

Warsaw, 17 April 2025 r.

ADZ.261.6.2025

Oxford Instruments Andor
7 Millennium Way,
Springvale Business Park, Belfast,
United Kingdom, BT12 7AL
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This procurement procedure concerns a public contract with a value exceeding the EU thresholds, conducted under the open procedure, the subject of which is: "Supply of Microscopes: Sale, Delivery, Installation and Commissioning of a Laser Module for the Spinning Disk Microscope KPO18" (reference number: ADZ.261.6.2025).

NOTICE OF CANCELLATION OF THE PROCUREMENT PROCEDURE

The International Institute of Molecular and Cell Biology in Warsaw, acting as the Contracting Authority, hereby notifies, pursuant to Articles 255(2) and 260 of the Act of 11 September 2019 – Public Procurement Law (Journal of Laws of 2024, item 1320), hereinafter referred to as the "Act", of the outcome of the procurement procedure.

Tenders submitted by Economic Operators

In the public procurement procedure conducted under the open procedure, one tender was submitted. The tender was evaluated by the Contracting Authority with respect to the grounds for rejection, in accordance with the requirements set out in the Terms of Reference ("ToR"). Details concerning the submitted tender and the outcome of its evaluation are provided below:

Tender Number	Name and Address of the Economic Operator	Net Tender Price (PLN)
1.	Oxford Instruments Andor, 7 Millennium Way, Springvale Business Park, Belfast, United Kingdom, BT12 7AL	PLN 609 185,00 net* *– for the purpose of tender comparison: PLN 749 297,55

Rejection of the Tender

In accordance with the provisions of the Terms of Reference (ToR), the Contracting Authority, following the evaluation of the tenders submitted in the present procedure, rejected the tender submitted by Oxford Instruments Andor, 7 Millennium Way, Springvale Business Park, Belfast, United Kingdom, BT12 7AL. Factual and legal grounds for the rejection of the tender:

Factual Justification for the Rejection of the Tender:

The tender submitted by the Economic Operator, consisting of a completed Annex No. 3 to the Terms of Reference (ToR), **was not signed with a qualified electronic signature by a person authorised to represent the Economic Operator.**

The Economic Operator failed to demonstrate that the person signing the tender had the necessary authorisation. The internet addresses attached to the tender, which referred to publicly accessible registers containing a list of persons authorised to represent the Economic Operator, did not confirm the appropriate authorisation of the person who signed the tender.

Following the Contracting Authority's request to supplement the power of attorney, the Economic Operator submitted the relevant document. However, upon validation using dedicated software, it was established that:

- 1) The document was signed by a person authorised to represent the Economic Operator; however, it was not signed using a **qualified electronic signature**:

Validator 1:

Dodatkowe informacje o certyfikacie	
Ważny od	2023-10-26 17:16:36 +0000
Ważny do	2025-10-26 17:16:34 +0000
Typ certyfikatu	nonqualified
Jakość certyfikatu	http://uri.peppol.eu/xkmsExt/v2#certqualityNCP
Numer seryjny	51210898762316978674781351069255453549
Użycie klucza	Podpis cyfrowy, Realizacja usług niezaprzeczalności

Validator 2:

Podpis: S-E87CCB387BF0BEFA170890BC4E054CF5E0605A22044D88CFC5DF5073153098E0

Kwalifikacja podpisu:	Brak kwalifikacji
Status:	POPRAWNIE ZWERYFIKOWANY
Ostrzeżenia:	Żaden z certyfikatów w ścieżce nie znajduje się na zaufanej liście TSA!
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:	2025-03-21T13:33:16

Pursuant to Article 63(1) of the Public Procurement Law, in procurement procedures or design contests with a value equal to or exceeding the EU thresholds, a tender, a request to participate in a procurement procedure or a design contest, a request referred to in Article 371(3), and the declaration referred to in Article 125(1), must be submitted, under pain of nullity, in electronic form.

According to Article 78¹ of the Civil Code, for a legal act to be deemed as executed in electronic form, it is sufficient that a declaration of intent is made in electronic form and is affixed with a qualified electronic signature. Furthermore, pursuant to Article 99 § 1 of the Civil Code, where a legal act requires a specific form for its validity, the power of attorney authorising a person to perform such an act must be granted in the same form. Considering that the electronic form constitutes a special form

of legal act, the power of attorney authorising the performance of an act which must be made in electronic form shall also be granted in that form.

- 2) According to the information contained in the electronic signature verification reports, the document was signed after the deadline for submission of tenders. Moreover, the content of the document does not contain any information indicating that the person who signed the tender was authorised to do so at the time the signature was made. Additionally, the wording used in the power of attorney — referring to authorisation to involve the company in connection with the tender procedure — cannot be deemed as confirmation of the authority to submit a tender on behalf of the Economic Operator.

Legal Justification for the Rejection of the Tender:

Pursuant to Article 226(1)(5) of the Public Procurement Law, “the Contracting Authority shall reject a tender if its content is inconsistent with the terms of the contract.”

According to Article 226(1)(3) and (4) of the Public Procurement Law, “the Contracting Authority shall also reject a tender if it is not compliant with the provisions of the Act or is null and void under separate provisions.”

In accordance with Article 63(1) of the Public Procurement Law:

"In procurement procedures (...) with a value equal to or exceeding the EU thresholds, a tender (...) shall be submitted, under pain of nullity, in electronic form."

Pursuant to Article 78¹ §1 of the Civil Code:

"To comply with the requirement of electronic form for a legal act, it is sufficient to make a declaration of intent in electronic form and to affix it with a qualified electronic signature."

According to Article 99 §1 of the Civil Code:

"Where a specific form is required for the validity of a legal act, the power of attorney for the performance of such act must be granted in the same form."

Cancellation of the Procurement Procedure

Following the rejection of the only tender submitted in the procedure, it is necessary to annul the procedure on the following factual and legal grounds:

Factual Justification for the Cancellation of the Procurement Procedure:

Following the rejection of the tender submitted by the Economic Operator: Oxford Instruments Andor, 7 Millennium Way, Springvale Business Park, Belfast, United Kingdom, BT12 7AL, based on the factual and legal grounds indicated above, no other tenders remain in the procedure — all tenders are subject to rejection.

Legal Justification for the Cancellation of the Procurement Procedure:

Pursuant to Article 255 point 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 have been rejected.”