

  

# To all interested parties

# In Bratislava 20.05.2024

**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 - repeated" (hereinafter referred to as "the tender") by means of a notice of public procurement published in the Official Journal of the EU on 19 April 2024 (hereinafter referred to as the "Contract Notice").

**The contracting authority provides the following information and explanations to interested parties in the context of the tender.**

**The contracting authority has received the following questions from interested parties, to which it provides the following answers:**

**Question no. 1**

*„"The original deadline for the submission of offers was set at 20.05.2024 until 10:00. Based on your Explanation of Bidding Documents I, dated 30.4.2024, the original deadline has been changed and postponed to 27.5.2024 by 10:00 AM.*

*Our company will participate in the international congress Polish-Czech-Slovak Congress of Technical and Municipal Services, which is focused on the field of waste management. The congress will be held on 22-24.5.2025 in Poland. In addition to the participation in the congress itself, we are also its Partner of the congress in question.*

*This activity largely binds our commercial and technical capacities. The congress will be held in a week, within which, we planned to finalize the offer documents as well as the offer itself for your VO ID 55276.*

*Question: For the reasons stated above, we would like to request you to modify, or postpone, the deadline for the submission of offers."*

**Answer no. 1**

As the interested party states in its question, the contracting authority has already extended the deadline for the submission of tenders for a similar reason and for all interested parties equally.

All interested parties were granted the same extension of time, which the contracting authority perceived as a market-friendly step, and all interested parties were therefore given sufficient time, due to the fact that the current period in which a larger number of conferences are being organised, to ensure that their participation in similar events did not hinder the preparation of their bids.

In the light of the above, the contracting authority will not grant a further extension of the deadline for the submission of tenders for a similar reason.

**Question no. 2**

*"Area: power of attorney according to Annex 10 of the tender documents*

*Backround:*

*In the case of a group of suppliers, the contracting authority requires, in accordance with clause 25.3, a power of attorney in accordance with Annex 10 to the tender documents.*

*Question: Do the signatures on the power of attorney have to be notarised ?*

*If yes, must the signatures of both the principal and the attorney-in-fact be authenticated?*

**Answer no. 2**

The signatures on the power of attorney do not have to be notarised.

Since this reply does not modify the tender documents or their annexes, the contracting authority will not extend the deadline for the submission of tenders as a result of this reply.

**Question no. 3**

*"Background:*

*The contracting authority will evaluate the demo version of the offered solution according to clause 26.2 of the tender documents under criterion K3.*

*Does the demo version have to be already part of the submitted offer or is it sufficient to present it in a direct conversation between the panel and the project manager?*

*Question: Does the demo version have to be already part of the submitted offer or is it sufficient to present it in the framework of a direct conversation between the panel and the project manager?"*

**Answer no. 3**

The DEMO version must be included in the tender only if the tenderer demonstrates through this demo version that the requirements of the contracting authority for the subject of the contract are met.

If the tenderer demonstrates compliance with the requirements for the subject-matter of the contract by another document within the meaning of the tender documents, it is sufficient to present the DEMO version at the evaluation interview.

Since this response does not modify the tender documents or their annexes, the contracting authority will not extend the deadline for submission of tenders as a result of this response.

**Question no. 4**

*"Background:*

*In point 19 of the tender documents, the Contracting Authority states: If the bank guarantee is provided by a foreign bank which does not have a branch in the Slovak Republic and the guarantee document is drawn up by the foreign bank in a foreign language, such bank guarantee must also be accompanied by an official translation into the Slovak language.*

*Pursuant to point 17.1 of the tender documents, the contracting authority shall allow offers and other documents and documents in the public procurement to be submitted in the Slovak language or in the Czech language or in the English language.*

*Question: Will the contracting authority accept a bank guarantee in Czech or English without an official translation?"*

**Answer no. 4**

The contracting authority will also accept a bank guarantee in Czech or English without official translation.

For the avoidance of doubt, the contracting authority has clarified this in the tender documents.

Since this reply does not constitute a substantial modification of the tender documents or their annexes, and since the clarification was made in sufficient time before the expiry of the deadline for the submission of offers, it will not extend the deadline for the submission of offers as a consequence of this reply.

**Question no. 5**

*"Background:*

*According to point 12.5 of the tender documents, the contracting authority allows communication in Slovak, Czech and English.*

*Pursuant to point 17.1 of the tender documents, the contracting authority shall allow tenders and other documents and documents in the tender procedure to be submitted in Slovak or Czech or English.*

*Question: In which language will the contracting authority accept proof of insurance of the guarantee ?"*

**Answer no. 5**

The contracting authority will accept proof of insurance of the guarantee in the languages according to the tender documents - in Slovak, Czech or English.

Since this reply does not change the tender documents or their annexes, the contracting authority will not extend the deadline for the submission of tenders as a result of this reply.

**Question no. 6**

*"Background:*

*The contracting authority states in point 22.1 of the tender documents “In case the documents are submitted by a candidate established outside the territory of the Slovak Republic, he/she must submit documents equivalent to the profit and loss account or income and expenditure account for the last three completed economic years, or for the years available depending on the origin, commencement of the activity or the end of the tax period, which demonstrate compliance with this condition of participation in the original language and at the same time they must be translated into Slovak (this obligation does not apply to documents in Czech).“*

*Pursuant to point 17.1 of the tender documents, the contracting authority shall allow tenders and other documents and documents in the public procurement to be submitted in the Slovak language or in the Czech language or in the English language.*

*Question: Will the contracting authority accept documents in English without official translation?"*

**Answer no. 6**

The contracting authority will accept the above documents in English without official translation.

For the avoidance of doubt, the contracting authority has specified this in the tender documents.

Since this reply does not constitute a substantial modification of the tender documents or their annexes and the clarification was made sufficiently in advance of the expiry of the deadline for the submission of offers, it will not extend the deadline for the submission of offers as a consequence of this reply.

**Question no. 7**

*"Area: Annex 4 - Change management price*

*Background:*

*In Annex 4 of the tender documents, the contracting authority has indicated the amount of EUR 100,000 under the 'Evaluation' tab in cell H59.*

*Question: Can the contracting authority please justify on what grounds it prescribes/sets the price for change management?"*

**Answer no. 7**

The reasons why a fixed price is set for change management are directly derived from the way in which this item is to be applied during the performance of the contract. The manner in which it is to be applied is described in the proposal of the contract, including all its annexes (in particular, but not exclusively, the SLA).

As this response does not modify the tender documents or their annexes, the contracting authority will not extend the deadline for submission of tenders as a result of this response.

**Question no. 8**

*“Area: Links to the annexes to the tender documents*

*Documents:*

*The contracting authority has incorrectly referenced the annexes to the tender documents:*

*- in clause 11.2, second indent (the correct reference should probably be to Annex 16 and Annex 17)*

*- in points 18.3 and 18.4, the reference is to Annex 2. However, in Annex 2 of the tender specifications there is a description of the subject matter of the contract,*

*- in point 28.3, first indent, reference is made to Annex 4. In Annex 4 of the Tender Documents is the price and the evaluation.*

*Question: We request that the tender documents be corrected and that an administrative check be made of all references and clauses in each document."*

**Answer no. 8**

The contracting authority has modified the numbers of the annexes in the references to the annexes according to the candidate's question.

The contracting authority considers that it is clear from the text of the individual points (as well as from the candidate's question and the rest of the tender documents) that the candidate referred to in his question which annexes he was referring to. This is purely an error in the reference to the numbers of the annexes.

Since this reply does not substantially modify the tender documents or their annexes, and the clarification was made well in advance of the deadline for submission of offers, contracting authority will not extend the deadline for submission of offers as a result of this reply.

**Question no. 9**

*“Area: point 19 of the tender documents*

*Evidence:*

*The contracting authority states in point 19 of the tender documents "*The funds must be credited to the contracting authority's account no later than one (1) working day before the deadline for the submission of tenders.*"*

*Question: This requirement is beyond the scope of the Public Procurement Act.*

*We request that the tender documents be amended so that the security may be submitted by depositing funds in the contracting authority's bank account by the deadline 'no later than the time limit for the submission of tenders.”*

**Answer no. 9**

The contracting authority considers that the above requirement is in no way contrary to the Public Procurement Act and will therefore not proceed to modify the tender documents.

**Question no. 10**

*"Area: point 24.2.*

*Background:*

*The contracting authority requires, pursuant to clause 25.3, the submission of 'Evidence of fulfilment of the prerequisites for the award of points for the qualitative evaluation criteria as set out in clause 24.2 of Part VI of these tender documents'.*

*Pursuant to point 26.3, 'The tenderer with the lowest number of points within the meaning of point 24.2 of these tender documents shall be awarded first place'.*

*Question: Clause 24.2 does not appear in the tender documents. We request that the tender documents be corrected.”*

**Answer no. 10**

The contracting authority has adjusted the numbers in the references according to the interested party's question.

The contracting authority considers that it is clear from the text of the tender documents at which sections the documents required for the award of points are described, and it is also clear in which section of the tender documents the method of awarding points is described. Since the above reply therefore only corrects an administrative error in the tender documents, does not substantially alter them or their annexes, and the clarification was made well in advance of the deadline for submission of offers, the contracting authority will not extend the deadline for submission of the offers as a result of this reply.

**Question no. 11**

*"Area: Annex 4*

*Background:*

*The contracting authority refers to the lines in Annex 4 of the tender documents under the tab "Evaluation" in column C of Annex 2 Description of the subject of the contract.*

*For example, in cell C26 of Annex 4, reference is made to line 190 of Annex 2. This reference is incorrect - the correct reference should be to line 185.*

*E.g. cell C27 in Annex 4 refers to line 193 in Annex 2. This reference is incorrect - line 193 is blank.*

*The same applies to the other references.*

*The tender documents are unclear, inaccurate, incomplete and ambiguous in this essential part relevant to the development of the actual design of the solution and the determination of the price.*

*The above applies to the Slovak version of the tender documents; we have not checked the English version.*

*According to Article 42(1) of the Public Procurement Act, tender documents are written, graphic or other documents containing a detailed definition of the subject of the contract. In the tender documents, the contracting authority and the contracting entity shall indicate all circumstances that will be relevant for the performance of the contract and for the preparation of the tender. The contracting authorities and contracting entities must describe the subject-matter of the contract clearly and completely.*

*Question: In view of the above, we request a correction to the tender documents.*

*We consider that the scope of the questions has a direct bearing on the need for extensive correction of the tender documents on the part of the contracting authority.*

*The scope in question is, in our view, fundamental and may have an impact on the design of the solution, the resulting price, or areas that will affect the resulting value of the contract.*

*In view of the above, we request a correction of the tender documents and at the same time an extension of the deadline for the submission of tenders by at least 10 working days.”*

**Answer no. 11**

The contracting authority has modified the numbering in column 'C' in Annex 4 of the tender documents.

The contracting authority considers that the numbering in column 'C' of Annex 4 of the Tender Documents is not such a part of the Tender Documents that a change to it could be considered a substantial modification of the Tender Documents. It does not change the description of the subject-matter of the contract (which is clearly and completely described in accordance with Article 42(1)). This numbering is intended to facilitate the orientation in the tender, but the contracting authority considers that Annex 4 could be filled in accurately and objectively even if columns C and D were not mentioned at all in the document in question.

The contracting authority will not extend the deadline for submission of tenders as a result of this correction to Annex 4 of the tender documents in accordance with the preceding paragraph as a consequence of this reply.

**Question no. 12**

*“Area: current containers'*

*Background:*

*The current containers are most likely fitted with high frequency technology. Experience shows that this technology is not entirely suitable for the collection of municipal containers. Also it can be assumed from the offer that the contracting authority wants to go in the direction of proven low frequency technology.*

*Question:*

*How will the reading of current containers be viewed if the reading is equally inaccurate or the reading is multiplied and the data is not clean and possibly usable.*

*Further, the question is whether OLO is planning a new container passporting technology that we can vouch for and guarantee accurate reads and results that meet OLO requirements."*

**Answer no. 12**

The tender documents articulate the requirement to read both low frequency and high frequency technology.

Other relations between the provider and the customer after the contract is signed are described in the draft contract (including all its annexes, in particular but not exclusively in the SLA).

Any new passporting is not part of the subject matter of the contract, therefore the question is irrelevant to it.

As the above answer does not modify the tender documents or their annexes, the contracting authority will not extend the deadline for submission of offers as a result of this answer.

**Question no. 13**

*“Area: problems of the UHF system*

*Background:*

*From our experience, we assume that the UHF system is an outdated Europe-wide technology that is now only used for bag collection. Unfortunately, the UHF system is unusable for conventional municipal waste collection, or usable but with large errors, these errors happen due to the high power of the antennas and transponders.*

*In order for the system to work properly it is necessary to set quite a high antenna power and this also causes the reading of bins that have not been hung on the dumper and have not been emptied.*

*I would also like to point out that the UHF system has a couple of other problems, which is an unstable signal that bounces off any shiny surface and thus causes incorrect reading of a given receptacle.*

*Question:*

*Has anyone accounted for this? Has he or she become more familiar with the technology and accounted for these claimed errors?"*

**Answer no. 13**

According to the contracting authority, the description of the subject-matter of the contract is self-explanatory with regard to the required technology and the interested party's question is not directed to the clarification of the tender documents.

Since the above reply does not modify the tender documents or their annexes, the contracting authority will not extend the deadline for the submission of offers as a result of this reply.

**Question no. 14**

*"Area: problems of the UHF system*

*Background:*

*We have information that Moba uses MSTX antennas that are placed on the dumper comb to ensure a correct reading, the distance between the HDX transponder and the antenna is 2 to 3 cm, this ensures a very accurate reading and possible weight allocation to the vessel and thus to the correct position.*

*It is also possible to perform any blocking of containers that are not to be emptied on the route or are blacklisted. If there is a dump with UHF frequency, no blocking can be done for containers that should not be dumped or that should not be dumped. The point is that the antenna for UHF is located at the top of the dumper and cannot be placed directly on the crest of the dumper for the simple reason that the cable that feeds the antenna is coaxial and this cable cannot tolerate any regular bending.*

*Another problem with the UHF system is that it only takes a small icing on the antennas or transponders and the signal is unreadable, if this solution were to be linked to a dynamic weighing system in the future, there would be confusion of the loaded weight from one vessel to another due to the high power. Also, it is possible that containers that had no waste would be loaded.*

*Question:*

*Should the declared system associated with the planning, block containers that are not to be weighed on the route using only an ACOUSTIC signal or block at the tipper crest?*

*This function is not technologically possible with a UHF system."*

**Answer no. 14**

The contracting authority did not formulate a requirement for blocking in the tender documents as it does not require blocking.

As this response does not modify the tender documents or their annexes, the contracting authority will not extend the deadline for submission of offers as a result of this response.

**Question no. 15**

*"Area: UHF system issues vs ETSI standards*

*Background:*

*In our experience, it is recommended to remove the UHF system and replace it with the most widely used system today, HDX.*

*It is a low frequency system with 134.2 kHz output where 99.9% retrieval is ensured in all weather conditions.*

*This system is now used by several companies throughout Europe, but also in Asia.*

*Question:*

*Has the use of ETSI standards been taken into account when drawing up the tender?"*

**Answer no. 15**

In the tender documents, the contracting authority requires equipment standardised according to the applicable European and Slovak standards. ETSI standards are not directly legally binding for the contracting authority.

Since this response does not change the tender documents or their annexes, the contracting authority will not extend the deadline for the submission of offers as a result of this response.

**Question no. 16**

*"Area: dumper replacement*

*Background:*

*In our experience, most modern solutions always read all containers at the dumpers crest, meaning that even containers that do not have a transponder are read and those that do are read, thus capturing any black dumping.*

*These containers are always visible on the map and there is always a weight assigned to them if there is a dynamic weight.*

*Question:*

*If you require a system swap when replacing a dump truck, how many vehicles per year are involved?*

*What guarantees do you require?*

*Sub-question and description:*

*Only a portion of the installed system parts can be reused when the system is swapped. What definitely cannot be reused are the cables and software that are installed on the given type of dumber.*

*Question:*

*Who will bear this cost? Has anyone taken this into account?*

*If so, where was this described or required?"*

**Answer no. 16**

The contracting authority considers that it is not possible to specify the exact number of repairs (as these arise mainly from unforeseeable defects). The contracting authority determines the maximum contractual framework allocated to these events and the exact procedure for how they are to be resolved is contained in the contract and its annexes, in particular but not exclusively the SLA.

All other rights and obligations of the contracting parties (including any guarantees required by the contracting authority) are defined in the description of the subject-matter of the contract, the contract and any annexes thereto.

In clause 26.2 of the tender documents, the contracting authority states:

„The tenderer shall indicate in Annex 4 of these tender documents, in the line marked as total price for the subject of the contract, the total price for the provision of the service within the scope set out in the tender documents, including all their annexes.  The tenderer's total price (denoted as 'P' in the formula below), which is subject to criterion K1, is expressed as the sum of the prices of all the priced items listed in Annex 4 to these tender documents. **The prices proposed must include all costs incurred by the tenderer in connection with the performance of the contract**.“

Sincerely

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| *v. r.* |
| Mgr. Adam Kašák  Head of Procurement |