

Contracting authority:	Odvoz a likvidácia odpadu v skratke: OLO a. s., Ivanská cesta 22, 821 04 Bratislava
Contract name:	<b><i>Modernization and greening of ZEVO OLO – lines K3 and K2</i></b>
Link to the Tender Documents:	<a href="https://josephine.proebiz.com/sk/tender/69634/summary">https://josephine.proebiz.com/sk/tender/69634/summary</a>
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Document:	Notice of cancellation of procurement procedure
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### DECISION ON CANCELLATION OF THE PUBLIC PROCUREMENT PROCEDURE

The Contracting Authority hereby informs all concerned parties that the public procurement procedure for the subject-matter of the contract "**Modernization and Greening of ZEVO OLO – Lines K3 and K2**", conducted by way of competitive dialogue pursuant to Section 96 of Act No. 343/2015 Coll. on Public Procurement and on Amendments to Certain Acts, as amended (the "Public Procurement Act"),

**is hereby cancelled.**

#### Justification:

The Contracting Authority cancels the above-threshold public procurement procedure in accordance with Section 57(2) of the Public Procurement Act. Within the time limit for submitting requests to participate, the Contracting Authority received several requests to participate which, at that time, objectively allowed for proper competition, provided that the applicants met the participation conditions.

The Evaluation Committee then assessed the fulfilment of the participation conditions in accordance with the Public Procurement Act and Annex No. 4 to the Information Document. During this assessment, statutory grounds for exclusion under Section 40(6) of the Public Procurement Act were identified in relation to several applicants. After completing the evaluation, the Contracting Authority concluded that only one applicant met the specified participation conditions, while the remaining applicants had to be excluded for legal reasons.

The Contracting Authority emphasizes that the reasons for exclusion were assessed individually and resulted from specific procedural shortcomings on the part of the respective applicants, most commonly consisting of failure to follow or correctly apply procedural requirements, or failure to submit objective, verifiable and relevant documents proving compliance with the participation conditions, despite the fact that the Contracting Authority **made maximum legally feasible efforts** to obtain the relevant necessary information. The reasons for exclusion were not related to the setting of the procurement documents, which were prepared appropriately and in compliance with the law, taking into account the professional, technical and organisational complexity of the subject-matter of the contract, as well as its importance.

The Contracting Authority notes that continuing the competitive dialogue in a situation where only one applicant remains after the assessment of participation conditions would not allow the achievement of the basic purpose of public procurement, namely to create genuine competition among economic operators. Competitive dialogue is based on the comparison of alternative solutions and competitive pressure among several participants; this purpose cannot be achieved where only one participant remains.

Therefore, the Contracting Authority concluded that continuing this procurement procedure would not be in line with the principle of economy and efficiency under Section 10(2) of the Public Procurement Act, as it would not be possible to compare proposed solutions or ensure efficient spending of public funds through a competitive environment.

For the reasons stated above, the Contracting Authority exercised its right under Section 57(2) of the Public Procurement Act and decided to cancel the public procurement procedure, since, after the assessment of the participation conditions, there is not a sufficient number of applicants to enable proper competition and to ensure compliance with the fundamental principles of public procurement.

In conclusion, the Contracting Authority would like to thank all interested parties for their participation, and for the time and professional effort invested in preparing and submitting their requests to participate. At the same time, the Contracting Authority believes that the experience gained will contribute to a more thorough approach to demonstrating compliance with participation conditions in future procedures, and that all applicants who submitted a request to participate will consider participating in the re-launched procurement.

**Remedy:**

Interested parties may submit an objection against this decision within 10 days from the date of publication of this decision.