No.: JN: NMV-3-2023-B

In pursuance of Article 90 of the Public Procurement Act (ZJN-3, Official Gazette of the Republic of Slovenia, No. 91/15 with all amendments) Rudolfovo - Znanstveno in tehnološko središče Novo mesto (hereinafter referred to as »Purchaser« or "Rudolfovo"), represented by director prof. dr. Janez Povh, adopts the following

**DECISION ON CONTRACT AWARD**

for **"Supply of 3D X-Ray Computed Tomography System** "
(Dobava sistema 3D rentgenske računalniške tomografije)

to the most favorable Bidder "**Nikon Metrology NV, Interleuvenlaan 86, 3000 Leuven Belgium**".

**Explanatory Note**

The Purchaser has implemented the small value tenders with negotiations (Public Tendering Procedure in accordance with article 47 of Public Procurement Act) for "Supply of 3D X-Ray Computed Tomography System".

By the Bidding deadline, August 25, 2023 at 16:05 , the Purchaser received 2 Bids from Bidders:
- Měřící technika Morava s. r. o., Babická 619, Zastávka u Brna, 664 84, Czech Republic;
- Nikon Metrology NV, Interleuvenlaan 86, 3000 Leuven Belgium;

Upon review of the Bid, the Purchaser established that some commercial and technical issues should be clarified in negotiations. So both Bidders were invited to the 2 rounds of negotiations. In the 1st round Rudolfovo met with each Bidder via Teams and discussed the open issues. Upon performed negotiations, Rudolfovo prepared the final version of documentation for the 2nd round and both bidders were invited to provide their Final Bid.

By the deadline for submittal of Final Bid, 11th September 2023 at 12:00, the Bidder Měřící technika Morava s. r. o., Babická 619, Zastávka u Brna, 664 84, Czech Republic provided the Final Bid amounting to EUR 168.100,00 (VAT excl.) and the Bidder Nikon Metrology NV, Interleuvenlaan 86, 3000 Leuven Belgium provided the Final Bid amounting to EUR 188.701,25 (VAT excl.).

The Purchaser reviewed the final bids received from both Bidders. The Purchaser established that the Final Bid from bidder Měřící technika Morava s. r. o., Babická 619, Zastávka u Brna, 664 84, Czech Republic is not a permissible Bid. Bidder Měřící technika Morava s.r.o.„ manipulated and changed the bid forms attached to the Invitation to submit final bid, namely: the Purchaser sent the document FINAL BID attachments_inWORD.docx to the Bidder, where in the Attachment no.1 BID FORM, under the point 3 The Purchaser clearly stated: "3. Delivery period: until November 15, 2023". The Bidder submitted BID FORM (Attachment No. 1) as the final offer and entered the Bidders' changed offer under point 3, that stated: "Before 31st December 2023". By doing so, Bidder manipulated the Purchaser's forms. The forms and declarations that are part of the Purchaser's bidding documentation, the Bidder may not change or correct the text created by the Purchaser as it must fulfill all the conditions/requests specified in the Technical Specification and other Bidding

Documents as request in Chapter 6 of the Bidding Documentation. The requirement for a delivery date prior to 15th November 2023 is a Purchaser requirement that also arises from the reason of the guaranteed funds being available only in 2023 and from the requirements of the financiers for timely submission of appropriate applications for funds so that the funds are disbursed in 2023.

For the above reasons, the offer of the bidder Měřící technika Morava s. r. o., Babická 619, Zastávka u Brna, 664 84, Czech Republic, does not meet the needs and requirements of the Purchaser specified in the technical specifications, bidding documentation and in the documents related to the award of the public contract and is therefore impermissible pursuant to point 29 of Article 2 of ZJN-3. The Bid from Měřící technika Morava s. r. o., Babická 619, Zastávka u Brna, 664 84, Czech Republic is therefore rejected.

The Purchaser then reviewed the final bid received from Bidder Nikon Metrology NV, Interleuvenlaan 86, 3000 Leuven Belgium. The Purchaser established that the Bid from Nikon Metrology NV, Interleuvenlaan 86, 3000 Leuven Belgium is permissible Bid.

Since there is only 1 permissible Bid, the Purchaser did not perform evaluation and sorting by criteria.

Given the aforementioned details, the public procurement contract for the "Supply of 3D X-Ray Computed Tomography System" (Dobava sistema 3D rentgenske računalniške tomografije) has been awarded to Nikon Metrology NV, Interleuvenlaan 86, 3000 Leuven Belgium as the qualified Bidder, due to their ability to meet the terms, conditions and delivery timeframe specified by Purchaser.

The Purchaser's decision is thus reasoned entirely.

**Legal instruction**

The request for review/revision shall be submitted by portal eRevizija within five working days from the receipt of the decision on award or elimination of public procurement in compliance with Legal Protection in Public Procurement Procedures Act (ZPVPJN, Official Gazette of the Republic of Slovenia, No. 43/2011 with all amendments). The applicant must submit with the request for review the bank certificate for the payment of tax in the amount of EUR 4.604,31 to the account of the Ministry of Finance No: 01100-1000358802, reference 11 16110-7111290-00515223.

**Rudolfovo - Znanstveno in tehnološko središče Novo mesto**
director
Dr. Janez Povh

JANEZ POVH
Digitally signed by JANEZ POVH
Date: 2023.09.12 14:16:23 +02'00'