***Appendix No. 2 to the ToR***

**OFFER FORM**

**for the National Center for Research and Development, based in Warsaw, ul. Chmielna 69, 00-801 Warsaw, Poland**

**Contractor:**

I/we[[1]](#footnote-1) the undersigned:

…………………………………………………………………………………………………

(name, surname, position / basis for representation)

acting for and on behalf of:

.................................................. .................................................. ....................................

(full name of the Contractor / Contractors in the case of contractors jointly applying for the contract)

Address: ………………………………………………………………………………………………

Country ………………………………… ..

*REGON ………………………………*

*NIP: ………………………………… ..*

*TEL. ………………………………….*

*e-mail address: …………………………………… (to which the Ordering Party is to send correspondence)*

*Please specify the type of Contractor.*

  microenterprise

  small enterprise

  medium-sized enterprise

  sole proprietorship

  natural person not conducting business activity

  other

*When applying for a public contract for* Implementation of the continuation of the acceleration activity entitled "NCBR-NAP: NCBR-Nevada Acceleration Program" *we submit an offer for the performance of the subject of the contract to the extent specified in the Terms of Reference and its appendices on the following terms:*

**1. The total price offered for the implementation of the subject of the contract is:**

**Net value (excluding VAT): …………….…. net**

**(in words: [………………………… ..]) net,**

Gross price (including VAT): the amount of .................. ... gross

(in words: [………………………… ..]) gross,

Including:

• Costs of mentors' work consisting in the preparation and conducting of mentoring meetings in stationary and remote mode, participation in the substantive evaluation of participants in the activity, preparation of the concept and conducting pre-acceleration and acceleration -……….

• Mentors' travel and accommodation costs -…………………

• Costs related to the movement of mentors in Poland and Nevada, all kinds of local fees, organization of meetings with American companies in Nevada -………………….

2. The price indicated in point 1 includes the costs borne by the Ordering Party for the benefit of the Contractor in connection with the performance of the contract in the event of choosing our offer.

3. WE DECLARE that we will execute the order within the time limit required by the Ordering Party, indicated in the ToR and in the Draft Agreement Provisions.

4. WE DECLARE that we have read the ToR and we accept it and meet all the conditions contained therein.

5. WE DECLARE that we are bound by this offer within the period specified in the ToR and the Contract Notice.

6. WE DECLARE that we have read the Draft Agreement Provisions, set out in Annex 3 to the Terms of Reference and we accept them without reservations and we undertake - in the event of choosing our offer - to conclude the contract on the terms specified therein, at the place and time specified by the Ordering Party.

7. WE DECLARE that we have fulfilled the information obligations provided for in Art. 13 or article 14 GDPR [[2]](#footnote-2) to natural persons from whom we have obtained personal data directly or indirectly in order to apply for a public contract in this procedure.[[3]](#footnote-3)

8. We will fulfill, in accordance with Art. 13 or article 14 GDPR2, information obligations towards natural persons from whom we will obtain personal data directly or indirectly in order to apply for a public contract at a further stage of this procedure or contract performance (provided that our offer is selected as the most advantageous in this procedure).

9. If the implementation of the order in question involves entrusting us with the processing of personal data, we will process them in accordance with applicable regulations throughout the entire duration of the order, in particular, we will meet all obligations imposed on the processor by the provisions of the GDPR. At the same time, we guarantee a high level of security of the data entrusted to us, using appropriate technical and organizational measures, in accordance with art. 32 GDPR. We also undertake to cooperate with the National Center for Research and Development in the implementation of its obligations regarding the protection of personal data, resulting from applicable law.

10. Along with the offer, WE SUBMIT the following statements and documents:

a. ……………………… ..

b. ……………………….

……………. ……., On ………….

……………………………….

First name and last name

/ signed electronically /

***Annex 4 to the ToR***

***Contractors jointly applying for the award of the contract:***

***... ................................................. ..............................***

***………………………………………………………***

***(full name / company, address, depending on the entity:***

***NIP / PESEL, KRS / CEiDG)***

***STATEMENT***

***CONTRACTORS JOINTLY APPLYING FOR A CONTRACT***

***submitted on the basis of art. 117 paragraph. 4 of the Act of September 11, 2019, the Public Procurement Law***

***CONCERNING THE IMPLEMENTATION OF THE SUBJECT OF THE CONTRACT BY INDIVIDUAL CONTRACTORS***

***For the purposes of the public procurement procedure entitled: ………………………… .. conducted by the National Center for Research and Development in Warsaw, I declare that the following construction works / services / deliveries \* will be performed by individual Contractors jointly applying for contract award:***

***Contractor (name): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ will perform: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \****

***Contractor (name): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ will perform: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \****

***…………………………. …………………………….***

***(electronic signature)***

***\* in accordance with the scope of demonstrating compliance with the conditions for participation in the procedure by individual Contractor***

***Appendix no. 5 to the ToR***

***The Contractor:***

***…………………………………………… .................***

***(full name / company, address, depending on***

***entity: NIP / PESEL, KRS / CEiDG)***

***represented by:***

***…………………………………………… .................***

***(name, surname, position / basis for representation)***

***STATEMENT***

***CONTRACTORS / CONTRACTORS JOINTLY APPLYING FOR A CONTRACT RELATING TO NO GROUNDS FOR EXCLUSION***

***submitted on the basis of art. 125 sec. 1 of the Act of September 11, 2019.***

***Public Procurement Law (hereinafter referred to as: the PPL Act)***

***For the purposes of the public procurement procedure for* Implementation of the continuation of the acceleration activity entitled "NCBR-NAP: NCBR-Nevada Acceleration Program"*, Conducted by the National Center for Research and Development (NCBR), based in Warsaw (00-801), at ul. Chmielna 69 (NIP: 701-007-37-77, REGON: 141032404), I declare as follows:***

1. I declare that I am not subject to exclusion from the procedure pursuant to Art. 5k [[4]](#footnote-4) Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilizing the situation in Ukraine (EU Official Journal No. L 229 of 31.7.2014, p. 1), as amended Council Regulation (EU) 2022/576 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilizing the situation in Ukraine (EU Official Journal No. L 111 of 8.4.2022, p. 1),
2. I declare that I am not subject to exclusion from the procedure pursuant to Art. 7 sec. 1 of the Act of April 13, 2022 on special solutions in the field of counteracting supporting aggression against Ukraine and serving the protection of national security (Journal of Laws of April 15, 2022, item 835)[[5]](#footnote-5).

**INFORMATION RELATING TO THE RELIANCE ON THE CAPACITY OR THE PROVIDER'S SITUATION:**

**I declare that in order to demonstrate the fulfillment of the conditions for participation in the procedure, as set out in Chapter VI of the TOR I rely on the abilities or situation of the following entity providing resources:**

**……………………………………………………………………… ... …………………………………………. ……… …………………………………………………………………………………………**

**(provide the full name / company, address, and depending on the entity: NIP / PESEL, KRS / CEiDG),**

**to the following extent:**

**…………………………………………………………………………………………………………………………………… …………………………………………………………………………………… (specify the appropriate scope of shared resources for the indicated entity),**

**which corresponds to… ..% of the value of the contract in question.**

**DECLARATION RELATING TO THE SUBCONTRACTOR:**

**I declare that in relation to the following entity, which is a subcontractor, for which .....% of the contract value:**

**…………………………………………………………………………………………………………………………………… …………………………………………………………………………………… (provide the full name / company, address, and depending on the entity: NIP / PESEL, KRS / CEiDG),**

**there are no grounds for exclusion from the procurement procedure provided for in Art. 5k of Regulation 833/2014 as amended by Regulation 2022/576.**

**SUPPLIER STATEMENT:**

**I declare that in relation to the following entity, which is a supplier, to which belongs ...... the value of the contract:**…………………………………………………………………………………………………………………………………… …………………………………………………………………………………… (provide the full name / company, address, and depending on the entity: NIP / PESEL, KRS / CEiDG),

there are no grounds for exclusion from the procurement procedure provided for in Art. 5k of Regulation 833/2014 as amended by Regulation 2022/576.

Attention! 10% of the contract value relates collectively to subcontractors, suppliers or entities on whose capacity is relied upon under the Public Procurement Directives.

DECLARATION CONCERNING THE INFORMATION PROVIDED:

I declare that all the information provided in the above statements is up-to-date and truthful and has been presented with full awareness of the consequences of misleading the Ordering Party in providing the information.

INFORMATION REGARDING ACCESS TO THE EVIDENCE IN THE PERSON:

I indicate the following subjective means of proof that can be obtained through free and publicly available databases, and the data enabling access to these means:

1) ................................................ .................................................. .................................................. (indicate the subjective evidence, internet address, issuing office or body, exact reference data of the documentation)

2) ................................................ .................................................. ..................................................

(indicate the subjective evidence, internet address, issuing office or body, exact reference data of the documentation)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Electronic signature)

***Appendix No. 6 to the ToR***

**Entity providing resources:**

**…………………………………………… .................**

**(full name / company, address, depending on the entity: NIP / PESEL, KRS / CEiDG)**

**represented by:**

**…………………………………………… .................**

**(name, surname, position / basis for representation)**

**STATEMENT**

**RESOURCE PROVIDER**

**REGARDING NO GROUNDS FOR EXCLUSION**

**submitted on the basis of art. 125 sec. 1 of the Act of September 11, 2019.**

**Public Procurement Law (hereinafter referred to as: the PPL Act)**

**For the purposes of the public procurement procedure for Implementation of the continuation of the acceleration activity entitled "NCBR-NAP: NCBR-Nevada Acceleration Program", Conducted by the National Center for Research and Development (NCBR), based in Warsaw (00-801), at ul. Chmielna 69 (NIP: 701-007-37-77, REGON: 141032404), I declare as follows:**

1. . I declare that I am not subject to exclusion from the procedure pursuant to Art. 5k of Council Regulation (EU) No 833/2014 of 31 July 2014 on restrictive measures in view of Russia's actions destabilizing the situation in Ukraine (EU Official Journal No. L 229 of 31.7.2014, p. 1), as amended issued by Council Regulation (EU) 2022/576 on amending Regulation (EU) No 833/2014 on restrictive measures in view of Russia's actions destabilizing the situation in Ukraine (Official Journal EU No. L 111 of 8.4.2022, p. 1))[[6]](#footnote-6),
2. I declare that I am not subject to exclusion from the procedure pursuant to Art. 7 sec. 1 of the Act of April 13, 2022 on special solutions in the field of counteracting supporting aggression against Ukraine and serving the protection of national security (Journal of Laws of April 15, 2022, item 835).[[7]](#footnote-7)

**DECLARATION CONCERNING THE INFORMATION PROVIDED:**

**I certify that all the information provided in the above statements is up-to-date**

**and truthfully and with full awareness of the consequences of misleading the Ordering Party in providing information.**

**INFORMATION REGARDING ACCESS TO THE EVIDENCE IN THE PERSON:**

**I indicate the following subjective means of proof that can be obtained through free and publicly available databases, and the data enabling access to these means:**

**1) ................................................ .................................................. ..................................................**

**(indicate the subjective evidence, internet address, issuing office or body, exact reference data of the documentation)**

**2) ................................................ .................................................. ..................................................**

**(indicate the subjective evidence, internet address, issuing office or body, exact reference data of the documentation)**

**(Electronic signature)**

***Appendix No. 7 to the ToR***

**PERSONAL DATA PROCESSOR VERIFICATION SHEET**

|  |  |  |  |
| --- | --- | --- | --- |
| **No..** | **Question** | **Answer** | **Comments** |
| 1 | Does the entity processing personal data plan to appoint / have appointed a Personal Data Protection Officer (DPO)? \* | \*  – yes, the designation iss planned  - yes, s/he has been designated  - no designation planned (justification: e.g. not required by law)  - designation planned (when: provide expected date) |  |
| 2 | If no DPO has been appointed, please indicate another contact person for matters related to the protection of personal data. | Contact person… .., position / function…., Tel. |  |
| 3 | Has the entity processing personal data introduced technical and organizational measures that will meet the requirements of the GDPR and other acts regulating the legal processing of personal data? | \*  YES/NO/OTHER |  |
| 4 | Does the entity processing personal data use further processing of personal data in the processing of personal data on behalf of the personal data controller? | \*  YES/NO |  |
| 5 | Will personal data be transferred outside the European Economic Area? | \*  YES/NO |  |

\* Underline / complete as appropriate

Statement:

On behalf of the entity that processes personal data / name of the entity /, I declare that the information provided above is true. In the event of a change in any of the above-mentioned elements, undertakes to immediately (no later than within 7 days from the occurrence of the event) notify the National Center for Research and Development about it.

………………………… .. …………………………

date Name and surname

signed electronically

Assessment by the Data Protection Officer at the National Center for Research and Development

To be completed by the NCBR DPO:

I recommend / do not recommend concluding a contract for entrusting the processing of personal data.

Justification: …………………………………………………………………………………………………

…………………………………………………………………………………………………

………………………… .. …………………………………

**date signature**

***Appendix No. 8 to the ToR***

**LIST OF PEOPLE**

**Re:** public procurement procedure under the open tender procedure for the implementation of the continuation of the acceleration activity entitled "NCBR-NAP: NCBR-Nevada Acceleration Program. Proceedings reference number assigned to the case by the Awarding Entity: 42/22/PN

Acting for and on behalf of:

|  |  |
| --- | --- |
|  | **Name and address of the Contractor** |
| Contractor: |  |

in connection with applying for the award of a public procurement under the procedure in question in order to confirm the fulfillment of the condition of participation in the procedure specified in point VI.2.4, I hereby present the persons who will be directed to perform the contract:

| **No.** | **Name and surname** | **Qualifications/education** | Qualifications/experience  (mentorship experience)[[8]](#footnote-8) | **Information on the basis of disposal** [[9]](#footnote-9) |
| --- | --- | --- | --- | --- |
|
| 1. |  |  |  |  |
| 2. |  |  |  |  |
| 3. |  |  |  |  |

NB.: Please multiply/delete as appropriate the numer of rows corresponding to the number of people listed

1. Delete as appropriate [↑](#footnote-ref-1)
2. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46 / EC (General Data Protection Regulation) (Journal of Laws UE L 119 of 04.05.2016, p. 1). [↑](#footnote-ref-2)
3. in the event that the Contractor does not provide personal data other than directly concerning him or there is an exclusion from the application of the information obligation, pursuant to Art. 13 sec. 4 or article. 14 sec. 5 GDPR, the Contractor does not submit a declaration (the content of the declaration is deleted, e.g. by deleting it). [↑](#footnote-ref-3)
4. Pursuant to Art. 5k paragraph. 1 of Regulation 833/2014 as amended by Regulation 2022/576, it is prohibited to award or continue to perform any public procurement or concession falling within the scope of the Public Procurement Directives, as well as the scope of Art. 10 sec. 1, 3, sec. 6 lit. a) -e), sec. 8, 9 and 10, art. 11, 12, 13 and 14 of Directive 2014/23 / EU, Art. 7 and 8, art. 10 lit. b) to f) and lit. h) to j) of Directive 2014/24 / EU, Art. 18, art. 21 lit. b) to e) and lit. g) -i), Art. 29 and 30 of Directive 2014/25 / EU and Art. 13 lit. a) to d), lit. f) to h) and lit. (j) Directive 2009/81 / EC for or with the participation of:

   a) Russian citizens or natural or legal persons, entities or bodies based in Russia;

   b) legal persons, entities or bodies whose ownership rights directly or indirectly belong to the entity referred to in point (a) in more than 50%; a) of this paragraph; or

   c) natural or legal persons, entities or bodies acting on behalf or at the direction of the entity referred to in point (a). (a) or (b) of this paragraph, including subcontractors, suppliers or entities reliant on capacities within the meaning of the Public Procurement Directives, where they account for more than 10% of the contract value.

   Pursuant to Art. 7 sec. 1 of the Act of April 13, 2022 on special solutions in the field of counteracting aggression against Ukraine and serving the protection of national security, the following are excluded from the procedure for awarding a public contract or a competition conducted on the basis of the PPL Act:

   1) the contractor and participant of the competition listed in the lists specified in Regulation 765/2006 and Regulation 269/2014 or entered into the list on the basis of a decision on entry in the list determining the application of the measure referred to in Art. 1 point 3 of the act;

   2) the contractor and participant of the competition, whose real beneficiary within the meaning of the Act of 1 March 2018 on counteracting money laundering and financing terrorism (Journal of Laws of 2022, items 593 and 655) is a person listed in the lists specified in the regulation 765/2006 and regulation 269/2014 or

   . [↑](#footnote-ref-4)
5. Pursuant to Art. 7 sec. 1 of the Act of April 13, 2022 on special solutions in the field of counteracting aggression against Ukraine and serving the protection of national security, the following are excluded from the procedure for awarding a public contract or a competition conducted on the basis of the PPL Act:

   1) the contractor and participant of the competition listed in the lists specified in Regulation 765/2006 and Regulation 269/2014 or entered into the list on the basis of a decision on entry in the list determining the application of the measure referred to in Art. 1 point 3 of the act;

   2) the contractor and participant of the competition, whose real beneficiary within the meaning of the Act of 1 March 2018 on counteracting money laundering and financing terrorism (Journal of Laws of 2022, items 593 and 655) is a person listed in the lists specified in the regulation 765/2006 and Regulation 269/2014 or entered into the list or being such a real beneficiary from February 24, 2022, provided that it was entered in the list on the basis of a decision on entry in the list determining the application of the measure referred to in article 1. 1 point 3 of the act;

   3) the contractor and participant of the competition, whose parent entity within the meaning of Art. 3 sec. 1 point 37 of the Accounting Act of September 29, 1994 (Journal of Laws of 2021, items 217, 2105 and 2106), is an entity listed in the lists specified in Regulation 765/2006 and Regulation 269/2014 or entered on the list or being such a parent entity from February 24, 2022, provided that it was entered on the list on the basis of a decision on entry in the list determining the application of the measure referred to in Art. 1 point 3 of the Act. [↑](#footnote-ref-5)
6. Pursuant to Art. 5k paragraph. 1 of Regulation 833/2014 as amended by Regulation 2022/576, it is prohibited to award or continue to perform any public procurement or concession falling within the scope of the Public Procurement Directives, as well as the scope of Art. 10 sec. 1, 3, sec. 6 lit. a) -e), sec. 8, 9 and 10, art. 11, 12, 13 and 14 of Directive 2014/23 / EU, Art. 7 and 8, art. 10 lit. b) to f) and lit. h) to j) of Directive 2014/24 / EU, Art. 18, art. 21 lit. b) to e) and lit. g) -i), Art. 29 and 30 of Directive 2014/25 / EU and Art. 13 lit. a) to d), lit. f) to h) and lit. (j) Directive 2009/81 / EC for or with the participation of:

   d) Russian citizens or natural or legal persons, entities or bodies based in Russia;

   e) legal persons, entities or bodies whose ownership rights directly or indirectly belong to the entity referred to in point (a) in more than 50%; a) of this paragraph; or

   f) natural or legal persons, entities or bodies acting on behalf or at the direction of the entity referred to in point (a). a) or b) of this paragraph,

   including subcontractors, suppliers or entities reliant on capacities within the meaning of the Public Procurement Directives where they account for more than 10% of the contract value [↑](#footnote-ref-6)
7. Pursuant to Art. 7 sec. 1 of the Act of April 13, 2022 on special solutions in the field of counteracting supporting aggression against Ukraine and serving the protection of national security, from the

   procedure for granting a public contract or a competition conducted on the basis of the PPL Act, the following are excluded:

   1) the contractor and participant of the competition listed in the lists specified in Regulation 765/2006 and Regulation 269/2014 or entered into the list on the basis of a decision on entry in the list determining the application of the measure referred to in Art. 1 point 3 of the act;

   2) the contractor and participant of the competition, whose real beneficiary within the meaning of the Act of 1 March 2018 on counteracting money laundering and financing terrorism (Journal of Laws of 2022, items 593 and 655) is a person listed in the lists specified in the regulation 765/2006 and Regulation 269/2014 or entered into the list or being such a real beneficiary from February 24, 2022, provided that it was entered in the list on the basis of a decision on entry in the list determining the application of the measure referred to in article 1. 1 point 3 of the act;

   3) the contractor and participant of the competition, whose parent entity within the meaning of Art. 3 sec. 1 point 37 of the Accounting Act of September 29, 1994 (Journal of Laws of 2021, items 217, 2105 and 2106), is an entity listed in the lists specified in Regulation 765/2006 and Regulation 269/2014 or entered on the list or being such a parent entity from February 24, 2022, provided that it was entered on the list on the basis of a decision on entry in the list determining the application of the measure referred to in Art. 1 point 3 of the Act. [↑](#footnote-ref-7)
8. Please describe the functions, tasks and period of time performed by the person listed. [↑](#footnote-ref-8)
9. A contractor who relies on the abilities or situation of entities providing resources under the conditions specified in Art. 118 of the Public Procurement Law, submits, together with the offer, the obligation of the entity providing the resources to provide it with the necessary resources for the implementation of a given contract or other subjective means of evidence confirming that the Contractor will have the necessary resources of these entities while executing the contract. [↑](#footnote-ref-9)