

Warsaw, 08.05.2025 r.

Procedure Cancellation Notice

Concerns: open procedure No F2/45/2025/ZP for delivery of the diffractometer.

Acting pursuant to Art. 260 of the Public Procurement Law Act (Journal of Laws of 2019, item 2019 with subsequent amendments), hereinafter referred to as “PPL”, the Contracting Authority hereby notifies about cancellation of the procedure.

Legal Justification: Article 255 point 3) – the price or cost of the most advantageous offer or the offer with the lowest price exceeds the amount the contracting authority intends to allocate for financing the contract, unless the contracting authority is able to increase this amount to the price or cost of the most advantageous offer.

Factual Justification: The following Contractors submitted offers in the procedure:

No.	Company Name	Net price	Offer status
1.	PROTO Manufacturing Europe Sp. z o.o. ul. Harcerska 40 52-404 Wrocław	382 000,00 / 469 860,00 PLN	Rejected
2.	Testchem Sp. z o.o. Rybnicka 187 44-310 Radlin	870 000,00 / 1 070 100,00 PLN	Valid

The offer submitted by the Contractor – PROTO Manufacturing Europe Sp. z o. o., ul. Harcerska 40, 52-404 Wrocław – was rejected.

Przedmiot zamówienia będzie realizowany w ramach projektu: Inwestycja: A2.4.1 Inwestycje w rozbudowę potencjału badawczego Krajowego Planu Odbudowy i Zwiększania Odporności, Przedsięwzięcie: Centrum Kompetencji Mikroelektronika i Fotonika, Nr umowy KPOD.01.18-IW.03-0011/23

- Legal Justification: Article 226(1)(5) – its content is inconsistent with the terms of the contract.
- Factual Justification: The offer does not comply with the requirements specified in Appendix No. 1 to the Terms of Reference (ToR), in the following section:
 - **10.2 – 2. Minimum step not smaller than 0.005°** – the Contractor indicated 0.001°. The value provided by the Contractor does not meet the requirements specified in point 10.2.

The Contracting Authority intends to allocate PLN 486,162.00 (net), PLN 597,979.00 (gross) for the financing of the contract.

The offer submitted by the Contractor Testchem sp. z o. o., Rybnicka 187, 44-310 Radlin exceeds the amount intended by the Contracting Authority by **PLN 472,121.00 (gross)**.