

**Invitation to Negotiate**

in the contract award procedure for

***"Supply of software for interpretation of seismic data***

***together with a licence and technical support"***

**Reference number: DZP-2310-1/2021**



Institute of Geological Sciences, Polish Academy of Sciences *[Instytut Nauk Geologicznych PAN]*

ul. Twarda 51/55

00-818 Warszawa

NIP (Tax Identification Number): 525-000-88-96

1. **INFORMATION ABOUT THE ORDERING PARTY**

Institute of Geological Sciences, Polish Academy of Sciences *[Instytut Nauk Geologicznych PAN]*

ul. Twarda 51/55, 00-818 Warszawa

phone no. 22 6978700, 22 6978724, fax no. 22 620 62 23

Working hours: 8 a.m. - 4 p.m. (Monday to Friday)

Website:[www.ingp.pan.pl,](http://www.ingp.pan.pl,)

E-mail address: ingpan@twarda.pan.pl

1. **CONTRACT AWARD PROCEDURE**
2. The procedure is conducted in the form of the direct contract award procedure under Article 305(2) of the Public Procurement Act of 11 September 2019 (consolidated text, Dz. U. of 2019, item 2019, as amended, hereinafter referred to as the "Act" or the "PPA"), in conjunction with Article 91(4)(4) of the introductory provisions to the Public Procurement Act of 11 September 2019 (Dz.U. of 2019, item 2020), of the estimated value of the subject-matter of the contract not exceeding the EU thresholds. In view of the afore-mentioned provision, the Ordering Party confirms that:

the only changes as compared with the original terms and conditions of this contract are included in the Request for Proposal;

- the original terms and conditions of the contract have not been significantly modified and are published on the Ordering Party's website available at <https://www.ing.pan.pl/ogloszenia/zamowienia-publiczne/postepowania-wedlug-ustawy-prawo-zamowien-publicznych/artykul/dostawa-oprogramowania-do-interpretacji-danych-sejsmicznych-wraz-licencja-i-wsparciem-technicznym>

1. The procedure to which this document relates is marked as: DZP-2310-1/2021
2. To matters not provided for in this Invitation, the provisions of the Act and secondary legislation shall apply.
3. **DESCRIPTION OF THE SUBJECT-MATTER OF THE CONTRACT**

In accordance with the original terms and conditions of the contract.

1. **TIME FOR COMPLETION OF THE CONTRACT**
2. Maximum time for delivery: 20 days of the conclusion of the agreement.
3. Delivery means supplying the Ordering Party with the software, documents and access data as described in § 5(2) of the model agreement.
4. Technical support period: from the signed delivery acceptance protocol to 30 September 2022.
5. **TERMS AND CONDITIONS OF PARTICIPATION IN THE TENDER PROCEDURE**

In accordance with the original terms and conditions of the contract.

1. **GROUNDS FOR EXCLUSION FROM THE PROCEDURE**

Only the Contractors that are not subject to exclusion under the circumstances set out in Article 108 of the Public Procurement Act may apply for the award of the contract.

1. **SUBCONTRACTORS**

In accordance with the original terms and conditions of the contract.

1. **SPECIFICATION OF THE REQUIRED DECLARATIONS AND DOCUMENTS CONFIRMING THE FULFILMENT OF THE TERMS AND CONDITIONS OF PARTICIPATION IN THE CONTRACT AWARD PROCEDURE AND ABSENCE OF GROUNDS FOR EXCLUSION**

In accordance with the original terms and conditions of the contract.

1. **INFORMATION ABOUT THE MANNER OF COMMUNICATION BETWEEN THE ORDERING PARTY AND CONTRACTORS AND THE PROVISION OF DECLARATIONS OR DOCUMENTS, AS WELL AS INDICATION OF THE PERSONS AUTHORISED TO COMMUNICATE WITH CONTRACTORS**

The Ordering Party accepts maintaining correspondence and conducting negotiations in English.

The agreement shall be prepared in Polish and English. In the event of any discrepancy between the 2 language versions, the Polish text shall prevail.

1. **REQUIREMENTS RELATED TO TENDER GUARANTEE**

N/A

1. **TENDER VALIDITY PERIOD**

The Contractor shall be bound by the tender for 90 days. The running of the tender validity period shall start upon the expiry of the tender submission date.

1. **DESCRIPTION OF THE MANNER OF PREPARING THE TENDER**

The Ordering Party accepts the possibility of submitting a tender and the required annexes in English on templates prepared by the Ordering Party.

1. **TIME LIMIT FOR SUBMISSION AND NEGOTIATIONS**
2. The tender shall be submitted by filling in Annexe No. 1 - Tender Form.
3. The tender submission deadline shall expire on 5 February 2021.
4. Negotiations with the Tenderer shall commence without unnecessary delay after opening the tenders.
5. **DESCRIPTION OF THE METHOD OF CALCULATING THE PRICE**

N/A

1. **DESCRIPTION OF THE CRITERIA APPLIED BY THE ORDERING PARTY FOR SELECTION OF THE TENDER, INCLUDING THE SIGNIFICANCE OF THE CRITERIA AND THE MANNER OF EVALUATION OF TENDERS**

N/A

1. **INFORMATION ABOUT FORMALITIES THAT SHOULD BE MET AFTER THE SELECTION OF A TENDER FOR THE PURPOSE OF CONCLUSION OF A PUBLIC CONTRACT**

N/A

1. **MATERIAL PROVISIONS OF THE AGREEMENT**

In accordance with Annexe No. 2 to the Invitation.

1. **PERFORMANCE BOND**

In accordance with the original terms and conditions of the contract.

1. **INFORMATION ABOUT LEGAL REMEDIES**

In accordance with the original terms and conditions of the contract.

1. **PERSONAL DATA PROTECTION**

Information about the processing of personal data for the purpose connected with the public contract award procedure and the conclusion and performance of a public contract:

Pursuant to Article 13(1) and (2) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons 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) (O J EU L 119 of 4 May 2016, page 1) (the “GDPR”), please be kindly informed that:

1. the Controller of your personal data is the Institute of Geological Science of the Polish Academy of Sciences in Warsaw, address: 00-818 Warszawa, ul. Twarda 51/55 (hereinafter referred to as the “Institute of Geological Science of the Polish Academy of Science”);
2. The Data Protection Officer at the Institute of Geological Science of the Polish Academy of Science may be contacted by e-mail to ingpan@twarda.pan.pl, with the word “GDPR” and the type of the case indicated in the subject;
3. Your personal data will be processed on the basis of Article 6(1)(c) of the GDPR for the purpose relating to the public contract award procedure: "Supply of software for interpretation of seismic data together with a licence and technical support", DZP-2310-1/2021, conducted in the form of a direct contract award procedure;
4. the recipients of your personal data will be persons or entities to whom documentation of the procedure will be made available pursuant to Article 8 and Article 96(3) of the Public Procurement Act of 29 January 2004 (consolidated text, Dz.U. of 2018, item 1986, as amended), hereinafter referred to as the "PPA";
5. Pursuant to Article 97(1) of the PPA, your personal data will be stored for the period of 4 years of the date of completion of the contract award procedure, and if the term of the agreement exceeds 4 years, your personal data will be stored throughout the term of the agreement;
6. your obligation to provide the personal data concerning you directly is a statutory requirement, specified in the provisions of the PPA, relating to participation in the public contract award procedure;
7. no automated decision-making will be carried out in respect of your personal data, in accordance with Article 22 of the GDPR;
8. you have the right to:
* access your personal data under Article 15 of the GDPR;
* rectification of your personal data under Article 16 of the GDPR\*;
* request the controller to restrict the processing of your personal data under Article 18 of the GDPR, subject to the cases referred to in Article 18(2) of the GDPR\*\*;
* file a complaint with the President of the Personal Data Protection Office, if in your opinion the processing of your personal data violates the provisions of the GDPR.
1. you do not have the right to:
* erasure of your personal data, in connection with Article 17(3)(b), (d) or (e) of the GDPR;
* data portability as referred to in Article 20 of the GDPR;
* object to the processing of your personal data under Article 21 of the GDPR, since the legal basis for the processing of your personal data is Article 6(1)(c) of the GDPR.

*\* the exercise of the right of rectification may not have the effect of changing the result of the public contract award procedure or altering the provisions of the agreement to an extent contrary to the PPA, and may not affect the integrity of the record and its annexes.*

*\*\* The right to restrict processing shall not apply in relation to storage, to ensure the exercise of judicial remedies or to protect the rights of another natural or legal person, or on important grounds of public interest of the European Union or of a Member State.*

1. **ANNEXES**
2. Annexe No. 1 – Tender Form
3. Annexe No. 2 - Material Provisions of the Agreement