Warszawa, 04.12.2015 r.

**Economic Operators– participants of tender procedure No 75/DE/Z/15**

# **Announcement of selecting the best tender offer**

The Awarding Entity informs, that in the tender procedure for delivery of an automatic fiber placement system, conducted as open tender under Public Procurement Law of 29th January 2004 (Journal of Laws of 2013, position 907 as amended) hereinafter referred to as the PPL, the best tender offer is the offer submitted by

**Coriolis Composites Technologies**

**ZA du Mourillion, rue Condorcet**

**56530 Queven, France**

Argumentation: The Economic Operator meets conditions for participation in the tender procedure and is not excluded from the tender procedure.

Until the deadline for tender submission 2 offers were submitted:

1. Automated Dynamics, 407 Front Street, 12302 Schenectady, New York, USA
2. Coriolis Composites Technologies, ZA du Mourillion, rue Condorcet, 56530 Queven, France

The Economic Operator Automated Dynamics is excluded from the tender procedure under the article 24 paragraph 2.2 of PPL. The Awarding Entity required to lodge the tender bond before the deadline for submission of tenders. Automated Dynamics did not lodge the tender bond, therefore is excluded from the tender procedure. Under article 24 paragraph 4 of PPL, the offer of economic operator excluded from the tender procedure is considered as rejected.

Additional premise of rejection of the offer of Automated Dynamics is that the offer was submitted in English together with the translation which is not signed by the person authorized to represent the company. According to the article 9 paragraph 2 and 3 od PPL, the tender procedure is conducted in Polish. Article 9 paragraph 2 not only contains the mandatory legal norm, but it does not allow for different interpretation as well. Although the article 9 paragraph 3 of PPL allows for an exception, but it requires of Awarding Entity permission which is not given in this tender procedure.

Taking into account above mentioned argumentation, the Awarding Entity has reason to consider that the offer of Automated Dynamics is not in conformity with PPL and is rejected under the article 89 paragraph 1.1 in conjunction with article 9 paragraph 2 of PPL.

**Under article 94 paragraph 1.1 of PPL, the public procurement contract will be concluded not earlier than 10 days from the day on which the information on the selection of the best tender is dispatched.**