

Announcement of the outcome of the procedure
Delivery
Delivery of a passenger car of the upper class (Brussels)

SECTION I - CONTRACTING PARTY**1.1.) The role of the contracting authority**

The procedure is conducted independently by the contracting authority

1.2.) Name of the contracting authority: Ministry of National Defence**1.4) National Identification Number: REGON 014872806****1.5) Ordering party's address****1.5.1.) Street: Al. Independence 218****1.5.2.) City: Warsaw****1.5.3.) Postal code: 00-911****1.5.4.) Province: Masovian Voivodeship****1.5.5.) Country: Poland****1.5.6.) NUTS 3 location: PL911 - City of Warsaw****1.5.9.) E-mail address: plmilrep.adm@mon.gov.pl****1.5.10.) The ordering party's website address: <https://www.gov.pl/web/obrona-narodowa>****1.6.) Address of the website of the proceedings: platformazakupowa.pl/pn/damon****1.7.) Type of the contracting authority: Ordering authority - public finance sector unit - public authority - government administration body (central or local)****1.8.) Object of the contracting authority's activity: Defense****SECTION II - BASIC INFORMATION****2.1.) The notice concerns:**

Public procurement

2.2.) The notice relates to social services and other specific services: Not**2.3.) Name of the contract or framework agreement:**

Delivery of a passenger car of the upper class (Brussels)

2.4.) Identifier of the procedure: ocds-148610-3a973464-f178-11ec-9a86-f6f4c648a056**2.5.) Notice number: 2022 / BZP 00270250/01****2.6.) Version of the notice: 01****2.7.) Date of announcement: 2022-07-21 12:04****2.8.) The contract or framework agreement has been included in the procedure plan: Not****2.11.) Does the contract or framework agreement concern a project or program co-financed by the European Union: Not****2.13.) The order / framework agreement was preceded by a contract notice / notice of intention to conclude a contract: Yes****2.14.) Notice number: 2022 / BZP 00225251/01****SECTION III - PROCEDURE FOR AWARDING A CONTRACT OR CONCLUDING A FRAMEWORK AGREEMENT****3.1.) The procedure for awarding the contract with the legal basis The contract is awarded in the basic mode on the basis of: Art. 275 point 1 of the Act****SECTION IV - SUBJECT OF THE CONTRACT**

4.1.) Reference number:15 / ZP / 22

4.2.) The contracting authority awards the contract in parts, each of which is the subject of a separate procedure:Not

4.3.) Value of the contract: EUR 50 728.16

4.4.) Type of contract:Delivery

4.5.1.) Short description of the subject of the contract

The subject of the contract will be the delivery of a passenger car to Brussels. The description of the subject of the contract includes the specification of the terms of the contract.

4.5.3) Main CPV code: 34100000-8 - Motor vehicles

SECTION V TERMINATION OF THE PROCEDURE

5.1.) The procedure ended with the conclusion of the contract or with the cancellation of the procedure:The proceedings / part of the proceedings ended with the annulment

5.2.) Legal basis for the cancellation of the proceedings: art. 255 point 3 of the Act

5.2.1.) The reason for the cancellation of the procedure:

The contracting authority canceled the procedure under Art. 255 point 3 of the Public Procurement Law, because the price of the best offer exceeds the amount that the contracting authority intends to spend on financing the contract. Justification:

On July 6, 2022, prior to the opening of tenders, the awarding entity, pursuant to Art. 222 paragraph. 4 of the Public Procurement Law, the information on the amount that it intends to spend on financing the contract has been made available on the website of the procedure. The amount was PLN 240,000.00 gross (in words: two hundred and forty thousand zlotys 00/100), ie EUR 50 677.82 (in words: fifty thousand six hundred and seventy-seven EUR 82/100).

Within the deadline for submitting bids, three bids were submitted. Among the offers that cannot be rejected, the offer no. 1 submitted by the contractor Zdunek Premium Sp. z oo (ul. Miałki Szlak 43/45, 80-717 Gdańsk) The price of the most advantageous offer is EUR 64,350.00, which means that it exceeds the amount allocated by the contracting authority to finance the contract by EUR 13,672.18.

Pursuant to Art. 255 item 3 of the Public Procurement Law, the awarding entity shall cancel the contract award procedure if the price of the best offer or the tender with the lowest price exceeds the amount that the awarding entity intends to spend on financing the contract, unless the awarding entity may increase this amount to the price of the best offer. In the procedure in question, the contracting authority may not increase the amount allocated for financing the contract to the price of the best offer.

Taking into account the jurisprudence of the National Appeal Chamber, hereinafter referred to as "KIO", the contracting authority has the right, or even the obligation to decide whether the increase in funds allocated to the contract is justified in terms of the purposefulness and efficiency of managing public funds. The decision is made by the contracting authority under certain conditions that arise in a specific contract award procedure and within the limits of the possibility of financing the task (judgment of 22 January 2019, file ref. KIO 2608/18).

Therefore, the contracting authority has full autonomy as to the decision to seek additional funds for the performance of the contract. The contracting authority is not obliged to take any action to increase the amount above the amount allocated to the public procurement. Moreover, since the increase in the amount allocated to the contract is the sole responsibility of the contracting authority, the refusal to increase this amount may not constitute grounds for any claims (judgment of 10 July 2017, file ref. KIO 1273/17).

The possibility for the contracting authority to increase the amount for finalizing the contract is a right, not an obligation, of the contracting authority and it is up to its decision to increase the financial resources for a given purpose. At the same time, pursuant to Art. 44 sec. 3 point 1 of the Public Procurement Law of 27 August 2009 on public finances (Journal of Laws of 2021, item 305), public expenditure should be made in a purposeful and cost-effective manner.

SECTION VI OFFERS

6.1.) Number of offers or applications received: 3

6.1.1.) Number of variants received: 0

6.1.2.) Number of additional offers: 0

6.1.3.) Number received from SMEs: 3

6.1.4.) Number of tenders from economic operators established in EEA countries other than the contracting authority's country: 1

6.1.5.) Number of tenders from economic operators based in a non-EEA country: 0

6.1.6.) Number of rejected bids, including the number of bids with an abnormally low price or cost: 1

6.1.7.) Number of bids with abnormally low price or cost: 0

6.2.) Price or cost of the offer with the lowest price or cost: 63,000.00 EUR

6.3.) Price or cost of the offer with the highest price or cost: 64,350.00 EUR