Naziv projekta: GIGA Jedrska magnetna resonanca – GIGA NMR[1]

Številka: 302/7-O-CATS /26
Datum: 12. 10. 2026

Na podlagi javnega naročila »Nabava in dobava opreme za Center za analitiko trdnih snovi«, objavljenega na Portalu javnih naročil pod št. objave JN003711/2026-EUe16/01 z dne 15. 05. 2026 s popravkom JN003711/2026-EUe16/01-P01 z dne 08. 06. 2026 ter v Uradnem listu EU (TED) št. objave 333764-2026 z dne 15. 05. 2026 s popravkom 391561-2026 z dne 08. 06. 2026, Poročila strokovne komisije z dne 12. 10. 2026 ter na osnovi 90. člena Zakona o javnem naročanju (Uradni list RS, št. 91/15, 14/18, 121/21, 10/22, 74/22 – odl. US, 100/22 – ZNUZSZS, 28/23, 88/23 – ZOPNN-F in 83/25 – ZOUL; v nadaljevanju besedila: ZJN-3) izdajam naslednjo

ODLOČITEV O ODDAJI JAVNEGA NAROČILA

1. Kot najugodnejši ponudnik za javno naročilo »Nabava in dobava opreme za Center za analitiko trdnih snovi« **Sklop 3 - Popolnoma avtomatiziran multi-analizni UHV-sistem za analiziranje površin in mejnih plasti**, se izbere:

   FEI Europe B.V., Achtseweg Noord 5, gebouw AAE, 5651GG Eindhoven, Nizozemska

2. Ponudba ponudnika **SPECS Surface Nano Analysis GmbH, Voltastr. 5, 13355 Berlin, Nemčija**, presega zagotovljena sredstva naročnika, zato naročnik prej navedenega ponudnika v predmetnem javnem naročilu ne more izbrati in se njegova ponudba **izloči kot nedopustna**.

O b r a z l o ž i t e v :

Naročnik je na Portalu javnih naročil pod številko objave JN003711/2026-EUe16/01 z dne 15. 05. 2026 s popravkom JN003711/2026-EUe16/01-P01 z dne 08. 06. 2026 ter v Uradnem listu EU (TED) št. objave 333764-2026 z dne 15. 05. 2026 s popravkom 391561-2026 z dne 08. 06. 2026, objavil javno naročilo »Nabava in dobava opreme za Center za analitiko trdnih snovi«, med drugim za **Sklop 3 - Popolnoma avtomatiziran multi-analizni UHV-sistem za analiziranje površin in mejnih plasti,** po odprtem postopku, skladno s 40. členom ZJN-3.

Pravočasno, to je do dne 03. 07. 2026 do 10:00 ure, sta v informacijski sistem e-JN na spletnem naslovu https://ejn.gov.si/ za javno naročilo »Nabava in dobava opreme za Center za analitiko trdnih snovi« **Sklop 3 - Popolnoma avtomatiziran multi-analizni UHV-sistem za analiziranje površin in mejnih plasti,** prispeli ponudbi naslednjih ponudnikov:

[1] Operacijo v okviru pogodbe o sofinanciranju operacije št. C3360-26-952001 sofinancira Evropska Unija iz Evropskega sklada za regionalni razvoj v okviru Programa evropske kohezijske politike 2021-2027, Cilja politike 1: Konkurenčnejša in pametnejša Evropa s spodbujanjem inovativne in pametne gospodarske preobrazbe ter regionalne povezljivosti na področju IKT, na prednostni nalogi 11: Razvoj strateških tehnologij za Evropo – STEP, na specifičnem cilju RSO1.6: Podpora naložb, ki prispevajo k ciljem platforme za strateške tehnologije za Evropo (platforma STEP).

Zap. št.	Naziv ponudnika	Datum prejetja	Ura prejetja
1.	**SPECS Surface Nano Analysis GmbH, Voltastr. 5, 13355 Berlin, Nemčija**	26. 06. 2026	17:34
2.	**FEI Europe B.V., Achtseweg Noord 5, gebouw AAE, 5651GG Eindhoven, Netherland (Nizozemska)**	02. 07. 2026	16:47

Odpiranje ponudb je potekalo dne 03. 07. 2026 ob 11.01 uri v informacijskem sistemu e-JN na spletnem naslovu https://ejn.gov.si/.

Naročnik je skladno z določili 4. odstavka 89. člena ZJN-3 prejeti ponudbi najprej razvrstil po merilu, določenem v dokumentaciji v zvezi z oddajo javnega naročila in sicer na podlagi najnižje ponudbene cene za vso količino v EUR brez DDV.

Glede na navedeno merilo je razvrstitev ponudb na ocenjevalni lestvici sledeča:

Zap. št.	Naziv ponudnika	Ponudbena cena (v EUR brez DDV)
1.	**FEI Europe B.V., Achtseweg Noord 5, gebouw AAE, 5651GG Eindhoven, Netherland (Nizozemska)**	**1.743.000,00**
2.	**SPECS Surface Nano Analysis GmbH, Voltastr. 5, 13355 Berlin, Nemčija**	**1.875.000,00**

Naročnik je ugotovil, da je glede na postavljeno merilo za izbor najugodnejšega ponudnika, ekonomsko najugodnejša ponudba ponudnika **FEI Europe B.V., Achtseweg Noord 5, gebouw AAE, 5651GG Eindhoven, Nizozemska**, zato je uvodoma za le-tega preveril, ali njegova ponudba ustreza zagotovljenim sredstvom naročnika.

Naročnik je, v skladu s 66. členom ZJN-3, postopek oddaje javnega naročila začel s Sklepom o začetku postopka javnega naročila in imenovanju strokovne komisije št. 302/2026/S 53/650-DM z dne 12. 05. 2026, v katerem je določil višino ocenjene vrednosti ter višino zagotovljenih sredstev, ki znašajo 2.196.500,00 EUR z DDV[2], namenjenih izvedbi predmetnega javnega naročila.

Naročnik je ugotovil, da ponudbena cena drugega najugodnejšega ponudnika **SPECS Surface Nano Analysis GmbH, Voltastr. 5, 13355 Berlin, Nemčija za sklop 3** v višini 1.875.000,00 (brez DDV) oz. 2.287.500,00 EUR (z DDV) **presega zagotovljena sredstva naročnika** za sklop 3, zato je naročnik v predmetnem postopku javnega naročila ne more sprejeti ter se njegova ponudba **izloči kot nedopustna.**

Naročnik je nadalje ugotovil, da ponudbena cena ponudbe ponudnika **FEI Europe B.V., Achtseweg Noord 5, gebouw AAE, 5651GG Eindhoven, Nizozemska, za sklop 3** v višini 1.743.000,00 EUR (brez DDV) oz. 2.126.460,00 EUR (z DDV) **ne presega** zagotovljenih sredstev naročnika za sklop 3, zato je nadaljevala s pregledom njegove ponudbe.

Naročnik je, skladno z določili 75. – 77. členov in 86. ter 89. člena ZJN-3, preveril ali je ponudba ponudnika **FEI Europe B.V., Achtseweg Noord 5, gebouw AAE, 5651GG Eindhoven, Nizozemska za sklop 3**, skladna z zahtevami in pogoji, določenimi v obvestilu o javnem naročilu ter v dokumentaciji v zvezi z oddajo javnega naročila, in da pri ponudniku ne obstajajo razlogi za izključitev ter izpolnjuje pogoje za sodelovanje, z namenom, da se ugotovi in izbere dopustno ponudbo.

Na podlagi predloženih dokazil in skrbnega pregleda celotne ponudbene dokumentacije ponudnika **FEI Europe B.V., Achtseweg Noord 5, gebouw AAE, 5651GG Eindhoven, Nizozemska za sklop 3**, je bilo ugotovljeno, da je ponudbo predložil ponudnik, za katerega ne obstajajo razlogi za izključitev in ki izpolnjuje pogoje za sodelovanje, ponudnikova ponudba ustreza potrebam in zahtevam naročnika, določenih v tehničnih specifikacijah in v dokumentaciji v zvezi z

[2] Naročnik mora plačati DDV skladno z veljavno zakonodajo.

oddajo javnega naročila, je pravočasna, ni dokazano nedovoljeno dogovarjanje ali korupcija, ni neobičajno nizka in cena ne presega zagotovljenih sredstev naročnika, zato jo je naročnik, skladno z določili 29. točke 1. odstavka 2. člena ZJN-3, ocenil kot **dopustno**.

Prednost izbrane ponudbe ponudnika **FEI Europe B.V., Achtseweg Noord 5, gebouw AAE, 5651GG Eindhoven, Nizozemska za sklop 3** je, da je edina dopustna, saj izpolnjuje vse zahteve naročnika in je njena skupna cena v okviru zagotovljenih sredstev naročnika. Ob upoštevanju navedenega je naročnik na podlagi drugega odstavka 90. člena ZJN-3 in glede na zgoraj navedeno obrazložitev odločil, kot izhaja iz 1. točke izreka te odločitve.

Naročnik je ponudbo ponudnika **SPECS Surface Nano Analysis GmbH, Voltastr. 5, 13355 Berlin, Nemčija za sklop 3**, v celoti pregledal v obsegu, ki je potreben za ugotovitev njene dopustnosti. Ker njegova cena presega naročnikova zagotovljena sredstva, je njegova ponudba že na podlagi te ugotovitve (29. točka prvega odstavka 2. člena ZJN-3) v celoti nedopustna, podrobnejše preverjanje preostalih tehničnih ali formalnih elementov pa v skladu z načelom gospodarnosti, učinkovitosti in uspešnosti (4. člen ZJN-3) ne bi moglo spremeniti njegovega pravnega statusa. Naročnik je s tem opravil celovit pregled predmetne ponudbe in zaključil njeno obravnavo. Ker je bila ponudba pravno-formalno prepoznana kot nedopustna, prej navedeni ponudnik v skladu s petim odstavkom 35. člena ZJN-3 nima pravice do vpogleda v ponudbo druge (dopustne) ponudbe, saj je pravica do vpogleda po zaključku celovitega pregleda ponudb omejena zgolj na tiste situacije, ko naročnik popolnega pregleda ponudb sploh ne izvede.

S tem naročnik utemeljuje svojo odločitev in je v skladu z določili ZJN-3 in glede na zgoraj navedeno obrazložitev odločil, kot izhaja iz 2. točke izreka te odločitve.

POUK O PRAVNEM VARSTVU:

Zahtevek za revizijo lahko v skladu z Zakonom o pravnem varstvu v postopkih javnega naročanja (Uradni list RS, št. 43/11, 60/11 – ZTP-D, 63/13, 90/14 – ZDU-1I, 60/17, 72/19 in 83/25 – ZOUL; v nadaljevanju besedila: ZPVPJN), vloži vsaka oseba, ki ima ali je imela interes za dodelitev tega javnega naročila in ji je ali bi ji lahko z domnevno kršitvijo nastala škoda, ali oseba, ki je zagovornik javnega interesa.
Zahtevek za revizijo se vloži preko portala eRevizija (https://www.portalerevizija.si/), v primeru nedelovanja oz. tehničnih težav pri delovanju portala eRevizija pa se postopa skladno s šestim odstavkom 13.a člena ZPVPJN. Zahtevek za revizijo, ki se nanaša na odločitev o oddaji naročila, se lahko vloži najkasneje v roku 8 (osem) delovnih dni od prejema (vročitve) te odločitve. Odločitev se šteje za vročeno z dnem objave na Portalu javnih naročil. Zahtevek za revizijo mora biti obrazložen.
Obrazloženi zahtevek za revizijo mora biti pripravljen v skladu s 15. členom ZPVPJN. Vlagatelj revizije mora v zahtevku za revizijo navesti ime in naslov vlagatelja zahtevka za revizijo in kontaktno osebo, ime naročnika, oznako javnega naročila oziroma to odločitev, predmet javnega naročila, pooblastilo za zastopanje v predrevizijskem in revizijskem postopku, če bo vlagatelj nastopal s pooblaščencem ter priložiti potrdilo o vplačilu takse iz drugega odstavka 71. člena ZPVPJN. Vlagatelj mora v zahtevku za revizijo navesti očitane kršitve ter dejstva in dokaze, s katerimi se kršitve dokazujejo.
Vlagatelj mora ob vložitvi zahtevka za revizijo, skladno z drugim odstavkom 71. člena ZPVPJN, vplačati takso v višini 25.000,00 EUR.
Takso mora vlagatelj plačati na transakcijski račun Ministrstva za finance, št. SI56 0110 0100 0358 802, odprt pri Banki Slovenije, Slovenska 35, 1505 Ljubljana, SWIFT KODA: BSLJSI2X; taksa za postopek revizije javnega naročanja, referenca 11 16110 – 7111290 – 00371126.

Univerza v Mariboru
Rektor
prof. dr. Dean Korošak

DEAN KOROŠAK
Issued By: SIGEN-CA G2
Serial No.: 6BA206F00000000057291900
Date: 12.10.2026
Certificate expires At: 31.07.2027

Vročiti:

- objava na Portalu javnih naročil skladno z desetim odstavkom 90. člena ZJN-3;
- arhiv, tu.

Project name: GIGA Nuclear Magnetic Resonance – GIGA NMR[1]

Number: 302/7-O-CATS/26
Date: 12 October 2026

On the basis of the public procurement "Purchase and Delivery of the Equipment for the Center for Solid-State Analysis", published on the Public Procurement Portal under the publication number JN003711/2026-EUe16/01 of 15 May 2026 with the correction JN003711/2026-EUe16/01-P01 of 8 June 2026 and in the Official Journal of the EU (TED) No. of publication 333764-2026 of 15 May 2026 with the correction 391561-2026 of 8 June 2026, Report of the Panel of Experts of 12 October 2026 and on the basis of Article 90 of the Public Procurement Act (Official Gazette of the Republic of Slovenia, No. 91/15, 14/18, 121/21, 10/22, 74/22 – Decision of the Constitutional Court, 100/22 – ZNUZSZS, 28/23, 88/23 – ZOPNN-F and 83/25 – ZOUL; hereinafter: ZJN-3), I issue the following

DECISION ON THE AWARD OF THE PUBLIC PROCUREMENT CONTRACT

1. The following entity is chosen as the most favourable tenderer for the public procurement "Purchase and Delivery of the Equipment for the Center for Solid-State Analysis" **Lot 3 - Fully automated multi-analysis UHV system for the analysis of surfaces and interfacial layers**:

   FEI Europe B.V., Achtseweg Noord 5, gebouw AAE, 5651GG Eindhoven, the Netherlands.

2. The tender by the tenderer **SPECS Surface Nano Analysis GmbH, Voltastr. 5, 13355 Berlin, Germany**, exceeds provided resources of the Contracting Authority, therefore, the Contracting Authority cannot select the above-mentioned tenderer in the relevant public procurement procedure, and its tender is **rejected as inadmissible**.

Grounds:

On the Public Procurement Portal the Contracting Authority has published the public procurement "Purchase and Delivery of the Equipment for the Center for Solid-State Analysis" under the publication number JN003711/2026-EUe16/01 of 15 May 2026 with the correction JN003711/2026-EUe16/01-P01 of 8 June 2026 and in the Official Journal of the EU (TED) No. of publication 333764-2026 of 15 May 2026 with the correction 391561-2026 of 8 June 2026, including for **Lot 3 – Fully automated multi-analysis UHV system for the analysis of surfaces and interfacial layers**, under an open procedure, in accordance with Article 40 of ZJN-3.

The following tenderers' tenders were received timely (that is by 3 July 2026 until 10:00 a.m.) in the e-JN information system at https://ejn.gov.si/ for the public procurement "Purchase and Delivery of the Equipment for the Center for Solid-State Analysis" **Lot 3 – Fully automated multi-analysis UHV system for the analysis of surfaces and interfacial layers**:

[1] The operation under the agreement for the operation No. C3360-26-952001 is co-financed by the European Union from the European Regional Development Fund under the 2021–2027 Cohesion Policy Programme, Policy Objective 1: A more competitive and smarter Europe by promoting innovative and smart economic transformation and regional ICT connectivity, under Priority 11: Development of Strategic Technologies for Europe – STEP, under Specific Objective RSO1.6: Supporting investments contributing to the objectives of the Strategic Technologies for Europe Platform (STEP).

No.	Tenderer's name	Receipt date	Receipt time
1.	**SPECS Surface Nano Analysis GmbH, Voltastr. 5, 13355 Berlin, Germany**	26 June 2026	17:34
2.	**FEI Europe B.V., Achtseweg Noord 5, gebouw AAE, 5651GG Eindhoven, the Netherlands**	2 July 2026	16:47

The opening of tenders took place on 3 July 2026 at 11.01 in the e-JN information system at https://ejn.gov.si/.

In accordance with the fourth paragraph of Article 89 of ZJN-3, the Contracting Authority first classified the received tenders according to the criterion specified in the public procurement documents, namely on the basis of the lowest tender price for the entire quantity in EUR excl. VAT.

Based on the specified award criterion, the tenders are ranked on the evaluation scale as follows:

No.	Tenderer's name	Tender price (in EUR excl. VAT)
1.	**FEI Europe B.V., Achtseweg Noord 5, gebouw AAE, 5651GG Eindhoven, the Netherlands**	**1,743,000.00**
2.	**SPECS Surface Nano Analysis GmbH, Voltastr. 5, 13355 Berlin, Germany**	**1,875,000.00**

The Contracting Authority established that, based on the criterion for the selection of the most advantageous tender, the tender submitted by **FEI Europe B.V., Achtseweg Noord 5, gebouw AAE, 5651GG Eindhoven, the Netherlands**, was the most economically advantageous. Accordingly, it first verified whether this tender was within the funds available to the Contracting Authority.

In accordance with Article 66 of ZJN-3, the Contracting Authority initiated the public procurement procedure by adopting the Decision on the Initiation of the Public Procurement Procedure and the Appointment of the Expert Committee No. 302/2026/S 53/650-DM dated 12 May 2026, in which it determined the estimated value of the contract and the amount of funds available for its implementation. The available funds allocated for the execution of the subject procurement amount to EUR 2,196,500.00 (VAT[2] included).

The Contracting Authority has established that the tender price submitted by the second-ranked tenderer, **SPECS Surface Nano Analysis GmbH, Voltastr. 5, 13355 Berlin, Germany, for Lot 3**, amounting to EUR 1,875,000.00 (excluding VAT) or EUR 2,287,500.00 (including VAT), **exceeds the funds available to the Contracting Authority** for Lot 3. Consequently, the Contracting Authority cannot accept this tender in the relevant public procurement procedure, and the tender is therefore **rejected as inadmissible**.

The Contracting Authority further established that the tender price submitted by **FEI Europe B.V., Achtseweg Noord 5, Building AAE, 5651 GG Eindhoven, the Netherlands, for Lot 3**, amounting to EUR 1,743,000.00 (excluding VAT) or EUR 2,126,460.00 (including VAT), **does not exceed** the funds available to the Contracting Authority for Lot 3. Therefore, the Contracting Authority proceeded with the examination and evaluation of its tender.

Pursuant to Articles 75 – 77 and Articles 86 and 89 of ZJN-3, the Contracting Authority has verified that the tender by the tenderer **FEI Europe B.V., Achtseweg Noord 5, gebouw AAE, 5651GG Eindhoven, the Netherlands, for Lot 3**, complies with the requirements and conditions set out in the public procurement notice and the procurement documents and that there are no grounds for exclusion of the tenderer and that it meets the selection criteria, with the aim of determining and selecting an admissible tender.

[2] The Contracting Authority is required to pay VAT in accordance with the applicable legislation.

Based on the submitted evidence and a thorough review of the entire tender documentation of the tenderer **FEI Europe B.V., Achtseweg Noord 5, gebouw AAE, 5651GG Eindhoven, the Netherlands, for Lot 3**, it has been established that the tender was submitted by a tenderer in respect of which there are no grounds for exclusion and which meets the selection criteria, that the tender of the tenderer meets the Contracting Authority's needs and requirements set out in Technical Specifications and public procurement documents, that the tender was received in due time, that there is no evidence of collusion or corruption, that it is not abnormally low and that the price does not exceed provided resources of the Contracting Authority, therefore, in accordance with point 29 of the first paragraph of Article 2 of ZJN-3, the Contracting Authority assessed it as **admissible**.

The advantage of the selected tender submitted by **FEI Europe B.V., Achtseweg Noord 5, Building AAE, 5651 GG Eindhoven, the Netherlands, for Lot 3,** is that it is the only admissible tender, as it satisfies all of the Contracting Authority's requirements and its total price falls within the funds available to the Contracting Authority. In view of the above, and pursuant to Paragraph 2 of Article 90 of ZJN-3, the Contracting Authority has decided, for the reasons set out above, as stated in Point 1 of the operative part of this decision.

The Contracting Authority reviewed the tender submitted by **SPECS Surface Nano Analysis GmbH, Voltastr. 5, 13355 Berlin, Germany, for Lot 3** in its entirety, to the extent necessary to determine its admissibility. Since its tender price exceeds the funds available to the Contracting Authority, the tender is, on that basis alone, wholly inadmissible pursuant to Point 29 of Paragraph 1 of Article 2 of ZJN-3. Any further examination of the remaining technical or formal aspects of the tender would, in accordance with the principle of economy, efficiency, and effectiveness set out in Article 4 of ZJN-3, be incapable of altering its legal status. The Contracting Authority has thus completed a comprehensive review of the tender in question and concluded its assessment. As the tender was formally and legally determined to be inadmissible, the above-mentioned tenderer is not entitled, pursuant to Paragraph 5 of Article 35 of ZJN-3, to access the contents of the other (admissible) tender. The right of access, following the completion of a comprehensive review of tenders, is limited solely to situations where the Contracting Authority has not conducted a full review of the tenders at all.

The aforementioned reasoning substantiates the Contracting Authority's decision that was made in accordance with the provisions of ZJN-3 and is such as it follows from Point 2 of the operative part of this decision.

INFORMATION ON LEGAL PROTECTION:

In accordance with the Legal Protection in Public procurement Procedures Act (Official Gazette of the Republic of Slovenia, No. 43/11, 60/11 – ZTP-D, 63/13, 90/14 – ZDU-1I, 60/17, 72/19 and 83/25 – ZOUL; hereinafter: ZPVPJN) a request for a review may be submitted by any person who has or has had an interest in the award of this public contract and is or may have been harmed by an alleged infringement, or any person who is an advocate of public interest.
The request for review is submitted through the eRevizija portal (https://www.portalerevizija.si/). In the event of a failure or technical difficulties in the operation of the eRevizija portal, it is to be acted in accordance with Paragraph 6 of Article 13.a of the ZPVPJN. A request for review referring to the contract award decision may be submitted at the latest within 8 (eight) working days from the receipt (service) of this Decision. The Decision shall be deemed to have been served with the day of being published on the Public Procurement Portal. The request for review needs a justification.
The justified request for review must be prepared in accordance with Article 15 of ZPVPJN. In the request for review, the review applicant has to specify its name and address as well as its contact person, the name of the Contracting Authority, public procurement designation or this decision, subject-matter of the public procurement, power of representation in the pre-review and review procedures (if the applicant intends to appear with a representative) and attach a certificate of the payment of the fee referred to in the second Paragraph of Article 71 of the ZPVPJN. In the request for review, the applicant must specify the alleged violations, along with the facts and evidence supporting those violations.
Upon submitting the request for review, in accordance with the second paragraph of Article 71 of ZPVPJN, the applicant shall pay a fee in the amount of EUR 25,000.00.

The applicant must pay the fee to the transaction account of the Ministry of Finance, No. SI56 0110 0100 0358 802, opened with Banka Slovenije, Slovenska 35, 1505 Ljubljana, SWIFT CODE: BSLJSI2X; fee for the public procurement review procedure, reference: 11 16110 – 7111290 – 00371126.

University of Maribor

Rector
Prof. dr. Dean Korošak

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Date: 12.10.2026
Certificate expires At: 31.07.2027

Serve to:

- publication on the Public Procurement Portal, in accordance with the tenth Paragraph of Article 90 of ZJN-3;
- archive, here.