



**INFORMATION ABOUT NOT AWARDED CONTRACT AND CANCELATION OF THE  
PROCEDURE**

*re. the procedure for the delivery of underwater autonomous multichannel acoustic recorder  
(procedure No. IO/ZO/2/2021)*

- I. The Contracting Authority – the Institute of Oceanology of the Polish Academy of Science – informs that in accordance to Chapter VII section 25 letter a) and in accordance to Chapter VII section 25 letter b) of the Quotation Request Notice the procedure for **the delivery of underwater autonomous multichannel acoustic recorder** for the Institute of Oceanology of the Polish Academy of Science - procedure No. IO/ZO/2/2021 was cancelled.

Justification

There was one bid submitted in the procedure – by the Contractor **JASCO Applied Sciences (Canada) Ltd.**, 32 Troop Ave. Unit #202 B3B 1Z1, Dartmouth, Nova Scotia, Canada, bid price: \$32,410.00 USD.

Cancellation on basis of Chapter VII section 25 letter a) of the Quotation Request Notice

The Contracting Authority rejected bid offer submitted by this Contractor on basis of Chapter VII section 14 of the Notice. Due to the fact that all submitted bids were rejected, the Contracting Authority cancelled the procedure on basis of Chapter VII section 25 letter a) of the Notice.

Cancellation on basis of Chapter VII section 25 letter b) of the Quotation Request Notice

The Contracting Authority canceled the procedure on basis of Chapter VII section 25 letter b) of the Notice due to the fact that the only bid offer submitted in the procedure exceeds the amount allocate to finance the Contract.

The Contractor offered execution of the Contract for bid price \$32,410.00 USD, that is for 125,138.25 PLN. After adding VAT that the Contracting Authority would be obligated to pay in Poland that gives 153,920.05 (gross).

The Contracting Authority allocated for execution of the Contract amount 133,500 PLN.

Due to the fact that the Bid price increase by adding the tax on goods and services (VAT) that the Contracting Authority would be obligated to pay in Poland exceeds the amount allocated to finance the Contract, the Contracting Authority cancelled the procedure on basis of Chapter VII section 25 letter b) of the Notice.

- II. The Contracting Authority – the Institute of Oceanology of the Polish Academy of Science – informs that in accordance to Chapter VII section 14 of the Notice the bid offer submitted by Contractor JASCO Applied Sciences (Canada) Ltd., 32 Troop Ave. Unit #202 B3B 1Z1, Dartmouth, Nova Scotia, Canada was rejected.

Justification

The bid offer submitted by the Contractor JASCO Applied Sciences (Canada) Ltd. has deficiencies that resulted in the bid not corresponding to the content of the Notice. At the same time the deficiencies due to their nature, could not be corrected pursuant to Chapter VII section 23 of the Notice.

In accordance to Chapter VI section 4 of the Notice, if a bid has been submitted by Contractor having its registered office and location of the business activity outside of the Republic of Poland, **the Contractor shall indicate only the net value**. In order to evaluate such a bid offer, the Contracting Authority shall increase the bid price by adding the tax on goods and services (VAT).

The Contractor JASCO Applied Sciences (Canada) Ltd. has its registered office and location of the business activity outside of the Republic of Poland. Due to this fact the Contractor should indicate in its offer only the net value. It is because of the fact that every time a contract is signed with foreign entity and a product is imported to Poland, the Contracting Authority has to pay VAT in Poland.

The Contractor in its bid stated Gross price, which suggests that it includes VAT. At the same time the Contractor did not state net value or amount of VAT. This results in not enough data for the Contracting Authority to correct the offer or its own, on basis of Chapter VII section 23 of the Notice.

The Contracting Authority cannot decrease the bid price by the VAT applied by the Contractor or assume that in reality the Contractor wanted to put bid price without VAT (net value), due to lack of possibility to indicate VAT applied by the Contractor without Contractors involvement.

The Contracting Authority cannot ask the Contractor about it due to the fact that it could be recognized as negotiation concerning the bid price.

In addition, regardless whether the Contractor included VAT applicable outside Poland (e.g. in Canada) in the Bid, the Contracting Authority still would be obligated to pay VAT in Poland. This creates uncertainty what the final cost of the Contract will be.

Due to reasons set above, The Contracting Authority rejected the Contractors offer on basis of the Chapter VII section 14 of the Notice.

- III. The Institute of Oceanology of the Polish Academy of Science – informs that, due to cancelation of the procedure, the contract in this procedure was not awarded.