

Ljubljana, 9 March 2011

**Decision on awarding of the public contract number 01-2011 for purchase of the
System for macromolecular crystal structure determination**

The Public contract number 01-2010 for purchase of the System for macromolecular crystal structure determination published in Official Gazette of the Republic of Slovenia on 6 January 2011 (no. JN150/2011) was awarded to bidder MIKRO+POLO d.o.o., Zagrebška 22, Maribor. The company MIKRO+POLO d.o.o. offered X8 Proteum system for macromolecular crystal structure determination produced by Bruker. The price of the system was 498.000,00 EUR without value added tax.

Two bidders have submitted a tender for the contract by open procedure for the purchase of a system for macromolecular crystal structure determination. Two offers arrived in time before the deadline: February 18, 2011, 10:00 hours. The bidders were two companies:

- MIKRO+POLO d.o.o., Zagrebška 22, Maribor, and
- Rigaku EUROPE, Unit B6 Chaucer Business Park, Watery Lane, Kemsing, Sevenoaks Kent TN156QY, UK.

The estimated value of the contract by the open procedure was up to 500.000,00 EUR without the value added tax. The variant offers were not permitted.

The bidder Mikro + Polo d.o.o. offered X8 PROTEUM system with the Microstar generator produced by Bruker including all required tools. The price was 597.600,00 Euros (VAT included) or 498.000,00 Euros (excluding VAT). The X8 PROTEUM system meets all "Technical requirements" numbered from 1 to 32 specified in the third point of the contract by the open procedure. The offer also fulfils all requirements from the second point of the contract by the open procedure, which defines the "Complete tender". Price of the system excluding VAT is lower than the value defined in the contract by the open procedure.

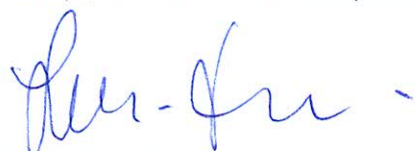
The bidder Rigaku Europe offered »High Flux Home Lab« system produced by Rigaku Americas Corporation. The offer explicitly states that the technical requirements from 1 to 22 are included in the offered price. The technical requirements from 23 to 32 are only optional and not included in the final price. Because the technical requirements from 23 to 32 are listed together as an option, they cannot be allocated accordingly with the customer's technical requirements from 23 to 32 and are therefore not explicitly identifiable. The final bid price thus only includes items from 1 to 22, the price is 456.343,00 Euros excluding VAT (547.611,60 Euros including VAT). Therefore, the tender submitted by Rigaku EUROPE is an INAPPROPRIATE TENDER because requested technical requirements numbered from 1 to 32 were not included in the final price of the bid (point 3 of the contract no. JN150/2011). An INAPPROPRIATE TENDER is a tender which did not meet the conditions related to the subject matter of the tender and therefore did not fully fulfill the conditions laid down in the contract documentation by the contracting authority.

The selection board selected X8 PROTEUM system for macromolecular crystal structure determination produced by Bruker offered by the company Mikro + Polo d.o.o., Zagrebška 22, 2000 Maribor. This offer fulfils all technical requirements listed in third point (Technical requirements) and fulfils all demands of the second point (Complete tender) of the contract by the open procedure number JN150/2011 published on 6 January 2011. The price of X8 PROTEUM system excluding VAT is 498.000,00 Euros and is less than the specified value in the contract JN150/2011.

Operation, program of development of centre of excellence, with the title "Centre of excellence for integrated approaches in chemistry and biology of proteins" (No. operation OP13.1.1.2.02.0005), is in part financed by European Union, namely from the European regional development fund. The operation is carried out under the Operational program for strengthening regional development potentials for the period 2007-2013, developmental priority: Competitiveness of enterprises and research excellence; priority orientation: Improvement of competitive abilities of enterprises and research excellence. The operation is in part financed by European Union, namely from European regional development fund, in the amount of 85 %. Share of Slovenian co-financing is 15 %.

Legal Notice:

Each bidder involved in the tendering procedure can request an audit of the procedure in line with the Auditing of Public Procurement Procedures Act (the Official Gazette of the Republic of Slovenia, No. 94/07). A request for auditing can be submitted during all phases of the awarding procedure, unless stipulated differently by the Public Procurement Act or the Auditing of Public Procurement Procedures Act. The deadline for submitting a request for an audit is ten days after the receipt of the notification regarding the contracting authority's decision. In the request the bidder should indicate the contact person, the contracting authority, the title and the code of the contract by open procedure and the following documents should be included: the award decision note, well justified violations, evidences of violations and the certificate of paid tax of 2.500 EUR. A tax of 2500 EUR should be paid on the bank account at the Ministry of Finance, no. 0110-1000358802 - implementation of the national budget of Republic of Slovenia, in line by 22. Article of Law on the revision of public procurement procedures, reference 11 161100-7111290-00000010. In the case when the call for tender was announced also in the Official Journal of the European Communities, the tax is doubled. The bidder has to submit two copies of the request for auditing to the contracting authority. Within three days after the receipt of the request for auditing, the contracting authority shall send one copy to the selected bidder. The bidder also sends a copy of the request for auditing to the Ministry of Finance. A request for auditing is sent off as registered mail with an acknowledgement of receipt, or as electronic mail provided it is verified with a qualified certificate.



Dr. Livija Tušar
Director general

Ljubljana, 9.3.2011

Sporočilo o oddaji javnega naročila št. 01-2011 za nakup Sistema za določevanje kristalnih struktur makromolekul

Javno naročilo št. 01-2011 za nakup Sistema za določevanje kristalnih struktur makromolekul je bilo z objavo v Uradnem listu dne 6.1.2011 (št. JN150/2011) oddano ponudniku MIKRO+POLO d.o.o., Zagrebška 22, Maribor. Podjetje MIKRO+POLO d.o.o. je ponudilo sistem za določevanje kristalnih struktur makromolekul X8 Proteum proizvajalca Brukerja. Cena sistema je bila 498.000,00 EUR brez DDV.

Na javno naročilo po odprtem postopku za nakup Sistema za določevanje kristalnih struktur makromolekul sta prispeli dve ponudbi. Ponudbi sta prišli pravočasno do razpisanega roka 18.2.2011 do 10.00 ure. Ponudnici sta bili dve podjetji:

- ponudba podjetja MIKRO+POLO d.o.o., Zagrebška 22, 2000 Maribor in
- Rigaku EUROPE, Unit B6 Chaucer Business Park, Watery Lane, Kemsing, Sevenoaks Kent TN156QY, UK

Vrednost javnega naročila je bila do 500.000,00 EUR brez DDV. Variantne ponudbe niso bile dovoljene.

Ponudnik Mikro+Polo d.o.o. je ponudil sistem X8 PROTEUM z generatorjem Microstar in vsemi potrebnimi zahtevanimi pripomočki proizvajalca Brukerja. Cena je bila 597.600,00 EUR (DDV vključen) oz. 498.000,00 EUR (brez DDV). Sistem X8 PROTEUM izpolnjuje vse tehnične zahteve od 1 do 32 navedene v 3. točki javnega naročila. Izpolnjuje tudi vse zahteve navedene v 2. točki naročila, ki opredeljuje »Popolno ponudbo«. Cena sistema brez DDV je nižja od vrednosti javnega naročila.

Ponudnik Rigaku Europe je ponudil sistem »High Flux Home Lab« proizvajalca Rigaku Americas Corporation. V ponudbi je eksplicitno navedeno, da so le tehnične zahteve od 1 do 22 vključene v ponujeno ceno. Tehnične zahteve od 23 do 32 so navedene kot opcija in niso vključene v ponujeno ceno. Tehnične zahteve od 23 do 32 so izpisane kot opcija in jih ni mogoče razporediti glede na naročnikove tehnične zahteve od 23 do 32 in zato niso eksplicitno določljive. Končna cena ponudbe vključuje le tehnične zahteve od 1 do 22 in cena brez DDV znaša 456.343,00 EUR (z DDV 547.611,60 EUR). Zaradi tega je ponudba podjetja Rigaku Americas Corporation NEPRIMERNA, ker ne vključuje v končni ceni tehničnih zahtev od 1 do 32 (3. točka Javnega naročila št. JN150/2011). Neprimerna je tista ponudba, ki ne izpolnjuje pogojev, vezanih na vsebino predmeta javnega naročila in zato ne izpolnjuje v celoti zahtevam naročnika, določenim v razpisni dokumentaciji.

Komisija je izbrala sistem X8 PROTEUM za določevanje kristalnih struktur makromolekul proizvajalca Brukerja, ki ga ponuja podjetje MIKRO+POLO d.o.o., Zagrebška 22, 2000 Maribor. Ta ponudba izpolnjuje vse tehnične zahteve navedene v 3. točki (Tehnične zahteve) in izpolnjuje vse zahteve 2. točke (Popolna ponudba) javnega naročila številka JN150/2011 z dne 6.1.2011. Cena sistema X8 PROTEUM brez DDV je 498.000 EUR in je nižja od določene vrednosti v javnem naročilu JN150/2011.

Operacijo, program razvoja centra odličnosti, z naslovom Center odličnosti za integrirane pristope v kemiji in biologiji proteinov (št. operacije OP13.1.1.2.02.0005), delno financira Evropska unija, in sicer iz Evropskega sklada za regionalni razvoj. Operacija se izvaja v okviru Operativnega programa krepitve regionalnih razvojnih potencialov za obdobje 2007-2013, razvojne prioritete: Konkurenčnost podjetij in raziskovalna odličnost; prednostne usmeritve: Izboljšanje konkurenčnih sposobnosti podjetij in raziskovalna odličnost. Operacijo delno financira Evropska unija, in sicer iz Evropskega sklada za regionalni razvoj, v višini 85%. Slovenski delež sofinanciranja je v višini 15%.

Pravni pouk:

Vsak ponudnik, ki je sodeloval v postopku javnega razpisa, sme zahtevati revizijo postopka v skladu z Zakonom o reviziji postopkov javnega naročanja ZRPJN (Uradni list RS št. 94/07). Zahtevek za revizijo se lahko vloži v vseh stopnjah oddaje javnega naročila, razen če ZJN-2B in ZRPJN ne določa drugače. Po odločitvi o oddaji naročila je rok za vložitev zahtevka deset dni od prejema obvestila o odločitvi o oddaji naročila. Vlagatelj mora v zahtevku navesti kontaktno osebo, naziv naročnika, javno naročilo in priložiti naslednje dokumente: odločitev o oddaji naročila, obrazložitev kršitev, dokaze o kršitvah ter potrdilo o vplačilu takse v višini 2.500 EUR. Takso mora plačati na transakcijski račun Ministrstva za finance, št. 0110-1000358802 – izvrševanje proračuna RS, v skladu z 22. členom Zakona o reviziji postopkov javnega naročanja, sklic 11 161100-7111290-00000010. V primeru, da je razpis objavljen tudi v Uradnem glasilu Evropske skupnosti, se taksa iz prejšnjega stavka podvoji. Vlagatelj mora vložiti zahtevek za revizijo v dveh izvodih pri naročniku. Naročnik kopijo zahtevka za revizijo v treh dneh od prejema posreduje izbranemu ponudniku. S kopijo zahtevka za revizijo pa vlagatelj obvesti tudi ministrstvo, pristojno za finance. Zahtevek za revizijo se vroči po pošti priporočeno s povratnico ali v elektronski obliki, če je overjen s kvalificiranim potrdilom.



Dr. Livija Tušar
poslovna direktorica