

## Appendix 3 to the Contract Awarding Regulations

Dąbrowa Górnicza, on 05.11.2018

### REQUEST FOR QUOTATION no. 4/0176/2018

In relation to the implementation of the project "Development of the innovative Zn-Al-Mg based coating for the production of hot deep galvanized sheets" (Application No.: POIR.01.02.00-00-0176/16-00), co-funded by European Regional Development Fund and under Operational Program Smart Growth 2014-2020, Measure 1.2. "Sectoral R&D programs" (a competition organized by the National R&D Center no 2/1.2/2016), and in relation to the obligation to make purchases based on the most competitive offer, observing the principles of fair competition, efficiency, openness and transparency, ArcelorMittal Poland S.A. submits a request for estimated value of the order for **modernization and start-up of zinc pot no. 1 at ArcelorMittal Poland S.A. Świętochłowice.**

#### I. BUYER:

##### **ArcelorMittal Poland S.A.**

ul. J. Piłsudskiego 92

41-308 Dąbrowa Górnicza

[capex-publictenders@arcelormittal.com](mailto:capex-publictenders@arcelormittal.com)

www: <http://poland.arcelormittal.com/>

hereinafter referred to as the 'Company' or the 'Buyer'.

#### II. MODE / PROCEDURE:

- II.1. This procedure is not subject to the provisions of the act of 29th January 2004 on Public procurement law (i.e. J.oL. of 2017, item 1579 with further changes).
- II.2. This procedure is awarded in a mode consistent with the principle of competitiveness.
- II.3. This procedure is performed in accordance with the principle for fair competition, effectiveness, openness, transparency and equal access.
- II.4. The Buyer shall make every effort to avoid any conflict of interest understood as the absence of impartiality and objectivity.
- II.5. The present procedure shall be carried out in accordance with the Contract Awarding Regulations (hereinafter: Regulations) which is in effect at the Buyer's company.
- II.6. The Contract Awarding Regulations are available at the Buyer's headquarters (Al. J. Piłsudskiego 92 Dąbrowa Górnicza, Poland) and on the Buyer's website.
- II.7. The Buyer reserves the right to:
  - a) change the content of the request for quotation inclusive of a change of the procedure conditions;
  - b) close the procedure without the selection of any of the bids or cancellation of the procedure at any of its stages, without the indication of cause.



- II.8. The changes introduced in the request for quotation shall be communicated by the Buyer to the Bidders in each of the manners specified as a form of publication specified in the Regulations.
- II.9. The Buyer reserves itself the right to ask the Bidders at each stage of the procedure for additional information, documents or explanations. The Buyer shall contact the Bidder via electronic means specified in the content of the bid sent by the Bidder.
- II.10. The Buyer reserves itself the right to undertake negotiations with all Bidders, who submitted a bid that meets the access conditions (i.e. the conditions for participation in the procedure) specified in the content of the request for quotation. The negotiations shall be run according to the following rules:
- after the lapse of the bids submission deadline, the Buyer shall notify all of the Bidders, who submitted their non-rejectable bids about the possible execution of negotiations and shall invite those Bidders for negotiations, whereby the meeting dates shall be arranged individually with each Bidder.
  - the arrangements concerning the date of negotiations shall be run via electronic mail;
  - the negotiations shall solely cover those parameters which constitute the bids evaluation criteria.
  - the flow of the negotiations shall be documented in the form of a written report signed by the negotiation teams of the Buyer and of the Bidder.
  - within up to 7 days as of the day of completion of negotiations the Bidder submits a modified bid which takes into account the arrangements from negotiations. The modified bid may not contain conditions which are less beneficial than the original bid.
  - in case the Bidder refuses to take part in the negotiations, the negotiations fail to lead to binding arrangements or the Bidder fails to submit a modified bid, then the originally submitted Bidder's bid shall be subject to evaluation.
  - The Buyer shall, within up to 60 days as of submission of the last modified bid, evaluate the bids and select the Contractor whose bid is the best.
  - The Buyer may ask the Bidders to give their consent to an extension of the bid validity period for a period of up to 60 days.
- II.11. In case of closing of the procedure without a selection or cancellation of the procedure, the Buyer shall immediately inform the Bidders, who submitted the bids and publish a relevant information.
- II.12. This request for bid does not oblige the Buyer to conclude an Agreement.
- II.13. **The Buyer does not allow the possibility of submitting of partial bid.**
- II.14. **The Buyer does not allow the possibility of submitting variant bids.**
- II.15. The submission of a bid is equal to the acceptance, without reservations, of the contents of this request for bid together with its appendices as well as the Contract Awarding Regulations.
- II.16. The Bidders are entitled to means of legal protection in the form of a protest concerning the bids evaluation which is performed in accordance with the Contract Awarding Regulations.
- II.17. The documentation related to this request for quotation (together with appendices) is prepared in the Polish and English language. In case of discrepancies in the contents of the indicated documentation, the Polish version of the bid shall be binding.



### III. DESCRIPTION OF THE CONTRACT SUBJECT MATTER (TOGETHER WITH AN INDICATION OF THE CPV CODES):

Code / CPV codes<sup>1</sup>:

51541400-0 (Installation of metalurgical equipment)

43700000-0 (Parts of metallurgical equipment and similar parts)

The subject-matter of the contract is **Modernization and start-up of zinc pot no. 1 at ArcelorMittal Poland S.A. Świętochłowice.**

Delivery of equipment being the part of subject-matter of the contract: DDP Świętochłowice (Incoterms 2010)

The site visit will be made on a written request of the Bidder. When the Bidder wants to participate in the visual inspection, he is obliged to sign the confidentiality declaration which template is included in the request as an appendix no. 3. The confidentiality declaration must be signed by persons authorised in this respect by the Bidder in the registration document or in a power of attorney. The date of the visual inspection shall be arranged after signing and sending of the confidentiality declaration by the Bidders. Due to the fact that the bids submission deadline expires on **6<sup>th</sup> of December 2018 at 16:00** Polish time the Bidders will be entitled to perform a single visual inspection. During this site visit, additional documentation can be shared with Bidder following his request.

Deadline for readiness for initial operation from the date of contract's signature is maximum **41 weeks.**

The Final Acceptance protocol will be signed approximately within **4 weeks** after the readiness for initial operation.

### IV. CONDITIONS FOR AWARDING CONTRACTS, PARTICIPATION IN THE PROCEDURE AND DESCRIPTION OF THE BIDS EVALUATION METHOD:

IV.1. The awarding of a contract may be pursued by the Bidders who:

- a. have the licences for execution of a certain activity or action, if the regulations impose an obligation to have such licences - a condition confirmed with a statement;
- b. run an activity which is consistent with the description of the contract subject matter - a condition confirmed with a statement;
- c. have the necessary knowledge and experience as well as the technical potential and people able perform the contract - a condition confirmed with a statement together with credentials - it is required to submit at least 1 list of realizations with minimum 3 realizations from the last 5 years (name of the purchaser, location, year, description of scope, time of delivery) which includes realizations consisting of assembly of a zinc coating thickness measurement system that has been designed and manufactured by the potential supplier;
- d. are in a financial and economic situation which ensures the performance of the contract - condition confirmed with experience;

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<sup>1</sup> Pursuant to the Commission Regulation (EC) no. 213/2008 of 28th November 2007 amending the Regulation (EC) no. 2195/2002 of the European Parliament and of the Council on the Common Procurement Vocabulary (CPV) and the Directives 2004/17/EC and 2004/18/EC of the European Parliament and the Council on public procurement procedures as regards the revision of the CPV



- e. are neither in a state of liquidation nor have they announced their bankruptcy; a condition confirmed with a statement
  - f. are not in arrears with the payment of public & legal fees, taxes or premiums for social or health insurance - the Bidder shall present a declaration / certificate, that it is not in arrears with the payment of public & legal receivables (public & legal fees, taxes, social insurance premiums);
  - g. have third-party liability insurance policy concerning their business activity - the Bidder shall submit a declaration that at the contract signing date it will hold a relevant third-party liability insurance policy for the value of min. 3 mln EUR. The policy shall be valid/extended for the entire contract term for the value indicated above;
  - h. were not validly sentenced, for an offence committed in connection with a contract award procedure, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits - as a partner of a registered partnership, a partner or management board member of a professional partnership; a general partner of a limited partnership as well as a limited joint-stock partnership; a member of the management body of a legal person;
  - i. signed the confidentiality declarations in accordance with the template specified by the Buyer, which has been attached to this request, and with the purpose of receiving of a full description of the contract subject matter;
  - j. signed the Work Health & Safety Agreements (within its all attachments which are integrated part of agreement) according to a template attached to the present request for quotation.
- IV.2. The Buyer shall verify the compliance of the presented bid with the formal requirements and admitting criteria which are shown in the table below. A failure to fulfil one of the below mentioned requirements by the Bidder will mean that the bid is rejected and will not be subject to further evaluation.



Item	<p><b>List of criteria admitting to the next stage of bids evaluation in the procedure</b></p> <p><b>NOTE: All purchases, services and supplies that are subject of this request must be included and cooperate with the existing infrastructure and equipment in the Company and must meet the same technological standards. In connection with the above, the need to preserve the same technological conditions and the need to maintain unification of devices resulting from the extension of the existing infrastructure determined the records in this specification. The applied records are justified by the necessity of ensuring efficient performance of the project in question. The records do not impose on the Bidders an obligation to apply indicated solutions, but are to provide information about minimum parameters and standards only. The use of certain types of solutions shall not be obligatory, but solely exemplary. The indications with regard to the expected technical parameters as well as the indications with regard to the specified types and producers' names shall be general and refer solely to exemplary indications of equivalent products and shall not constitute the only acceptable solution. On this basis the Buyer allows for equivalent solutions.</b></p>	Confirmation (YES/NO)	<p><b>Description of task feasibility</b></p> <p><b>The information contained in the table below shall constitute a basis for evaluation, by the Buyer, of the fulfilment, by the Bidder, of the specified technical and technological requirements.</b></p>	<p><b>Remarks of the bidder. Please fill in the column.</b></p>
1	The signed Health and Safety Agreement			
2	Submission of at least 1 list of realizations with minimum 3 realizations from the last 5 years (name of the purchaser, location, year, description of scope, time of delivery) which includes realizations consisting of assembly of a zinc coating thickness measurement system that has been designed and manufactured by the potential supplier			
3	The Bidder shall submit a declaration / certificate that it is not in arrears with the payment of public & legal receivables (taxes, social insurance premiums)			
4	The Bidder shall submit a declaration that within 60 days form the contract signing date, it shall hold a relevant third-party liability insurance policy for the value of min. 3 mln EUR. The policy shall be valid/extended for the entire contract term for the value indicated above.			
5	<p>The Bidder shall guarantee following quality parameters:</p> <ol style="list-style-type: none"> <li>1. Pot refractory lining: Al<sub>2</sub>O<sub>3</sub> content ≥ 80%</li> <li>2. Inductors refractory lining: Al<sub>2</sub>O<sub>3</sub> content ≥ 90%</li> <li>3. Refractory lining materials prepared for zinc bath with max. 5,5% of Al content</li> <li>4. Refractory lining materials prepared for zinc bath with max. 3,2% of Mg content</li> <li>5. Refractory lining materials prepared for zinc bath temperature between 425°C and 445°C</li> </ol>			
6	<p>The Bidder shall guarantee following supply of materials:</p> <ol style="list-style-type: none"> <li>1. Supply of zinc pot new lining</li> <li>2. Supply of inductors new lining</li> <li>3. Supply of power supply for inductors –</li> </ol>			



	<p>electrical/control cabinets</p> <ol style="list-style-type: none"> <li>4. Supply of two covers over the parking positions of pot</li> <li>5. Supply of technical protection of the access opening to the pot</li> <li>6. Supply of qty. 2 liquid zinc pumps with same capacity and min. flow 300 kg/min</li> </ol>			
	<p>The Bidder shall guarantee following scope of works:</p> <ol style="list-style-type: none"> <li>1. Preparation of access to the pot in the parking position</li> <li>2. Installation of a cover securing the opening over the pot</li> <li>3. Installation of a physical protection of the opening. (must be taken into consideration that a fork lift with a 2-ton zinc block will drive over the installed cover).</li> <li>4. Protection of auxiliary equipment against dust (zinc pot no 2, electrical cabinets, fans, compressor room)</li> <li>5. Removal of zinc remnants and its storage in a place within the plant's premises indicated by AMP.</li> <li>6. Removal of lining and its storage in a place within the plant's premises indicated by AMP.</li> <li>7. Waste disposal by the contractor with the exception of non-ferrous metals and ferro-alloys</li> <li>8. Dismantling of inductors</li> <li>9. Regeneration of inductors, exchange of bushings, lining, drying, preparation for assembly</li> <li>10. Lining the inside of the pot with refractory, drying, preparation for operation</li> <li>11. Installation of regenerated inductors, electrical connection</li> <li>12. Dismantling of existing power cabinets, storage of remaining elements in a place within the plant's premises indicated by AMP.</li> <li>13. Transport of power cabinets and their positioning, connection to inductors. Cable laying.</li> <li>14. Elaboration of thermal calculations for proposed refractory lining materials.</li> <li>15. Supervision over the start-up of the zinc bath. Switching inductors on.</li> </ol>			

IV.3. The Ordering Party will verify if the offer is in line with the requirements of description of the scope of supply. It will be done by checking whether the offer is compliant with the technical specification from Appendix no 2 of the request for quotation. A failure to fulfil one of the below mentioned requirements by the Bidder will mean that the bid is rejected and will not be subject to further evaluation.

IV.4. The following Bidders shall be excluded from the contract awarding procedure:

- a. bidders who do not meet the conditions specified under IV.1 and IV.2 of this request for quotation;
- b. bidders who over the last 3 years before initiation of the procedure caused a damage by not performing a contract or by performing it in an improper manner, whereas the said damage was not voluntarily remedied by the day of initiation of the procedure, unless the non-performance or improper performance results from circumstances for which the Bidder is not liable. Therefore the Buyer will exclude from the procedure such bidder who will jointly meet all of the following premises:



- (1) within the last 3 years before initiation of the procedure the Bidder caused a damage by not performing a contract or by performing it in an improper manner;
  - (2) the damage was not voluntarily remedied by him until the day of initiation of the procedure;
  - (3) a contrario the non-performance or improper performance of a contract results from circumstances, for which the Bidder is liable.
- c. natural persons, who have been validly sentenced for an offence committed in connection with a contract award procedure, offence against the rights of people performing paid work, offence against the environment, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits, as well as for treasury offence or an offence of participation in organized crime group or in an union aimed at committing an offence or treasury offence;
  - d. registered partnerships whose partner has been validly sentenced for an offence committed in connection with a contract award procedure, offence against the rights of people performing paid work, offence against the environment, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits, as well as for treasury offence or an offence of participation in organized crime group or in an union aimed at committing an offence or treasury offence;
  - e. professional partnership whose partner or member of the management board has been validly sentenced for an offence committed in connection with a contract award procedure, offence against the rights of people performing paid work, offence against the environment, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits, as well as for treasury offence or an offence of participation in organized crime group or in an union aimed at committing an offence or treasury offence;
  - f. limited partnerships and limited joint-stock partnerships whose general partner has been validly sentenced for an offence committed in connection with a contract award procedure, offence against the rights of people performing paid work, offence against the environment, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits, as well as for treasury offence or an offence of participation in organized crime group or in an union aimed at committing an offence or treasury offence;
  - g. legal persons whose active member of the managing body has been validly sentenced for an offence committed in connection with a contract award procedure, offence against the rights of people performing paid work, offence against the environment, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits, as well as for treasury offence or an offence of participation in organized crime group or in an union aimed at committing an offence or treasury offence;
  - h. collective entities, with respect to whom a court has issued a decision prohibiting them from competing for contracts under the provisions concerning the liability of collective entities for tort under the liability to penalty;
- IV.4. The Bidders with capital or personal links with the Buyer shall be excluded from the contract awarding procedure (mutual connections between the Buyer or persons authorized to enter into obligations on behalf of the Buyer or persons performing - on behalf of the Buyer - activities associated with carrying out the procedure to select the Contractor and the Bidder) - a condition confirmed with a statement. Capital or personal links mean any mutual connections between the Contracting Party or persons authorized to enter into obligations on behalf of the Contracting Party or persons performing - on behalf of the Contracting Party - activities associated with preparation and carrying out the proceedings to select the Supplier, and the Supplier, in particular:



- participation in a company as a partner of a general partnership or a partnership,
- possession of at least 10% of shares or stock,
- performing the function of a supervisory or management authority, legal proxy or representative,
- being married, in a direct kinship or relationship, kinship of the second degree or secondary relationship of the second degree in relation to the adoption, care or guardianship.

**V. BIDS EVALUATION CRITERIA TOGETHER WITH AN INFORMATION ABOUT POINT OR PERCENTAGE WEIGHTS ASSIGNED TO THE INDIVIDUAL BIDS EVALUATION CRITERIA:**

V.1. The evaluation consists of two parts: the financial & trade evaluation as well as the technical evaluation.

V.2.

Item	Criterion	Weight of the criterion	Evaluation method
1	C - net price	85%	$C = (C_{mn} / C_{nob}) \times 85$ where: C - number of points for a price C <sub>mn</sub> - lowest bid price, net C <sub>nob</sub> - the examined bid price, net
2	TP - Technical parameters	15%	1) 0 - =< 75% - TP = 0 2) 76 - =< 82% - TP = 5 3) 83 - =< 90% - TP = 10 4) 91 - =< 100% - TP = 15

**Price - weight: 85 points**

1. Please specify the prices in net values (without VAT) as well as in gross values.
2. The price should be quoted in EUR.
3. Quotation of the price in another currency shall result in the Buyer's conversion of the price into EUR using the exchange rate tables (Table A - Average exchange rates for foreign currencies) of the National Bank of Poland as of the date specified in item VII.1 (final date for submission of offers).
4. In case of negotiations with the Bidders and submission of final bids by them, the Buyer's conversion to the EUR currency will be made using the exchange rate tables (Table A - Average exchange rates of foreign currencies) of the National Bank of Poland as of the day specified in item 3 above.
5. Regardless of the prices quoted by the Bidder in a currency other than EUR, the currency of the contract concluded with the Bidder selected by the Buyer is EUR.

**Technical parameters of a bid - weight 15 points**

The evaluation will be conducted on the basis of presented descriptions specified in the offer under 4 groups indicated below:





Group	Item	Parameters	Weight of the group	Value of Subgroups	Total value of a Subgroup
A	Quality	1. Pot lining: SiO <sub>2</sub> % content	25%	50%	100%
		2. Inductors lining: SiO <sub>2</sub> % content		50%	
B	Scope of Supply	1. Supply of new pot edges as per drawing 050-009/301	30%	50%	100%
		2. Liquid zinc pumps flow capacity		50%	
C	Scope of Works	1. Removal of steel edges from the pot	30%	5%	100%
		2. Installation of new pot edges		5%	
		3. Dismantling of existing power cabinets, storage of remaining elements in a place within the plant's premises indicated by AMP		20%	
		4. Integration of the control system with the existing HMI system – cable connection, modification of software in PLC of the zinc pot, necessary modification of existing HMI		70%	
D	Other requirements	1. Project time schedule	15%	50%	100%
		2. Trainings on maintenance and operations of the systems supplied		50%	

V.3. Description of the manner of granting of points for the fulfilment of a given bid evaluation criterion.

Price (C):

Score will be calculated as a proportion of the lowest price among the submitted bids to the price from the examined bid in the procedure, multiplied by the criterion weight.

$C = (C_{mn} / C_{nob}) \times 85$  where:

C - number of points for a price

C<sub>mn</sub> - lowest bid price, net

C<sub>nob</sub> - net price of the examined bid

Description of the adopted method for assessing the technical parameters of the offer:

Item	Item description	Required and expected parameters	Subgroup evaluation value	Weight value of an element	Description of the adopted evaluation method	Achieved result (Range : 0-10)	Calculated value of the element	Remarks
<b>A</b>	<b>Guaranteed parameters / Quality</b>	<b>25,00%</b>						
1.	Pot lining: SiO <sub>2</sub> % content		50%	12,50%	SiO <sub>2</sub> = 0% -> 10 pkt. 0% < SiO <sub>2</sub> ≤ 0,2% -> 7 pkt. 0,2% < SiO <sub>2</sub> ≤ 0,4 -> 5 pkt. 0,4% < SiO <sub>2</sub> ≤ 0,5% -> 3 pkt. 0,5% < SiO <sub>2</sub> -> 0 pkt.		0,0%	
2.	Inductors lining: SiO <sub>2</sub> % content		50%	12,50%	SiO <sub>2</sub> = 0% -> 10 pkt. 0% < SiO <sub>2</sub> ≤ 0,2% -> 7 pkt. 0,2% < SiO <sub>2</sub> ≤ 0,4 -> 5 pkt. 0,4% < SiO <sub>2</sub> ≤ 0,5% -> 3 pkt. 0,5% < SiO <sub>2</sub> -> 0 pkt.		0,0%	
	<b>Group A evaluation</b>		<b>100,00 %</b>	<b>25,00%</b>			<b>0,00%</b>	
<b>B</b>	<b>Scope of Supply</b>	<b>30,00%</b>						
1.	Supply of new pot edges as per drawing		50%	15,00%	included in offer -> 10 pkt. not included in offer -> 0 pkt.		0,0%	



	050-009/301							
2.	Liquid zinc pumps flow capacity		50%	15,00%	Capacity >700 kg/min = 10, Capacity 500-700 kg/min = 7, Capacity 300-500 kg/min = 5, Capacity <300 kg/min = 0,		0,0%	
	<b>Group B evaluation</b>		<b>100,00 %</b>	<b>30,00%</b>			<b>0,00%</b>	
<b>C</b>	<b>Scope of works</b>	<b>30,00%</b>						
1.	Removal of steel edges from the pot		5,00%	1,50%	included in offer -> 10 pkt. not included in offer -> 0 pkt.		0,0%	
2.	Installation of new pot edges		5,00%	1,50%	included in offer -> 10 pkt. not included in offer -> 0 pkt.		0,0%	
3.	Dismantling of existing power cabinets, storage of remaining elements in a place within the plant's premises indicated by AMP		20,00%	6,00%	included in offer -> 10 pkt. not included in offer -> 0 pkt.		0,0%	
4.	Integration of the control system with the existing HMI system - cable connection, modification of software in PLC of the zinc pot, necessary modification of existing HMI		70,00%	21,00%	included in offer -> 10 pkt. not included in offer -> 0 pkt.		0,0%	
	<b>Group C evaluation</b>		<b>100,00 %</b>	<b>30,00%</b>			<b>0,00%</b>	
<b>D</b>	<b>Other requirements</b>	<b>15,0%</b>						
1.	Project time schedule		50,0%	7,5%	t - number of weeks from contract placement to Ready For Initial Operation t ≤ 36 -> 10 pkt. 36 < t ≤ 40 -> 6 pkt. 40 < t ≤ 44 -> 4 pkt. t > 44 -> 0 pkt.		0,0%	



2.	Trainings on maintenance and operations of the systems supplied		50,00%	7,5%	X - number of training hours offered for AMP X ≥ 24 h -> 10 pkt. 0 < X < 24 h -> 5 pkt. X = 0 -> 0 pkt.		0,0%	
	<b>Group D evaluation</b>		<b>100,00 %</b>	<b>15,00%</b>			<b>0,00%</b>	
	<b>General evaluation</b>	<b>100,00%</b>		<b>100,00%</b>			<b>0,00%</b>	

The above table will allow to evaluate the technical parameters of the bid - after determining the total value of technical parameters of the bid, points will be granted according to the following method.

- 1) 0 - =< 75% - TP = 0
- 2) 76 - =< 82% - TP = 5
- 3) 83 - =< 90% - TP = 10
- 4) 91 - =< 100% - TP = 15

The total number of points granted to a given evaluated bid is the sum of points granted under individual criteria:

**Final rating of the offer = C + TP**

If as part of the purchase of services and supplies necessary to perform a Project, the Buyer shall select from among several bids which are most beneficial from the economic viewpoint, the Buyer shall select the bid which is better in terms of:

its impact on the environment and climate (e.g. smaller energy consumption, smaller consumption of water, use of materials from recycling etc.)

or

a bid placed by a bidder holding a valid and implemented occupational health and safety management system, quality management system, environmental management system and energy management system.

## VI. INFORMATION ABOUT THE PERFORMANCE BOND REQUESTED BY THE BUYER (IF THE CUSTOMER DEMANDS SUCH BOND):

- VI.1. The Buyer reserves itself the right to demand from the Bidder, whose bid was selected, a performance bond for the Agreement, hereinafter referred to as the 'bond'.
- VI.2. The bond shall be used to cover the claims related to the non-performance or improper performance of the Agreement and as a return of advance paid to the Bidder. If the Bidder is a guarantor at the same time, the bond will also be used to cover the claims related to a quality guarantee.
- VI.3. A detailed description of the requested bonds in accordance with the provisions of the contract which constitutes an appendix to this request for quotation: The Bidder undertakes to deliver - to the Buyer, within 14 days from the contract conclusion - bank guarantees (template is attached to the contract as appendix no. 6). Failure to deliver a bank guarantee



or delivery of a bank guarantee inconsistent with the Buyer's template shall authorise the BUYER to refrain from making any payments until the Bidder submits appropriate guarantee documents, and the Bidder shall not be entitled to any claims for withholding of payment.

## VII. PLACE, DEADLINE AND PROCEDURE FOR SUBMISSION OF BIDS:

- VII.1. **The bids must be submitted by 06.12.2018 at 16:00 o'clock.**
- VII.2. The offer should be divided into commercial part and technical part. The technical part cannot contain price information and should be placed in a separate envelope or a separate e-mail.
- VII.3. The bids (together with its appendices) must be prepared in the Polish and English language. In case of discrepancies in the contents of the submitted bid, the Polish version of the bid shall be binding.
- VII.4. **The name and number of the Request for quotation specified on the first page of this enquiry should be indicated on the envelope and/or in the subject of an e-mail.**
- VII.5. The commercial and the technical bid should be signed by people authorized to represent the Bidder pursuant to a registration document or pursuant to a power of attorney.
- VII.6. The bids should be submitted by email (capex-publictenders@arcelormittal.com, marta.bodnar@arcelormittal.com) or by regular mail / courier service / in person (address: Al. J. Piłsudskiego 92; Dąbrowa Górnicza, POLAND). The bid should be addressed to Mrs. Marta Bodnar, EPO Department with a note "Request for Quotation no 4/0176/2018"
- VII.7. The bids submission date shall be the day on which it reaches the Buyer's headquarters or reaches the e-mail address specified in the request.
- VII.8. Bids received after the deadline will not be evaluated.
- VII.9. The Bidder may ask the Buyer to explain the content of the request for quotation. The Buyer shall provide explanations if the request was submitted to the Buyer not later than 3 working days (working days: days from Monday 8:00 a.m. until Friday 3:30 p.m. with exclusion of the national public holidays), before the lapse of the bids submission deadline. In case of contracts with an at least 30-day long deadline for the submission of bids, the questions of the Bidders may be submitted not later than within 7 working days before the lapse of the bids submission deadline. The content of the questions with explanations of the Buyer is published in the same way in which the request for quotation was published.
- VII.10. The Bidders are entitled to ask questions concerning the content of the contract attached to the request for quotation. The questions should be addressed to the email address: marta.bodnar@arcelormittal.com and Malgorzata.Piwowarczyk@arcelormittal.com, no later than 7 days before the deadline for submission of offers. The questions must include reference to a specific item of the contract.
- VII.11. The Bidders are entitled to ask questions concerning the content of the contract attached to the request for quotation. Person authorised to contact the Bidders **for technical matters** are:  
Mr Piotr Żaak – Piotr.Zaak@arcelormittal.com  
Mr Robert Dyrda – Robert.Dyrda@arcelormittal.com
- For commercial matters** authorised persons are:  
Mrs Marta Bodnar - Marta.Bodnar@arcelormittal.com  
Mrs Małgorzata Piwowarczyk - Malgorzata.Piwowarczyk@arcelormittal.com
- VII.12. The costs related to preparation of a bid shall be incurred by a Bidder.



- VII.13. The bid must be prepared in accordance with the form which is included in appendix no. 1a and appendix no. 1b to this request for quotation.
- VII.14. During the evaluation of bids the Buyer may request from the Bidders the provision of explanations and supplements to the content of their submitted bids.
- VII.15. The information about the need to supplement the submitted bid (including: the scope of the required supplements as well as the deadline and manner for their submission) shall be submitted by electronic mail.
- VII.16. In case of the Bidders' failure to deliver the certificates or declarations confirming the fulfilment of the conditions for participation in a contract awarding procedure, the Suppliers Selection Committee may specify an additional deadline for their submission.
- VII.17. The bid must be accompanied by:
- Declarations that confirm the meeting of the contract-related conditions specified under point IV.1., IV.3. and IV.4. of this request for quotation,
  - A signed confidentiality agreement or declaration,
  - A signed Work Health & Safety Agreement,
  - The Bidder's registration document or his power of attorney,
  - A signed personal data processing agreement.

#### VIII. BID VALIDITY PERIOD:

**The bid should contain its binding validity period (at least 150 days as of the day of its submission).**

The Buyer may ask the Bidders to give their consent to an extension of the bid validity period for a period of up to 60 days.

#### IX. ADDITIONAL INFORMATION

- IX.1. Place, deadline and rules for receiving of detailed documents if they constitute an element of the request for quotation: In accordance with point III of the request for quotation.
- IX.2. Conditions and deadline for any possible supplementing of bids by the Bidders: In accordance with point VII.13, VII.14 and VII.15 of the request for quotation.
- IX.3. The Buyer reserves himself the right to change the conditions of the Agreement which was concluded as a result of the present contract. The changes may refer to:
- the term of the Agreement resulting e.g. from extension in project execution;
  - the volume of the contract. The increase in the volume of the contract shall not exceed 50% of the value of the awarded contract specified in the concluded Agreement.
  - Changes indicated in section 8 of the Contract (i.e. Conditions for Changes to the Contract) attached hereto;

.....  
*Company stamp, stamp and signature of a representative*



APPENDICES:

- 1a. Bid form together with the information about the price and declarations confirming the fulfilment of the conditions from point IV.1, IV.3. and IV.4. of the request for quotation no. **4/0176/2018** dated **05.11.2018**.
- 1b. Bid form with the factual description concerning the method of execution of the contract's subject matter.
  2. Technical specification;
  3. Confidentiality declaration;
  4. Work Health & Safety Agreement;
  5. Agreement on execution of the contract subject matter;
  6. General Terms and Conditions for Purchases;
  7. Personal data processing agreement



APPENDIX NO. 1a TO THE REQUEST FOR QUOTATION no **4/0176/2018** dated **05.11.2018**.

COMMERCIAL BID FORM

The bid constitutes a reply to the request for quotation no. **4/0176/2018** dated **05.11.2018**, concerning **modernization and start-up of zinc pot no. 1 at ArcelorMittal Poland S.A. Świętochłowice.**

**1. Data of the bidder:**

- a. Name: .....
- b. Address of the registered office: .....
- c. Taxpayer ID No. (NIP): .....
- d. Business Entity ID No. (REGON): .....
- e. Person authorized to contact the Buyer:  
name and surname: .....  
Phone: .....  
e-mail address: .....

**2. I offer the execution of the contract subject matter at the following price:**

	PRICE	CURRENCY	IN WORDS
TOTAL NET VALUE			
VAT VALUE (... %)			
GROSS VALUE			

**BUYER'S INFORMATION:**

*Please specify the prices in net values (without VAT) as well as in gross values.*

*The price should be quoted in EUR.*

*Quotation of the price in another currency shall result in the Buyer's conversion of the price into EUR using the exchange rate tables (Table A - Average exchange rates for foreign currencies) of the National Bank of Poland as of the date specified in item VII.1 (final date for submission of offers).*

*In case of negotiations with the Bidders and submission of final bids by them, the Buyer's conversion to the EUR currency will be made using the exchange rate tables (Table A - Average exchange rates of foreign currencies) of the National Bank of Poland as of the day specified in item 3 above.*

*Regardless of the prices quoted by the Bidder in a currency other than EUR, the currency of the contract concluded with the Bidder selected by the Buyer is EUR.*



All elements of the price offer should be broken down by groups and supplemented in detail in the table below.

<b>Item</b>	<b>Description</b>	<b>Value</b>	<b>Currency</b>
1.	Engineering		
2.	Manufacturing and Delivery of new equipment - DDP (Incoterms 2010)		
3.	Installation works		
4.	Commissioning & Supervision		
5.	Trainings for AMP		

- 3.** I confirm to have acquainted myself with the request for quotation together with its appendices and I do not raise any objections to it.
- 4.** I confirm I accept the contract draft attached to the Request for Quotation.
- 5.** The bid is valid for 150 days as of its submission date.
- 6.** Payment term: in accordance with the draft contract.
- 7.** I acknowledge that if I attest an untruth the bid shall be rejected.
- 8.** I acknowledge that if the Buyer receives co funding, which shall cover the contract subject matter specified in the request for quotation no. **4/0176/2018** dated **05.11.2018**, the request for quotation together with its appendices shall be visualised in accordance with the binding regulations in respect of promotion as at the day of signing of the agreement for co - funding.

APPENDICES TO THE BID:

1. Declaration confirming the fulfilment of the conditions from point IV.1 of the request for quotation no. **4/0176/2018** dated **05.11.2018**.
2. Declaration confirming the fulfilment of the conditions from point IV.3 of the request for quotation bids no. **4/0176/2018** dated **05.11.2018**.
3. Declaration confirming the fulfilment of the conditions from point IV.4 of the request for quotation bids no. **4/0176/2018** dated **05.11.2018**
4. Factual description concerning the method of execution of the contract subject matter

..... (date) .....

.....  
*Company stamp, stamp and signature of a representative*





APPENDIX NO. 1 TO THE BID FORM

REFERS TO THE REQUEST FOR QUOTATION NO. **4/0176/2018** dated **05.11.2018**.

DECLARATION CERTIFYING THE FULFILMENT OF CONDITIONS FROM POINT **IV.1** OF THE  
REQUEST FOR QUOTATION

I hereby declare that the Bidder .....  
(name and address of the registered office) meets the following conditions:

1. It has the licences necessary to perform a defined activity or action, if such licences are required by law.
2. It runs its business in accordance with a description of the contract subject matter.
3. It has the necessary knowledge and experience as well as technical capacity and persons able to execute the contract.
4. Its economic and financial position allows for execution of the contract.
5. It is neither in a state of liquidation nor has it declared its bankruptcy.
6. It is not in arrears with payment of public & legal fees, taxes, or social and health insurance premiums.
7. was not validly sentenced, for an offence committed in connection with a contract award procedure, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits - as a partner of a registered partnership, a partner or management board member of a professional partnership; a general partner of a limited partnership as well as a limited joint-stock partnership; a member of the management body of a legal person.
8. The Bidder declares to submit to the Buyer, within 14 days from signing the contract, a bank guarantee required by Appendix 3 ("Payment Terms") to the contract, as per the templates indicated in the Appendix 6.

.....  
Place and date

.....  
*Company stamp, stamp and signature of a representative\**

\* Signature of a person or persons entered in registers to incur obligations on behalf of the Bidder or in a proper authorization.



APPENDIX NO. 2 TO THE BID FORM

REFERS TO THE REQUEST FOR QUOTAION NO. **4/0176/2018** dated **05.11.2018**.

DECLARATION CERTIFYING THE FULFILMENT OF CONDITIONS FROM POINT **IV.3** OF THE  
REQUEST FOR QUOTATION

On behalf of the Company (Bidders name) ..... I hereby declare that:

1. over the last 3 years before initiation of the procedure I have not caused a damage by not performing a contract or by performing it in an improper manner, whereas the said damage was not voluntarily remedied by the day of initiation of the procedure, unless the non-performance or improper performance results from circumstances for which the Bidder is not liable. The above shall mean that there was no joint occurrence of the following three conditions:
  - (1) within the last 3 years before initiation of the procedure the Bidder caused a damage by not performing a contract or by performing it in an improper manner;
  - (2) the damage was not voluntarily remedied by Bidder until the day of initiation of the procedure;
  - (3) a contrario the non-performance or improper performance of a contract results from circumstances, for which the Bidder is liable.
2. In case the Bidder is a natural persons – I have not been validly sentenced for an offence committed in connection with a contract award procedure, offence against the rights of people performing paid work, offence against the environment, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits, as well as for treasury offence or an offence of participation in organized crime group or in an union aimed at committing an offence or treasury offence;
3. In case the Bidder is a registered partnerships – as a partner I have not been validly sentenced for an offence committed in connection with a contract award procedure, offence against the rights of people performing paid work, offence against the environment, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits, as well as for treasury offence or an offence of participation in organized crime group or in an union aimed at committing an offence or treasury offence;
4. In case the Bidder is a professional partnership – as a partner or member of the management board I have not been validly sentenced for an offence committed in connection with a contract award procedure, offence against the rights of people performing paid work, offence against the environment, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits, as well as for treasury offence or an offence of participation in organized crime group or in an union aimed at committing an offence or treasury offence;
5. In case the Bidder is a limited partnerships and limited joint-stock partnerships – as a general partner I have not been validly sentenced for an offence committed in connection with a contract award procedure, offence against the rights of people performing paid work, offence against the environment, for bribery, for an offence against economic turnover or for any other offence committed with the aim of gaining financial profits, as well as for treasury offence or an offence of participation in organized crime group or in an union aimed at committing an offence or treasury offence;
6. In case the Bidder is a legal person – as an active member of the managing body I have not been validly sentenced for an offence committed in connection with a contract award procedure, offence against the rights of people performing paid work, offence against the environment, for bribery, for an offence against economic turnover or for any other offence committed with the



aim of gaining financial profits, as well as for treasury offence or an offence of participation in organized crime group or in an union aimed at committing an offence or treasury offence;

7. In case the Bidder is collective entities – the court has not issued a decision prohibiting from competing for contracts under the provisions concerning the liability of collective entities for tort under the liability to penalty;

.....  
Place and date

.....  
*Company stamp, stamp and signature of a representative \**

\* Signature of a person or persons entered in registers to incur obligations on behalf of the Bidder or in a proper authorization.



APPENDIX NO. 3 TO THE BID FORM

REFERS TO THE REQUEST FOR QUOTAION NO. **4/0176/2018** dated **05.11.2018**.

STATEMENT  
OF NO CAPITAL OR PERSONAL LINKS WITH THE CONTRACTING PARTY  
CERTIFYING THE FULFILMENT OF CONDITIONS FROM POINT **IV.4** OF THE REQUEST FOR  
QUOTATION

I, the undersigned confirm the absence of capital or personal relations between ..... (name and address of the registered office) and the Buyer.

Capital or personal links mean any mutual connections between the Contracting Party or persons authorized to enter into obligations on behalf of the Contracting Party or persons performing - on behalf of the Contracting Party - activities associated with preparation and carrying out the proceedings to select the Supplier, and the Supplier, in particular:

- a) participation in a company as a partner of a general partnership or a partnership,
- b) holding of at least 10% of stocks or shares,
- c) holding the function of a member of a supervisory or managing body, proxy, authorised representative,
- d) being joined in matrimony, related through kinship or direct affinity, secondary kinship or affinity up to the second degree, or linked through adoption, care or custody.

.....  
Place and date

.....  
\* *Company stamp, stamp and signature of a representative*

\* Signature of a person or persons entered in registers to incur obligations on behalf of the Bidder or in a proper authorization.



APPENDIX NO. 1a TO THE REQUEST FOR QUOTATION no **4/0176/2018** dated **05.11.2018**.

TECHNICAL BID FORM

The bid constitutes a reply to the request for quotation no. **4/0176/2018** dated **05.11.2018** concerning **modernization and start-up of zinc pot no. 1 at ArcelorMittal Poland S.A. Świętochłowice.**

**9. Data of the bidder:**

- f. Name: .....
- g. Address of the registered office: .....
- h. Taxpayer ID No. (NIP): .....
- i. Business Entity ID No. (REGON): .....
- j. Person authorized to contact the Buyer:  
name and surname: .....
- Phone: .....
- e-mail address: .....

Item	<p><b>List of criteria admitting to the next stage of bids evaluation in the procedure</b></p> <p><b>NOTE: All purchases, services and supplies that are subject of this request must be included and cooperate with the existing infrastructure and equipment in the Company and must meet the same technological standards. In connection with the above, the need to preserve the same technological conditions and the need to maintain unification of devices resulting from the extension of the existing infrastructure determined the records in this specification. The applied records are justified by the necessity of ensuring efficient performance of the project in question. The records do not impose on the Bidders an obligation to apply indicated solutions, but are to provide information about minimum parameters and standards only. The use of certain types of solutions shall not be obligatory, but solely exemplary. The indications with regard to the expected technical parameters as well as the indications with regard to the specified types and producers' names shall be general and refer solely to exemplary indications of equivalent products and shall not constitute the only acceptable solution. On this basis the Buyer allows for equivalent solutions.</b></p>	Confirmation (YES/NO)	<p><b>Description of task feasibility</b></p> <p><b>The information contained in the table below shall constitute a basis for evaluation, by the Buyer, of the fulfilment, by the Bidder, of the specified technical and technological requirements.</b></p>	Remarks of the bidder. Please fill in the column.
1	The signed Health and Safety Agreement			
2	Submission of at least 1 list of realizations with minimum 3 realizations from the last 5 years (name of the purchaser, location, year, description of scope, time of delivery) which includes realizations consisting of assembly of a zinc coating thickness measurement system that has been designed and manufactured by the potential supplier			
3	The Bidder shall submit a declaration / certificate that it is not in arrears with the payment of public & legal receivables (taxes, social insurance premiums)			



4	The Bidder shall submit a declaration that within 60 days form the contract signing date, it shall hold a relevant third-party liability insurance policy for the value of min. 3 mln EUR. The policy shall be valid/extended for the entire contract term for the value indicated above.			
5	The Bidder shall guarantee following quality parameters: 1. Pot refractory lining: Al <sub>2</sub> O <sub>3</sub> content ≥ 80% 2. Inductors refractory lining: Al <sub>2</sub> O <sub>3</sub> content ≥ 90% 3. Refractory lining materials prepared for zinc bath with max. 5,5% of Al content 4. Refractory lining materials prepared for zinc bath with max. 3,2% of Mg content 5. Refractory lining materials prepared for zinc bath temperature between 425°C and 445°C			
6	The Bidder shall guarantee following supply of materials: 1. Supply of zinc pot new lining 2. Supply of inductors new lining 3. Supply of power supply for inductors – electrical/control cabinets 4. Supply of two covers over the parking positions of pot 5. Supply of technical protection of the access opening to the pot 6. Supply of qty. 2 liquid zinc pumps with same capacity and min. flow 300 kg/min			
	The Bidder shall guarantee following scope of works: 1. Preparation of access to the pot in the parking position 2. Installation of a cover securing the opening over the pot 3. Installation of a physical protection of the opening. (must be taken into consideration that a fork lift with a 2-ton zinc block will drive over the installed cover). 4. Protection of auxiliary equipment against dust (zinc pot no 2, electrical cabinets, fans, compressor room) 5. Removal of zinc remnants and its storage in a place within the plant's premises indicated by AMP. 6. Removal of lining and its storage in a place within the plant's premises indicated by AMP. 7. Waste disposal by the contractor with the exception of non-ferrous metals and ferro-alloys 8. Dismantling of inductors 9. Regeneration of inductors, exchange of bushings, lining, drying, preparation for assembly 10. Lining the inside of the pot with refractory, drying, preparation for operation 11. Installation of regenerated inductors, electrical connection 12. Dismantling of existing power cabinets, storage of remaining elements in a place within the plant's premises indicated by AMP. 13. Transport of power cabinets and their positioning, connection to inductors. Cable laying. 14. Elaboration of thermal calculations for proposed refractory lining materials. 15. Supervision over the start-up of the zinc bath. Switching inductors on.			



**10.** The deadline from the date of contract's signature until the readiness for initial operation is ..... weeks.

**11.** The timing from readiness for initial operation until signature of the final acceptance protocol is: ..... weeks.

..... (date) .....

.....

*Company stamp, stamp and signature of a representative*