



Katowice, 20.12.2019
MŚ-SW-DL-332-9/19

INVITATION FOR BID

Ordering Party: The Silesian Museum in Katowice, ul. Tadeusza Dobrowolskiego 1, 40-205 Katowice

Subject: procedure for the award of a public procurement contract, entitled "Preparation of an artistic and architectural design for the exhibition scenography under the working title: *Families in Upper Silesia and Zagłębie Dąbrowskie*"

Reference No.: MŚ-SW-DL-332-9/19

Legal basis: Art. 4d sec. 1 pt. 2 of the Act of 29 January 2004 Public Procurement Law (hereinafter "Public Procurement Laws")

Contract award procedure: open invitation to bid

The procedure is conducted in accordance with the Regulations for the award of a public procurement contract for supplies or services in the field of cultural activities at the Silesian Museum in Katowice, introduced by Order No. 10/2018 of the Director of the Silesian Museum in Katowice of 26 January, 2018.

The Director of the Silesian Museum in Katowice invites you to submit a bid in the above proceedings.

1. Contractor Awards

This invitation to submit a bid is a public promise in which the Ordering Party ensures an award for a maximum of three Contractors who have submitted the highest rated bids in the evaluation criteria of the bids referred to in sec. 13 of the Invitation. Only non-rejectable bids submitted by the Contractors not subject to exclusion from the proceedings will be assessed and compared. The award for Contractors whose offers meet the requirements referred to above (three highest rated) was set at PLN 1,000 gross each prize. The award will be paid by the Ordering Party within no more than 21 days from the date of final approval of the result of the selection of the most favourable offer by the Ordering Party.

2. Description of the object of public procurement

The subject of the public procurement is to prepare a visual and architectural design of the exhibition scenography under the working title: "*Families in Upper Silesia and Zagłębie Dąbrowskie*", hereinafter "*Exhibitions*", for the Silesian Museum in Katowice, based on the document entitled: *Families in Upper Silesia and Zagłębie Dąbrowskie. Substantive and spatial interpretation of the results of research queries conducted for the needs of the exhibition*, by Adventure S.J. (hereinafter: **Document**, Appendix No. 1 to the Description of the Subject of Public Procurement [DSPP]).



As part of the subject of procurement, the Contractor will be required to obtain all necessary approvals and design opinions resulting from the nature of the prepared documentation and those required by law and administrative regulations. The design documentation must contain a description of the subject of procurement along with the production budget, necessary to prepare the public procurement procedure for the performance of the works covered by the design.

In light of the above, the Contractor with whom the contract will be concluded will be required to develop:

- A. The artistic concept of the exhibition
- B. The architectural concept of the exhibition's scenography
- C. The artistic and architectural design of the exhibition's scenography
- D. Description of the subject of the procurement along with the production budget,

as well as carrying out author's supervision visits in the number not exceeding 10 visits until the end of the assembly of the exhibition at the Silesian Museum in Katowice, ul. T. Dobrowolskiego 1, Katowice.

The scope of the above stages of implementation were specified in the DSPP.

All designs being the subject of the contract should be submitted in paper or electronic form in accordance with the guidelines contained in the DSPP.

The Ordering Party informs that for the production of the exhibition, which will be executed on the basis of the design being the subject of this procurement, it intends to allocate a gross amount of: PLN 984,000.00

In addition, the Contractor is obliged to perform the subject of procurement in accordance with the contract template which constitutes Appendix No. 2 to the Invitation.

3. Deadline for procurement implementation

- 1) **up to 12 weeks from the contract date** - preparation of the documentation referred to in § 1 sec. 3 pts. 1-4 of the contract, i.e. developing an artistic and architectural concept for the exhibition's scenography, an artistic and architectural design of the exhibition's scenography in electronic and printed form (at least 2 copies) with all required industry arrangements, a description of the subject of procurement and the production budget, necessary to prepare the procedure for public procurement contract award for the performance of works covered by the design;
- 2) **until 21 August, 2020** (completion of the exhibition's assembly) - author's supervision referred to in § 1 1 sec. 3 pt. 5 of the contract. The Ordering Party reserves that this deadline may be prolonged on the basis of the Employer's written unilateral statement, but not later than within 31 October, 2020.

4. Information on the method of communication with the Ordering Party

- 1) Any statements, applications, notifications, and information may be submitted by the Ordering Party and the Contractors via the postal operator within the meaning of the Act of 23 November 2012. Postal law, in person, via a messenger or by means of electronic communication within the meaning of the Act of 18 July 2002 on the provision of services by electronic means, with the exception of the bid and statements and documents for which the Ordering Party has specified in this Invitation exclusively the written form.
- 2) The Contractor may request the Ordering Party to clarify the content of this Invitation in writing or by e-mail. All correspondence by post or by e-mail should be sent to the following address: Muzeum Śląskie w Katowicach, ul. T. Dobrowolskiego 1, 40-205 Katowice, e-mail: a.grabowska@muzeumslaskie.pl or d.lorek@muzeumslaskie.pl, referring to the reference number indicated in this Invitation. The Ordering Party's office hours: Monday to Friday 8:00 a.m. - 4 p.m. The persons authorized to contact the Contractors are as follows:
Aleksandra Grabowska, tel. +48 32 77 99 326, e-mail: a.grabowska@muzeumslaskie.pl or
Dominika Lorek, tel. +48 32 21 30 863, e-mail: d.lorek@muzeumslaskie.pl

5. The deadline for binding the Contractor with the submitted bid is 30 days from the deadline for submission of the bids

6. Grounds for exclusion of the Contractor from the procedure

The Ordering Party shall exclude from the procedure:

- 1) A Contractor that has not proven compliance with the condition of participation in the procedure or has not proven the absence of grounds for exclusion from the procedure;
- 2) A Contractor who is a natural person who has been validly convicted for a criminal offence:
 - a. committed in connection with a contract award procedure, criminal offence against the rights of persons engaged in gainful employment, environmental offence, bribery offence, an offence against economic turnover or other offence committed for financial gain, as well as a fiscal offence or an offence of participation in an organized group or a union aimed at committing a criminal offence or tax offence;
 - b. referred to in Article 9 or Article 10 of the Act of 15 June 2012 on the effects of entrusting work to foreigners staying in the territory of Poland contrary to legal provisions;
- 3) A Contractor whose current member of its management or supervisory body, a partner in a general or professional partnership or a general partner in a limited partnership or limited joint-stock partnership or a proxy has been validly convicted for an offence referred to in sec. 6 pt. 2 of the Invitation;
- 4) A Contractor that is in default of paying taxes, charges or social security or health insurance premiums, except for the cases when the contractor has obtained a consent for exemption, deferral, payment of overdue payments in instalments or full suspension of the decision of the competent authority, provided for by the law;
- 5) A Contractor that has influenced or attempted to influence the actions of the Ordering Party or to obtain confidential information that could give the contractor an advantage in the public procurement contract award procedure in an unlawful manner;
- 6) A Contractor who has concluded an agreement with other contractors in order to distort competition between the contractors in the procurement award procedure, which the Ordering Party is able to prove with appropriate evidence;
- 7) A Contractor prohibited from applying for public procurement under an imposed preventive measure;
- 8) Contractors belonging to the same group of companies within the meaning of the Act of 16 February, 2007 on competition and consumer protection that have submitted separate offers unless they prove that their mutual relations do not cause distortion of competition in the public procurement contract award procedure;
- 9) A contractor that, for reasons attributable to the contractor, failed to perform or improperly performed a prior public procurement contract or a concession agreement concluded with an Ordering Party referred to in Article 3 sec. 1 pt. 1-4 of the Public Procurement Law, which led to termination of the contract/withdrawal from the contract/agreement or award of damages.

The Ordering Party shall exclude from the procedure a Contractor to whom at least one of the above-mentioned premises refers. The bid of an excluded Contractor is deemed to be rejected.

7. Conditions of participation in the public procurement contract award procedure

- 1) Contractors who meet the following conditions for participation in the procedure may apply for public procurement contract award:

Technical or professional capacity - the Contractor will meet the condition if they demonstrate that:

during the last five years before the offer submission deadline - and if the business period is shorter in that period, they have duly performed **at least two services**, each consisting of designing an **exhibition scenography** with a surface area of at least 400 m², presenting exhibits of an interdisciplinary nature, intended for a wide range of social groups, which included at least jointly the following elements: scenography development (e.g. showcases, exhibition walls, texts and captions accompanying the objects), exhibition lighting, multimedia content (e.g. animations, films, radio plays, interactive stands). The designs should be implemented in the form of the performed exhibition scenography.

- 2) The Ordering Party will assess compliance with the condition of participation in the procedure in accordance with the formula meets / does not meet on the basis of the documents referred to in sec. 9 pts. 1) and 5) of the Invitation

8. Information on Contractors jointly applying for public procurement contract award and relying on the capacity of a third party

- 1) Two or more Contractors (e.g. in the form of a consortium, civil law partnerships) may apply for the public procurement contract award. In this case, the Ordering Party requests from entities acting jointly:
 - a) granting a power of attorney to one of the Contractors to represent the others in the course of the public procurement contract award procedure and to conclude a contract regarding this procurement.
 - b) attaching along with the bid correctly prepared powers of attorney referred to in pt. 1(a) (in original or notarised copy) or contract.

The above does not apply to a civil law partnership, provided that the authorisation/power of attorney to act on behalf of this company results from the company's articles of association attached to the bid or all partners shall sign the bid.

The bid must be signed in such a way that it legally obliges all Contractors jointly applying for the procurement (by each of the contractors or a proxy).

- 2) The provisions regarding the Contractor shall apply mutatis mutandis to Contractors jointly applying for the award of the public procurement contract. Meeting the condition of participation in the procedure referred to in sec. 7 pt. 1) of the Invitation, Contractors jointly applying for the public procurement contract award - demonstrate jointly, with the proviso that the condition will be met only if the two exhibitions requested were performed by the Contractors jointly applying for the award of the procurement (jointly by two identical or more members of the consortium) or one of the Contractors jointly submitting the bid (e.g. one of the consortium members). The above means that the Ordering Party shall not allow adding up the experience (two demonstrated exhibitions cannot be made by two different members of the consortium).
- 3) If the bid of the Contractors jointly applying for the award of the public procurement contract is selected, the Ordering Party shall request the submission of a contract regulating the collaboration of these Contractors before concluding the contract regarding the procurement.
- 4) The Contractor may confirm the fulfilment of the condition referred to in sec. 7 of the Invitation in relation to the procurement, rely on the technical or professional capacity of other entities, regardless of the legal nature of the legal relations between them. In such a case, the Contractor must prove to the Ordering Party that while performing the contract they will have the necessary resources of these entities at disposal, in particular by presenting the undertaking of these entities to make available to it the necessary resources for the purposes of the procurement implementation. **A template of the undertaking is attached as Appendix No. 7 to the Invitation**, which must be submitted along with the bid. The undertaking must be submitted in the original. If the Contractor relies on the capacities of another entity, the provisions regarding the inability to sum up the experience referred to in pt. 2) of this section shall apply accordingly to the entity providing its resources to the Contractor.
- 5) The Ordering Party shall assess whether the technical or professional capacities made available to the Contractor allow the Contractor to demonstrate compliance with the condition of participation in the procedure and will examine whether there are grounds for exclusion referred to in sec. 6 pts. 2) -9) of the Invitation.
- 6) With reference to the condition regarding experience, the Contractors may rely on the capacities of other entities, if these entities fulfil the scope of this contract, for the implementation of which these capacities are required.

9. A list of documents and statements to be submitted by the Contractor in order to confirm the lack of grounds for exclusion from the public procurement public award procedure and in order to confirm meeting the condition for participation in the procurement award procedure

- 1) In order to confirm the lack of grounds for exclusion from the procedure and confirmation of compliance with the condition of participation in the procedure, the Contractor shall submit along with the bid a statement valid as at the date of submitting the bids, in the scope indicated in Appendix No. 4 to the Invitation. The declaration must be submitted in the original on the form, the template of which is attached as **Appendix No. 4 to the Invitation**.
- 2) In the case of joint bidding by the Contractors, the statement referred to in sec. 9 pt. 1) of the Invitation is submitted by each of the Contractors jointly applying for the procurement.
- 3) A list of entities belonging to the same group of companies within the meaning of the Act of 16 February 2007 on competition and consumer protection - is to be submitted by a Contractor belonging to group of companies,
or
information that the Contractor does not belong to a group of companies within the meaning of the Act of 16 February 2007 on competition and consumer protection. The information template is attached as **Appendix No. 5 to the Invitation**.
- 4) The Contractor that refers to the resources of other entities, in order to demonstrate the absence of grounds for exclusion against them, includes information about these entities in the statement referred to in sec. 1. 9 pt. 1) of the Invitation.
- 5) To confirm compliance with the condition of participation in the procedure referred to in sec. 7 pt. 1) of the Invitation, the Contractor shall submit along with the bid the following:

a list of services performed in the last 5 years before the offer submission deadline, and if the business period is shorter - in this period, together with the subject, performance dates and entities for which the services were provided, and **attaching evidence specifying whether these services were duly performed**, whereby the evidence referred to are reference letters or other documents issued by the entity for which the services were performed, and if for a justified reason of an objective nature the Contractor is not able to obtain these documents - the Contractor's statement. The documents shall be submitted in the original or a certified true copy. The services list template is attached as **Appendix No. 6 to the Invitation**

In the event that the Silesian Museum in Katowice is the entity for which the service(s) indicated in the List of services was performed, the Contractor shall not be required to submit the evidence referred to above.

10. Method of price calculation

- 1) The Contractor shall specify the price for the procurement implementation in the Bid form drawn up in accordance with the template attached as **Appendix No. 3 to the Invitation**. The Contractor, when calculating the bid price, should take into account all costs to be incurred by them for the due performance of the subject of the Contract, in accordance with applicable regulations and the requirements of the Ordering Party specified in the Invitation and all appendices thereto. The price should include the value added tax and excise tax if, based on separate regulations, the sale of goods is subject to taxation with the value added tax or excise tax.
- 2) The price should be expressed in Polish zlotys (PLN), to two decimal places (with an accuracy of 1 grosz). It is also allowed to express the price in a foreign currency: euro (EUR). If the bid price is expressed in EUR, the Ordering Party, for the purpose of comparing prices, will convert it into Polish zlotys (PLN) in accordance with the average EUR exchange rate published by the National Bank of Poland on the day of opening the bids as part of this procedure. All financial settlements between the Ordering Party and the Contractor shall be made in Polish zlotys (PLN) or in euros (EUR).

- 3) In the case of submitting an offer by natural persons who do not conduct business activity, the calculated value of the bid should be treated as a gross amount. The amount of gross remuneration specified in the bid shall then be reduced by the due tax advances, social security premiums and other charges, in accordance with the relevant provisions.
- 4) Contractors having their registered offices or places of residence outside the territory of the Republic of Poland and participating in the procedure should provide the value of the subject of the procurement excluding the tax amount. In order to evaluate and compare bids, the Ordering Party shall add the amount of value added tax (VAT) due to the provided value. The amount calculated in this way will constitute the bid price of a foreign Contractor, which will be taken into account when assessing and comparing the bids. In this case, the contract will be concluded for the amount (without value added), while the due value added tax (VAT) in the appropriate amount will be paid by the Ordering Party.
- 5) If a bid has been submitted, the selection of which would lead to the establishment of a tax obligation of the Ordering Party, in accordance with the provisions on value added tax, the Ordering Party shall, in order to assess such offer, add to the price presented in it the value added tax which it would be required to settle in accordance with applicable regulations. The Contractor, by submitting an offer, informs the Ordering Party whether the selection of the offer will lead to a tax obligation for the Ordering Party, indicating the subject of the procurement, the provision of which will lead to its creation, and indicating its value tax amount excluded.

11. Description of the method of preparing the bid

- 1) The Contractor submits a completed bid form prepared using the template constituting Appendix No. 3 to the Invitation, containing the bid price, as well as the conditions for the implementation of the procurement. The bid should be made in the Polish in a form ensuring readability of its content and submitted only in writing, otherwise being null and void.
- 2) The Contractor shall submit **only one work** along with the offer, containing:
 - a) A descriptive (maximum 3 pages in A4 format) and graphic presentation of the **Initial Concept** of the exhibition (hereinafter the Concept) under the working title *Families in Upper Silesia and Zagłębie Dąbrowskie*. As part of developing the Concept, one of the modules regarding the Drewniok Family should be specified (base materials - Annex to the DSPP).

The Ordering Party's requirements for the initial concept of the exhibition:

- the concept should be an original spatial project inspired by the *Document*;
- the graphic part of the concept should include a minimum of:
 - arrangement plan of the entire exhibition presenting the main spatial relations,
 - at least one illustrative axonometric or perspective view of the entire arrangement depicting spatial relations and dimensions of the scenography;
- as part of a detailed module of the **Drewniok Family**, an idea for a spatial and functional solution of the so-called the *main island* associated with it, including the method of displaying selected objects and basic material solutions should be presented as a sketch;
- the concept is to reflect the nature of the exhibition, its cognitive, aesthetic, social, and audio-visual values;
- the concept of arranging the exhibition should be innovative and audio-visual using modern media and technologies;
- the concept should involve adapting the exhibition to visitors, including children and young people, and for people with different mobility; partially sighted and visually impaired people;
- the concept should include a description of the planned material related solutions;
- the concept should include an exhibition floor space with a total area of approx. 1,060 m², including approx. 740 m² with a height of 10.8 m and 320 m² with a height of 4.5 m at level -4 in the building of the Silesian Museum in Katowice, in which an exhibition will be presented.

The abovementioned documents shall be submitted in electronic and paper form. The Contractor submitting documents in electronic form should provide them on CD or DVD or USB in the following formats pdf, doc, .docx, .rtf, .xps, .odt., jpg, avi, mpg, wmv, or other that can be opened using free applications running on the Windows 10 PRO (64-bit) operating system.

- b) information on the estimated exhibition production costs - production budget (the Contractor indicates these in sec. 3 of the Bid form.
- 3) The Contractor shall submit the following documents along with the bid:
- a) Documents confirming the lack of grounds for exclusion from the procedure and fulfilment of the condition of participation in the procedure referred to in:
 - sec. 9 pt. 1) of the Invitation - Appendix No. 4,
 - sec. 9 pt. 3) of the Invitation - Appendix No. 5 or list of entities belonging to the same group of companies,
 - sec. 9 pt. 5) of the Invitation - Appendix No. 6 to the Invitationand if applicable:
 - sec. 9 pt. 2) of the Invitation - applies to Contractors jointly applying for the award of the public procurement contract,
 - sec. 9 pt. 4) and sec. 8 pt. 4) of the Invitation - Appendix No. 7 - is applicable if the Contractor relies on the capacities of another entity;
 - b) if applicable - the power of attorney referred to in sec. 8 pt. 1(b) - applies to Contractors jointly applying for the award of the public procurement contract;
 - c) if applicable - if the Contractor is represented by a proxy, the Contractor is obliged to submit to the Employer an appropriate **power of attorney** in the original or a notarised copy, unless the authorisation to act on behalf of and for the benefit of the Contractor results from the registration data of the entity, which the Ordering Party can obtain using free and publicly available databases.

The bid, together with the statements attached thereto, should be signed by a personal signature by the person(s) authorised to make declarations of will on behalf of the Contractor, in accordance with the principle of representation arising from the provisions of the relevant legal provisions or a contract, resolution, or properly granted power of attorney. The signature should be made in a way enabling identification of the person making it (e.g. a legible signature consisting of full name or illegible signature with a personal seal/stamp). All notes, changes, and deletions made to correct one's own mistake in documents must be initialled (signed) by the Contractor.

12. Place and date of submission and opening of bids

- 1) The bid along with the documents referred to in sec. 11 of the Invitation, bearing the name and address of the Contractor, should be submitted in a sealed envelope and entitled as follows:

<p>.....</p> <p><i>Name / address of the Contractor</i></p> <p>BID in the procedure no. MŚ-SW-DL-332-9/19</p> <p>under the name: "Preparation of an artistic and architectural design for the exhibition scenography under the working title: <i>"Families in Upper Silesia and Zagłębie Dąbrowskie"</i></p> <p><i>Do not open before 20.01.2020 r., 10:15 a.m.</i></p>
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- 2) The bid has to be submitted in person or sent (via traditional post/courier) to the Ordering Party at the address, Muzeum Śląskie w Katowicach, ul. Tadeusza Dobrowolskiego 1, 40-205 Katowice, administration building, 2nd floor, registry office (room no. A.2.10), within **20.01.2020 until 10:00 a.m.**

BIDS SUBMITTED AFTER THE DEADLINE SHALL NOT BE CONSIDERED

- 3) If the offer is submitted by post, the validity of its submission shall be determined only by the date and time of receipt by the Ordering Party.
- 4) Opening of the bids submitted by the abovementioned deadline is scheduled for **20.01.2020** at 10:15 a.m. at the Silesian Museum in Katowice, ul. T. Dobrowolskiego 1, educational room F (level -3. 1.21.) level -3, main building.
- 5) The Ordering Party shall specify the amount that it intends to spend on the procurement immediately prior to the opening of the bids.
- 6) When opening the bids, the Ordering Party shall provide the names (company names) and addresses of the Contractors, as well as information on the prices included in the bids.

13. Description of the criteria that the Ordering Party shall follow when selecting the best work, along with stating the meaning of these criteria and the method of evaluating the work.

- 1) The Ordering Party informs that bid not subject to rejection will be evaluated by the evaluation committee on the basis of the "Quality" and "Price" criteria. The Ordering Party shall own the copyrights to the submitted works.
- 2) Selection of the best bid shall be based on the following criteria corresponding to a certain number of points. The Ordering Party shall round the results of the quotation evaluation to two decimal places.
- 3) The Ordering Party shall consider the bid with the most advantageous "Price" to "Quality" balance the most favourable one. If the most advantageous bid cannot be selected because two or more bids have the same price balance or other bid assessment criteria balance, the Ordering Party shall select the bid with the lowest price from among these bids, and if bids with the same price were submitted, the Ordering Party shall request the Contractors that submitted these quotations to submit additional bids within the deadline specified by the Ordering Party. The price of additional bids cannot be higher than the price offered in the submitted bids.

Quality Q max. 70 pts.

Price P max. 30 pts 30 pts.

General assessment O = C + J max 100 pts.

QUALITY" Q"

In the criterion of "Quality", points shall be given on the basis of the materials provided by the Contractor referred to in sec. 11 pt. 2) of the Invitation, in accordance with the below sub-criteria:

- a) Aesthetic values:
it will be assessed whether the work has attractive aesthetic solutions, i.e. appearance, application of materials adequate to the subject, function, and place 0 - 5 pts.
- b) Originality:
it will be assessed whether the work is characterised by its originality. 0 - 5 pts.
- c) Method of implementation of substantive assumptions and submission of the *Document* assumptions (Appendix to the DSPP): it will be assessed whether the work is consistent with the assumptions of the abovementioned document and whether it adequately reflects its spirit 0 - 5 pts.
- d) Space organization, adequacy of the proposed construction related solutions, rational use of materials:
the attractiveness and method of using the space, ergonomics, safety and durability of the proposed solutions during the use of the exhibition will be assessed up to 0 - 5 pts.

Qualitative assessment will be carried out by a commission appointed by the Ordering Party. Assessment of each work will be carried out jointly by substantive committee members in each of the sub-criteria listed under the "Quality" criterion. The number of points awarded in each sub-criterion will then be added up and transferred to the following formula:

$$Q = (Q \text{ exam.} / 20 \text{ pts.}) \times 70 \text{ pts.}$$

where:

J - means the number of points awarded to the examined bid in the J criterion

J exam. - means the number of points obtained by the examined bid in criterion J, awarded by the commission

The Contractor must obtain at least 45.50 pts. and the "Quality" criterion, (65% of the total number of points in this criterion). In the event that the offer of the Contractor in this criterion does not obtain at least 45.50 points. - it will be rejected.

PRICE "P"

The method of making the assessment according to the formula:

$$P = (P \text{ min} / P \text{ exam.}) \times 30 \text{ pts.}$$

where:

P - means the number of points awarded to the examined bid in criterion P

P min - price of the cheapest bid from among all valid bids

P exam. = price of the examined bid

14. Other information

- 1) The Ordering Party shall not refund the Contractors' costs related to the preparation and submission of their bids.
- 2) **One Contractor may submit one quotation.**
- 3) The Ordering Party reserves the right to oblige the Contractor with whom the contract will be concluded as regards this procurement to take into account the recommendations and modifications of the Contractor's work submitted by the Contractor when working on the preparation of a detailed design.
- 4) The Ordering Party shall first examine and evaluate the quotations, and then examine whether the Contractor whose quotation has been evaluated as the most advantageous is not excluded and meets the conditions for participating in the procedure. If the bid of the Contractor evaluated as the most advantageous one is rejected or conclusion of the contract with the Contractor whose offer has been selected as the most advantageous one becomes impossible due to reasons attributable to the Contractor, the Ordering Party may examine whether a Contractor that has submitted the highest rated bid among other valid offers, is not subject to exclusion from the procedure and meets the conditions for participating in the procedure.
- 5) If the Contractor does not submit statements, documents, powers of attorney, or other documents necessary to carry out the procedure, and supplementation of which does not lead to significant changes in the content of the Contractor's bid, the statements or documents are incomplete, contain errors or raise doubts indicated by the Ordering Party, the Ordering Party shall request their submission, supplementation, correction, explanation within a deadline set by the Ordering Party unless, despite their submission, the Contractor's bid would be subject to rejection or it would be necessary to cancel the procedure. The Ordering Party reserves the right to request only the Contractor whose quotation has been assessed as the most advantageous one to supplement and clarify the documents or statements.
- 6) If it is necessary to ensure the proper conduct of the public procurement contract award procedure, the Ordering Party may at any stage of the procedure request the Contractor (each of them) to submit all or some statements or documents confirming that it is not subject to exclusion, meets the conditions for participation in the procedure, and if there are reasonable grounds to believe that the previously submitted statements or documents are no longer valid, to submit valid statements or documents.

- 7) The Ordering Party shall inform the Contractors who have submitted their bids about the selection of the most advantageous bid.
- 8) If the contract is to be signed by a proxy and the documents attached to the bid do not stipulate that the proxy has the right to sign the contract, the Contractor shall be required to submit a relevant power of attorney before signing the contract. The original power of attorney or a notarised copy shall be submitted.
- 9) The Ordering Party reserves the right to cancel the procedure in any case caused by the interest of the Ordering Party, without providing any detailed justification.
- 10) Immediately after awarding the procurement, the Ordering Party shall publish on the website of Biuletyn Informacji Publicznej [the Public Information Bulletin] information about the public procurement contract award, providing the name (company name) or the name and surname of the entity with whom a public procurement contract has been concluded or a note on not awarding this public procurement contract.

15. Personal data protection

In accordance with Article 13 sec. 1 and 2 of the Regulation of the European Parliament and of the Council (EU) 2016/679 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) (EU OJ L 119 of 04.05.2016, page 1), hereinafter the "GDPR", the Ordering Party informs you that:

- 1) it is the data controller for:
 - a Contractor being a natural person,
 - a Contractor being a natural person, running a sole proprietorship,
 - a Contractor's proxy being a natural person (e.g. personal data included in the power of attorney),
 - a member of the management body of the Contractor being a natural person (e.g. personal data available to the public, in a relevant register - National Court Register)hereinafter jointly "Ms./Mr."
- 2) the Controller of your personal data is Muzeum Śląskie w Katowicach [The Silesian Museum in Katowice], with its registered office at ul. T. Dobrowolskiego 1, 40-205 Katowice, tel.: + 48 (32) 779 93 01, e-mail: dyrekcja@muzeumslaskie.pl;
- 3) in matters relating to the processing of personal data you may contact the Data Protection Officer: iod@muzeumslaskie.pl;
- 4) Your personal data regarding the submission of bids for the purpose related to this public procurement contract award procedure is processed on the basis of Art. 6 sec. 1 (a) of the GDPR, while in the scope of the implementation of a potential contract concluded as a result of the selection of your bid, they will be processed pursuant to Art. 6 sec. 1 (b) of the GDPR for the purpose related to the implementation of this contract, as well as Art. 6 sec. 1 (c) of the GDPR;
- 5) the recipients of your personal data will be persons or entities to whom information will be made available in accordance with the provisions of this Invitation;
- 6) your personal data will be stored for 10 years from the date of completion of the procedure, and if the duration of the contract exceeds 10 years, the data will be stored for the entire duration of the contract;
- 7) providing your personal data directly connected with you is related to participation in this public procurement contract award procedure, providing the data is voluntary, however, failure to do so may result in rejection of the bid;
- 8) Pursuant to the Art. 22 of the GDPR, with regard to your personal data, decisions will not be made in an automated manner;
- 9) you have:
 - the right to access your personal data pursuant to Article 15 of the GDPR;

- based on Article. 16 GDPR, the right to have your personal data rectified, however, in the case of Contractors who have submitted bids, the exercise of the right to rectification may not result in a change in the outcome of the procedure for the award of this public procurement contract or a change in the provisions of the contract to the extent not consistent with the scope of changes provided for in the contract template constituting Annex No. 2 to the Invitation to bid and may not violate the integrity of the procedure documentation;
- the right to demand restriction of processing of personal data pursuant to Article 18 of the GDPR, save for the cases referred to in Article 18 sec. 2 of the GDPR;
- to lodge a complaint with the President of the Office of Personal Data Protection if you consider that the processing of your personal data violates the provisions of the GDPR;

10) you have no right:

- to personal data erasure in connection with Article 17 sec. 3(b), (d), or (e) of the GDPR;
- to data portability referred to in Article 20 of the GDPR.
- to object to the processing of personal data in accordance with Article 21 of the GDPR, since the legal basis for processing your personal data is Article 6(1)(c) of the GDPR.

11) When applying for the award of this public procurement, the Contractor shall fulfil formal and legal obligations related to participation in the procedure pursuant to Art. 13 or 14 of the GDPR. In order to ensure that the Contractor has fulfilled the above mentioned information obligations and obligations to protect the legitimate interests of a third party (natural persons) whose data have been provided to the Ordering Party in connection with the participation of the Contractor in this procedure, the Contractor shall submit a statement on fulfilling the information obligations provided for in Art. 13 or Art. 14 of the GDPR. The content of the declaration contains sec. 4 pt. 3 of the Bid Form (Appendix No. 3 to the Invitation).

The Invitation for bid from the Ordering Party was approved on:

20.12.2019

Marek Bączawek

Deputy Director for Administration and Investments

Appendices to the Invitation:

- 1) Appendix No. 1 “Detailed description of the subject of procurement (DDSP) including the addenda
- 2) Appendix No. 2 “Contract template”
- 3) Appendix No. 3 “Bid form”
- 4) Appendix No. 4 “Template of the statement on the lack of grounds for exclusion from the public procurement contract award procedure”.
- 5) Appendix No. 5 “Information on not belonging to a group of companies”
- 6) Appendix No. 6 “Services list template”
- 7) Appendix No. 7 “Template of the other entities’ undertaking”