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| Purchaser: | Odvoz a likvidácia odpadu a.s., in short: OLO a. s., Ivanská cesta 22, 821 04 Bratislava (hereinafter "CA" as contracting authority) |
| Title of the Tender: | ENGINEERING AND CONSTRUCTION-TECHNOLOGICAL SUPERVISION OF THE MODERNISATION AND ECOLOGISATION OF WEEE |
| Link to the published procurement documents: | https://josephine.proebiz.com/sk/tender/43843/summary |
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| Processed on: | August 14, 2023 |

Dear Sir or Madam,

Co. OLO, a.s. hereby publishes the answers to the questions received within the deadline for submission of applications for participation.

Question 1:

We ask the CA to justify the adequacy of the conditions and requirements for individual experts - key persons as follows:

(Purchaser's answers are always listed under each key person, colour-coded for clarity)

Principal Project Engineer (HIP):

Min. 15 years (180 months) of experience in management positions (design team leader, expert implementation team leader, responsibility for technology commissioning, or technical supervision team leader) in the construction/reconstruction of process units of power plants or WEEE.

On the basis of which requirement it requires for the HIP person to demonstrate a minimum of 15 years of experience only in the construction/reconstruction of process units of power plants or WEEEs. HIP's performance mainly consists of project management at the design stage and therefore in our opinion, a professional who has experience in project management at the design stage also in construction of other structures - more complex ones has comparable experience as you require.

We also seek clarification from the CA on what basis it has stated that the HIP must demonstrate experience in management positions such as design team leader or expert implementation team leader or responsibility for technology commissioning or technical oversight team leader, as in our view these roles are not comparable to each other and the **Principal Project Engineer is the person primarily responsible for the project management of**

the design work and therefore it is reasonable to assume that such experience is not and will not be available to the person responsible for the commissioning of technology or the head of the technical supervision team or the head of the implementation team of experts, which are **entirely different professions**. The above makes the requirements discriminatory and disproportionate.

Purchaser's reply:

The adequacy of the experience of the Principal Project Engineer was the subject of pre-market consultations. In preparation, the Purchaser has duly and responsibly addressed the question of whether it is necessary for the Principal Project Engineer to have experience exclusively in the energy sector or whether, in order to achieve the objective pursued, it is sufficient for him to have experience in other areas (e.g. petrochemical, infrastructure construction, construction or complex refurbishment of industrial units of high investment value in the industrial sector (manufacturing companies)). Based on the information obtained during the pre-market consultation, in particular the understanding and experience for processes specific in the power sector (flue gas, boilers, steam turbines generating electricity, etc.) and after consideration of the risks, Purchaser decided to insist on the requirement of the experience of the Chief Engineer of the project exclusively in the power or WEEE sector.

Purchaser shall also allow the required experience to be demonstrated by senior positions in the field of design, implementation or supervision, since the subject matter of the contract is design, implementation and supervision. Therefore, the procuring entity sees no objective reason to require or limit the experience of the project's chief engineer to only design, or only implementation, or only supervision. The Applicant has not specified what it considers to be "more complex construction", nor what it considers to be "comparable construction".

In conclusion, Purchaser would like to draw the attention of the interested parties to the document "Concept for the Modernisation and Ecologisation of the WEEE", which describes in detail the objective pursued, as well as the planned deployment of the Chief Project Engineer throughout the duration of the contract. After a careful study of these documents, the interested party will understand that the active management and professional activity of the Chief Project Engineer is required until the last day of the contract. This person is not responsible for the management of the design work, but for the success of the overall project. The bidder's assertions stem from a misunderstanding of this position, its role, and the demands of the project.

Deputy Chief Engineer of the project:

Min. 15 years (180 months) of experience in management positions (design team leader, expert implementation team leader, responsibility for technology commissioning, or technical supervision team leader) in the construction/reconstruction of process units of energy facilities or WEEE.

On the basis of which requirement it requires the person of the HIP Representative to demonstrate experience of minimum 15 years only in construction/reconstruction of process units of energy facilities or WEEE. The performance of the HIP representative is mainly to represent the HIP in project management at the design stage and therefore, in our opinion,

a professional who has experience in project management at the design stage also in the construction of other structures - more complex ones has comparable experience as you require.

We also seek clarification from the CA on the basis of which he has stated that the management position means the person directly responsible for the design/implementation/supervision of the work, as in our view these functions are not comparable to each other and the **HIP Representative is the person primarily responsible for representing the HIP in the project management of the design work** and hence it can be assumed that such experience is not and will not be possessed by the person responsible for the implementation/supervision of the work, which are **entirely different professions**. The above makes the requirements discriminatory and unreasonable.

Purchaser's reply:

The Deputy Chief Project Engineer shall represent the Chief Project Engineer as and when required, regardless of the stage of performance and to the full extent of the Chief Project Engineer's authority. For this reason, the prior experience requirements for this key professional shall be the same as for the Principal Project Engineer.

In conclusion, Purchaser would like to draw the attention of the interested parties to the document "Concept for the Modernisation and Ecologisation of the WEEE", which describes in detail the objective pursued, as well as the planned deployment of the Chief Project Engineer and his representative throughout the duration of the contract. The bidder's allegations of discrimination and unreasonableness of the requirements are subjective allegations resulting from a misunderstanding of the role of this key person and a lack of familiarity with the scope and complexity of the project.

Expert in complex architectural and engineering services, especially the facts why you don't require any experience with this professional.

Purchaser's reply:

This key professional will not be responsible for key processes directly affecting the operation and performance of the WEEE. For this reason, Purchaser has decided to require only the bare minimum required for the performance of this key professional.

Expert in statics of buildings and supporting structures:

Min. 10 years (120 months) of experience in a position responsible for statics (member of the design team responsible for statics, member of the implementation team of experts responsible for statics, or member of the construction supervision team responsible for statics) in projects for the construction/reconstruction of technological units of energy facilities or WEEE.

We ask the CA for a justification why this person has to demonstrate a **minimum of 10 years of experience only in the construction / reconstruction of technological units of energy facilities or WEEE**, especially given that the expert for statics could cover statics on buildings - more complex i.e. in our opinion, this requirement is discriminatory for other experts in statics who can offer services of the same or similar nature as the subject of the contract.

Purchaser's reply:

The requirement for this expert to work exclusively in the field of energy equipment or WEEE was the subject of a pre-market consultation which showed that it was reasonable and accepted by the market. Purchaser wishes to point out that calculations of the statics of the structures supporting boilers or electricity generating process units are specific calculations which are not comparable to calculations of conventional linear structures (e.g. traffic structures, bridges, sewers, etc.) or ground structures serving a different purpose (buildings intended for housing, education, healthcare, etc.). At the same time, the applicant does not specify which more complex buildings and why they are comparable.

Expert in civil infrastructure construction (civil or structural engineer):

Min. 10 years (120 months) experience in a position responsible for design of civil structures (member of the design team, member of the implementation team of experts, or member of the construction supervision team) in construction/renovation projects:

-technological units of energy equipment or

- on infrastructure constructions with embedded technologies with an investment value of at least EUR 5 million excluding VAT; or

- in the construction of technological units in production plants with combustion boilers.

We request the CA to justify why this person has to **prove a minimum of 10 years of experience only on the construction sites in the above points**, if in our opinion and legislation, the expert in civil engineering is exclusively dedicated to civil engineering and not to their technological units or combustion boilers, as for these purposes are reserved experts with a focus on technology or utilities, infrastructure, etc. in the sense of the Slovak Council of Civil Engineers category in the meaning of the law, and at the same time the Purchaser has indicated below for another position of the requirements for a member of the team - Boiler Technology Expert. Based on this fact, in our view, the requirements of the position are unreasonable and inconsistent with the focus.

We also ask the Purchaser to explain on what basis it has stated that it can demonstrate experience as *a member of the design team, a member of the implementation team of experts, or a member of the construction supervision team*, as in our view these functions are not comparable.

Purchaser's reply:

Hypothetically, if we were to accept that the experience of an expert in ground infrastructure construction could only be demonstrated by experience in the design / implementation / supervision of ground structures (within the meaning of the issued authorisation), this would mean that such an expert has, in his/her previous practice, dealt with e.g. ground buildings intended for education, accommodation or general public amenities. The subject of the contract is the design and supervision of a complex modernisation of a WEEE, which consists of several interconnected and operationally influencing technological units. In relation to the other aspects of the subject matter of the contract, the above activities are, in the opinion of Purchaser, activities not comparable to the design/implementation/supervision of ground-based buildings that do not have integrated process units or combustion boilers.

Purchaser shall also allow the required experience to be demonstrated by experience in the field of design, implementation or supervision, since the subject of the contract is design, implementation and supervision. Therefore, Purchaser sees no objective reason to require or limit the experience of this expert only in design, or only in implementation, or only in supervision.

Upon enquiry, the Procuring Entity noted that the wording of the requirement for this expert only mentions the responsibility for the design of civil works in the introduction, while the bracket on also mentions the responsibility of a member of the execution team or a member of the supervision team. Therefore, as a procedural precaution, Purchaser will modify the description to make it unambiguously clear that the expert in question may also have experience in execution or supervision.

Expert for technical, technological and energy equipment of buildings (Engineer for technical, technological and energy equipment of buildings):

Min. 10 years (120 months) of experience in a position responsible for technical, technological and energy equipment of constructions (member of the design team responsible for the given area, member of the implementation team of experts responsible for the given area, or member of the construction supervision team responsible for the given area) in projects of construction/reconstruction of technological units of energy facilities or WEEE.

We request the purchaser to justify why this person has to **demonstrate a minimum of 10 years of experience only in the construction/reconstruction of technological units of energy facilities or WEEE**, why the above mentioned expert could not also demonstrate the required experience in other constructions where the technology and energy equipment were also used.

At the same time, we ask the purchaser for clarification on the basis of which fact he stated that he can demonstrate experience in the position of *a member of the design team responsible for a given area, a member of the implementation team of experts responsible for a given area, or a member of the construction supervision team responsible for a given area*, since in our opinion these functions are not comparable to each other.

Purchaser's reply:

Purchaser draws the attention of the interested party to the document "Concept of Modernisation and Ecologisation of the WEEE", which describes in detail the scope and complexity of the whole project. Its content clearly shows that the design and appropriate selection of the technological units of the EfWPP is crucial for achieving the required parameters of the upgraded incineration plant. The requirements for this expert are therefore in line with the objective pursued. The tenderer did not specify what other constructions could be equivalent in terms of complexity to the objective pursued.

Expert in Boiler Technology:

Min. 10 years (120 months) of experience in a position responsible for boiler technology (member of the design team responsible for the area, member of the implementation team of experts responsible for the area, or member of the construction supervision team responsible for the area) in projects for the construction/reconstruction of process units of power plants or WEEE.

We request the purchaser to justify why this person has to **demonstrate a minimum of 10 years of experience only in the construction/reconstruction of technological units of energy**

facilities or WEEE, why the above mentioned expert could not also demonstrate the required experience with other constructions where boiler technologies were used with.

At the same time, we ask the purchaser for clarification on the basis of which fact he stated that he can demonstrate experience in the position of *a member of the design team responsible for a given area, a member of the implementation team of experts responsible for a given area, or a member of the construction supervision team responsible for a given area*, as in our opinion these functions are not comparable.

Purchaser's reply:

The aim of the project is to modernise and green the WEEE. The boiler is an immanent part of the WEEE, without which it is impossible to operate the WEEE. To underestimate the requirements for an expert in boiler technology is to directly jeopardise the objective of the project with unimaginable financial, environmental and criminal consequences for Purchaser. The tenderer's view that this requirement is unreasonable casts doubt on Purchaser's understanding of the objective pursued by the contract, as well as on the tenderer's thorough examination of the expert documents provided. At the same time, the tenderer does not specify in any way what other buildings where 'boilers have been used' are comparable, since other buildings where boilers have been used are also apartment buildings for the production of heat for a certain number of housing units, which is a completely different subject of the contract.

Purchaser shall also allow the required experience to be demonstrated by experience in the field of design, implementation or supervision, since the subject of the contract is design, implementation and supervision. Therefore, Purchaser sees no objective reason to require or limit the experience of this expert only in design, or only in implementation, or only in supervision.

Expert in machine parts and technological processes:

Min. 10 years (120 months) of experience in a position responsible for the mechanical part and technological processes (excluding boiler or flue gas technology) (member of the design team responsible for the area, member of the implementation team of experts responsible for the area, or member of the construction supervision team responsible for the area) in projects for the construction/reconstruction of technological units of energy installations or WPPs.

Alternative:

Min. 10 years (120 months) experience in a management position (e.g. Technical Director) responsible for the operation of power plants with a capacity of more than 10 MW or responsible for the operation of industrial chemical/petrochemical/metallurgical/technology in Purchaser living at least 2 combustion boilers in continuous operation).

We request the purchaser to justify why this person should **demonstrate a minimum of 10 years' experience only in the construction/reconstruction of process units of energy facilities or WEEEs**, especially given that such an expert may have been involved in various construction sites that were equipped with different machinery and processes.

It is also not clear to us on what basis the CA evaluated the requirements for the position of this expert to be comparable when it cited the option of using a manager/technical director responsible for the operation of power facilities as an alternative, when in our view the positions are not comparable.

At the same time, we ask the purchaser for clarification on the basis of which fact he stated that he can demonstrate experience in the position of *a member of the design team responsible for a given area, a member of the implementation team of experts responsible for a given area, or a member of the construction supervision team responsible for a given area*, as in our opinion these functions are not comparable.

Purchaser's reply:

The aim of the project is to modernise and green the WEEE. The machinery and technological units are an immanent part of the WEEE, the incompatibility of which directly endangers the operation of the WEEE. To underestimate the requirements for an expert for the machinery and technological units is to directly jeopardise the objective of the project with unimaginable financial, environmental and criminal consequences for Purchaser. The tenderer's view that this requirement is disproportionate casts doubt on Purchaser's understanding of the objective pursued by the contract, as well as on the tenderer's thorough examination of the expert documents provided. At the same time, the tenderer does not specify in any way which different buildings, which were equipped with different machinery, processes and processes, are comparable and why. The road tunnel is also equipped with technology and machinery, but this is an incomparable construction with a completely incomparable purpose.

Purchaser shall also allow the required experience to be demonstrated by experience in the field of design, implementation or supervision, since the subject of the contract is design, implementation and supervision. Therefore, Purchaser sees no objective reason to require or limit the experience of this expert only in design, or only in implementation, or only in supervision.

In relation to the admitted alternative practice, Purchaser states that it admitted an operations director in an area where he was responsible for comparable technology units, not any operations director. In admitting this alternative, Purchaser took into account the conclusions and information obtained during the pre-market consultations as well as the practice in the field of WEEE in Slovakia and abroad.

Expert in flue gas cleaning processes:

Min. 10 years (120 months) of experience in a position responsible for flue gas cleaning technological processes (member of the design team responsible for the area, member of the implementation team of experts responsible for the area, or member of the construction supervision team responsible for the area) in the projects of construction/reconstruction of technological units of energy facilities or WEEE.

We request the CA to justify why this person has to **demonstrate a minimum of 10 years' experience only in the construction/reconstruction of process units of energy facilities or WEEE**, especially given that such an expert may have been involved in different construction sites equipped with different flue gas cleaning technology.

At the same time, we ask the purchaser for clarification on the basis of which fact he stated that he can demonstrate experience in the position of *a member of the design team responsible for a given area, a member of the implementation team of experts responsible for a given area, or a member of the construction supervision team responsible for a given area*, since in our opinion these functions are not comparable to each other.

Purchaser's reply:

The aim of the project is to modernise and green the WEEE. The technological processes of flue gas cleaning are an immanent part of the operation and functionality of the WEEE, the underestimation of

which directly endangers the operation of the WEEE. Underestimating the requirements for this expert is a direct threat to the objective of the project with unimaginable financial, environmental and criminal consequences for Purchaser. The tenderer's view that this requirement is unreasonable casts doubt on Purchaser's understanding of the objective pursued by the contract and on the tenderer's thorough examination of the expert documents provided. At the same time, the tenderer does not specify in any way which different buildings equipped with different flue gas cleaning technology are comparable and why.

Purchaser shall also allow the required experience to be demonstrated by experience in the field of design, implementation or supervision, since the subject of the contract is design, implementation and supervision. Therefore, Purchaser sees no objective reason to require or limit the experience of this expert only in design, or only in implementation, or only in supervision.

Project Manager:

Min. 10 years (120 months) of experience as a project manager in projects of construction/reconstruction of technological units of energy facilities or WEEE.

We request the CA to justify why this person has to **demonstrate a minimum of 10 years' experience only in the construction/reconstruction of process units of energy facilities or WEEE**, especially given that such an expert may have been involved in various constructions which may have been larger and more demanding in scope and complexity.

Purchaser's reply:

The applicant did not specify what the various structures might be larger and more challenging in scope and complexity. The project of upgrading and Ecologisation of the WEEE, or construction or reconstruction of energy facilities are specific projects, therefore it is not possible and objectively correct to claim that a project manager on a challenging construction (e.g. construction of a highway section or a hospital) is sufficiently capable to manage such a project. Underestimating the requirements for key professionals directly jeopardises the achievement of the pursued objective, which is a professionally complex project in Purchaser's view involving a multitude of elements with a huge risk of financial, environmental and criminal damage.

Expert on permitting procedures and legislation in the Slovak Republic:

Min. 3 references/experiences/projects on complex management of permitting processes under the conditions of the Slovak legislation for energy installations with power over 1 MW.

Comprehensive management means the preparation /completion of documentation (at least 1 stage) submitted for administrative proceedings and its submission to the competent authorities or representation of the investor before the competent authorities during the entire permitting procedure (i.e. at least 1 entire process of at least 1 permitting procedure).

We ask the CA for justification as to why this person only has to **demonstrate experience for energy facilities over 1 MW**, especially given that the permitting expert may have been involved in a variety of construction where the permitting process is similar or more challenging. In our view, this requirement is highly discriminatory. It is also not clear to us why the expert has to demonstrate 3 times the reference for 1 MW or more when there have been significantly few such constructions within the country.

Purchaser's reply:

Part of the duties of the future service provider will include representing the company. OLO, a.s. in the permitting process - the procedure for the issuance of a zoning decision. At the same time, the future provider will control and represent spol. OLO, a.s. in the following permitting procedures. Due to the specificity of the permitting processes for energy construction, Purchaser requires the demonstration of three relevant experiences of this expert. The permitting process for energy installations with a capacity above 1 MW has its specificities (e.g. different administrative authority, different scope of authorities concerned, etc.), therefore this requirement is relevant. It is not true that not enough such permitting procedures have been carried out in Slovakia, because there are many energy installations with a capacity above 1 MW in Slovakia (e.g. photovoltaic power plants, biogas plants, energy installations in industrial enterprises in the petrochemical, chemical, paper, metallurgical, heating, etc. sectors). The stakeholder did not specify in any way what different structures, where the permitting process is similar or more demanding, he had in mind and why.

The requirement for the experience of this expert stems from the specificities of the modernisation and Ecologisation of the WEEE and is fully in line with the subject of the contract and the objective pursued.

Expert in electrical and power engineering:

Min. 10 years (120 months) of experience in a position responsible for electrical and power engineering (member of the design team responsible for the area, member of the implementation team of experts responsible for the area, or member of the construction supervision team responsible for the area) in projects for the construction/reconstruction of technological units of energy facilities or WEEE.

We request the purchaser to justify why this person should **demonstrate a minimum of 10 years' experience only in the construction/reconstruction of process units of energy facilities or WEEEs**, especially given that such a professional may have been involved in various construction projects that also have electrical and power engineering components.

At the same time, we ask the purchaser for clarification on the basis of which fact he stated that he can demonstrate experience in the position of *a member of the design team responsible for a given area, a member of the implementation team of experts responsible for a given area, or a member of the construction supervision team responsible for a given area*, as in our opinion these functions are not comparable.

Purchaser's reply:

Purchaser draws the attention of the interested party to the document "Concept of Modernisation and Ecologisation of the WEEE", which describes in detail the scope and complexity of the whole project. Its content clearly shows that the electrical and energy aspects of the project are key to achieving the required parameters of the upgraded incineration plant. The requirements for this expert are therefore in line with the objective pursued. The tenderer did not specify what other constructions could be equivalent in terms of demandingness to the objective pursued.

Purchaser shall also allow the required experience to be demonstrated by experience in the field of design, implementation or supervision, since the subject of the contract is design, implementation and supervision. Therefore, Purchaser sees no objective reason to require or limit the experience of this expert only in design, or only in implementation, or only in supervision.

MAR Expert (I&C):

Min. 10 years (120 months) of experience in a position responsible for electrical and power engineering (member of the design team responsible for the area, member of the implementation team of experts responsible for the area, or member of the team of construction supervisor responsible for the area) in the projects of construction/reconstruction of technological units of energy facilities or WEEE.

We request the CA to justify why this person has to **demonstrate a minimum of 10 years of experience only in the construction/reconstruction of process units of energy facilities or WEEEs**, especially given that such an expert may have been involved in various construction sites that are also equipped with MARs.

At the same time, we ask the purchaser for clarification on the basis of which fact he stated that he can demonstrate experience in the position of *a member of the design team responsible for a given area, a member of the implementation team of experts responsible for a given area, or a member of the construction supervision team responsible for a given area*, as in our opinion these functions are not comparable.

Purchaser's reply:

Purchaser draws the attention of the interested party to the document "Concept of Modernisation and Ecologisation of the WEEE", which describes in detail the scope and complexity of the whole project. Its content clearly shows that the MAR (I&C) facilities are key to achieving the required parameters of the upgraded incineration plant. The requirements for this expert are therefore in line with the objective pursued. The interested party did not specify what other MAR-equipped structures could be equivalent in terms of their demand to the pursued objective and why.

As a procedural precaution only, the procuring entity states that it will accept an expert from both MAR and I&C for this position (these are professionally comparable experience).

Purchaser shall also allow the required experience to be demonstrated by experience in the field of design, implementation or supervision, since the subject of the contract is design, implementation and supervision. Therefore, Purchaser sees no objective reason to require or limit the experience of this expert only in design, or only in implementation, or only in supervision.

Quality Expert:

Min. 10 years (120 months) of experience as a quality controller (in design, implementation or construction supervision activities) in the construction/reconstruction of technological units of energy facilities or WEEE or on infrastructure constructions with embedded technologies with an investment value of at least EUR 5 million (VAT excluded) or in the construction of technological units in manufacturing companies with combustion boilers.

We ask the purchaser for justification why this person has to **demonstrate a minimum of 10 years' experience only in the construction/reconstruction of technological units of energy facilities or WEEE or on infrastructure constructions with embedded technologies with an investment value of at least EUR 5 million excluding VAT or in the construction of technological units in manufacturing companies with combustion boilers**, in particular

assuming that such an expert may have been involved in various constructions which are also subject to quality.

We also ask the purchaser to explain on what basis it has stated that it can demonstrate experience in a position *in design, implementation or construction supervision activities* as in our view these functions are not comparable to each other.

Purchaser's reply:

Purchaser draws the attention of the interested party to the document "Concept of Modernisation and Ecologisation of the WEEE", which describes in detail the scope and complexity of the whole project. It is clear from its content that quality control is crucial in view of the specific technological processes and the required lifetime of the plant. The requirements for this expert are therefore in line with the objective pursued. The tenderer did not specify what other constructions subject to quality control could be equivalent in their demandingness to the pursued objective and why.

Purchaser shall also allow the required experience to be demonstrated by experience in the field of design, implementation or supervision, since the subject of the contract is design, implementation and supervision. Therefore, Purchaser sees no objective reason to require or restrict the experience of this expert only in projection, or only in implementation, or only in supervision.

HSE expert:

Min. 10 years (120 months) of experience in a position responsible for OSH (in design, implementation, or construction supervision activities) in the construction/reconstruction of technological units of energy facilities or WEEE or on infrastructure construction sites with embedded technologies with an investment value of at least EUR 5 million excluding VAT or in the construction of technological units in manufacturing companies with combustion boilers.

We ask the purchaser for a justification as to why this person has to **demonstrate a minimum of 10 years' experience only in the construction/reconstruction of technological units of energy facilities or WEEEs or on infrastructure constructions with embedded technologies with an investment value of at least EUR 5 million excluding VAT or in the construction of technological units in manufacturing companies with combustion boilers**, in particular assuming that such an expert may have been involved in various constructions which are also subject to HSE, which is governed by inspection regulations and legislation and not by the focus of the construction.

We also ask the purchaser to explain on what basis it has stated that it can demonstrate experience in a position *in design, implementation or construction supervision activities* as in our view these functions are not comparable to each other.

Purchaser's reply:

Purchaser draws the attention of the interested party to the document "Concept of Modernisation and Ecologisation of the WEEE", which describes in detail the scope and complexity of the whole project. It is clear from its content that the upgrading and Ecologisation of the WEEE is a complex and challenging project which cannot be compared with conventional projects/buildings which are also subject to HSE and which are governed by inspection regulations and legislation. Therefore, the requirements for this expert are in line with the objective pursued. The applicant did not specify what other constructions could be equivalent in terms of their complexity to the objective pursued and why.

Purchaser shall also allow the required experience to be demonstrated by experience in the field of design, implementation or supervision, since the subject of the contract is design, implementation and supervision. Therefore, Purchaser sees no objective reason to require or limit the experience of this expert only in design, or only in implementation, or only in supervision.

Expert in statics of buildings and supporting structures:

Min. 10 years (120 months) of experience in a position responsible for structural engineering (in design, implementation, or construction supervision activities) in the construction /reconstruction of technological units of energy facilities or WEEE or on infrastructure constructions with embedded technologies with an investment value of at least EUR 5 million excluding VAT, or in the construction of technological units in manufacturing companies with combustion boilers.

We request the CA rationale for repeating the requirement for an additional professional of the same or similar classification as required above, and also why the CA added additional alternatives to demonstrate the experience of the structural engineer within these requirements. At the same time, we maintain that the requirement for a structural engineer discriminates against the expert's focus and ability to demonstrate experience in other structural engineering roles.

Purchaser's reply:

The duplication was made by mistake. The Procuring Entity is publishing an updated Annex 3 to the Contract at the same time as this clarification.

The admission of alternative experience was considered by those preparing the contract conditions, however, based on the information obtained from the pre-market consultation, it was concluded that the project to upgrade and green the WECS, or to comprehensively refurbish and extend the existing WECS to the desired state, is such a complex and challenging project that it is essential that the structural engineer has experience in the energy or WECS field. In this context, the Purchaser wishes to point out that the reliability and safety of the future operation depends on the correctness of the structural engineer's calculations for process units such as the boiler, flue gas cleaning technology, air-cooled condenser, etc., and therefore the Purchaser cannot afford to underestimate the experience of this expert.

Expert in welding technology:

Valid Welding Coordinator Responsible Certificate - EWE / IWE or equivalent (equivalent) document proving certification of welding coordination according to STN EN ISO 14731 awarded by an independent accredited company, and at the same time has at least 5 experiences / implementations with welding of load bearing structures of energy equipment in the energy sector after obtaining the Welding Coordinator Responsible Certificate - EWE / IWE or equivalent (equivalent) document proving certification of welding coordination according to STN EN ISO 14731.

We request the CA to justify why this person has to demonstrate experience only in the construction/reconstruction of process units of energy facilities or WEEEs, when the expert may have been involved in various other construction projects where welds of structures were performed.

Purchaser's reply:

Purchaser draws the attention of the interested party to the document "Concept of Modernisation and Ecologisation of the WEEE", which describes in detail the scope and complexity of the whole project. It is clear from its content that the modernisation and Ecologisation of the WEEE is a complex and challenging project which cannot be compared to conventional projects/buildings where welding of structures has been carried out. The requirements for this expert are therefore in line with the objective pursued. The bidder did not specify what other constructions might be equivalent in complexity to the pursued objective and why.

Purchaser shall also allow the required experience to be demonstrated by experience in the field of design, implementation or supervision, since the subject of the contract is design, implementation and supervision. Therefore, Purchaser sees no objective reason to require or limit the experience of this expert only in design, or only in implementation, or only in supervision.

Construction supervision:

Min. 10 years (120 months) of experience in a position responsible for construction supervision (in the activity of construction supervision) in the construction/reconstruction of technological units of energy facilities or WEEE or on infrastructure constructions with embedded technologies with an investment value of at least EUR 5 million excluding VAT or in the construction of technological units in manufacturing companies with combustion boilers.

We ask the purchaser to define what focus will be covered by the mentioned expert - construction supervision.

Purchaser's reply:

The requirement for this expert is a contractual requirement which is not subject to qualification. No specific focus is implied by the requirements set out. The prospective provider is required to carry out the performance of the construction supervision by persons who are appropriately licensed for the performance/activity that will be within their competence.

Since this is a contractual obligation of the prospective provider and the contract will be subject to negotiation with qualified vendors, the question regarding the qualifications of this expert may be subject to negotiation if qualified bidders raise such a question/comment.

Machine supervision:

Min. 10 years (120 months) of experience in a position responsible for construction supervision (in the activity of construction supervision) in the construction/reconstruction of technological units of energy facilities or WEEE or on infrastructure constructions with embedded technologies with an investment value of at least EUR 5 million excluding VAT or in the construction of technological units in manufacturing companies with combustion boilers.

At the same time, we also ask for a justification why this person has to **demonstrate a minimum of 10 years' experience only in the construction/reconstruction of technological units of energy facilities or WEEE or on infrastructure constructions with embedded technologies with an investment value of at least EUR 5 million excluding VAT or in the construction of technological units in manufacturing companies with combustion boilers**, if the expert may have been involved in a variety of other constructions with mechanical equipment.

Purchaser's reply:

Purchaser draws the attention of the interested party to the document "Concept of Modernisation and Ecologisation of the WEEE", which describes in detail the scope and complexity of the whole project. It is clear from its content that the modernisation and Ecologisation of the WEPP is a complex and challenging project which cannot be compared to conventional projects/buildings with machinery. The requirements for this expert are therefore in line with the objective pursued. The interested party did not specify what other constructions could be equivalent in terms of complexity to the objective pursued and why.

Electrical supervision:

Min. 10 years (120 months) of experience in a position responsible for supervision of the electrical part (in the activity of construction supervision) in the construction/reconstruction of technological units of energy facilities or WEEE or on infrastructure constructions with built-in technologies with an investment value of at least EUR 5 million excluding VAT or in the construction of technological units in manufacturing companies with combustion boilers.

We request the purchaser to justify why this person has to **demonstrate a minimum of 10 years of experience only in the construction/reconstruction of technological units of energy facilities or WEEE or on infrastructure constructions with embedded technologies with an investment value of at least EUR 5 million excluding VAT or in the construction of technological units in manufacturing companies with combustion boilers**, if the expert may have been involved in various other constructions that are also equipped with electrical parts.

Purchaser's reply:

Purchaser draws the attention of the interested party to the document "Concept of Modernisation and Ecologisation of the WEEE", which describes in detail the scope and complexity of the whole project. It is clear from its content that the modernisation and Ecologisation of the WEPP is a complex and demanding project which cannot be compared to conventional projects/buildings with electrical components. The requirements for this expert are therefore in line with the objective pursued. The bidder did not specify what other constructions could be equivalent in terms of complexity to the pursued objective and why.

Supervisory I&C:

Min. 10 years (120 months) of experience in a position responsible for I&C supervision (in the activity of construction supervision) in the construction/reconstruction of technological units of energy facilities or WEEE or on infrastructure constructions with embedded technologies with an investment value of at least EUR 5 million excluding VAT or in the construction of technological units in manufacturing companies with combustion boilers.

We request the purchaser to justify why this person has to **demonstrate a minimum of 10 years' experience only in the construction/reconstruction of process units of energy facilities or WEEEs or on infrastructure constructions with embedded technologies with an investment value of at least EUR 5 million excluding VAT or in the construction of process units in manufacturing companies with combustion boilers**, if the expert may have been involved in various other constructions that are also equipped with I&C parts. At the same time, in our opinion, the CA forgot to mention to the position that it is an expert on MAR .

Purchaser's reply:

Purchaser draws the attention of the interested party to the document "Concept of Modernisation and Ecologisation of the WEEE", which describes in detail the scope and complexity of the whole project. It is clear from its content that the modernisation and Ecologisation of the WEPP is a complex and challenging project which cannot be compared to conventional projects/buildings equipped with I&C components. The requirements for this expert are therefore in line with the objective pursued. The proponent did not specify what other constructions could be equivalent in terms of their complexity to the pursued objective and why.

In relation to the omission of information regarding the MAR expert, Purchaser states that these are very similar activities and area, therefore a MAR expert will be accepted for this position. As a procedural precaution, Purchaser also modifies Annex 3 of the Contract in this context.

Construction Part Quality Controller (CQC):

Min. 10 years (120 months) of experience in a position responsible for the quality of the construction part (in design, implementation, or construction supervision activities) in the construction/reconstruction of technological units of energy facilities or WEEE or on infrastructure constructions with embedded technologies with an investment value of at least EUR 5 million excluding VAT, or in the construction of technological units in manufacturing companies with combustion boilers.

We request the purchaser to justify why this person has to **demonstrate a minimum of 10 years' experience only in the construction/reconstruction of technological units of energy facilities or WEEE or on infrastructure constructions with embedded technologies with an investment value of at least EUR 5 million excluding VAT or in the construction of technological units in manufacturing companies with combustion boilers**, if the expert may have been involved in various other constructions that are equipped with construction parts. We also ask the purchaser to explain on what basis it has stated that it can demonstrate experience in a position *in design, implementation or construction supervision activities* as in our view these functions are not comparable to each other.

Purchaser's reply:

Purchaser draws the attention of the interested party to the document "Concept of Modernisation and Ecologisation of the WEEE", which describes in detail the scope and complexity of the whole project. Its content clearly shows that the modernisation and Ecologisation of the WEEE is a complex and challenging project which cannot be compared to conventional projects/buildings. The requirements for this expert are therefore in line with the objective pursued. The applicant did not specify what other constructions could be equivalent in terms of their complexity to the objective pursued and why.

Purchaser shall also allow the required experience to be demonstrated by experience in the field of design, implementation or supervision, since the subject of the contract is design, implementation and supervision. Therefore, Purchaser sees no objective reason to require or limit the experience of this expert only in design, or only in implementation, or only in supervision.

Machine Part Quality Controller (MQC):

Min. 10 years (120 months) of experience in a position responsible for the OTK of the mechanical part (in design, implementation, or construction supervision activities) in the construction/reconstruction of technological units of energy facilities or WEEE or on

infrastructure constructions with embedded technologies with an investment value of at least EUR 5 million excluding VAT or in the construction of technological units in manufacturing companies with combustion boilers.

We request the purchaser to justify why this person has to **demonstrate a minimum of 10 years' experience only in the construction/renovation of technological units of energy facilities or WEEE or on infrastructure constructions with embedded technologies with an investment value of at least EUR 5 million excluding VAT or in the construction of technological units in manufacturing companies with combustion boilers**, if the expert may have been involved in various other constructions that are equipped with machine parts.

We also ask the purchaser to explain on what basis it has stated that it can demonstrate experience in a position *in design, implementation or construction supervision activities* as in our view these functions are not comparable to each other.

Purchaser's reply:

Purchaser draws the attention of the interested party to the document "Concept of Modernisation and Ecologisation of the WEEE", which describes in detail the scope and complexity of the whole project. It is clear from its content that the modernisation and Ecologisation of the WEPP is a complex and demanding project which cannot be compared with conventional projects/buildings which are equipped with mechanical parts. The requirements for this expert are therefore in line with the objective pursued. The bidder did not specify what other constructions could be equivalent in terms of complexity to the pursued objective and why.

Purchaser shall also allow the required experience to be demonstrated by experience in the field of design, implementation or supervision, since the subject of the contract is design, implementation and supervision. Therefore, Purchaser sees no objective reason to require or limit the experience of this expert only in design, or only in implementation, or only in supervision.

Electrical and I&C Quality Controller (OTK):

Min. 10 years (120 months) of experience in a position responsible for electrical quality and I&C (in design, implementation or construction supervision activities) in the construction/reconstruction of technological units of power plants or WEEE or on infrastructure constructions with embedded technologies with an investment value of at least EUR 5 million (VAT excluded) or in the construction of technological units in manufacturing companies with combustion boilers.

We request the purchaser to justify why this person has to **demonstrate a minimum of 10 years' experience only in the construction/reconstruction of technological units of energy facilities or WEEEs or in infrastructure constructions with embedded technologies with an investment value of at least EUR 5 million excluding VAT or in the construction of technological units in manufacturing plants with combustion boilers**, if the expert may have been involved in various other constructions subject to quality control of electrical I&C.

We also ask the purchaser to explain on what basis it has stated that it can demonstrate experience in a position *in design, implementation or construction supervision activities* as in our view these functions are not comparable to each other.

Purchaser's reply:

Purchaser draws the attention of the interested party to the document "Concept of Modernisation and Ecologisation of the WEEE", which describes in detail the scope and complexity of the whole project. It

is clear from its content that the upgrading and Ecologisation of the WEEE is a complex and challenging project which cannot be compared to conventional projects/buildings that have been subject to electrical I&C quality control. The requirements for this expert are therefore in line with the objective pursued. The bidder did not specify what other constructions might be equivalent in complexity to the pursued objective and why.

Purchaser shall also allow the required experience to be demonstrated by experience in the field of design, implementation or supervision, since the subject of the contract is design, implementation and supervision. Therefore, Purchaser sees no objective reason to require or limit the experience of this expert only in design, or only in implementation, or only in supervision.

Quality controller of dedicated technical equipment:

Min. 10 years (120 months) of experience in a position responsible for quality control of reserved technical equipment (in design, implementation, or construction supervision activities) in the construction/reconstruction of technological units of energy facilities or WEEE or on infrastructure constructions with embedded technologies with an investment value of at least EUR 5 million excluding VAT or in the construction of technological units in manufacturing companies with combustion boilers.

We ask the purchaser for a justification why this person has to **demonstrate a minimum of 10 years' experience only in the construction/renovation of technological units of energy facilities or WEEE or on infrastructure constructions with embedded technologies with an investment value of at least EUR 5 million excluding VAT or in the construction of technological units in manufacturing companies with combustion boilers**, if the expert may have been involved in various other constructions with dedicated technical equipment.

We also ask the purchaser to explain on what basis it has stated that it can demonstrate experience in a position *in design, implementation or construction supervision activities* as in our view these functions are not comparable to each other.

Purchaser's reply:

Purchaser draws the attention of the interested party to the document "Concept of Modernisation and Ecologisation of the WEEE", which describes in detail the scope and complexity of the whole project. Its content clearly shows that the modernisation and Ecologisation of the WEEE is a complex and demanding project which cannot be compared to conventional projects/buildings with dedicated technical installations. The requirements for this expert are therefore in line with the objective pursued. The applicant did not specify what other constructions could be equivalent in terms of complexity to the objective pursued and why.

Purchaser shall also allow the required experience to be demonstrated by experience in the field of design, implementation or supervision, since the subject of the contract is design, implementation and supervision. Therefore, Purchaser sees no objective reason to require or limit the experience of this expert only in design, or only in implementation, or only in supervision.

Expert in functional testing, start-up and operation of complex power units:

Min. 10 years (120 months) of experience in a position responsible for functional testing, commissioning and operation of power units (in design, implementation or construction supervision activities) in the construction/reconstruction of technological units of energy

facilities or WEEE or on infrastructure constructions with embedded technologies with an investment value of at least EUR 5 million (VAT excluded) or in the construction of technological units in manufacturing companies with combustion boilers.

We request the purchaser to justify why this person has to **demonstrate a minimum of 10 years' experience only in the construction/reconstruction of technological units of energy facilities or WEEE or on infrastructure constructions with embedded technologies with an investment value of at least EUR 5 million excluding VAT or in the construction of technological units in manufacturing companies with combustion boilers**, if the expert could be involved in various other constructions with the performance of functional tests, start-ups and operations of complex energy units of the selected construction.

We also ask the purchaser to explain on what basis it has stated that it can demonstrate experience in a position *in design, implementation or construction supervision activities* as in our view these functions are not comparable to each other.

Purchaser's reply:

Purchaser draws the attention of the interested party to the document "Concept of Modernisation and Ecologisation of the WEEE", which describes in detail the scope and complexity of the whole project. It is clear from its content that the modernisation and Ecologisation of the WEPP is a complex and demanding project which cannot be compared to conventional projects/buildings with the performance of functional tests, start-ups and operations of complex power units of the selected building. Therefore, the requirements for this expert are in line with the objective pursued. The tenderer did not specify what other or selected buildings could be equivalent in terms of complexity to the objective pursued and why.

Purchaser shall also allow the required experience to be demonstrated by experience in the field of design, implementation or supervision, since the subject of the contract is design, implementation and supervision. Therefore, Purchaser sees no objective reason to require or limit the experience of this expert only in design, or only in implementation, or only in supervision.

Question 2:

We request the purchaser to justify the reasonableness of the setting of conditions for experts, in particular the fact that the purchaser does not require the above experts to submit any authorizations other than the authorization for a chartered architect and certified welder, i.e. the purchaser does not require the experts to submit a document proving that they are chartered civil engineers or building supervisors covered by the SCCE within the meaning of the Chartered Engineers Act? Respectively, they do not have a certificate, a document to carry out selected activities, e.g. HSE, etc.

Purchaser's reply:

In accordance with the draft contract Article VII Rights and Obligations of the Parties, point 7.1 (d) and (e), by signing the contract, the future provider declares/confirms, undertakes/guarantees that:

(d) "possesses sufficient / appropriate professional / specialist skills / knowledge and capacity (including Key Persons) necessary for the proper provision / performance of the Services / activities under this Contract, including in relation to its demonstrated technical / professional competence and capacity under the RFP (Key Persons);

(e) has all necessary authorisations/permits for the purpose of proper provision/performance of the Services/activities."

In view of the objective pursued by this contract, which is clearly described in the Tender documents and their annexes, and on which the draft contract is based, it is clear that the performance of the contract must be carried out by persons possessing the appropriate authorisations. The fact that Purchaser does not require the submission of the relevant qualifications of key experts as part of the minimum required level of technical and professional competence does not call this into question. There is nothing to prevent the fulfilment of the contractual obligation in question from being verified during the performance of the contract.

Question 3:

We request the purchaser to complete the document with abbreviations so that the interpretation and understanding of the abbreviations is the same for all bidders.

Purchaser's reply:

The abbreviations are defined in the introduction to the contract and in the introduction to the document "Concept for the modernisation and Ecologisation of the WEEE". Purchaser is not aware from the question which abbreviations are not defined and are confusing or unclear to the interested party.

List of documents modified on the base of this explanation:

- Annex 3 of the Contract - List of key persons

Yours sincerely

Mgr. Adam Kašák

Head of Procurement