

Gliwice 04.07.2024

**VIBRA-TEC Sp. z o.o.,
ul. Brzozowicka 9,
42-500 Będzin,
NIP 6252488429**

INFORMATION ABOUT THE REJECTION OF THE TENDER

Regarding the proceedings: **ZP/G/38/24 "Delivery of a vibrating screening machine for difficult metallic powder materials, including training of employees"**

On July 04, 2024, the Contracting Authority decided as follows:
The Contracting Authority rejects the tender of VIBRA-TEC sp. z o.o. on the basis of Article 226 paragraph 1 item 2 letter c of the Act of September 11, 2019. Public Procurement Law (i.e., Journal of Laws of 2023, item 1605, as amended, hereinafter the "PZP Act"), due to failure to submit the required documents confirming the proper execution of the demonstrated deliveries by the specified deadline.

Factual reasoning:

The Contracting Authority on 21.06.2024 sent a letter to the Economic Operator, calling on the basis of Article 128(1) of the PZP Act, to supplement the qualitative mean of proof in the form of submission of proof of the correctness of the deliveries made (reference letters or final acceptance reports). The Economic Operator referred only to its statement, claiming that it was unable to submit references due to the business secrecy of its clients. According to Chapter IX, para. 5 of the SWZ, the economic operator could only invoke such a statement if, for a legitimate reason of an objective nature, the economic operator is unable to obtain documents confirming the proper execution of deliveries. The Economic Operator did not cite any such circumstances or documents to support them, and the translations provided by the Economic Operator are contrary to the rules of life experience and established market practices, where the use of references is an obvious and common practice. The Economic Operator has not shown that it has requested such references in any way. In addition, the Contracting Authority raised doubts about the submitted list of deliveries, in which the Economic Operator showed identical deliveries that in the earlier proceedings were



indicated by the same Economic Operator as deliveries made by the Filtra Vibracion S.L. Company.

Legal justification:

The Contracting Authority, in accordance with Article 226(1)(2)(c) , shall reject the tender of the Economic Operator who has not submitted, within the required time limit, qualitative mean of proofconfirming the fulfillment of the conditions for participation in the procedure.

