



**Łukasiewicz**  
Instytut  
Mikroelektroniki  
i Fotoniki



Warsaw 21.04.2023

## PROCEDURE CANCELLATION NOTICE

**Concerns: open procedure No F2/9/2023/ZP for delivery of the gas cleaning systems: hydrogen, nitrogen, argon and ammonia**

### Part 3 - delivery of nitrogen cleaning system

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 Entity hereby notifies of the cancellation of the procedure.

**Legal grounds:** art. 255 pkt 2) of the PPL, i.e. all requests to participate or tenders submitted are subject to rejection.

**Factual grounds:** one bid was submitted in the procedure, which was rejected.

The bid submitted by the Contractor: **Photonics Innovation Sp. z o. o., ul. Lutosławskiego 15, 05-080 Kludyn** – was rejected.

**Legal grounds:** Art. 256 par. 1 item 2) of the PPL, i.e. the Contracting Authority rejects an offer if it contains an abnormally low price or cost in relation to the subject of the contract.

**Factual justification:**

On April 13, 2023, the Contractor was called in accordance with Art. 224 par. 2 point 1 of the PPL to provide explanations regarding the abnormally low price, including the evidence.

The Contractor submitted explanations in a general manner within the deadline - calculations regarding the essential parts of the price offered in the bid - provide its costs and profit.

The Contractor described that the offer of Photin Innovation Sp. z o. o. takes into account all the requirements included in the ToR and in the contract terms, and the price offered includes the total cost of the contract, including the costs associated with its performance, and that it is based on the offer of a foreign supplier.

The explanations were not supported by any evidence.

In the Contracting Authority opinion, the explanations are not enough to eliminate the presumption of offering an abnormally low price.

### Strona 1 z 2



The explanations should be comprehensive, particular, referring to those calculation elements that had an effect on the price amount included in the offer and supported by evidence.

**Strona 2 z 2**

