

Warsaw,

January 24, 2022

Znak sprawy:

3/BP/2022

## REQUEST FOR PROPOSAL (RFP)

Statistics Poland in Warsaw, al. Niepodległości 208, 00-925 Warsaw kindly requests to submit tenders for:

### I. Subject matter of the contract:

Performing evaluation of products granted as part of "Trusted Smart Statistics - Web Intelligence Network - 2020-PL-SmartStat" 2022 - 2025.

The subject matter of the contract consists of three items:

**Item no. 1: Evaluation of products in terms of preparing reports involving new data sources for the purpose of official statistics.**

**Item no. 2: Technical evaluation of products in terms of software development for the acquisition, processing and analysis of data from new sources.**

**Item no. 3: Methodological evaluation of products in terms of software development for capturing, processing, and analyzing data from new sources.**

NOTES:

The Contracting Authority allows for the submission of partial tender.

The Contracting Authority does not allow one Economic Operator to submit a tender for more than one item.

### II. The Contracting Authority specifies the following requirements for the realization of the work in question:

#### 1. Work completion deadline:

For item no. 1 – from the date of conclusion of the contract, but not earlier than from 28/02/2022, to 28/02/2025.

For item no. 2 – from the date of conclusion of the contract, but not earlier than from 30/09/2023, to 31/01/2025.

For item no. 3 – from the date of conclusion of the contract, but not earlier than from 10/02/2022, to 28/02/2025.

#### 2. Manner of work performance:

The work shall be performed in English. Detailed scope and method of performance are defined in "Description of the subject matter of the contract", constituting Appendix no. 1 to the Request for Proposal.

#### 3. Conditions of Participation:

Definition of Conditions:

##### Item no. 1

Economic Operators who can demonstrate that in the last three years before reaching the deadline of tender submission, and if the period of business operation is shorter – during this whole period, they have duly performed at least one service involving the participation in an international or national research project in the area of statistics.

##### Item no. 2

Economic Operators who can demonstrate that in the last three years before reaching the deadline of tender submission, and if the period of business operation is shorter – during this whole period,



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they have duly performed at least one service involving the participation in an international or national research project in the area of statistics.

**Item no. 3**

Economic Operators who can demonstrate that in the last three years before reaching the deadline of tender submission, and if the period of business operation is shorter – during this whole period, they have duly performed at least one service involving the participation in an international or national research project in the area of statistics.

**4. Environmental Clause:**

As part of compliance with the environmental clause, the Contracting Authority requires that the work requested, i.e. product evaluations, be submitted electronically to the following e-mail address: [tsswin@stat.gov.pl](mailto:tsswin@stat.gov.pl).

**5. Type of payment and due date:**

1. The remuneration for the performance of the work requested shall be paid each time after product evaluation, by transfer to the bank account of the Economic Operator indicated in the invoice/receipt within 30 days from the date of reception of a VAT invoice/receipt correctly issued by the Economic Operator including a signed Acceptance Protocol confirming a positive result.
2. As the Contracting Authority's compliance with the payment deadline referred to in item 1. shall be deemed a submission of a transfer request to the Contracting Authority's bank within this period.
3. The Contracting Authority informs that based on the Act of 9 November 2018 on electronic invoicing in RFPs, concessions for works or services and in public-private partnership (Journal of Laws of 2018, item 2191, as amended), they will allow Economic Operators to send structured electronic invoices, correction invoices and accounting notes through the electronic invoicing platform.
4. The Electronic Invoicing Platform services are provided at the following addresses:
  - 1) <https://efaktura.gov.pl> (PEF Portal);
  - 2) <https://brokerpefexpert.efaktura.gov.pl> (Broker PEFexpert - managing the Contracting Authority)
  - 3) <https://brokerinfinite.efaktura.gov.pl> (Broker Infinite);
5. The Contracting Authority stipulates that it does not allow other documents listed in the Ordinance of the Minister of Entrepreneurship and Technology (that is, delivery/order requests, delivery notice, receipts) to be sent through the electronic invoicing platform.

The "split payment" mechanism:

- 1) The Economic Operator shall be required to submit in the Tender a declaration that the account number indicated in the invoice to be issued under their name will be an account/will not be an account for which, in accordance with Chapter 3a of the Act of 29 August 1997 - Banking Law (Journal of Laws of 2019, item 2357, as amended) a VAT account is maintained;
- 2) The Economic Operator shall also declare that the billing account number indicated in the invoice will be the same as in the register of taxpayers (white list);
- 3) If the number of the billing account indicated by the Economic Operator referred to in item. 2, will be the account for which, in accordance with Chapter 3a of the Act of 29 August 1997 - Banking Law (Journal of Laws of 2019, item 2357, as amended) a VAT account is maintained, then:
  - a) The Contracting Authority declares that they shall make payments for the invoice using the split payment mechanism. As a payment under this system shall be deemed the payment within a period specified in the Contract,
  - b) Split payment applies only to non-cash payments made by a bank transfer or direct debit for active VAT payers. The split payment mechanism shall not be used for payments for activities or events outside the scope of VAT (e.g. payment of compensation), as well as for services

exempt from VAT, taxed at a 0% rate or if it results from other legal regulations.

### III. Tender Evaluation Criterion:

#### Item no. 1

1)	Criterion 1	Gross price of the tender – "C"	<b>60%</b>
2)	Criterion 2	The Economic Operator has experience in participation in international and/or national research projects on the use of new data sources, including big data – "D"	<b>20%</b>
3)	Criterion 3	While participating in research projects on the use of new data sources, including big data in official statistics, the Economic Operator performed tasks related to monitoring the progress of work in the project and preparing progress reports - "U"	<b>10%</b>
4)	Criterion 4	The Economic Operator is the author or co-author of at least one publication on the use of new data sources, including big data, for statistics production – "A"	<b>10%</b>

#### 1) Criterion 1 – gross price of the tender "C" – 60 %.

Tenders will be evaluated using the following formula:

$$C_{min}$$

$$C = \frac{C_{min}}{C_b} \times 60$$

$$C_b$$

Where:

C - number of points for the examined tender for criterion 1

C<sub>min</sub> - the lowest gross price among the non-rejected tenders,

C<sub>b</sub> - gross price of the examined tender.

#### 2) Criterion 2 – The Economic Operator has experience in participating in international and/or national research projects on the use of new data sources, including big data, "D" – 20%

The Contracting Authority shall award, depending on the Economic Operator's declaration, the following number of points for the above criterion:

- 1) if within the last 3 years the Economic Operator has been an expert involved in at least one international and/or national research project related to big data – the Contracting Authority shall award 20 points;
- 2) if within the last 3 years the Economic Operator has not been an expert involved in at least one international and/or national research project related to big data – the Contracting Authority shall award 0 points;

#### 3) Criterion 3 – when participating in research projects on the use of new data sources, including big data, in official statistics, the Economic Operator performed tasks related to monitoring the progress of work in the project and preparing progress reports "U" – 10%



The Contracting Authority shall award, depending on the Economic Operator's declaration, the following number of points for the above criterion:

- 1) if during the last 3 years the Economic Operator participated in at least one research project concerning the use of new data sources, including big data, in official statistics, in which they performed tasks connected with monitoring the progress of work in the project and preparing progress reports --the Contracting Authority shall award 10 points;
- 2) if in the last 3 years the Economic Operator has not participated in at least one research project concerning the use of new data sources, including big data, in official statistics, in which they have not performed tasks connected with monitoring the progress of work and preparing progress reports – the Contracting Authority shall award 0 points;

**4) Criterion 4 – The Economic Operator is the author or co-author of at least one publication on the use of new data sources, including big data, for statistics production "A"– 10%.**

The Contracting Authority shall award, depending on the Economic Operator's declaration, the following number of points for the above criterion:

- 1) if within the last 3 years the Economic Operator has been an author and/or co-author of at least one publication on the use of new data sources, including big data, for statistics production – the Contracting Authority shall award 10 points;
- 2) if within the last 3 years the Economic Operator has not been an author or co-author of at least one publication on the use of new data sources, including big data, for statistics production – the Contracting Authority shall award 0 points;

**NOTE:**

If the Economic Operator does not select any of the options indicated by the Contracting Authority for Criterion 2, Criterion 3, or Criterion 4, the Contracting Authority shall award 0 points for a given criterion.

If in Criterion 2, Criterion 3 or Criterion 4 the Economic Operator chooses more than one of the options indicated by the Contracting Authority the Contracting Authority shall award the lowest number of points possible from among the Economic Operator's choices and shall correct the Economic Operator's offer in the above area, regarding it as another error.

**Item no. 2**

1)	Criterion 1	Gross price of the tender – "C"	<b>60%</b>
2)	Criterion 2	The Economic Operator has experience in participation in international and/or national research projects on the use of new data sources, including big data – "D"	<b>20%</b>
3)	Criterion 3	The Economic Operator has expertise in developing software in Python and/or R programming language to acquire, process and analyze data from new data sources, including big data - "O"	<b>10%</b>
4)	Criterion 4	The Economic Operator is the author or co-author of at least two publications on big data, including technical and programming aspects of data acquisition, processing and analysis for statistical research – "A"	<b>10%</b>



**1) Criterion 1 – gross price of the tender "C" – 60 %.**

Tenders will be evaluated using the following formula:

$$C = \frac{C_{min}}{C_b} \times 60$$

Where:

C - number of points for the examined tender for criterion 1

Cmin - the lowest gross price among the non-rejected tenders,

Cb - gross price of the examined tender.

**2) Criterion 2 – The Economic Operator has experience in participating in international and/or national research projects on the use of new data sources, including big data "D" – 20%**

The Contracting Authority shall award, depending on the Economic Operator's declaration, the following number of points for the above criterion:

- 1) if within the last 3 years the Economic Operator has been an expert involved in at least one international and/or national research project related to big data – the Contracting Authority shall award 20 points;
- 2) if within the last 3 years the Economic Operator has not been an expert involved in at least one international and/or national research project related to big data – the Contracting Authority shall award 0 points;

**3) Criterion 3 – The Economic Operator has expertise in developing software in Python and/or R programming language to acquire, process and analyze data from new data sources, including big data „O" – 10%**

The Contracting Authority shall award, depending on the Economic Operator's declaration, the following number of points for the above criterion:

- 1) if within the last 3 years the Economic Operator participated in the development of software used to acquire, process and analyze data from new data sources, including big data – the Contracting Authority shall award 10 points;
- 2) if within the last 3 years the Economic Operator has not participated in the development of software used to acquire, process and analyze data from new data sources, especially big data – the Contracting Authority shall award 0 points;

**4) Criterion 4 – The Economic Operator is the author or co-author of at least two publications on big data, including technical and programming aspects of data acquisition, processing and analysis for statistical research "A" – 10%**

The Contracting Authority shall award, depending on the Economic Operator's declaration, the following number of points for the above criterion:

- 1) if within the last 3 years the Economic Operator was an author/co-author of at least two publications on technical and programming aspects of acquisition, processing and analysis of big data for statistical research purposes – the Contracting Authority shall award 10 points;
- 2) if within the last 3 years the Economic Operator has not been an author/co-author of at least two publications on technical and programming aspects of acquisition, processing and analysis of big data for statistical research purposes – the Contracting Authority shall award 0 points;



**NOTE:**

If the Economic Operator does not select any of the options indicated by the Contracting Authority for Criterion 2, Criterion 3, or Criterion 4, the Contracting Authority shall award 0 points for a given criterion.

If in Criterion 2, Criterion 3 or Criterion 4 the Economic Operator chooses more than one of the options indicated by the Contracting Authority the Contracting Authority shall award the lowest number of points possible from among the Economic Operator's choices and shall correct the Economic Operator's offer in the above area, regarding it as another error.

**Item no. 3**

1)	Criterion 1	Gross price of the tender – "C"	<b>60%</b>
2)	Criterion 2	The Economic Operator has experience in participating in international and/or national research projects on the use of new data sources, including big data and/or web data – "D"	<b>10%</b>
3)	Criterion 3	The Economic Operator has expertise in developing software in Python and/or R programming language to acquire, process and analyze data from new data sources, especially big data – "O"	<b>20%</b>
4)	Criterion 4	The Economic Operator is the author or co-author of at least two publications covering the issues of methodology of acquisition, processing and analysis of big data for statistical research - "A"	<b>10%</b>

**1) Criterion 1 – gross price of the tender "C" – 60 %.**

Tenders will be evaluated using the following formula:

$$C = \frac{C_{min}}{C_b} \times 60$$

Where:

C - number of points for the examined tender for criterion 1

Cmin - the lowest gross price among the non-rejected tenders,

Cb - gross price of the examined tender.

**2) Criterion 2 – The Economic Operator has experience in participating in international and/or national research projects on the use of new data sources, including big data and/or internet data "D" – 10%**

The Contracting Authority shall award, depending on the Economic Operator's declaration,



the following number of points for the above criterion:

- 1) if within the last 3 years the Economic Operator has been an expert involved in the implementation of at least one international and/or national research project related to big data and/or internet data – the Contracting Authority shall award 10 points;
- 2) if within the last 3 years the Economic Operator has not been an expert involved in the execution of at least one international and/or national research project related to big data or Internet data – the Contracting Authority shall award 0 points;

**3) Criterion No. 3 - The Economic Operator has expertise in developing software in Python and/or R programming language to acquire, process and analyze data from new data sources, especially big data "O" – 20%**

The Contracting Authority shall award, depending on the Economic Operator's declaration, the following number of points for the above criterion:

- 1) If within the last 3 years the Economic Operator participated in the development of software used to acquire, process and analyze data from new data sources, in particular big data – the Contracting Authority shall award 20 points;
- 2) if within the last 3 years the Economic Operator has not participated in the development of software used to acquire, process and analyze data from new data sources, especially big data – the Contracting Authority shall award 0 points;

**4) Criterion 4 – The Economic Operator is the author or co-author of at least two publications covering the issues of methodology of acquisition, processing and analysis of big data for statistical research purposes "A" – 10%**

The Contracting Authority shall award, depending on the Economic Operator's declaration, the following number of points for the above criterion:

- 1) if within the last 3 years the Economic Operator has been an author/co-author of at least two publications concerning methodical aspects of acquisition, processing and analyzing big data for statistical research purposes – the Contracting Authority shall award 10 points;
- 2) if within the last 3 years the Economic Operator has not been an author/co-author of at least two publications concerning methodological aspects of acquisition, processing and analyzing big data for statistical research purposes – the Contracting Authority shall award 0 points;

**NOTE:**

If the Economic Operator does not select any of the options indicated by the Contracting Authority for Criterion 2, Criterion 3, or Criterion 4, the Contracting Authority shall award 0 points for a given criterion.

If in Criterion 2, Criterion 3 or Criterion 4 the Economic Operator chooses more than one of the options indicated by the Contracting Authority the Contracting Authority shall award the lowest number of points possible from among the Economic Operator's choices and shall correct the Economic Operator's offer in the above area, regarding it as another error.

As the most advantageous tender shall be considered the tender with the highest total number of points for all criteria, according to the following formula:

**Part 1 = C + D + U + A**

**Part 2 = C + D + O + A**

**Part 3 = C + D + O + A**



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Points awarded shall be rounded to two decimal places, or more accurately to select the most advantageous tender.

In the event that fewer than two tenders are submitted, the Contracting Authority reserves the right to conclude the Contract with the Economic Operator who submitted the only valid tender, or to issue a new request for proposal.

If two or more tenders present the same price/cost balance for the completion of the work requested, the Contracting Authority shall call upon the Economic Operators to submit an additional tender by the deadline specified by the Contracting Authority. The Contracting Authority may call upon the Economic Operators to submit additional tenders three times.

If the tender's total price is lower by 30% than the estimated contract value or the arithmetic mean of all submitted tenders, then the Contracting Authority shall ask the Economic Operators for explanations.

The Economic Operator shall be responsible for proving that the tender does not contain an abnormally low price. The Contracting Authority shall reject the tender of the Economic Operator who failed to submit explanations or if the evaluation of the explanations and the evidence provided confirms that the tender contains an abnormally low price in relation to the contract scope.

The Contracting Authority reserves the right not to award a contract without stating any reasons.

The procurement procedure will be cancelled if:

- 1) no unacceptable tenders were received by the deadline for tender submission;
- 2) the price of the most advantageous tender, or the tender with the lowest price will exceed the amount that the Contracting Authority intended to dedicate to financing the contract, unless the Contracting Authority is able to increase this amount to match the price of the most advantageous tender;
- 3) in the event that Economic Operators submit additional tenders ranked the same three times;
- 4) the proceedings are burdened with an irremovable defect that makes it impossible to conclude a valid contract;
- 5) implementation of a public procurement contract has become unjustified due to the provisions of the Public Finance Act, with the proviso that such proceedings may not be resumed again in a given fiscal year;
- 6) at the request of the head of the requesting unit if the contract award has become unjustified prior to the conclusion of the contract.

If such a need arises during the realization of the contract, the Contracting Authority will require the signing of an entrustment agreement of personal data processing.

#### **IV. Place and deadline of tender submission:**

1. The tender shall be submitted in accordance with the tender template form, which constitutes, respectively:
  - 1) Item no. 1 - Attachment No. 2 to the Request for Proposal;
  - 2) Item no. 2 - Attachment No. 3 to the Request for Proposal;
  - 3) Item no. 3 - Attachment No. 4 to the Request for Proposal;
2. The tender must be made in Polish or English and in writing.
3. The tender must include a completed tender form.
4. The tender has to be signed by persons authorized to act on behalf of the Economic Operator.
5. The tender price must include all fees and taxes according to the applicable tax law.
6. The price should be calculated on the basis of own calculation, taking into account the scope referred to in the description of the contract scope.
7. The total price for the scope of the contract should be given in figures and in words.
8. The Contracting Authority will not incur any additional charges in connection with the performance of the work requested.

The completed and signed tender shall be submitted in an electronic form bearing a qualified electronic signature by a person authorized to act on behalf of the Economic Operator or as an electronic copy (scan) of a document in paper form and signed by hand by a person authorized to act



on behalf of the Economic Operator, through e-mail to the following address: [B.Wieladek@stat.gov.pl](mailto:B.Wieladek@stat.gov.pl) or [O.Czerska@stat.gov.pl](mailto:O.Czerska@stat.gov.pl)

**by 31/01/2022, 10:00 am, writing the following in the subject line:  
"Request for Proposal No. 3/BP/2022"**

**Note:** The date and time of receipt of a tender by the Contracting Authority, not the date of sending, is decisive in determining whether the deadline for submission of tenders has been met.

The Contracting Authority informs that the size limit of the message on Statistics Poland's servers is 41,943,040 bytes.

#### **V. Information clause in Art. 13 and 14 RODO for the purposes of the request for proposal procedure**

Following the requirements of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals in relation to the processing of personal data and the free movement of such data and on repealing Directive 95/46/EC (General Data Protection Regulation) (RODO), the controller informs about the principles and rights related to the processing of personal data.

##### **1. Data controller**

The controller of the personal data is Statistics Poland (GUS) with the seat at al. Niepodległości 208, 00-925 Warsaw.

##### **2. Data Protection Officer**

The Data Protection Officer (DPO) can be contacted:

1. by regular mail to the following address: IOD GUS, al. Niepodległości 208, 00-925 Warszawa,
2. by e-mail to: [IODGUS@stat.gov.pl](mailto:IODGUS@stat.gov.pl).

To the DPO should only be addressed matters concerning the processing of your data by GUS, including the exercise of your rights under the RODO.

##### **3. Purposes and legal basis of processing your personal data**

The purpose of processing personal data is to conduct the tender proceedings. The legal basis for processing personal data is:

- a) for persons who are Economic Operators:
  - Article 6(1)(c) of the RODO - processing is necessary for the controller to comply with a legal obligation arising from the provisions of the Act of 11 September 2019 – Public Procurement Law (Journal of Laws of 2021, item 1129, as amended), the provisions of the Act of 14 July 1983 on the national archival resource and archives (Journal of Laws of 2020, item 164) and the regulation of the Minister of Culture and National Heritage of 20 October 2015 on classification and qualification of documentation, transfer of archival materials to state archives and discarding of non-archival documentation (Journal of Laws of 2019, item 246) and the provisions of the Act of September 6, 2001 on access to public information (Journal of Laws of 2020, item 2176);
- b) for persons who are not Economic Operators but whose personal data were provided by the Economic Operator in order to fulfill the conditions for participation in the proceedings or for the purposes of communication being part of the proceedings:
  - Article 6(1)(c) of the RODO - processing is necessary for the controller to comply with a legal obligation arising from the provisions of the Act of 11 September 2019 – Public Procurement Law (Journal of Laws of 2021, item 1129, as amended), the provisions of the Act of 14 July 1983 on the national archival resource and archives (Journal of Laws of 2020, item 164) and the regulation of the Minister of Culture and National Heritage of 20 October 2015 on classification and qualification of documentation, transfer of archival materials to state archives and discarding of non-archival documentation (Journal of Laws of 2019, item 246) and the provisions



- of the Act of September 6, 2001 on access to public information (Journal of Laws of 2020, item 2176);
- Article 6(1)(f) of the RODO - processing is necessary for legitimate interests pursued by the controller, that is, to enable the proper conduct of the proceedings.
- c) for third parties entitled to legal protection measures:
- Article 6(1)(c) of the RODO - processing is necessary for the controller to comply with a legal obligation arising from the provisions of the Act of 11 September 2019 - Public Procurement Law (Journal of Laws of 2021, item 1129, as amended), the provisions of the Act of 14 July 1983 on the national archival resource and archives (Journal of Laws of 2020, item 164) and the regulation of the Minister of Culture and National Heritage of 20 October 2015 on classification and qualification of documentation, transfer of archival materials to state archives and discarding of non-archival documentation (Journal of Laws of 2019, item 246) and the provisions of the Act of September 6, 2001 on access to public information (Journal of Laws of 2020, item 2176);

#### **4. Recipients of personal data**

The recipients of your personal data will be: controlling bodies authorized to conduct control procedures in Polish and European Union structures, as well as entities cooperating with the controller, including providers of technical and organizational services enabling documentation storage, providers of maintenance services for IT systems used for processing; other persons and entities authorized on the basis of generally applicable law regulations.

#### **5. Data retention period**

Personal data is kept for the period necessary to fulfill the purposes for which it was collected, and after its expiry - in accordance with the period specified in the Act on National Archival Resources and Archives and the Regulation of the Minister of Culture and National Heritage on classification and qualification of documentation, transfer of archival materials to national archives and the disposal of non-archival documentation.

#### **6. Rights and obligations of the data subject**

You have the right to:

- 1) access the personal data, including the right to obtain a copy of such data,
- 2) rectify (amend) data<sup>1</sup>,
- 3) restrict processing, subject to the cases referred to in Article 18(2) of the RODO<sup>2</sup>,
- 4) lodge a complaint to the President of the Office for Personal Data Protection (to the address of the Office for Personal Data Protection, ul. Stawki 2, 00 - 193 Warsaw).
- 5) the obligation to provide personal data is a statutory requirement specified in the provisions of the Public Procurement Law, related to participation in the public procurement procedure. The consequence of failing to provide personal data will be exclusion from the public procurement procedure.

#### **7. Voluntariness / Obligation to provide personal data**

The obligation to provide personal data is a requirement necessary in order to conduct the proceedings. Failure to provide the required personal data may result in rejection of the tender by the Contracting Authority.

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<sup>1</sup>Clarification: the exercise of the right of rectification may not result in a change in the outcome of the tender proceedings or in a change to the terms of the contract. .

<sup>2</sup> Clarification: the right to restrict processing does not apply in relation to storage, in order to ensure the exercise of legal protection measures 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

#### **8. Automated decision-making, including profiling**

Personal data will not be profiled or subject to automated decision-making.

#### **9. Transfer of personal data to a third country or international organization**

Personal data will not be shared with a third country or international organization.

If the tender is selected as the most advantageous and the contract is signed, Statistics Poland informs that:

1. Information made available to the Economic Operator in connection with the performance of the work specified in the contract shall be treated by the Economic Operator as legally protected data while contract is in force, and (for a period of 10 years if justified) after its termination, expiration and withdrawal from the contract, regardless of the reason, and may only be disclosed to persons and authorized representatives whose duty it is to perform the work specified in the contract, under penalty of prosecution for breach of confidentiality.
2. The Economic Operator agrees to keep confidential all information made available by the Contracting Authority in connection with the performance of the contract and not to disclose it to third parties without the written consent of the Contracting Authority.
3. The obligation of the Contractor to keep all information referred to in paragraph 1 strictly confidential shall include:
  - a) personal data – protected under 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 the free movement of such data, repealing Directive 95/46/EC, and by other provisions of commonly applicable law, hereinafter referred to as "RODO";
  - b) statistical data – protected under the Official Statistics Act of 29 June 1995 (Journal of Laws 2018, item 997);
  - c) information constituting a business secret – protected under the Act on Combating Unfair Competition of 16 April 1993 (Journal of Laws of 2018, item 419);
  - d) information that may affect the operation or security of the Contracting Authority, protected under the Contracting Authority's internal security regulations.
4. The Contractor agrees to keep confidential any information that comes into their possession during the performance of the work specified in the contract, especially:
  - a) not to disclose or permit the disclosure of any information in any form, in whole or in part, to any third party without the prior written consent of the Contracting Authority under penalty of invalidity;
  - b) ensure that the personnel and other associates of the Contractor to whom the information will be made available do not disclose and do not permit disclosure of the information in any form, in whole or in part, to a third party without the prior written consent of the Contracting Authority under penalty of invalidity;
  - c) ensure that information is properly protected against loss, theft, destruction, or access by unauthorized third parties;
  - d) not to use the information for purposes other than the performance of activities under the contract without the prior written consent of the Contracting Authority under penalty of invalidity.
5. The Contractor agrees to take responsibility for all claims of third parties against the Contracting Authority resulting from the use by the Contractor or persons whom the Contractor employs, of information obtained during the performance of activities under the contract in a manner that violates its terms.
6. The Contractor agrees to notify the Contracting Authority immediately of any disclosure of information referred to in paragraph 3 that is contrary to the terms of the contract.
7. The obligation to maintain the confidentiality of the information referred to in paragraph 3 does not apply if the information:
  - a) becomes publicly available, but other than as a result of a breach of contract;
  - b) must be made available due to an obligation arising from generally applicable law, a court decision or an authorized governmental authority, in which case the Contractor shall be obligated to ensure that the information referred to in paragraph 1 is made available only to the extent necessary to satisfy the above obligation.
8. The Contractor shall immediately notify the Contracting Authority of any obligation to provide



access to the information referred to in paragraph 3, and shall take all actions necessary to ensure that the information referred to in paragraph 3 is provided in a manner that protects it from disclosure to unauthorized persons.

9. The parties agree that for the purposes of the performance of the activities under the contract, they will transfer personal data of their employees and associates. Thus, each of the parties in fulfilling the contract is a data controller and processor.
10. The Controllers shall entrust the Processors, pursuant to Article 28 of the RODO, with personal data for processing, on the terms and for the purpose specified in the contract.
11. The Processors agree to process the personal data entrusted to them in written or electronic form in accordance with the contract, the RODO and other generally applicable laws that protect the rights of data subjects.
12. Processors declare that they apply security measures that meet the requirements of the RODO.
13. The Contractor – processing entity shall process the following personal data entrusted by the Contracting Authority - data controller exclusively for the purpose of the agreement: name and surname, address, PESEL, telephone number and e-mail address.
14. The Contracting Authority - processor will process the following personal data entrusted by the Contractor – data controller exclusively for the purpose of implementing the agreement: name and surname, address, PESEL, telephone number and e-mail address of the Contractor.

**VI. The following are authorized to be contacted regarding the RFP:**

Bartosz Wielądek  
e-mail: [B.Wielądek@stat.gov.pl](mailto:B.Wielądek@stat.gov.pl)

Olga Czerska  
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Drafted by:

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