



The Contractors

Re: Provision of services for the international activities of the Center for Foresight and Internationalization (CFI) operating as part of the Łukasiewicz Research Network – Institute of Organization and Management in Industry "ORGMAZ". Reference number: 03/01/2023/W

Information on the offers' evaluation and selection of the most advantageous offer

According to art. 253 (1) of act of 11 September 2019 r. (JoL of 2022. pos. 1710 with amendments.) *Public Procurement Law* (later: pzp) The Contracting Authority informs that in the tender proceedings, the following offers that are not subject to rejection have received points as follows:

Part I:

Lp	Contractor's name (company name) and address	Price 50% (pts)	Expert experience 50% (pts)	Total
1.	Robbert Alexander Fisher, Luxembourg, VAT LU19973216	50	24	74 pts.

- I. The Contracting Authority rejected the offer of the Contractor - **PERPROT Dariusz Janusek**, 05-075 Warszawa, NIP: 952-104-49-44, REGON: 142018174

Justification for rejection

In accordance with art. 91 (1) of pzp, the Contracting Authority included the following restriction in Chapter I of *SPECIFICATION OF THE TERMS OF THE TENDER (later: SWZ) – Instruction to Contractors*, point II.6:

“One Contractor may submit only 1 offer for one expert in a given part”

Additionally, in point XI.3 of the SWZ, this restriction has been further specified as following:

“The Contractor may submit only one offer, only for one Part.”

Regarding the aforementioned specification, a question to the SWZ has been submitted, to which the Contracting Authority provided a clear and unambiguous answer.





Łukasiewicz
Instytut
Organizacji
i Zarządzania
w Przemśle
ORGMASZ

In Chapter I, art. XI number 3 on page 12 it says: „The Contractor may submit only one offer, only for one Part.”

Does this mean that the Contractor can submit 1 offer for example, for Part I and another offer for Part II? Or does it mean a Contractor can only submit 1 offer for Part I only (for example)

Answer: The second variant, namely a Contractor can only submit 1 offer, for Part I and for one Expert only.

The Contractor PERPROT Dariusz Janusek submitted 3 offers, one for each of the parts of the tender.

In accordance with the art. 218 of pzp, which says: „The economic operator may submit only one tender, except in the cases specified in the Act”, the Contracting authority considers submitting 3 offers invalid in regards to both the SWZ and the provisions of Public procurement law.

In accordance with art. 226 (1) point 3 the Contracting Authority must reject the offer that is incompatible with the Public Procurement Law act.

- II. As a result of performed evaluation of offers, the most advantageous offer is offer submitted by the Contractor:

Robbert Alexander Fisher, Luxembourg, VAT LU19973216 – with net price of 168 000,00 PLN.

The offer received the most points in evaluation.

- III. The conclusion of a public contract may be concluded within a period of no less than 5 days of from the date of sending this notification, in accordance with art. 308 (8) of pzp.





Part II:

Lp	Contractor's name (company name) and address	Price 50% (pts)	Expert experience 50% (pts)	Total
1.	Judith Ann PRETTY, Luxembourg, VAT LU19973216	50	30	80

- I. The Contracting Authority rejected the offer of the Contractor - **PERPROT Dariusz Janusek**, 05-075 Warszawa, NIP: 952-104-49-44, REGON: 142018174

Justification for rejection

In accordance with art. 91 (1) of pzp, the Contracting Authority included the following restriction in Chapter I of SWZ, point II.6:

“One Contractor may submit only 1 offer for one expert in a given part”

Additionally, in point XI.3 of the SWZ, this restriction has been further specified as following:

“The Contractor may submit only one offer, only for one Part.”

Regarding the aforementioned specification, a question to the SWZ has been submitted, to which the Contracting Authority provided a clear an unambiguous answer.

In Chapter I, art. XI number 3 on page 12 it says: „The Contractor may submit only one offer, only for one Part.”

Does this mean that the Contractor can submit 1 offer for example, for Part I and another offer for Part II? Or does it mean a Contractor can only submit 1 offer for Part I only (for example)

Answer: The second variant, namely a Contractor can only submit 1 offer, for Part I and for one Expert only.

The Contractor PERPROT Dariusz Janusek submitted 3 offers, one for each of the parts of the tender.

In accordance with the art. 218 of pzp, which says: „The economic operator may submit only one tender, except in the cases specified in the Act”, the Contracting authority considers submitting 3 offers invalid in regards to both the SWZ and the provisions of Public procurement law.

In accordance with art. 226 (1) point 3 the Contracting Authority must reject the offer that is incompatible with the Public Procurement Law act.

- II. The Contracting Authority rejected the offer of the Contractor **Sapar Oy/Ltd.** (NIP: 1600284-4), Ohjaajantie 22 A 4, 00400 Helsinki, Finland





Łukasiewicz

Institut
Organizacji
i Zarządzania
w Przemysle
ORGMAZ

Justification for rejection

In the Chapter I of the SWZ, point XI.4 the Contracting Authority specified the requirements for the form of submitted offers as follows:

“The offer is submitted, in order to be valid, in electronic form (with a qualified electronic signature) or in electronic form with a trusted signature or a personal signature”

The Contractor Sapar Oy/Ltd. submitted an offer signed digitally using the ADOBE electronic signature.

In the process of signature verification, the following message is presented:

“Signature validity is UNKNOWN.

/.../

The signer’s identity is unknown because it has not been included in your list of trusted certificates and none of its parent certificates are trusted certificates”

The Contractor had been asked to provide explanation for the form of signature used to sign the submitted offer or a method in which the signature can be correctly verified. The Contracting authority received no answer from the Contractor.

In accordance with the provisions of art. 226 (1) point 6, the Contracting Authority must reject the offer if it „has not been drawn up or transmitted in accordance with the technical and organisational requirements of the preparation or transmission of tenders using electronic means of communication specified by the contracting body”.

In the abovementioned situation, The Contracting Authority must assume that the Contractor did not meet the requirements for the form of signature used to sign the submitted offer, and as a result the offer is subject to rejection.

- III. As a result of performed evaluation of offers, the most advantageous offer is offer submitted by the Contractor:

Judith Ann PRETTY, Luxembourg, VAT LU19973216 – with net price 45 000 PLN (for 120h).

The offer received the most points in evaluation.

- IV. The conclusion of a public contract may be concluded within a period of no less than 5 days of from the date of sending this notification, in accordance with art. 308 (8) of pzp.





Part III:

- I. The Contracting Authority cancels the procedure in regards to Part III.
- II. The Contracting Authority rejected the offer of the Contractor - **PERPROT Dariusz Janusek**, 05-075 Warszawa, NIP: 952-104-49-44, REGON: 142018174

Justification for rejection

In accordance with art. 91 (1) of pzp, the Contracting Authority included the following restriction in Chapter I of SWZ, point II.6:

“One Contractor may submit only 1 offer for one expert in a given part”

Additionally, in point XI.3 of the SWZ, this restriction has been further specified as following:

“The Contractor may submit only one offer, only for one Part.”

Regarding the aforementioned specification, a question to the SWZ has been submitted, to which the Contracting Authority provided a clear and unambiguous answer.

In Chapter I, art. XI number 3 on page 12 it says: „The Contractor may submit only one offer, only for one Part.”

Does this mean that the Contractor can submit 1 offer for example, for Part I and another offer for Part II? Or does it mean a Contractor can only submit 1 offer for Part I only (for example)

Answer: The second variant, namely a Contractor can only submit 1 offer, for Part I and for one Expert only.

The Contractor PERPROT Dariusz Janusek submitted 3 offers, one for each of the parts of the tender.

In accordance with the art. 218 of pzp, which says: „The economic operator may submit only one tender, except in the cases specified in the Act”, the Contracting authority considers submitting 3 offers invalid in regards to both the SWZ and the provisions of Public procurement law.

In accordance with art. 226 (1) point 3 the Contracting Authority must reject the offer that is incompatible with the Public Procurement Law act.





- III. The Contracting Authority rejected the offer of the Contractor - **AcrossLimits Ltd**, 2nd Floor, Tower Business Centre, Tower Street Swatar, Birkirkara BKR 4013, Malta

Justification for rejection

In the Chapter I of the SWZ, point XI.4 the Contracting Authority specified the requirements for the form of submitted offers as follows:

“The offer is submitted, in order to be valid, in electronic form (with a qualified electronic signature) or in electronic form with a trusted signature or a personal signature”

The Contractor AcrossLimits Ltd. submitted an offer signed digitally using the DocuSign electronic signature.

In the process of signature verification, the following message is presented:

“Signature is valid

Source of trust is obtained from ADOBE Approved Trust List (AATL)”

In regards to the Polish trusted signature (provided by the Minister of Digitalization), the reference to the source of trust is referring to the European Union Trusted Lists (*EUTL*). The requirements for Malta should conceivably be the same.

The Contractor had been asked to provide explanation for the form of signature used to sign the submitted offer or a method in which the signature can be correctly verified. The Contracting authority received no answer from the Contractor.

In accordance with the provisions of art. 226 (1) point 6, the Contracting Authority must reject the offer if it „has not been drawn up or transmitted in accordance with the technical and organisational requirements of the preparation or transmission of tenders using electronic means of communication specified by the contracting body”.

In the abovementioned situation, The Contracting Authority must assume that the Contractor did not meet the requirements for the form of signature used to sign the submitted offer, and as a result the offer is subject to rejection.

- IV. Due to the price of the last remaining offer submitted by the Contractor **Leena Sarvaranta T:mi** Puolukkatie 8, 02160 Espoo, Finland, Company ID: 3287650-9 exceeding the amount the Contracting Authority has foreseen for this part of the tendering procedure (the gross price of the offer is 66 420,00 PLN, compared to 62 310,94 PLN that has been foreseen by the Contracting Authority), the Contracting Authority decides to cancel the proceedings in this part, in accordance with art. 255 (3) pzp.

