

**INFORMATION  
ABOUT THE REJECTION OF THE OFFER**

Regarding the proceedings: ZP/G/22/24 "Delivery of a vibrating screening machine for difficult metallic powder materials, including training of employees"/"Delivery of a vibrating screening machine for difficult metallic powder materials, including training of employees".

On April 22, 2024, the Contracting Authority decided as follows:  
The Contracting Authority rejects the offer of VIBRA-TEC sp. z o.o. on the basis of Article 226 paragraph 1 item 3 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"), as its content is inconsistent with the provisions of the PZP Act.

**Factual reasoning:**

The Contracting Authority on 09.04.2024 sent a letter to the Contractor, calling on the basis of Article 128(1) of the PPL Act, to supplement the subjective evidence in the form of submission of a properly signed commitment of the entity providing the resources.  
In accordance with the Decree of the Prime Minister of December 30, 2020 on the manner of preparation and transmission of information and technical requirements for electronic documents and means of electronic communication in a public procurement procedure or competition (Journal of Laws of 2020, item 2452), quote: "Subject evidence, including the statement referred to in Article 117(4) of the Act and the undertaking of the entity providing the resources, subject evidence, documents referred to in Article 94(2) of the Act, not issued by the authorized entities, and the power of attorney shall be transmitted in electronic form and bear a qualified electronic signature, and in the case of proceedings or competitions with a value lower than the EU thresholds, a qualified electronic signature, a trusted signature or a personal signature."

The documents submitted by the Contractor, do not meet the statutorily required criteria, in particular:

1. document No. 3 "Relying on the resources of other entities" should be completed and signed by the entity that provides the resources, signed by a person authorized to make such statements of intent. The document submitted does not meet these requirements.

2 The power of attorney document has not been signed with a qualified electronic signature, trusted signature or personal signature.

3. in the power of attorney, the sentence is defectively worded:  
FILTRA VIBRACION, S.L. authorized by the management board of VIBRA-TEC sp. z o.o. to represent and sign all documents.

Which in translation reads:

FILTRA VIBRACION, S.L. is authorized by the management board of VIBRA-TEC sp. z o.o. to represent and sign all documents.

To be correct the sentence should read :

FILTRA VIBRACION, S.L. authorize the management board of VIBRA-TEC sp. z o. o. to represent and sign all documents, on behalf on FILTRA VIBRACION, S.L..

and in translation:

FILTRA VIBRACION, S.L. authorizes the board of directors of VIBRA-TEC sp. z o.o. to represent and sign all documents on its behalf.

4 The document analogous to the national KRS document should be translated into Polish, or English. In addition, the document sent is the equivalent of the Polish Monitor Sądowy i Gospodarczy and not the KRS.

#### **Legal reasoning:**

A summons under Article 128(1) of the PPL Act is a single summons to supplement documents not submitted but requested. Therefore, it was not possible to call on the contractor to supplement the perceived deficiencies once again.

In view of the above, the Contracting Authority is forced to reject the bid as incompatible with the provisions of the Act Art. 226 par.1 pt. 3 and item 4 invalid under separate regulations( Decree of the Prime Minister of December 30, 2020).

As a consequence of the rejection of the offer of VIBRA-TEC sp. z o.o., the Contracting Authority will proceed with the examination of the next submitted offer.

#### **Strona 2 z 2**

