



Warsaw, 27 January 2025 r.

ADZ.261.42.2024

**Economic Operators –
Participants in the Procedure**

This concerns the procedure for the award of a public contract, with a value exceeding the EU thresholds, conducted in the open procedure. The subject of the contract is: "Supplies of Microscopes: Sale, Delivery, Installation, and Commissioning of Three Brand-New Fluorescence Microscopes and a Laser Module for the Spinning-Disk Microscope KPO15" (Reference number: ADZ.261.42.2024).

NOTICE OF CANCELLATION OF THE PROCEDURE FOR TASK NO. 4

The International Institute of Molecular and Cell Biology in Warsaw, acting as the Contracting Authority, hereby informs, pursuant to Articles 259 and 260 of the Public Procurement Law of 11 September 2019 (Journal of Laws of 2024, item 1320), hereinafter referred to as the "Act," of the results of the procedure concerning Task No. 4.

Offers Submitted by Contractors for Task No. 4 and Their Evaluation

In the public procurement procedure conducted as an open tender, one offer was submitted. The Contracting Authority evaluated the offer in terms of grounds for rejection in accordance with the requirements specified in the Terms of Reference ("ToR"). Details of the submitted offer and the result of its evaluation are provided below:

Tender Number	Name and Address of the Economic Operator	Net Price (EURO)
1.	Oxford Instruments Andor, 7 Millennium Way, Springvale Business Park, Belfast, United Kingdom, BT12 7AL	609 185,00

Rejection of the Tender

In accordance with the provisions of the ToR, the Contracting Authority, following the evaluation of the tenders submitted in the present procedure, rejected the offer of the Contractor Oxford Instruments Andor, 7 Millennium Way, Springvale Business Park, Belfast, United Kingdom, BT12 7AL.

Factual and Legal Grounds for the Rejection of the Offer:

FACTUAL JUSTIFICATION FOR THE REJECTION OF THE TENDER:

The Contractor's Offer, Constituting the Completed Attachment No. 3d to the ToR, **Was Not Signed with a Qualified Electronic Signature**. The Contractor submitted a document signed with the following electronic signatures:



1. Signature Number One by the Provider "DocuSign, Inc."
(Signature: S-BB42999AC3FDC6E8AFFDEEAAAF8EE1D21FF343DB83EB6CA9B4B5A92D52D81BAD),
Indicating the signatory as Ms. Lynsey McArdle:

Verification Result:

In accordance with the verification conducted by the Contracting Authority using three independent verification tools, this signature is not a qualified electronic signature as defined in Article 78(1) § 1 of the Polish Civil Code, which states: "For the electronic form of a legal act to be preserved, it is sufficient to make a declaration of will in electronic form and to affix it with a qualified electronic signature."

Verification Tools Used:

- 1.1. Tool Number 1 – Sigillum Sign, provided by Polska Wytwórnia Papierów Wartościowych (Polish Security Printing Works):

Informacje o dokumencie Nazwa dokumentu: 6. Załącznik nr 3d do SWZ.pdf Skrót z dokumentu: SHA256: ea02fb5025c6827bdf8eaf5080c061951c94fbde970c054f710847cad4a97b72 Status dokumentu: POPRAWNIE ZWERYFIKOWANY Poprawne podpisy: 4 z 4 2025-01-21 11:22:34 Czas walidacji (UTC): Podsumowanie walidacji: DocuSign, Inc. Autenti sp. z o.o. Autenti sp. z o.o. Autenti sp. z o.o.	Status: POPRAWNY Typ: OCSP Data utworzenia: 2025-01-20T01:02:00 Data kolejnej aktualizacji: 2025-01-27T00:59:59 Certyfikat podpisujący: Entrust Validation Authority Zweryfikowane certyfikaty: Entrust Class 3 Client CA - SHA256 Certyfikat podpisujący: Rodzaj certyfikatu: Certyfikat niekwalifikowany Właściciel: Nazwa powszechna: DocuSign, Inc. Kraj: US Firma: DocuSign, Inc. Jednostka organizacyjna: Technical Operations Algorytm klucza: RSA Ważny od (UTC): 2023-10-26 17:16:36 Ważny do (UTC): 2025-10-26 17:16:34 Numer seryjny: 2686dc3f46f471fa83ad6649605fcb6d Łańcuch certyfikatów: DocuSign, Inc. Entrust Class 3 Client CA - SHA256 Entrust.net Certification Authority (2048) Czas podpisu (UTC): 2025-01-20 11:05:21 Wyznaczony, najlepszy czas podpisu w oparciu o dostępne dane (UTC): 2025-01-20 15:58:32 Kolejność podpisu: 1 z 4 Zakres podpisu: Zakres danych w bajtach [0, 460149, 525685, 5346]
Podpis: S-BB42999AC3FDC6E8AFFDEEAAAF8EE1D21FF343DB83EB6CA9B4B5A92D52D81BAD Kwalifikacja podpisu: Brak kwalifikacji Status: POPRAWNIE ZWERYFIKOWANY Ostrzeżenie: Zaden z certyfikatów w ścieżce nie znajduje się na zaufanej liście TSLI W podpisany pliku znaleziono niepodpisane adnotacje! Format podpisu: PKCS7-LTA Typ: Otczony Powód: Digitally verifiable PDF exported from www.docuSign.com Funkcja skrótu: SHA256 Osadzone w podpisie dane o statusie certyfikatu: Status: POPRAWNY Typ: CRL Data utworzenia: 2025-01-19T23:01:18 Data kolejnej aktualizacji: 2025-01-26T23:01:17 Certyfikat podpisujący: Entrust Class 3 Client CA - SHA256 Zweryfikowane certyfikaty: DocuSign, Inc. Status: POPRAWNY Typ: CRL Data utworzenia: 2024-04-05T15:55:58 Data kolejnej aktualizacji: 2025-04-05T15:55:57 Certyfikat podpisujący: Entrust.net Certification Authority (2048) Zweryfikowane certyfikaty: Entrust Class 3 Client CA - SHA256 Status: POPRAWNY Typ: OCSP Data utworzenia: 2025-01-20T08:55:23 Data kolejnej aktualizacji: 2025-01-20T16:56:23 Certyfikat podpisujący: COPE SZAFIR OCSP Responder OZK62 Zweryfikowane certyfikaty: Autenti sp. z o.o. Status: POPRAWNY Typ: OCSP Data utworzenia: 2025-01-20T09:09:31 Data kolejnej aktualizacji: 2025-01-20T17:10:31 Certyfikat podpisujący: COPE SZAFIR OCSP Responder OZK62 Zweryfikowane certyfikaty: Autenti sp. z o.o. Status: POPRAWNY Typ: OCSP Data utworzenia: 2025-01-20T06:09:00 Data kolejnej aktualizacji: 2025-01-27T05:59:59 Certyfikat podpisujący: Entrust Validation Authority Zweryfikowane certyfikaty: DocuSign, Inc.	



Informacje o dokumencie

Nazwa dokumentu:	Załączniki 3.pdf
Skrót z dokumentu:	SHA256: fd429428f1cf5ff93f44d6f74f67ede565802a0f19e71984c53441f59e8fb0c5
Status dokumentu:	POPRAWNIE ZWERYFIKOWANY Poprawne podpisy: 1 z 1
Czas walidacji (UTC):	2024-09-20 10:07:58
Podsumowanie walidacji:	DocuSign, Inc.

Podpis: S-6CACEA076491F627862486B931AA733BB1C19E823AA49E01962404D168D9BDA3

Kwalifikacja podpisu:	Brak kwalifikacji
Status:	POPRAWNIE ZWERYFIKOWANY Ostrzeżenia: Żaden z certyfikatów w ścieżce nie znajduje się na zaufanej liście TSL!
Format podpisu:	PKCS7-B
Typ:	Otoczony
Powód:	Digitally verifiable PDF exported from www.docusign.com
Funkcja skrótu:	SHA256
Osadzone w podpisie dane o statusie certyfikatu:	
Status:	POPRAWNY
Typ:	CRL
Data utworzenia:	2024-09-06T20:44:38
Data kolejnej aktualizacji:	2024-09-13T20:44:37
Certyfikat podpisujący:	Entrust Class 3 Client CA - SHA256
Zweryfikowane certyfikaty:	DocuSign, Inc.
Status:	POPRAWNY
Typ:	CRL
Data utworzenia:	2024-04-05T15:55:58
Data kolejnej aktualizacji:	2025-04-05T15:55:57
Certyfikat podpisujący:	Entrust.net Certification Authority (2048)
Zweryfikowane certyfikaty:	Entrust Class 3 Client CA - SHA256
Certyfikat podpisujący:	
Rodzaj certyfikatu:	Certyfikat niekwalifikowany
Właściciel:	Nazwa powszechna: DocuSign, Inc. Kraj: US Firma: DocuSign, Inc. Jednostka organizacyjna: Technical Operations
Algorytm klucza:	RSA
Ważny od (UTC):	2023-10-26 17:16:36
Ważny do (UTC):	2025-10-26 17:16:34
Numer seryjny:	2686dc3f46f471fa83ad6649605fcb6d
Łańcuch certyfikatów:	DocuSign, Inc. Entrust Class 3 Client CA - SHA256 Entrust.net Certification Authority (2048)
Czas podpisu (UTC):	2024-09-11 14:48:16
Wyznaczony, najlepszy czas podpisu w oparciu o dostępne dane (UTC):	2024-09-20 10:07:58
Kolejność podpisu:	1 z 1
Zakres podpisu:	Zakres danych w bajtach [0, 474211, 539747, 18391]

1.2. Tool Number 2 – The Verification Tool Provided by the European Commission, Available at:
<https://ec.europa.eu/digital-building-blocks/DSS/webapp-demo/validation>

Validation Policy: QES AdESQC TL based

Validate electronic signatures and indicates whether they are Advanced electronic Signatures (AdES), AdES supported by a Qualified Certificate (AdES/QC) or a Qualified electronic Signature (QES). All certificates and their related chains supporting the signatures are validated against the EU Member State Trusted Lists and third country Trusted Lists with voluntary-based AdES recognition (this includes signer's certificate and certificates used to validate certificate validity status services - CRLs, OCSP, and time-stamps).

Signature: SIGNATURE_DocuSign-Inc_20250120-1105

Qualification level: N/A
Qualification Details: Unable to build a certificate chain up to a trusted list!
The signature/seal is an INDETERMINATE AdES digital signature!
INDETERMINATE - NO_CERTIFICATE_CHAIN_FOUND
The certificate chain for signature is not trusted, it does not contain a trust anchor.
Indication: FALSE - LIA
AdES Validation Details: DocuSign, Inc.
Signature Format: Entrust Class 3 Client CA - SHA256
Certificate chain: Entrust.net Certification Authority (2048)
On claimed time: 2025-01-20 11:05:21 (UTC)
Best signature time: 2025-01-24 10:48:53 (UTC)
Signature position: 1 out of 4
Signature scope: Partial PDF (PARTIAL)
The document ByteRange : [0, 460149, 525685, 5346]

Timestamps:

Timestamp: TIMESTAMP_Certum-QTST-2017_20250120-1558_2

Qualification level: Qualified timestamp
Indication: PASSED
Certificate chain: Certum QTST 2017 • PL • Asseco Data Systems S.A.
Narodowe Centrum Certyfikacji • PL • National Bank of Poland
Production time: 2025-01-20 15:58:32 (UTC)
Timestamp scope: Partial PDF (PARTIAL)
The document ByteRange : [0, 790875, 809821, 757]

Timestamp: TIMESTAMP_Certum-QTST-2017_20250120-1558_3

Qualification level: Qualified timestamp
Indication: PASSED
Certificate chain: Certum QTST 2017 • PL • Asseco Data Systems S.A.
Narodowe Centrum Certyfikacji • PL • National Bank of Poland
Production time: 2025-01-20 15:58:33 (UTC)
Timestamp scope: Partial PDF (PARTIAL)
The document ByteRange : [0, 820843, 839789, 766]

Timestamp: TIMESTAMP_Certum-QTST-2017_20250120-1558_5

Qualification level: Qualified timestamp
Indication: PASSED
Certificate chain: Certum QTST 2017 • PL • Asseco Data Systems S.A.
Narodowe Centrum Certyfikacji • PL • National Bank of Poland
Production time: 2025-01-20 15:58:45 (UTC)
Timestamp scope: Full PDF (FULL)
The document ByteRange : [0, 932826, 953308, 14353]

1.3. Tool Number 3 – Qualified Validation Service for Electronically Signed Documents – WebNotarius by Asseco:

Nr raportu: 231040110932675601338296852093295920589

Raport kwalifikowanej walidacji

Wynik walidacji: Nieokreślony

Podpisy i pieczęcie na dokumencie

DocuSign, Inc.

Wyniki walidacji: Nieokreślony

Podpis elektroniczny

Digitally verifiable PDF exported from www.docusign.com [MSG_REASON]

Niekwalifikowana ścieżka certyfikacji. [CHAIN_CONSTRAINTS_FAILURE]

Wykryto zmianę uprawnień dotyczących możliwości edytowania dokumentu [MSG_DOCUMENT_LOCK]



2. Signatures Number 2-4 ("Podpis 2-4"), Constituting an "Advanced Electronic Seal Based on a Qualified Certificate"

The signatures were also verified using three independent verification tools. The verification confirmed that **they do not qualify as a qualified electronic signature under Article 78(1) § 1 of the Polish Civil Code, which states:**

"For the electronic form of a legal act to be preserved, it is sufficient to make a declaration of will in electronic form and to affix it with a qualified electronic signature."

Verification Tools Used:

- 2.1. Tool Number 1 – Sigillum Sign 1.10.861, provided by Polska Wytwórnia Papierów Wartościowych (Polish Security Printing Works):

Podpis 2

Podpis: S-C832D3E2F3584F6FA16B53E5E140905CF4C5F1803D42AF61DDAF69551F1E9606

Kwalifikacja podpisu:
Status:

Zaawansowana pieczęć elektroniczna oparta na kwalifikowanym certyfikacie
POPRAWNIE ZWERYFIKOWANY
Ostrzeżenia:
W momencie wystawienia klucz prywatny nie znajduje się w QSCD!
Certyfikat nie został utworzony przez urządzenie QSCD
W podpisanym pliku znaleziono niepodpisane adnotacje!

Podpis 3

Podpis: S-FF06F31567F59447603CB62628AECFAF2C7DD7E585F8DA156A9D32C902643363

Kwalifikacja podpisu:
Status:

Zaawansowana pieczęć elektroniczna oparta na kwalifikowanym certyfikacie
POPRAWNIE ZWERYFIKOWANY
Ostrzeżenia:
W momencie wystawienia klucz prywatny nie znajduje się w QSCD!
Certyfikat nie został utworzony przez urządzenie QSCD
W podpisanym pliku znaleziono niepodpisane adnotacje!

Podpis 4

Podpis: S-8CEE86CCDC061D5AF31F5D47A204F60D5A1D1C6BB6C112345C42B1DC23AED3CB

Kwalifikacja podpisu:
Status:

Zaawansowana pieczęć elektroniczna oparta na kwalifikowanym certyfikacie
POPRAWNIE ZWERYFIKOWANY
Ostrzeżenia:
W momencie wystawienia klucz prywatny nie znajduje się w QSCD!
Certyfikat nie został utworzony przez urządzenie QSCD
W podpisanym pliku znaleziono niepodpisane adnotacje!

- 2.2. Tool Number 2 – The Verification Tool Provided by the European Commission, Available at:
<https://ec.europa.eu/digital-building-blocks/DSS/webapp-demo/validation>

Podpis 2

Signature: SIGNATURE_Autenti-sp-z-o-o_20250120-1557

Qualification level: AdESeal-OC
Qualification Details: The private key does not reside in a QSCD at (best) signing time!
The private key does not reside in a QSCD at issuance time!
Indication: TOTAL_PASSED
Signature Format: PAdES-BASELINE-LTA
Certificate chain: Autenti sp. z o.o.
COPE SZAFIR - Kwalifikowany PL Krajowa Izba Rozliczeniowa S.A.
Narodowe Centrum Certyfikacji PL National Bank of Poland

Podpis 3

Signature: SIGNATURE_Autenti-sp-z-o-o_20250120-1558

Qualification level: AdESeal-OC
Qualification Details: The private key does not reside in a QSCD at (best) signing time!
The private key does not reside in a QSCD at issuance time!
Indication: TOTAL_PASSED
Signature Format: PAdES-BASELINE-LTA
Certificate chain: Autenti sp. z o.o.
COPE SZAFIR - Kwalifikowany PL Krajowa Izba Rozliczeniowa S.A.
Narodowe Centrum Certyfikacji PL National Bank of Poland

Podpis 4

Signature: SIGNATURE_Autenti-sp-z-o-o_20250120-1558_2

Qualification level: AdESeal-OC
Qualification Details: The private key does not reside in a QSCD at (best) signing time!
The private key does not reside in a QSCD at issuance time!
Indication: TOTAL_PASSED
Signature Format: PAdES-BASELINE-LTA
Certificate chain: Autenti sp. z o.o.
COPE SZAFIR - Kwalifikowany PL Krajowa Izba Rozliczeniowa S.A.
Narodowe Centrum Certyfikacji PL National Bank of Poland

Tool number 3 - Service for qualified validation of an electronically signed document - WebNotarius

Autenti sp. z o.o.

Podpis 1:

Wyniki walidacji: Nieokreślony

Pieczęć zaawansowana oparta na kwalifikowanym certyfikacie dla pieczęci

Content integrity assurance [MSG_REASON]

Certyfikat jest kwalifikowany, jednak sposób przechowywania klucza prywatnego nie został określony jako bezpieczny.
[SIG_CONSTRAINTS_FAILURE]

Podpis 2:

Autenti sp. z o.o.

Wyniki walidacji: Nieokreślony

Pieczęć zaawansowana oparta na kwalifikowanym certyfikacie dla pieczęci

Document signing,Lynsey Mcardle,l.mcardle@andor.com,517182944 [MSG_REASON]

Certyfikat jest kwalifikowany, jednak sposób przechowywania klucza prywatnego nie został określony jako bezpieczny.
[SIG_CONSTRAINTS_FAILURE]

Podpis 3:

Autenti sp. z o.o.

Wyniki walidacji: Nieokreślony

Pieczęć zaawansowana oparta na kwalifikowanym certyfikacie dla pieczęci

Content integrity assurance [MSG_REASON]

Certyfikat jest kwalifikowany, jednak sposób przechowywania klucza prywatnego nie został określony jako bezpieczny.
[SIG_CONSTRAINTS_FAILURE]

by Asseco:

In View of the Above, It Cannot Be Concluded That the Electronic Signature Used to Sign the Offer Qualifies as a Qualified Electronic Signature, Which Is Required Under Pain of Nullity Pursuant to Article 63(1) of the Public Procurement Law (PZP).



Under the provisions of the Public Procurement Law (PZP), in procedures with values equal to or exceeding EU thresholds, submitting an offer in electronic form without a qualified electronic signature results in the rejection of such an offer.

The **DocuSign software**, used to sign the offer (Signature Number 1), allows for the signing of documents with various categories of electronic signatures.

According to the information available on the website: <https://www.docusign.com/products/electronic-signature/legality/poland>, such information does not constitute legal advice and may be misleading. One of the points reads:

Use Cases for Standard Electronic Signature (SES)

Use cases where an SES is typically appropriate include:

- commercial agreements between corporate entities, including non-disclosure agreements, purchase orders, order acknowledgements, invoices, other procurement documents, sales agreements, distribution agreements, and service agreements

This is not accurate information corresponding to issues related to public procurement.

In accordance with the regulations indicated above, for offers submitted in procurement procedures exceeding EU thresholds in Poland, the use of a qualified electronic signature, as specified in this section, is required.

Use Cases for Other Types of Electronic Signature (e.g. Digital Signature, AES)

Use cases where an electronic signature other than SES may be required include:

- QES – declaration of will that requires written form (Art. 78 of the Civil Code)
- QES - certain HR documents subject to civil law (other than Labour Code), such as non-disclosure agreements, employee invention agreements or privacy notices.
- QES – license to industrial property rights (art. 76.1, art. 100.1, art. 118.1 and art. 163.1 of the Industrial Property Law) or exclusive license to copyrights (art. 67.5 of the Copyright Act)
- QES - transfer of industrial property rights (art. 12.2 of the Industrial Property Law) or transfer of copyrights (art. 53 of the Copyright Act).

QES means a qualified electronic signature, which, in accordance with Article 78(1) of the Civil Code, constitutes the preservation of the electronic form of a legal act.

The signature used by the Contractor to sign the offer, although electronic, constitutes a non-qualified certificate and cannot be effectively used in tender procedures above EU thresholds conducted in Poland.

The document exists solely in electronic form but does not meet the electronic form required for an effective declaration of will in the case of submitting an offer in an open tender.

The Autenti Software, Used to Sign the Offer (Signatures Number 2-4):



Rzeczpospolita
Polska

Sfinansowane przez
Unię Europejską
NextGenerationEU



The Autenti provider, through which the signature was applied, constituting an advanced electronic seal based on a "qualified certificate," offers various solutions, including:

Advanced Electronic Seal Based on a Qualified Certificate:

<https://autenti.com/en/products/electronic-seal>

According to the information provided on the above website:

Electronic seal when communicating with the customer

Assure the client that the document was issued by the right contractor.

You can confirm the **authenticity and integrity of a document** with a electronic corporate seal, as well as be able to secure the following documents against forgery:

- ✓ electronic invoices
- ✓ document compliance certificates with the original
- ✓ commercial offers
- ✓ official company correspondence
- ✓ decisions for clients or contractors



This information is not unequivocal and may be misleading.

In the Polish legal system, it is required that tender offers in procedures exceeding the European threshold be signed with the most advanced electronic signature – the qualified electronic signature – which unambiguously ensures the verification of the person making the declaration.

At the aforementioned provider, the qualified electronic signature is specified at the following link:
<https://autenti.com/en/qualified-signature>

According to the information on the website:

In what situations would you use a qualified electronic signature?

HR Real estate Finances and Insurances Civil agreements

Finalize all formalities without leaving home

- ✓ Agency agreement
- ✓ Guarantee
- ✓ Settlement
- ✓ Rent

Contact us



In the Polish legal system, the above-mentioned catalog must also include the effective submission of tender offers in the open tender procedure.

See: ruling of the National Appeals Chamber (KIO) 3521/21 (attached). In accordance with the Public Procurement Law, in procedures with values equal to or exceeding EU thresholds, the submission of a tender without a qualified electronic signature results in the rejection of such a tender.

In accordance with Article 28(1) of the eIDAS Regulation, "Qualified Certificates for Electronic Signatures", qualified electronic signature certificates must meet the requirements set out in Annex I.

Annex I of the Regulation specifies the following requirements for qualified electronic signature certificates:

Qualified certificates for electronic signatures shall contain the following information:

- a) an indication – at least in a form suitable for automated processing – that the certificate has been issued as a qualified electronic signature certificate;*
- b) a set of data uniquely representing the qualified trust service provider issuing the qualified certificates, including at least the Member State in which the provider is established, and:*
 - for a legal entity: the name and, where applicable, the registration number in accordance with the official register,*
 - for a natural person: the name of that person;*
- c) at least the name of the signatory or their pseudonym; if a pseudonym is used, this fact must be clearly indicated;*
- d) data for the validation of the electronic signature, which corresponds to the data for the creation of the electronic signature;*
- e) information on the beginning and end of the certificate's validity period;*
- f) a certificate identification code that must be unique for the qualified trust service provider;*
- g) an advanced electronic signature or advanced electronic seal of the qualified trust service provider issuing the certificate;*
- h) the location where the certificate accompanying the advanced electronic signature or advanced electronic seal referred to in point (g) can be accessed free of charge;*
- i) the location of services that can be used to request the validation status of the qualified certificate;*
- j) where the data for the creation of the electronic signature associated with the data for the validation of the electronic signature are in a qualified electronic signature creation device, the appropriate indication of this fact, at least in a form suitable for automated processing.*

Whether the submitted signature is qualified can only be determined through the validation process. As indicated in recital 57, first sentence of the preamble to the eIDAS Regulation, in order to ensure legal certainty regarding the validity of the signature, it is necessary to specify the elements of the qualified electronic signature that should be assessed by the relying party during validation.

Article 32(1) of the eIDAS Regulation sets out the requirements for the validation of qualified electronic signatures. Accordingly, the validation process of a qualified electronic signature confirms the validity of the qualified electronic signature, provided that:

- a) the certificate accompanying the signature was, at the time the signature was created, a qualified certificate for electronic signatures in accordance with Annex I;
- b) the qualified certificate was issued by a qualified trust service provider and was valid at the time the signature was created;
- c) the data used to validate the signature corresponds to the data provided to the relying party;
- d) the unique set of data representing the signatory, included in the certificate, is correctly provided to the relying party;
- e) if a pseudonym was used at the time of signing, this is clearly indicated to the relying party;
- f) the electronic signature was created using a qualified electronic signature creation device;
- g) the integrity of the signed data has not been compromised;
- h) the requirements set out in Article 26 were met at the time the signature was created.

LEGAL JUSTIFICATION FOR THE REJECTION OF THE TENDER:

In accordance with Article 226(1)(5) of the Act: "The Contracting Authority rejects the tender if its content is inconsistent with the terms of the contract."

Pursuant to Article 226(1)(3) and (4) of the Act: "The Contracting Authority rejects the tender if it is non-compliant with the provisions of the Act" and "is invalid under separate regulations."

According to Article 63(1) of the Act: "In procurement procedures (...) with a value equal to or exceeding EU thresholds, the tender must be submitted, under penalty of nullity, in electronic form."

In accordance with Article 78(1) § 1 of the Civil Code: "In order to comply with the electronic form of a legal act, it is sufficient to make a declaration of intent in electronic form and affix it with a qualified electronic signature."."

Cancellation of the Procedure

As a result of the rejection of the sole tender submitted in the procedure, it is necessary to cancel the procedure based on the following factual and legal justification:

FACTUAL JUSTIFICATION FOR THE CANCELLATION OF THE PROCEDURE

As a result of the rejection of the offer submitted by the Contractor Oxford Instruments Andor, 7 Millennium Way, Springvale Business Park, Belfast, United Kingdom, BT12 7AL, based on the factual and legal grounds indicated above, there are no other offers in the procedure – all offers are subject to rejection.

LEGAL JUSTIFICATION FOR THE CANCELLATION OF THE PROCEDURE

Pursuant to Article 255(2) of the Public Procurement Law: The Contracting Authority shall cancel the procurement procedure if... all requests to participate in the procedure or all tenders are subject to rejection.