Ref. No.: 285-44/14-2025
Date: 27. 11. 2025

THIS DOCUMENT IS FOR INFORMATIONAL PURPOSES ONLY – THE LEGALLY BINDING DECISION IS THE DOCUMENT IN SLOVENIAN LANGUAGE ENCLOSED TO THIS DOCUMENT

Contracting Authority, Slovenia Control, Slovenian Air Navigation Services, Limited, Zg. Brnik 130n, 4210 Brnik - aerodrome, Slovenia (hereinafter: Contracting Authority) in the open procedure for the award of the public contract "Procurement of DME Radio Navigation Equipment", public procurement procedure No. 285-44, publication Nos. JN007846/2025-EUe17/01, JN007846/2025-EUe17/01-P01 on the Public Procurement Portal and Nos. 654496-2025, 705206-2025 in the Official Journal of the EU (hereinafter: the public contract), on the basis of Article 90 of the Public Procurement Act (Official Gazette of the RS, Nos. 91/15, 14/18, 121/21, 10/22, 74/22 – Constitutional Court Decision, 100/22 – ZNUZSZS, 28/23 and 88/23 – ZOPNN-F; hereinafter: ZJN-3) and the provisions of the procurement documentation, hereby adopts the following:

DECISION ON NOT AWARDING THE PUBLIC PROCUREMENT

In the public procurement procedure "Procurement of DME Radio Navigation Equipment", public procurement No. 285-44, the tender submitted by the tenderer Thales LAS France, 2 avenue Gay Lussac, 78990 Elancourt, France, is rejected as inadmissible, and consequently, the public contract concerned is not awarded.

Explanation:

I.

On the basis of ZJN-3 and the Decision on Initiation of the Public Procurement Procedure No. 285-44/2-2025 of 26 September 2025, the contracting authority initiated the public procurement procedure. The contracting authority carried out an open procedure for the award of the public contract. In the procurement documentation, the contracting authority set out the requirements and documents that must form part of a tender for it to be admissible.
By the deadline for submission of tenders, i.e. by 21 November 2025 at 11:00, the contracting authority received one tender, namely the tender of the tenderer Thales LAS France, 2 avenue Gay Lussac, 78990 Elancourt, France (hereinafter: THALES or the tenderer), who submitted a tender for the execution of the subject public contract.

II.

During the tender review and verification phase, the contracting authority established that the received tender, with a total offered value of EUR 1,575,000 excluding VAT, is not admissible, as it exceeds the contracting authority's available funds, which amount to EUR 750,000.00 excluding VAT. The contracting authority provided funds in this amount on the basis of a calculation of the estimated value of the contract. The calculation of the estimated value is based on the total value of comparable public contracts of the same type awarded in the last 12 months, taking into account the impact of annual inflation, changes in quantities envisaged for the entire duration of the contract, and the conditions in this type of market.

III.

Point 29 of Article 2 of ZJN-3 stipulates that an admissible tender is a tender submitted by a tenderer for whom no exclusion grounds exist, who meets the participation requirements, whose tender complies with the needs and requirements of the contracting authority as set out in the technical specifications and in the procurement documentation, is submitted on time, in respect of which unlawful collusion or corruption has not been proven, has not been assessed by the contracting authority as abnormally low, and the price does not exceed the contracting authority's available funds.

The tender submitted by THALES does not meet the last condition for tender admissibility and is therefore, in view of all the above, inadmissible, for which reason the contracting authority decided as set out in the operative part of this decision.

This fully substantiates the contracting authority's decision.

Legal Remedy:

An application for review of the public procurement procedure may be lodged against this decision of the contracting authority in accordance with the Legal Protection in Public Procurement Procedures Act (Official Gazette of the RS, Nos. 43/11, 60/11 – ZTP-D, 63/13, 90/14 – ZDU-1I, 60/17 and 72/19; hereinafter: ZPVPJN). The applicant must state in the application all elements from the first paragraph of Article 15 of ZPVPJN. The application for review must be lodged within 8 working days from the publication of this decision on the Public Procurement Portal. The application must be lodged in writing, via the eRevizija portal.
The applicant must also attach to the application for review proof of payment of the fee in the amount of EUR 1,000.00. The fee shall be paid to the transaction account SI56 0110 0100 0358 802, opened with the Bank of Slovenia, Slovenska 35, 1505 Ljubljana, Slovenia, SWIFT Code BSLJSI2X, of the Ministry responsible for public administration, reference 11 16110-7111290-00784625.

Slovenia Control, Slovenian Air Navigation Services, Limited
Rok Marolt
Chief Executive Officer

Podpisal:Rok Marolt
27.11.2025 11:12

Prepared by: Vesna Matjašec M.Sc.

Served:
- in accordance with the tenth paragraph of Article 90 of the Public Procurement Act