



Odvoz a likvidácia odpadu a.s., Ivanská cesta 22, 821 04 Bratislava

To all interested parties

In Bratislava 18.08.2023

Subject:

Explanation of the tender documents I

The contracting authority Odvoz a likvidácia odpadu in short: OLO a.s., IČO 00681300, with registered office at Ivanská cesta 22, 821 04 Bratislava (hereinafter referred to as "the contracting authority"), announced the above-limit contract by means of a tender procedure entitled "Digitisation of the fleet, collection planning system and electronic registration and confirmation of tipping" (hereinafter referred to as "the tender") by means of a notice of public procurement published in the Official Journal of the EU on 25 July 2023 (hereinafter referred to as the "Contract Notice").

The contracting authority received the following questions from interested parties:

Question no. 1

In the section Description and rules for the application of criterion K2 - Recognized quality of the offered solution, the contracting authority states the following condition: Given that the contracting authority, when evaluating the quality of the offered solution, wants to assess only modern solutions using technologies current on the market with relevant performance, it will only award points for solutions that refer to the implementation of the solution completed after 01.01.2018'.

Question:

The tenderer asks the contracting authority to clarify the concept of implementation (unless it also means implementation of upgrades / modernisation of systems) in the light of the above justification that it wants to consider only modern solutions. The tenderer is of the opinion that the contracting authority should allow to include in the assessment in criterion K2 also solutions that have been implemented before 01.01.2018 and have demonstrably undergone an upgrade / modernisation in the period since 01.01.2018. If this has been done it is evidence that the customer was satisfied with the solution and only an upgrade has taken place reflecting

technological and SW developments in the field. The tenderer considers the set rule to consider only the solution implemented after 01.01.2018 as unjustified and discriminatory.

Answer to question No. 1

In the light of the following, the contracting authority insists on the formulation of criterion K2 as stated in the tender documents, it does not consider such a setting to be unjustified and certainly not discriminatory. The application of the qualitative criterion K2 cannot be an obstacle in the current formulation of participation in the Tender procedure and the Contracting Authority considers that the advantage it potentially allows is justified. Moreover, the criterion is formulated in such a way that the tenderer knows exactly how many points it can obtain and, given that the tenderer knows the value of one qualitative point, it has the possibility to consider how to adjust the value of the price criterion (K1), assuming that it is awarded less than the full number of points under criterion K2, in order to make its tender competitive.

The contracting authority draws the attention of the interested party to the fact that it is fully within its competence to determine what it considers, within the qualitative criteria, to be the aspects of the offer that bring it added value in fulfilling the objective pursued by the contracting authority in awarding the contract (provided that by setting the criterion it does not violate any of the obligations imposed on it by Section 10 of the Public Procurement Act - which, in the opinion of the contracting authority, is sufficiently demonstrated by this answer).

The contracting authority has set the quality criterion to reflect, as far as possible, its desire to obtain the most up-to-date and highest quality software solution.

The contracting authority currently has at its disposal a software solution which was implemented in its conditions during 2014 and which meets a certain range of functionalities that the contracting authority requires from the solution to be provided to it on the basis of the concerned public procurement. The objective pursued by the contracting authority in awarding this contract is, in addition to extending the functionalities already available to it, in particular to upgrade compared to the solution currently in use. As a condition for the implementation of solutions after 2018, to which the tenderer may refer in the references submitted for the purpose of obtaining points under the quality criteria, the contracting authority aims to award quality points only to solutions which must have been compatible with the software offered on the market at least at the time of their initial implementation, at least at the date so defined. The contracting authority considers that the period from 01.01.2018 to the moment of the tender announcement (i.e. more than 5 and a half years) is, in particular in the field of software solutions, a period during which there have been substantial changes in what is considered to be a standard/technologically up-to-date solution on the market with the same or similar services (and in particular after taking into account the fact that the subject of the contract is a cloud-based solution, i.e. a technology that has been widely used only in the last few years), which, in the contracting authority's view, is a statement that cannot be disputed.

The contracting authority considers that there is a reasonable presumption that solutions initially implemented before the date so defined have been developed and designed (i.e. their source code and the "core" of such software) on the basis of standards, which are not current today and, following this assertion (and the above), it makes no sense from the contracting authority's point

of view to award quality points to bidders for such a solution (i.e. theoretically to allow them to become the successful bidder despite the fact that their bid price is not the lowest)

As regards the actual determination of the decisive date of 01.01.2018, the contracting authority addressed the question of how many similar projects and in what sums were carried out by the individual participants in the PTC over the last three years in the framework of the Preparatory Market Consultation (PMC) that preceded the launch of this contract. On the basis of the answers provided in the PMC, the contracting authority considers that it is clear from the answers of the participants in the PMC that they have implemented a sufficient number of similar or analogous solutions in the three years preceding the tender announcement. Thus, the contracting authority would theoretically be able to demonstrate, on the basis of the responses of the participants to the PMC, that even setting a reference date falling in 2019/2020 could not be considered discriminatory. Thus, by setting the reference date to 01.01.2018, the contracting authority has defined a substantially longer "reference period" than the period for which it can demonstrate that it would not be discriminatory in the light of the PMC outcomes.

Regarding the view expressed by the interested party that quality points should also be awarded for upgrades of solutions implemented before 01.01.2018, the contracting authority points out that the subject of the contract is not the upgrade of the solution but the implementation of a completely new solution. Therefore, the contracting authority sees no reason to award quality points for a reference demonstrating that the tenderer has provided substantially different services than those which form the subject of this contract. Although a software upgrade may have some comparable aspects (or phases or steps) to a software implementation, the contracting authority considers that an essential part of the required scope of the contract is the analysis of a completely new environment, new integration interfaces and the implementation of the offered solution, including the new hardware into the environment, which needs to be mapped before the implementation starts, which is not necessarily necessary for an upgrade.

In the contracting authority's opinion, it cannot be satisfactorily proven that the upgrade of the solution is as complex as the implementation of a new solution, and such a view remains in the level of an unsubstantiated claim of the interested party.

At the same time, the contracting authority considers that by admitting a reference to an upgrade of an older solution implemented before 01.01.2018 (which is the date justified above), it would introduce a substantial degree of unpredictability, disproportionality and non-transparency in its procedure, as the contracting authority does not know (and, given its technical capacity, cannot reasonably know) how much of an upgrade would be sufficient to award quality points for it. The wording in the tenderer's question, in connection with the wording of criterion K2, allows for a situation where, for example, a solution implemented in 2000 (ad absurdum), which has fleet management functionality, could be awarded quality points even if a negligible upgrade with minimal impact on its functionalities was implemented, provided that the customer was satisfied with the upgrade (regardless of the degree of modernization).

In the light of the above, the contracting authority considers that the upgrade of the older solution is not a sufficient reference in terms of substance to allow the tenderer to obtain quality points for its tender and thus to gain a certain competitive advantage, since such a reference does not in any way demonstrate, that the tenderer has been able to provide services similar to those required

by the contracting authority during the relevant period and therefore does not demonstrate that the tenderer has experience that would indicate that it can better meet the contracting authority's objective of implementing a new software solution in a new environment.

Question No. 2

Reference to the published tender documentation:

Reference to the published tender documentation:

In the section: Description and rules for the application of Criterion K3, there are a number of requirements and questions that the tenderer considers unjustified and not sufficiently transparent to be evaluated. For example: '2. The PM . is motivated to achieve the objective, treats the project as a professional priority, it is evident that he will devote sufficient time to the project within reason.', or 3. it is clear from the presentation that the objective pursued by the PM in the execution of this project is obvious and clearly articulated and in line with the interests of the contracting authority".

Question:

The applicant has given only some examples and considers the whole concept of K3 criteria to be non-objective on several points and will not be satisfied with answers only to the examples given of non-objective evaluation criteria. The tenderer asks the contracting authority to either modify the whole K3 criterion sufficiently to make it objective or to remove this criterion completely from the tender documentation.

Answer No. 2

The contracting authority disagrees with the tenderer's assertion (which, as formulated in the question, amounts to an unsupported opinion) and will not modify or change criterion K3.

The contracting authority would like to point out that the subjective evaluation of tenders by the members of the committee when assigning qualitative points on the basis of the submitted offers is not excluded by the applicable public procurement legislation, provided that the contracting authority does not violate any of the obligations and principles of public procurement, which are established in Section 10 of the Public Procurement Act. To this end, the contracting authority wishes to draw the attention of the interested party to, for example, Decision No 3782/9000/2021 of 19.04.2021 of the Council of the Public Procurement Office, in which the Council is of the opinion that not all qualities can be evaluated on the basis of objectively measurable values. At the same time, we would like to draw the attention of the interested party to the fact that evaluation interviews are a common practice in several public contracting authorities, for example in the Czech Republic or the Netherlands (which are countries which are subject to the same EU directives in the field of public procurement as the legislation applicable in the Slovak Republic).

The contracting authority further considers that if it is standard practice in the purchase of software in the private sector for a potential supplier to present its product, its features and the

added value of the persons who will implement the product for the client, there is no reason why such a practice in the purchase of software (taking into account the principle of "maximum value for money") should not also be applied by an entity in the position of a contracting authority, provided that it takes steps sufficient to ensure that there is no violation of the legal principles of public procurement.

The formulations to which the interested party refers are a definition of the areas within which the tenderers' representatives will be asked specific (and always the same) questions, therefore the contracting authority considers that their formulation is sufficient for the tenderer to know in advance what the contracting authority is seeking to achieve by the evaluation interview, and therefore the contracting authority considers that its procedure is sufficiently predictable, already at the stage of the submission of tenders.

The contracting authority considers criterion K3 to be transparent, as the method of its evaluation is sufficiently clearly described, while in the process of its evaluation steps will be applied to ensure the greatest possible degree of transparency (inter alia, audiovisual recording of the evaluation interviews and the subsequent written justification of the number of points awarded by the committee), consistent with the principle of equal treatment of tenderers (the method of evaluation of the criterion is described in the same way for each entity, the questions in the evaluation interview will be exactly the same, whether it concerns the evaluation of the characteristics of the project manager or of the characteristics of the presented software solution, evaluated by the expert panel with the same composition in each interview carried out) and the contracting authority considers that the evaluation criterion formulated in this way is an effective tool to ensure the economic efficiency of its procedure in the context of the public procurement procedure in question and thus to ensure the greatest possible value for money. At the same time, this criterion does not discriminate in any way against any entities on the market, as each entity has the same opportunity to present its product and the quality of its representative.

The objective of the contracting authority is to purchase the software solution cost-effectively and at the same time to obtain a partner for the entire contract period, which may be up to seven years if the option formulated in the draft service contract is applied.

The contracting authority draws the attention of the tenderer to the fact that, although the members of the committee will assign criteria under criterion K3 on the basis of their subjective experience and expertise, this evaluation will be substantially objectified by the fact that all members of the committee must agree on a single number of points to be assigned for a given evaluated aspect.

The contracting authority further considers that:

- By applying criterion K3 as formulated in the tender documents, it will take into account, in the evaluation of offers, whether the principal representative of its contractual partner (and, within the meaning of the contract and the SLA annexed to the tender documents, the person responsible for project management and key communication between the two parties) will be sufficiently motivated to be the main representative of the contractual partner for the funds spent on the project (and, within

the meaning of the contract and the SLA annexed to the tender documents, the person responsible for the project management and key communication between the two parties), who is mainly, but not exclusively, sufficiently knowledgeable about the subject matter from a professional point of view. The person of the project manager will be a key aspect of the performance of the contract for the contracting authority and his/her qualities and expertise may ultimately have a major impact on the quality of the services (in particular the coordination and management of their delivery and the level at which they are communicated to the contracting authority);

- By applying criterion K3 as it is formulated in the tender documents, the evaluation of tenders will take into account the features of the offered solution (such as in particular, but not exclusively, the user-friendliness of the interface, its complexity, etc.) which cannot be verified only formally (or, in the opinion of the contracting authority, could not be fully verified if the tenderer had only declared them in writing in its tender);

- By applying criterion K3 as formulated in the tender documents, the evaluation of tenders will take into account the ability of the offered solution to efficiently generate a plan that would be cost-effective when implemented in the practice of waste collection in the Capital City of Bratislava.

The contracting authority also points out the proportionality of its chosen procedure. In the opinion of the contracting authority, the effective purchase and implementation of the new software solution (and in the case of the contract in question, a solution that is key to the effective performance of the tasks for which OLO was established) is not possible without a prior presentation of the bidder's project manager and a presentation of the solution to the contracting authority's representatives responsible for the implementation of such a solution, which must be suitable for the conditions in which and under which it will be implemented and used by the contracting authority in practice. The number of points that can be obtained under criterion K3 is, according to the contracting authority, proportionate to the significance for the contracting authority of the successful tenderer's project manager, the features of the presented solution and its ability to generate collection plans (in view of the fact that the offered solution and the expertise with which it will be implemented will be crucial for the functioning of the contracting authority as a company and for the efficiency of waste collection and waste management in the Capital City of the Slovak Republic of Bratislava) being at the highest possible level.

Question No. 3

Regarding Excel Sheet 05. ENG Annex No. 4 TD - Annex No. 3 – Price.

In field I-107, the total for the LKW (200 units) and PKW(30 units) multiplied by the monthly rate per vehicle type is given. Is this value then the basis for the contract or is the monthly sum per real equipped vehicle type brought to account in the contract?

Answer No. 3

The value of cell I - 107 represents the sum of other cells. The applicant does not enter any value

in this position, it will be automatically calculated on the basis of the entries in the other cells in question. For the individual items that add up to the value of cell I-107, the frequency of payment is indicated in column L. In the table, the bidder shall enter the unit prices for LKWs and PKWs on a monthly basis, and the maximum monthly frame to be taken into account when the maximum number of vehicles is involved shall then be indicated in cell I-107.

Question No. 4

Regarding Excel Sheet 05. ENG Annex No. 4 TD - Annex No. 3 – Price.

In column O Forma dôkazu (Evidence type) you request an evidence for each single issue.

Project team: Please can you specify what kind of certificate do you expect

Funkcionalita Modul Elektronická Evidencia (Functionality Electronic Registration)/ Funkcionalita Modul Fleet Management (Functionality Fleet Management)/ Funkcionalita Modul Plánovanie Zvozu (Collection Planning Module Functionality): Please can you specify what do you expect.

Please have in mind that several modules will be custom made developed for OLO and does not exist in the moment of submitting the offer.

Answer No. 4

As regards the form of evidence by which the tenderer demonstrates that it has the individual members of the project team - at this point the contracting authority will expect the submission of a CV (with the exception of the demonstration of the experience of the project manager and the software architect, which remains a condition of participation as formulated in the tender documents).

The contracting authority originally indicated 'CV/certificate' as the accepted form of evidence for the items in lines 14 to 24 in the table in question.

After careful consideration, the contracting authority will modify this part of the table as well as the tender documents in point 28.1 so that the tenderer can only demonstrate compliance with this requirement at the stage of providing the necessary assistance for the proper performance of the contract within the meaning of the provisions contained in Section 56 of the Public Procurement Act (with the exception of the demonstration of the experience of the project manager and the software architect, which remains a condition of participation as formulated in the tender documents).

The contracting authority will therefore only require the submission of the CVs for the persons listed in rows 14 to 24 of the table in question from a tenderer who has been notified, in accordance with the legislation, that its tender is accepted by the contracting authority at the pre-signing stage of the service contract.

The contracting authority will publish the table and the tender documents, adjusted accordingly,

Komentár od [KA1]: Prejst' či je to ok s PÚ

in the contract interface in the JOSEPHINE system.

As regards the form of evidence expected by the contracting authority for individual functionalities (including those for which the tenderer does not have the functionality at the time of submission of the tender), this is defined in more detail in point 25.3 of the tender documents - 'Content of the tender' - section 'Own solution proposal'.

Question No. 5

17 Language of the offer

17.2 If a document or a document is drawn up in a foreign language other than the Czech language or the English language, it shall be submitted together with its official translation into the Slovak language.

Question:

What do you expect with the meaning of official translation? Please can you specify?

Answer No. 5

The mentioned wording in the tender documents results directly from the legislative regulation of public procurement in the Slovak Republic:

Pursuant to Section 20(20) of the Public Procurement Act, "Tenders, proposals and other documents and documents in public procurement shall be submitted in the state language and may also be submitted in the Czech language. If a document or a document is drawn up in a language other than the national language or the Czech language, it shall be submitted together with its official translation into the national language. If there is a difference in the content of the document or document submitted pursuant to the second sentence, the official translation into the national language shall prevail."

Subsequently, Article 20(21) the Public Procurement Act states:

"The contracting authority and the contracting entity may, in the notice of the public procurement notice, in the notice used as a call for competition, in the notice of an above-limit concession, in the information on the award of a below-limit concession, in the invitation to submit tenders where the award is a below-limit contract and in the notice of a design contest, allow the submission of a tender or design in a language other than the national language or the Czech language; the provision of paragraph 20, second sentence, shall not apply. Where the contracting authority or contracting entity allows the submission of a tender in a language other than the preceding sentence, it shall always allow the submission of the tender in the official language. The contracting authority and the contracting entity shall, for the purposes of exercising supervision over public procurement under this Act, provide an official translation of that part of the documentation which is drawn up in a language other than the official language or the Czech language."

It follows that only if the tender is submitted in a language other than Slovak, Czech or English (i.e., for example, French, German, Spanish or another language), it must be accompanied by an official translation into Slovak.

According to the tender documents, if the tender is made in English or Czech, the submission of an official translation into Slovak is not required.

Otázka č. 6

ENG Annex No. 2 TD - Annex No. 1 - Description of the subject of the contract 2.2 Technical specification of the monitoring units line 1125/1126:

For the avoidance of doubt, the contract subject does not include the supply of RFID.

We assume you state with this sentence only the RFID tags. This means that vehicle equipment of this chapter has to have readers for UHF and LF included. Please confirm.

Answer No. 6

The contracting authority confirms that the tenderer understands the requirement in question correctly.

The contracting authority does not require the supply of RFID chips within the scope of the contract, it requires readers for UHF and LF.

Question No. 7

5. 01ENG

21.4 CONDITIONS OF PARTICIPATION PURSUANT TO SECTION 32 OF THE PUBLIC PROCUREMENT ACT (RELATING TO PERSONAL STANDING):

Possibilities of using the Single European Document (formalised affidavit):
The tenderer or the members of the group of suppliers may temporarily replace the required documents by a single European document. In such a case, the tenderer/group of suppliers shall submit the temporarily replaced documents at the request of the contracting authority. The rules and recommendations for the use of the Single European Document are set out in Chapter 4 of this Annex.

Question:

We do not see the explanation in chapter 4 please can you clarify this issue?

Answer No. 7

The contracting authority has retained the sentence "The rules and recommendations for the use

of the Single European Document are set out in Chapter 4 of this Annex." In the English version of the tender documents, by oversight. It is not mentioned in the Slovak version.

The conditions and possibilities for the use of the Single European Document are set out in point 24 of the tender documents.

The contracting authority shall delete the above sentence from the English version of the tender documents and publish a modified version of the English version.

Question No. 8

6. 01ENG

23.1 CONDITIONS OF PARTICIPATION PURSUANT TO § 34 OF THE PUBLIC PROCUREMENT ACT

A list of key experts and their competence requirements (minimum level required) that the tenderer must demonstrate in the tender.

We assume that this list can be more than one project manager and more than one Software Architect. Because this project in this size are realised in an equal team. Please confirm. In addition we need to know if the dedicated project manager for OLO must be the same person as stated in this list. Please clarify.

Answer No. 8

The tenderer must demonstrate compliance with the above participation condition by submitting the required documents for only one project manager and only one software architect.

Compliance with the above participation condition cannot be demonstrated by submitting the required documents for more than one project manager or more than one software architect.

Both the project manager (single person) and the software manager by whom the tenderer demonstrates compliance with this condition must be involved in the performance of the contract within the meaning of point 4.15 of the service contract annexed to the tender documents.

For the avoidance of doubt, the project manager whom the tenderer specifies as the person by whom it demonstrates compliance with this participation condition must be the person who will take part in the evaluation interview (or, in the sense of the tender documents, no other representative of the tenderer may take part in the interview).

However, this does not preclude the possibility for the tenderer to have a wider team involved in the project after the eventual signature of the contract.

Question No. 9

02. ENG Annex no. 1 TD - AGREEMENT FOR THE PROVISION OF SERVICES IN THE FIELD OF IT SOLUTIONS

We do not see a limitation of penalties. From our point of view we cannot accept an unlimited penalty. This is an uncalculable risk to us. We kindly ask for submitting a limit.

Answer No. 9

The contracting authority would like to point out that, from its point of view, the inclusion of a limit on penalties is an incalculable risk.

The contracting authority will not change the contractual terms and conditions in this respect (especially in view of the fact that the tenderer has not indicated any specific value of such a limit that would be acceptable to it and has not provided any relevant justification for setting such a limit).

Question No. 10

26.2 Criteria for evaluating tenders

The assessed solutions described in the Reference Sheets must meet all of the following requirements (these are minimum requirements which, if not met, the solution will not be admitted to the qualitative evaluation and the applicant will receive 0 points for the solution).

Question:

We have projects reference which does not meet all single reference points. If we submit a reference which complies e.g. with on 4 of 5 points will be the whole reference rated as 0 or will only this single point rated as 0?

Answer No. 10

In order to be awarded points under criterion K2, each of the maximum of 4 references must satisfy the following:

- In order to be awarded points under criterion K2, each of the maximum 4 references must meet the following:
- Given that the contracting authority, when assessing the quality of the offered solution, wants to assess only modern solutions using technologies current on the market with relevant performance, it will only award points for solutions that refer to the implementation of the solution completed after 01.01.2018.
- The subject of the solution must be the implementation of a software solution in the field of waste collection for an entity (commercial company or other private/public entity in terms of its legal classification) whose business/activity/ purpose for which it was established is the collection of waste from the inhabitants of a given city, municipality or area (hereinafter referred to as the 'collection company').

- Within this solution, a database must be demonstrably created and processed on the basis of the minimum annual number of emptyings set by the contracting authority (the contracting authority considers one emptying of a container by the crew of the collection company's vehicle into the collection company's vehicle as one emptying). The minimum annual number of dumps processed by the solution within its database must be at least 3 000 000 dumps over a period of 12 calendar months (actual dumps processed, not programmed but not recorded anywhere in practice). In order to obtain points for a given implementation, the tenderer must provide, as an attachment to the reference letter referring to the implementation, a relevant document or proof of the number of dumps within one year that demonstrates the value claimed by the tenderer (e.g. by exporting data from the solution in Excel format or by any other means by which the tenderer can objectively prove its claim).
- For the avoidance of doubt, one contractual relationship with one entity or group of entities is considered as one implementation/solution (e.g. if a tenderer provides the same solution to one entity - e.g. a city - or group of entities, where a minimum of 3 000 000 tipping operations per year are carried out using its solution, and the same solution is provided to another city where the same number of tipping operations are carried out, the contracting authority will consider the two contractual relationships as two separate solutions/implementations).

If a reference fulfils the above, it is awarded points as follows:

The first evaluated element of the quality of the implemented solution is the number of recorded/processed dumps for 12 consecutive months. For each solution/implementation evaluated, the bidder will be awarded a number of points for this aspect such that they will not be awarded cumulatively, but one solution/implementation can only meet one level of the number of dumps. (An implementation where 8,500,000 dumps are implemented per year will only receive 4 points, no points will be added to such an implementation for the first and second level of the number of dumps).

The second element of the quality of the implemented solution assessed is the technical level of the implemented solution. For each implementation/solution that meets the technical requirement of each level, the bidder will be awarded points cumulatively - one solution/implementation may meet levels one to four at the same time. The fulfilment of each level does not have to be sequential in the way the Contracting Authority has hierarchised it. A solution may meet level one, not meet levels two and three and meet level four. In this case, the tenderer shall receive 5+1=6 points).

Question No. 11

02. ENG Annex no. 1 TD - AGREEMENT FOR THE PROVISION OF SERVICES IN THE FIELD OF IT SOLUTIONS

4.10. Authorship under the Copyright Act (hereinafter as the "Work of Authorship") specially in point 4.12 you require the rights for database and data base models. These are part of already existing solutions and cannot be granted as an unlimited licence and exclusive ownership to OLO. In addition the required licence is against the idea of PaaS/IaaS solution. To hand over the rights for data base and data base model would contradict a standard solution that has already been implemented.

Please revise chapter 4.10 - 4.12.

Answer No. 11

The contracting authority has to follow the Public Procurement Act and, following the control body (the

Office of Public Procurement) and the ruling practice, it has the obligation to proceed with the procurement in such a way as to prevent the emergence of a "vendor lock-in" situation, therefore, for the purpose of preventing the issue of re-procurement after the termination of the contract, it needs to have the contractual treatment of clauses 4.10 - 4.12 of the Contract.

Contractual provisions in the procurement should be formulated with the understanding that unless the contracting authority contractually delegates to itself sufficient rights to use and modify all delivered elements, i.e. databases and related resulting documentation (which may be protected as a copyrighted work), and secures the right to intervene in the arrangement of the solution also through third parties (future suppliers), it runs the risk of becoming dependent on the original supplier and limiting future competitions.

Despite the above, the contracting authority has, after careful consideration, changed the wording of clause 4.12 of the Contract and has published a revised version of the Contract in the JOSEPHINE system in the interface of the contract in question.

Question No. 12

General

For gathering all this information (certificates, customer references, translations) we need more time to collect these documents. We still have holiday time. Please can you postpone the tender submission date minimum 6-8 weeks.

Answer No. 12

The contracting authority shall partially grant the interested party's request for an extension of the deadline for the submission of tenders.

However, the contracting authority considers that an extension of the deadline for submission of tenders by 4 weeks is sufficient (also in view of the changes to the documents which it will publish in the light of this explanation).

Accordingly, the contracting authority will extend the deadline for the submission of tenders until 27.09.2023 at 10:00.

The contracting authority will modify the deadline for the submission of tenders in the JOSEPHINE system and will also modify the deadline for the submission of tenders in the relevant contract notice.

General:

The contracting authority hereby informs the interested parties that it will publish the following modified documents (in both English and Slovak versions) in the JOSEPHINE system in the interface of the contract in question:

- Tender documents;

- Contract for the provision of services in the field of IT solutions;

- Price

Accordingly, the contracting authority will extend the deadline for submission of tenders

until 27.09.2023 at 10:00 a.m.

Sincerely

v. r.
Mgr. Adam Kašák
Head of Procurement

