

**Warsaw Appellate Court judgment  
dated 29 May 2000  
Case No. I ACa 65/00**

**Summary by arbitraz.laszczuk.pl:**

In a public procurement procedure involving a supply of printers for the Warsaw Tax Chamber, the bid by A. sp. z o.o. was rejected by the contracting authority. The bidder filed a protest with the arbitration board, which overturned the action by the contracting authority and ordered A. sp. z o.o. to be admitted to further proceedings within the procurement procedure.

Under the Public Procurement Law as then in effect, Civil Procedure Code provisions concerning arbitration were applicable to protests within the procurement procedure. Thus the contracting authority filed a petition under the arbitration regulations with the regional court to set aside the decision by the arbitration board, alleging that it was unclear, internally inconsistent and contrary to public policy.

The court denied the petition, agreeing with the arbitration board that the alleged defect in the bid involved an issue that did not disqualify the bid but should be considered when conducting the substantive evaluation of the bids. The court further held that the decision by the arbitration board did not violate public policy. The appellate court affirmed.

**Excerpt from the text of the court's ruling:**

**The arbitration court's violation or incorrect interpretation of substantive law, and the resulting defect of the ruling, in and of itself does not constitute a violation of the rule of law. A violation of substantive law must be such that it would result in issuance of a ruling that would by its content violate fundamental principles of the rule of law. The fact that the case concerns public procurement paid for out of public funds does not change this assessment and does not mean that violation of any of the provisions of [the Public Procurement Law] constitutes a violation of the rule of law.**