

  

# To all interested parties

# In Bratislava 30.04.2024

**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.**

1. **General information (context to the interested party's questions):**

The announcement of this repeated public procurement was preceded by a first announcement of public procurement for a similar subject of the contract. In the first procurement, the Office of Public Procurement (hereinafter 'the Office') ordered its cancellation. A review of the binding decision of the Office by the Chairman of the Office pursuant to Section 177 of Act No 343/2015 Coll. on Public Procurement and on Amendments and Additions to Certain Acts, as amended, is currently pending (the process of the first public procurement has not been officially completed).

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

**Question no. 1**

*„We like to ask if the old bid security from the previous tender is transferable to this new tender? For explanation: At the end the contract for only one of these two tenders will be awarded. The other tender will certainly not be awarded, as the basic scope will be the same. The deposit of this amount of money is remarkable. We kindly ask for clarification.“*

**Answer no. 1**

The contracting authority requires the submission of a bid security in a new procurement, regardless of whether the tenderer has already submitted a bid security within the first poblic procurement procedure (one bid security cannot be used for both tenders).

**Question no. 2**

*“The tender repetition requires the same formal documents to be submitted again. Since applying for and obtaining the documents requires a lot of organizational and time effort deadline. We figured out the required documents into 3 categories:*

*- Conditions of participation of personal status*

*- Conditions of participation financial and economic standing*

*- Conditions of participation of technical and professional competence*

*Please provide information about which documents in the three categories we must be reapply for as part of the new tender in order for it to be submitted on time. Since we have already submitted the documents for the last tender, our question would be whether we need to submit the documents again? Alternatively, it would be helpful to change the validity of the required documents with regard to the date to the same requirements of the first tender etc. We kindly ask for clarification.”*

**Answer no. 2**

The contracting authority requires the submission of all the documents required by the tender documents to prove compliance with the conditions of participation, since in particular:

- The requirement that the documents proving the conditions of participation must not be older than three months is established by Act No. 343/2015 Coll. The Act No 343/2015 on public procurement, not the contracting authority;

- In the context of the submission of documents to meet the condition of participation of financial and economic standing, it is required to prove the facts for the last three completed economic years and it is assumed that in the context of this procurement, the bidder may also have closed the economic year 2023;

**Question no. 3**

*“Since we are currently in the preparation phase for the IFAT (the world's largest waste management trade fair) from 13.-17.05.2024. This ties up considerable capacity, particularly in the sales department. The exhibition takes place in the week before the tender has to be submitted. We would like to request an extension of the tender deadline.”*

**Answer no. 3**

The contracting authority will extend the deadline for the submission of bids in accordance with point 3 of this document.

**Question no. 4**

*„Change in the document “Agreement for the Provision of Services in the Field of IT-Solutions”:  
In the above-mentioned document, the clause 4.12 concerning the ownership and usage rights regarding databases and database models created or provided during the agreement, was removed and now subsequently added back some chapters in Slovakian language. The deletion was done according to the previous tender clarifications (Note from the contracting authority - the interested party refers to the explanations given at the first public procurement procedure).*

*We predict that the addition of text in Slovakian on page 18 righthand column (English version) is an editorial error because 4.3 (which is the Slovakian text of the previous 4.12 database-rights clause) is added in right after clause 4.11 which does not logically add up.“*

**Answer no. 4**

Pursuant to a question from an interested party, an administrative error had occurred in which the numbering of the points in the contract had been incorrect. The contracting authority will publish the contract with the corrected numbering at the same time as this explanation.

1. **Extension of the deadline for submission of bids:**

**Within the public procurement procedure, the contracting authority is extending the deadline for the submission of bids, as follows:**

**- the original deadline for submission of tenders 20.05.2024 until 10:00 a.m.**

**- new deadline for submission of tenders 27.05.2024 until 10:00**

**The contracting authority will change the deadline for the submission of bids at the same time in the JOSEPHINE system and modify the contract notice.**

Sincerely

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