

**DZIAŁ ZAMÓWIEŃ PUBLICZNYCH
UNIwersytetu Jagiellońskiego**

ul. Straszewskiego 25/3 i 4, 31-113 Kraków

tel. +4812-663-39-03

e-mail: bzp@uj.edu.pl

<https://www.uj.edu.pl>; <https://przetargi.uj.edu.pl>



Krakow, August 5, 2025

Addressee:

XDS Oxford Ltd., Units 1-4 Ferry Mills, Osney Mead, Oxford, United Kingdom, OX2 0ES

Refers to: public procurement procedure conducted under the open tender procedure pursuant to Article 132 of the Public Procurement Law of 11 September 2019 (consolidated text: Journal of Laws of 2024, item 1320, as amended), for the purpose of selecting a contractor for design, construction, delivery, and installation of the X-ray optics system (part. 1) and design, construction, delivery, and installation of the diffractometer and detector positioning tables (part 2) for SOLCRYS beamline at the SOLARIS National Synchrotron Radiation Centre in Kraków, Case no: 80.272.179.2025.

**NOTICE
OF CANCELLATION OF THE PROCUREMENT PROCEDURE
IN PART I OF THE SUBJECT OF THE CONTRACT**

Dear Sirs,

We hereby inform you that the procurement procedure concerning **PART I OF THE SUBJECT OF THE CONTRACT has been cancelled, pursuant to the provisions of Article 255(2) of the Public Procurement Law of 11 September 2019 (consolidated text: Journal of Laws of 2024, item 1320, as amended), due to the fact that the only offer submitted in the procedure is subject to rejection.**

The Contracting Authority, acting under Article 226(1)(3) in conjunction with Article 63(1) of the Public Procurement Law (hereinafter: PPL), rejected the offer submitted by XDS Oxford Ltd., Units 1–4 Ferry Mills, Osney Mead, Oxford, United Kingdom, OX2 0ES, on the grounds that the offer does not comply with the provisions of the Act.

The offer submitted in the present procedure was required to be prepared in electronic form, in a data format compliant with the Regulation of the Council of Ministers of 21 May 2024 on the National Interoperability Framework, minimum requirements for public registers and information exchange in electronic form, and minimum requirements for ICT systems (Journal of Laws of 2024, item 773), and to be signed with a qualified electronic signature.

The offer submitted by the Contractor was not signed with the required qualified electronic signature, but rather with a seal issued to a third party, namely SIGNIUS S.A., acting as a company, which renders the offer null and void.

Issues related to the electronic signing of offers are regulated by Article 63 of the PPL.

According to the commentary of the Public Procurement Office (Uzp), in a contract award procedure or design contest with a value exceeding EU thresholds, the offer must, under pain of nullity, be submitted in electronic form using a qualified electronic signature: *“Performing an act without complying with the form required by law under pain of nullity constitutes a defect of that legal act, resulting in the act failing to produce the intended legal effects (absolute nullity).*

Consequently, failure to sign the offer or application in the required form, or signing it incorrectly, results in the offer or application being rejected pursuant to Article 226(1)(3) of the PPL. For the submission of the offer or application to be deemed effective, the Contractor must transmit to the Contracting Authority an electronic file (document) containing the offer, signed with a qualified electronic signature prior to the encryption of the offer. It is irrelevant whether it is an internal or external signature. It is also acceptable for the Contractor to transmit the offer in a so-called 'package' of electronic documents (i.e., a compressed archive of electronic documents, typically in ZIP format), with the qualified electronic signature attached as a signature file to the 'package' prior to encryption. This is in accordance with § 8 of the Regulation on means of electronic communication, which stipulates that, when submitting an electronic document in a compressed format in the procedure or contest, the compressed file must be signed with a qualified electronic signature."

This position is also reflected in Chapter IX, Section 1, item 1.6(a) of the Terms of Reference (ToR), which unequivocally states: "documents or statements, including the tender (the bid), shall be submitted in the original in an electronic format using a qualified electronic signature. In the case of putting a qualified signature and using the XAdES external signature format, the Contracting Authority requires that an appropriate number of files be included, i.e. data files to be signed and signature files in the XAdES format. A tender submitted without an appropriate electronic signature shall be rejected pursuant to Article 226(1)(3) of the PPL due to non-compliance with Article 63 of that Act."

In view of the aforementioned non-compliance, the Contracting Authority has resolved as stated above.

Detailed information regarding legal remedies is set out in Part IX "Legal Protection Measures" of the Public Procurement Law.

Yours sincerely

Anna Łukasik-Socha