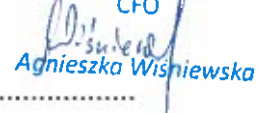
5. The statement of the Contractor of the lack of grounds for the exclusion from the proceeding of the award of the public procurement on the basis of art. 24 par. 1 of the PLP Act.,

Lublin 29.08.2016

PROXY OF THE BOARD


Joanna Lisowska-Janowska

PROXY OF THE BOARD
CFO


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