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| **PUBLIC PROCUREMENT DEPARTMENT**  **JAGIELLONIAN UNIVERSITY**  ul. Straszewskiego 25/3 i 4, 31-113 Kraków  **tel.** +4812-663-39-03  **e-mail: bzp@uj.edu.pl**  [**https://www.uj.edu.pl**](about:blank) **;** [**https://przetargi.uj.edu.pl**](about:blank) |  |

Kraków, 06 December 2023

**To all potential Contractors**

*concerning the procedure conducted by means of an invitation to tender pursuant to Article 11(5)(1) of the Act of 11 September 2019 on Public Procurement Law (consolidated text, Journal of Laws Journal of Laws 2023, item 1605 as amended) and the Act of 23 April 1964 on the Civil Code (consolidated text, Journal of Laws 2023 item 1610 as amended) for the selection of a Contractor for the supply of an integrated fractionation system for polysome profiling for the Faculty of Biochemistry, Biophysics and Biotechnology at the Jagiellonian University in Kraków (30-387) at ul. Gronostajowa 7*

***QUESTIONS AND ANSWERS TO THE INVITATION TO TENDER***

*Dear Sir/Madam*,

The Ordering Party sets out below the content of questions and answers given to the Invitation to Tender, received by the Ordering Party on 27 November 2023:

**Question No. 1:**

Would it be possible to quote the price of the instrument and fulfil the entire possible contract in EUR? Quoting in PLN will result in a higher price quoted due to the need to take into account the volatility of the PLN exchange rate and the cost of the transfer from PLN to EUR.

**Answer No. 1:**

The Ordering Party hereby informs that it allows the Parties to settle in EUR (Euro) the delivery of an integrated fractionation system for polysome profiling for the Faculty of Biochemistry, Biophysics and Biotechnology of the Jagiellonian University in Kraków.

**Question No. 2:**

Please specify which rotor you have in mind, the Surespin 630/17 or the Surespin 630/36?

**Answer No. 2:**

The Ordering Party indicates that the rotor in question is the Surespin 630/17.

**Question No. 3:**

Item 7 of the Invitation to Tender states that the title of the email should include the sentence: Bid for the selection of a Contractor for the supply of a complex fractionation system for polysome profiling for the Faculty of Biochemistry, Biophysics and Biotechnology at the Jagiellonian University, Case no. 80.272.387.2023. Do you mean the subject of the email? That is quite long for this subject, but it is possible.

**Answer No. 3:**

The Ordering Party confirms that the email with the Contractor’s bid should be titled: *“Oferta na wyłonienie Wykonawcy w zakresie dostawy zintegrowanego systemu frakcjonowania do profilowania polisomów dla Wydziału Biochemii, Biofizyki i Biotechnologii UJ., nr sprawy 80.272.387.2023” [“Bid for the selection of a Contractor for the supply of an integrated fractionation system for polysome profiling for the Faculty of Biochemistry, Biophysics and Biotechnology at the Jagiellonian University, Case no. 80.272.387.2023”].*

**Question No. 4:**

Can a single price be quoted for the whole system? We do not normally quote an additional price for the control unit (PC) if we supply a complete system. It is not clear whether the price of the control unit should only be quoted separately and/or also together with the complete system. The provisions of items 1) and 2) of the Tender Form are not clear. Point 1) requires a price to be quoted for “the entire subject matter of the contract”. Please clarify. We prefer to quote a single price for the entire system.

**Answer No. 4:**

The Ordering Party will amend the Tender Form in this respect.

**Question No. 5:**

Please clarify what we should complete in Article 10 of Annex 1. The instrument is sold without VAT as an intra-Community supply, the customer is obliged to declare the intra-Community acquisition (Article 200 of the EU VAT Directive 2006). As a result, we do not need to know all the VAT regulations in the various EU countries and can sell without VAT. The customer is responsible for complying with the relevant tax laws of the country concerned.

**Answer No. 5:**

The Ordering Party informs that from the point of view of the Jagiellonian University in Kraków, this supply of goods by a foreign Contractor - having its registered office in an EU member state - constitutes an intra-Community acquisition of goods within the meaning of Article 9(1) of the Act of 11 March 2004 on tax on goods and services, consolidated text, Journal of Laws 2023 item 1570 as amended, where the VAT taxpayer under Article 17(1)(5) of the aforementioned Act is the Ordering Party. Thus, the foreign Contractor shall only state the net price in item 1) of the Tender Form and complete item 10) of the Tender Form as follows: “*We declare that the selection of the tender will lead to the creation of a tax obligation for the Ordering Party in accordance with the provisions on value added tax. This obligation will apply to the supply of an integrated fractionation system for polysome profiling for the Faculty of Biochemistry, Biophysics and Biotechnology at the Jagiellonian University in Kraków.*

*(insert name /type of goods or services which will lead to the creation of tax liability for the Ordering Party in accordance with the provisions on value added tax) covered by the subject of the contract*”.

**Question No. 6:**

Does the template contract also need to be completed at this stage of the tender procedure? In such a case, we need to clarify the following points...

**Answer No. 6:**

The Ordering Party would like to inform that at the stage of conducting procedure No. 80.272.387.2023 it is not required to complete the template contract, which constitutes Appendix No. 2 to the Invitation to Tender.

**Question No. 7:**

§ 4 (14-17) of the Template Contract. We are based in the Czech Republic and therefore we register our bank accounts etc. in similar registers in the Czech Republic and are not obliged to register in Polish registers.

**Answer No. 7:**

The Ordering Party hereby informs that the list of entities registered as VAT taxpayers, not registered and deleted from and restored to the VAT register kept by the Head of the National Fiscal Administration (the so-called “White list” - Article 96b(1) of the Act of 11 March 2004 on the tax on goods and services, consolidated text Journal of Laws 2023, item 1570, as amended), is a register concerning taxpayers registered as active VAT taxpayers in accordance with Article 96(1) of the aforementioned Act, taxpayers not registered by the Head of the Tax Office or those removed by the Head of the Tax Office from the register as VAT taxpayers in accordance with Article 96(9) or (9a) of the aforementioned Act, and whose registration as VAT taxpayers has been reinstated pursuant to Article 96(9h-9j) thereof. Bank accounts held in foreign banks that do not operate in Poland through a branch are included in the List. Therefore, as a rule, the list does not apply to foreign entities not established in Poland, and consequently § 4 (14 - 17) of the template contract will not apply to foreign Contractors, including those from the Czech Republic.

**Question No. 8:**

§ 12 (4) of the Template Contract. We would prefer to obtain the contract in English as it is written in this article. However, there is no English version of the announcement and contract on the tender website.

**Answer No. 8:**

The Ordering Party informs that it will post the contract translated into English.

**Question No. 9:**

We have problems with opening and navigating the tender portal, which sometimes does not work correctly. Could you please notify us by email with a specific link if something new is posted on the tender website?

**Answer No. 9:**

The Ordering Party informs that, in order to facilitate communication with Contractors concerning the award of a contract in the field of science, the procedure in conducted with the announcement of an invitation to tender based on Article 11(5)(1) of the Act of 11 September 2019 - Public Procurement Law (consolidated text, Journal of Laws Journal of Laws 2023, item 1605 as amended) and the Act of 23 April 1964 on the Civil Code (consolidated text, Journal of Laws 2023 item 1610 as amended) for the selection of a Contractor for the supply of an integrated fractionation system for polysome profiling for the Faculty of Biochemistry, Biophysics and Biotechnology at the Jagiellonian University in Kraków (30-387) at ul. Gronostajowa 7, provides a direct link to the website where proceedings No. 80.272.387.2023 are being conducted: [https://przetargi.uj.edu.pl/zaproszenia-oferty-nauka?p\_p\_id=56\_INSTANCE\_SzHXrNbDmwcn&p\_p\_lifecycle=0&p\_p\_state=normal&p\_p\_mode=view&p\_p\_col\_id=column-3&p\_p\_col\_count=1&groupId=1378124&articleId=154769477&widok=ogloszenie](about:blank).

***At the same time, the Ordering Party informs that the above questions and answers constitute an integral part of the Invitation to Tender, and reminds that it has postponed the deadline for the submission of tenders until 12 December 2023 (Tuesday) at 13:00.***

*Yours faithfully,*

*Krystyna Kucharczyk – Gondek*