



TECHNICAL DIALOGUE NOTICE

Łukasiewicz Research Network - PORT Polish Center for Technology Development, based in Wrocław, at Stabłowicka 147, 54-066 Wrocław, hereby invites interested parties to participate in a technical dialogue which involves obtaining advice and information for the purpose of preparing a public procurement procedure entitled

“Expert service in the scope of design, redevelopment, start-up and certification of a BLS-3 laboratory at ŁUKASIEWICZ-PORT”

I. The principles of conducting the Technical Dialogue

1. The Technical Dialogue will be conducted pursuant to the Rules & Regulations, which form Appendix 2 to this Notice.
2. The Notice, together with Appendices, has been drawn up in two language versions (in Polish and in English) due to the possibility of submissions from Polish and foreign entities. The Dialogue will be conducted in Polish or in English.
3. The participation in the Technical Dialogue is free-of-charge.
4. The Contracting Authority shall not cover any costs incurred by Technical Dialogue Participants.
5. The conduct of the Technical Dialogue does not obligate the Contracting Authority to publish a relevant contract notice or to award a contract.
6. The Contracting Authority reserves the right to terminate the Technical Dialogue at any stage of the procedure.
7. The Contracting Authority will communicate with the Dialogue Participants via electronic mail by writing to the email address provided for mailing purposes by the Participants.
8. For the purpose of conducting the Technical Dialogue, the Contracting Authority appoints a Committee, composed of:
Izabela Sitkiewicz – Chair
Anna Chmura – Member
Agnieszka Trzebiatowska – Member
Wiesław Markiewicz – Member
Elżbieta Borowik – Secretary

II. The subject of the Technical Dialogue

1. The objectives of the Technical Dialogue
 - 1.1. Holding consultations with potentially interested economic operators (covering technical, legal, executive, organisational, and commercial issues) with a view to developing contract



- documentation which will meet the needs/objectives of the Contracting Authority to the greatest extent possible;
- 1.2. Defining the best and the most advantageous technical, organisational and economic solutions covering the domain proper for the subject-matter of the contract;
 - 1.3. Providing details on the scope of individual stages of the service, the requirements imposed on economic operators in relation to the design, redevelopment, start-up and certification of laboratories with a containment level which is no lower than BSL-3, defining the range of necessary documents to be prepared and provided by the Contracting Authority.
2. The scope of information the Contracting Authority wishes to obtain from the Participants:
- 2.1. Information required for the preparation of the description of the subject-matter of contract, including the scope of the Contracting Authority's substantive input;
 - 2.2. Defining the level of detail as regards the documents to be provided by the Contracting Authority to conduct a gap analysis;
 - 2.3. Defining the level of detail as regards the Contracting Authority's requirements related to the laboratory (pathogens, planned activities, location of equipment, etc.)
 - 2.4. Defining limitations which result from the existing technical and laboratory infrastructure;
 - 2.5. Defining the estimated duration of individual stages, estimating the planned number of the Economic Operator's visits at the Contracting Authority's laboratory at individual stages;
 - 2.6. Information about defining the conditions for participation in the procedure, and assessment criteria for the tenders with a view to obtaining the desired outcomes of the performance of the subject-matter of contract;
 - 2.7. Information concerning the definition of proper terms and conditions of a public procurement contract;
 - 2.8. The track record of the economic operator taking part in the dialogue as regards individual stages - a summary of the number of projects for each of the five stages (type of a laboratory with an indication whether it was built as part of a greenfield project or redeveloped, completion year, references), experience in certification (which institutions/bodies, based on what standards) and waste water treatment plant validation.

III. Conditions for participating in the Technical Dialogue

1. The participation in the Technical Dialogue is open to those Economic Operators who have the following technical and professional capabilities:

Page 2 out of 6



a) they have the knowledge and experience necessary for providing the services in question, i.e. they can prove that, within the period of 5 years preceding the deadlines for sending applications for the Technical Dialogue, or within the period in which a given Economic Operator has been running its business, if shorter than 5 years, they have rendered **at least 1 service** consisting in the preparation of design documentation for containment level 3 laboratories (BSL 3).

b) they have the knowledge and experience necessary for providing the services in question, i.e. they can prove that, within the period of 5 years preceding the deadlines for sending applications for the Technical Dialogue, or within the period in which a given Economic Operator has been running its business, if shorter than 5 years, they have rendered **at least 1 service** consisting in the supervision over construction works, start-up and certification of containment level 3 laboratories (BSL 3).

2. Statements and documents to be submitted by the participants:

a) **An application** for participating in the Technical Dialogue must be **sent in Polish** within a time limit indicated in Point IV.1 (Template Application forms Appendix 3)

b) **A list of services rendered**, with information about the subject-matter, completion dates, and entities for whom the services were provided, with supporting evidence in which it is indicated whether the said services were duly performed, whereas the supporting evidence may include references or other documents issued by the entity for whom the contracts were performed, and if the economic operator can reasonably prove that it is unable to obtain such documents, the economic operator's statement, filed by the participants at the request of the Contracting Authority, in line with Point IV.3 (Template List of Services forms Appendix 4)

3. Documents listed in point II.2 should be signed by an authorised representative/s of the participant/s.

IV. The organisation of the Technical Dialogue

1. Deadline for submitting applications:

Applications for participating in the Technical Dialogue should be sent via electronic mail to **elzbieta.borowik@port.lukasiewicz.gov.pl** by **11:00 a.m. on 17.12.2020r.** at the latest. Any applications for participating in the Dialogue sent after the date will not be taken into consideration.

2. Applications with formal shortcomings may be supplemented within a time limit indicated by the Contracting Authority in a request to remove formal shortcomings.

3. Participants who send correct applications will be requested to provide the list of services with supporting evidence within the time limit



indicated by the Contracting Authority in such request. Foreign entities may file the documents in English.

4. Participants who send a properly filled out application for participating in the Dialogue and the documents listed in Point IV.3 (list of services and supporting evidence) will be invited to participate in the Technical Dialogue.
5. The participants invited to participate in the technical dialogue will be informed about the fact by email from the Contracting Authority.
6. The participants invited to participate in the Technical Dialogue undertake to accept the terms of the Non-Disclosure Agreement (template agreement forms Appendix 5 to this Notice), by signing and delivering it to the Contracting Authority (at the latest on the date of the individual meeting, but before such meeting starts).
7. The Dialogue will be conducted in the form of individual meetings with the participants, on-site verifications at the Contracting Authority's registered office: Łukasiewicz Research Network – PORT Polish Center for Technology Development; ul. Stabłowicka 147; 54-066 Wrocław or in the form of remote online meetings. Meetings with foreign entities will be held in English.
8. The expected duration of the Technical Dialogue is approx. two weeks.
9. The Contracting Authority will post a notification on terminating the Technical Dialogue on its website, and in the event of closing the Dialogue after selected Participants have been invited, also by notifying the Participants concerned.

V. Information obligation arising from Regulation (EU) 2016/679 of the European and of the Council

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) ("GDPR") the Contracting Authority (the organiser of the Technical Dialogue) hereby states that:

1. The controller of personal data disclosed to the Contracting Authority as part of these proceedings is (contact details): Łukasiewicz Research Network - PORT Polish Center for Technology Development, based in Wrocław, at ul. Stabłowicka 147, 54-066 Wrocław, KRS (National Court Register No.): 0000850580; NIP (Tax ID): 893140523; biuro@port.lukasiewicz.gov.pl
2. The controller has appointed a Data Protection Officer (DPO). Contact with the DPO: iod@port.lukasiewicz.gov.pl
3. Personal data will be processed pursuant to:
 - point (c) of Article 6(1) GDPR in conjunction with the provisions of the Public Procurement Law (PPL); the provision of personal data is a statutory requirement, and the failure to provide them excludes the possibility to take part in the Technical Dialogue; potential data relating to criminal convictions and offences, or related security measures are processed pursuant to point (c) of Article 6(1) in conjunction with Article 10 GDPR;

Page 4 out of 6



- in the alternative (optionally): pursuant to point (b) of Article 6 (1) GDPR, as data necessary to take steps at the request of the Economic Operator (Dialogue Participant) wishing to take part in the proceedings; the failure to provide such data means that the request cannot be granted.
4. The personal data will be processed for the purposes related to the conduct of a Technical Dialogue which involves obtaining advice and information for the purpose of preparing a public procurement procedure entitled: "Expert service in the scope of design, redevelopment, start-up and certification of a BLS-3 laboratory at the ŁUKASIEWICZ-PORT."
 5. The recipients of your personal data may include duly authorised partners cooperating with the Controller or its service providers, entities authorised to perform inspection and oversight of the Controller's activities, in particular the Łukasiewicz Center, the responsible Minister and Ministry, intermediary bodies, in particular the NCN (National Science Centre) or NCBiR (the National Centre for Research and Development), entities authorised by States, entities dealing with the IT service of processes related to public procurement procedures, and other entities authorised by law, including in particular the right to inspect the procedure documentation pursuant to Article 8 or 96 (3) PPL, or as part of the right of access to public information.
 6. Your personal data may be transferred to the European Union States, in particular in the event of performing public procurement contracts financed from State or EU funds.
 7. Your data will be processed for a period necessary to implement measures aimed at conducting the Technical Dialogue, and following its termination, for 4 years of the date of closing the public procurement procedure being the subject of the technical dialogue, and for the archiving period in line with the generally applicable legal regulations, whichever is longer.
 8. The personal data will not be subject to automated decision-making, as referred to in Article 22 GDPR.
 9. The economic operator (Technical Dialogue Participant) has:
 - the right of access to the personal data provided, pursuant to Article 15 GDPR;
 - the right of rectification of the personal data provided, pursuant to Article 16 GDPR (the exercise of the right to rectification may not result in the change to the results of the public procurement procedure, or changes to contractual provisions in the scope violating the regulations of the PPL, and may not infringe the integrity of the record and its annexes);
 - the right to request the restriction of processing of the personal data by the Controller, under Article 18 GDPR, subject to the circumstances referred to in Article 18 (2) GDPR (such personal data shall, with the exception of storage, only be processed with the data subject's consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State);
 - the right to lodge a complaint with the President of the Personal Data Protection Office in relation to the processing of personal data by the Controller.
 10. The Technical Dialogue Participant does not have the right to:

Page 5 out of 6



- request erasure of the personal data (the right to be forgotten) in the scope laid down in points (b), (d) or (e) of Article 17 (3) GDPR;
 - data portability, referred to on Article 20 (1) GDPR, in the scope laid down in the second sentence of Article 20 (3) GDPR;
 - pursuant to Article 21 GDPR, to object to the processing of personal data, as the legal basis for the processing of the personal data provided is point (c) of Article 6 (1) GDPR.
11. The Contracting Authority (the organiser of the technical dialogue), acting, by analogy, pursuant to Article 8a (5) of the PPL, hereby states that:
- in the event where the fulfilment of obligations referred to in Article 15 (1) through (3) GDPR would involve a disproportionate effort, the Contracting Authority may request that the data subject indicate additional information aimed at providing more details to the request, in particular the name and date of the public procurement procedure, competition, technical dialogue, etc.;
 - the request referred to in Article 18 (1) GDPR does not restrict the processing of personal data until the public procurement procedure, competition or technical dialogue is completed;
 - The Contracting Authority is obliged to store the public procurement record with annexes for four years of the date the public procurement procedure is completed, in a manner ensuring its integrity. If the term of the contract exceeds four years, the Contracting Authority stores the contract until it expires.

Appendices:

1. Description of the Subject-matter of the Contract (DSC)
2. The Rules and Regulations of the Technical Dialogue
3. Application for participating in the Technical Dialogue
4. List of services
5. Non-Disclosure Agreement (NDA) - template

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 Head of the Procurement Department

