



**CONTRACT NOTICE  
IN THE AREA OF SCIENCE**  
for  
*the access service to the wave tank*

**Name and address of the Contracting Authority**

The Institute of Oceanology of the Polish Academy of Sciences  
(Instytut Oceanologii Polskiej Akademii Nauk)

ul. Powstanców Warszawy 55

81-712 Sopot, Poland

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Authorized contact person:

**p. Agnieszka Herman** (agaherman@iopan.pl)

**I. The legal basis**

The Contract is awarded under art. 11(5)(1) of the Act of 11 September 2019 on Public Procurement Law (the consolidated text in the Journal of Laws from 2024, Item 1320, as amended).

**II. Description of the subject of the contract**

1. The subject of the procedure is **the access service to the wave tank, necessary for realization of the project “Sea ice, waves, and turbulence – from laboratory scale to improved large-scale modelling”** („Łód morski, falowanie i turbulencja – od skali laboratoryjnej do lepszych modeli wielkoskalowych” ICEWAVE, project number 2022/47/B/ST10/01129, OPUS-24) for the Contracting Authority – the Institute of Oceanology of the Polish Academy of Sciences, ul. Powstanców Warszawy 55, 81-712 Sopot, Poland.
2. CPV code: 73100000-3 (Research and experimental development services).
3. The wave tank has to fulfill the following criteria:
  - a) usage of natural ocean water with salinity exceeding 30 PSU;
  - b) wave tank integrated with an aerodynamic tunnel, enabling simultaneous measurements in the ocean and in the atmosphere;
  - c) capability of producing extreme conditions, including wind speeds up to 40 m/s, air temperature down to - 20°C, and wave heights exceeding 1 m;
  - d) capability of observations of freezing processes in highly turbulent conditions;
  - e) usage of modern control systems enabling a straightforward synchronization of all measurement devices and a precise control of the conditions in the wave tank and their time variability.
4. The access to the wave tank will be used to perform a pioneering observational study including, among others:
  - a) wave measurements with pressure-based, acoustic and stereo-imaging methods (wave energy spectra, wave steepness and wave breaking processes);
  - b) turbulence measurements and
  - c) measurements of interactions between the ocean and atmosphere (including heat exchange and aerosol production) under extreme conditions corresponding to those that can be found in Antarctic coastal polynyas. These conditions include very strong wind, high waves, intense wave breaking processes, large temperature differences between the air and water, and intense freezing processes.
5. The Contractor will provide the staff necessary to operate the wave tank within the price for execution of the Contract.
6. The Contractor will provide an access to the wave tank for a maximum of 8 days in the period January 20<sup>th</sup>, 2025. – January 31<sup>st</sup>, 2025.
7. The payment for the performance of the contract shall be made in accordance with the Contractor’s offer, in one of the following currencies: PLN, EUR or USD.
8. The Contractor is obliged to indicate in his offer the bid price as well as the unit price for one day of service provision.

9. The Contractor can offer only one price for the performance of the contract. Price variants are not allowed.
10. If an offer has been submitted by a Contractor having his registered office and location of the business activity outside of the Republic of Poland, the costs of VAT and customs shall be accounted for and covered by the Contracting Authority, if the Contracting Authority has this obligation according to applicable rules of law (laws on value added tax). In such a case, the Contractor shall indicate in his bid only the net value. In order to evaluate such a bid offer, the Contracting Authority will increase the bid price by adding the tax on goods and services (VAT).
11. An offer shall be prepared in Polish and/or English. The Contracting Authority allows the communication and submitting an offer in Polish and/or English.

### **III. Place and date of execution of the contract**

1. Date of execution of the contract: **January 20<sup>th</sup>, 2025. – January 31<sup>st</sup>, 2025.**
2. Place of execution of the contract: in the place indicated by the Contractor.

### **IV. Terms of payment, essential terms and conditions of the contract**

1. The contract is funded from the project “Sea ice, waves, and turbulence – from laboratory scale to improved large-scale modelling” („Lód morski, falowanie i turbulencja – od skali laboratoryjnej do lepszych modeli wielkoskalowych” ICEWAVE, project number 2022/47/B/ST10/01129, OPUS-24), funded by the Polish National Science Centre.
2. The payment for the execution of the contract will take place on the basis of an invoice delivered to the Institute of Oceanology of the Polish Academy of Sciences, following the signing of the acceptance protocol by the Contracting Authority without reservations.
3. The Contracting Authority will pay the Contractor remuneration only for the actual number of days on which an access to the wave tank has been provided. The Parties will indicate the number of days of an access to the wave tank in the acceptance protocol referred to in paragraph 2 above. The Contractor's final remuneration will be determined by multiplying the number of days on which the service was provided by the unit price for one day of service.
4. Payment will be transferred from the account of the Contracting Authority to the Contractor's account specified on the invoice within 30 days counted from the date of acceptance of the subject of the contract without reservations and after the Contracting Authority receives the invoice properly issued by the Contractor.
5. The costs of VAT and customs shall be accounted for and covered by the Contracting Authority, if the Contracting Authority has this obligation according to applicable rules of law (laws on value added tax). If the Contracting Authority is obliged to fulfil this tax obligation under applicable rules of law on value added tax, the Contractor shall be entitled only to the net value of the goods for which the Contracting Authority has a tax obligation.
6. The payment for the performance of the contract shall be made in accordance with the Contractor's offer, in one of the following currencies: PLN, EUR or USD.

### **V. The Contractor with whom the Contracting Authority intends to conclude a contract**

#### **The University of California, San Diego (Scripps Institution of Oceanography)**

##### Justification

At present, the wave tank SOARS (Scripps Ocean-Atmosphere Research Simulator), belonging to the Contractor the University of California, San Diego (Scripps Institution of Oceanography) is the only wave tank in the world that fulfills all conditions required for the project realization, listed in Chapter II paragraph 3 of this Contract Notice.

Accordingly, due to technical reasons of objective nature, the access service to the wave tank can be provided only by one Contractor, that is by the University of California, San Diego (Scripps Institution of Oceanography).

## VI. Personal Data Processing Provisions

1. The Contracting Authority - the Institute of Oceanology of the Polish Academy of Sciences - announces that within the scope in which it collects personal data, due to conducting these public procurement proceedings, awarded under art. 2(1)(1) of the Act of 11 September 2019 on Public Procurement Law, including due to the execution of the public procurement contract, it is a personal data controller for the purpose of the provisions of the 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, hereinafter referred to as the "Regulation").
2. Contact details of the personal data controller: registered office at Powstancow Warszawy 55 str., 81-712 Sopot, Poland, (+48 58) 73 11 600; fax: (+48 58) 551 21 30; e-mail: office@iopan.pl.
3. For matters relating to data processing, please contact the Data Protection Officer, e-mail: iodo@iopan.pl.
4. The Contracting Authority shall collect and process personal data within the framework of these public procurement proceedings for the following purposes:
  - 1) in order to conduct the public procurement proceedings - Article 6(1)(c) of the Regulation,
  - 2) for the purpose of performing a public procurement contract - pursuant to Article 6(1)(b) of the Regulation,
  - 3) for the purpose of fulfilling legal obligations incumbent on the controller - pursuant to Article 6(1)(c) of the Regulation,
  - 4) for the purpose of pursuing or defending against claims - pursuant to Article 6(1)(f) of the Regulation (legitimate interests pursued by the controller).
5. Recipients of personal data shall only be the persons and entities entitled, to whom the documentation of proceedings will be made available, including tax administration authorities, public administration authorities, financing entities, controlling authorities or entities, third parties.
6. Personal data will be processed on behalf of the data controller by authorized employees with written authorization to process the personal data.
7. Personal data shall be stored by the data controller for the period of 4 years from the date of completing the proceedings, unless the fulfilment of the objectives referred to in point 4 requires a longer period of storing.
8. The obligation to provide personal data is necessary for the conducting the proceedings and concluding or executing the contract. The failure to give personal data may prevent the conducting the procedure and concluding or executing the contract in these proceedings.
9. The person whose data are processed shall have the following rights:
  - 1) to gain access to one's personal data, pursuant to Article 15 of the Regulation,
  - 2) to rectify and to complete personal data, pursuant to Article 16 of the Regulation,
  - 3) to demand that the processing of personal data be restricted, pursuant to Article 18 of the Regulation, subject to the cases referred to in Article 18(2) of the Regulation,
  - 4) to object to processing personal data - pursuant to Article 21 of the Regulation,
  - 5) to lodge a complaint to the President of the Office for the Protection of Personal Data if the person finds the processing of one's personal data by the controller to violate the Regulation.
10. If the Contracting Authority's fulfilment of the obligation to provide data, pursuant to Article 15 (1) to (3) of the Regulation, involves a disproportionate effort, the Contracting Authority may demand the person whose data are processed to provide an additional information to specify the request, in particular the name or date of the ongoing or completed public procurement proceedings.
11. The performance by the person whose data are processed the right to rectify or complete their personal data pursuant to Article 16 of the Regulation shall not result in a change of the outcome of the public procurement procedure, or the provisions of the contract within the scope in which it is inconsistent with the provisions of law, and shall not violate the integrity of proceedings documentation, in particular the offer.
12. The fact that person whose data are processed performs the right to restrict the processing of personal data, pursuant to Article 18 of the Regulation, does not limit the processing of personal data until the end of the public procurement proceedings.
13. From the date of the end of the procurement proceedings, if submitting a request for restriction of personal data processing, pursuant to Article 18(1) of the Regulation, causes limitation of processing of personal data contained in the proceedings documentation, the controller shall not make such data available, unless there are exemptions as referred in Article 18(2) of the Regulation.
14. The person whose data are processed shall have not the following rights:
  - 1) to obtain from the controller the erasure of personal data - pursuant to Article 17 of the Regulation,

- 2) to transfer personal data - pursuant to Article 20 of the Regulation.
15. With respect to personal data processed in these proceedings, including personal data processed for the purpose of executing the public procurement proceedings, decisions shall not be taken in automated manner, pursuant to Article 22 of the Regulation.
16. The Contracting Authority shall process personal data collected during the public procurement proceedings in a manner that guarantees protection against unauthorized dissemination.
17. Personal data collected and processed during the public procurement proceedings shall be disclosed, except for special categories of personal data, referred to in Article 9 of the Regulation. The limitations of the access to information referred to in Article 18, paragraphs 3-6 of the Public Procurement Law shall apply to such data accordingly.