

EXPLANATION OF TENDER DOCUMENTATION

within the meaning of Section 98(3) of Act No 134/2016, on public procurement, as amended
(hereinafter the “Act”)

Name of public contract:

DELIVERY OF STATIONARY CAMERA SYSTEMS AND PROVISION OF RELATED SERVICES

Above-the-threshold public delivery contract,
open procedure (hereinafter the “Public Contract”)

Reference number: VZ_2020_A46

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1	<p>The contracting authority has set 2 evaluation criteria, namely the Total Bid Price and the Quality of the offered goods. Weight of the Total bid price criterion is 40% and weight of the Quality of the offered goods criterion is 60%.</p> <p>a. Can the contracting authority justify why the Quality criterion of the goods offered has a higher weight than the Total bid price criterion?</p> <p>Maximum possible number of points awarded for the Quality of offered goods criterion according to Annex 4 to the TD is 44.05 points, provided that the contractor states a 99.99% value in cells E5 and E6 – which none of the manufacturers can objectively guarantee. If the contractor were to provide a real number – such as 97% – the contractor would be awarded only 26.11 points, which translates to 39.12 points after recalculation within the given criterion (compared to the maximum number of 60 points). Thus, a contractor who would state a value of 97% in cells E5 and E6 would have to be two times cheaper than a contractor who would state a value of 99.99% in these cells.</p> <p>In addition, the definition of testing in Chapter 16 includes only the acquired records, so the contracting authority cannot prevent a selection by the equipment to make the reviewed A1 and A2 parameters are as good as possible, as confirmed by the explanation of 17 April 2020 in response to</p>	<p>1a. The tender documentation update <u>To the possibility of distortion of sample test results.</u></p> <p>The selected contractor is entitled to be present throughout the testing of the samples and supervising the evaluation. If the selected contractor so requests, it will be provided with a set of data included in the sample test evaluation (see also the explanation of the tender documentation of 17 April 2020).</p> <p>The result of the test of samples will also be in accordance with the provisions of Section 123 b) of the Act notified to all participants in the procurement procedure.</p> <p>The contracting authority further states that it will not prevent the selected contractor from obtaining, at its own expense, risk, solely for its own use and for the purpose of checking, any documentation during the testing of the samples.</p> <p>The contracting authority also allows the supplier to carry out his own measurement of the speed of passing vehicles (see the answer to question no. 26).</p> <p>Regarding the possible distortion of the test results of the samples by the selected supplier, the contracting authority added to the binding model contract sanctions for non-compliance</p>

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	<p>inquiry ID 23, which excludes the use of video recording, which would provide a clear definition for the test.</p> <p>A one percent difference of A1 or A2 parameter must be “compensated” by a price difference of approx. 15%. Therefore, if Company A offers 98% for parameter A1 and Company B offer 97%, Company B must be approx. 15% cheaper in order for its offer to be as economically favourable. This cannot be considered a properly set bid price / quality ratio.</p> <p>Furthermore, the cumulatively set A1 and A2 parameters completely distort the competition.</p> <p>b. Will the contracting authority adjust the evaluation criteria so that they are in accordance with Section 114(2) Act No 134/2016, on public procurement – i.e. that the ratio of the offer price and quality is set correctly?</p>	<p>with the parameters that were the subject of evaluation (see paragraph 9.8 of Annex 2 - binding draft contract). In determining the amount of the sanction, the contracting authority assumed that 0.2 points in the overall evaluation (with the best point gain of the quality of performance at the level of 30 points according to the table of quality of performance) corresponds to about 0.5% of the bid price, while the penalty is set as double of such value.</p> <p>Furthermore, the right of the contracting authority to withdraw from the contract was added to the binding draft contract in the event that additional distortion of the test results of the samples by the selected supplier is subsequently revealed.</p> <p>The supplier, whose deliveries do not correspond to the guaranteed parameters, can of course also be liable for any damage caused and at the same time risks the loss of reputation and other possible non-financial consequences.</p> <p>Above the above, the contracting authority newly specifies that it will perform parallel control measurements of passing vehicles during the test of samples (for more details, see Article 16 of the tender documentation).</p> <p><u>The reasons for prioritizing quality over price.</u></p> <p>The contracting authority determined the economic advantage of the bids as the most advantageous ratio of the total bid price excluding VAT and the quality of the offered goods (see paragraph 10.1 of the tender documentation). Although the contracting authority is not obliged to explain to suppliers in any way its reasons for setting the evaluation criteria and their weights, it will do so in the interests of fairness and transparency.</p> <p>The contracting authority agrees with the conclusions that the participant made from the hypothetical example of the calculation of the point evaluation of the quality of the offered goods and at the same time confirms that he set the point intentionally in this way. According to the contracting authority, on the contrary, it is fully in accordance with Section 114 (2) of the Act, when the evaluation criteria and their weights correspond to the needs and goals of the contracting authority.</p> <p>The contracting authority determined the weights of individual criteria <i>inter alia</i> in accordance with the “<i>Methodology for the evaluation of tenders according to economic</i></p>

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		<p><i>favourability according to Act No 134/2016, on public procurement ”, issued by the Ministry of Regional Development (hereinafter the “methodology”), specifically in accordance with Chapter 2.1.3 thereof – “Evaluation of tenders on the basis of the most favourable ratio of tender price and quality”.</i></p> <p>The contracting authority chose the method of point evaluation of key parameters A1 and A2 intentionally in such a way that offering better than minimum required values of these parameters is awarded with significantly more points than offering additional parameters (if the contractor offers such parameters). In this way, the contracting authority emphasises the importance of the key quality parameters A1 and A2 in meeting the contracting authority’s objectives.</p> <p>The contracting authority considers it (again in accordance with the law and methodology) to be more economically favourable to buy a more expensive product, if its properties will sufficiently contribute to achieving the objectives of the contracting authority.</p> <p>The contracting authority adds that it will use the performance of this public contract to provide a service the quality of which is very important for its final recipients and the contracting authority as its provider has concluded contracts with final recipients with fixed quality indicators (hereinafter also “SLAs”), the compliance with which is directly dependent on the key parameters A1 and A2 and the non-fulfilment of which would pose a high risk of contractual penalties and the resulting economic risks for the contracting authority.</p> <p>At the same time, it is in the contracting authority's interest to acquire such camera systems that will enable him to improve his services in the future and use the systems for other purposes within his activities.</p> <p>In this context, the contracting authority also draws the attention of the participants to paragraph 10.7 of the tender documentation, which stipulates that in case of equality of tenders, the higher value of the quality score within the Quality of the offered goods criterion is the decisive factor.</p> <p>1b. Not accepted.</p> <p>The contracting authority states that the evaluation criteria within the price to quality</p>

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		<p>ratio are set to meet the objectives and intentions of the contracting authority and are in full compliance with Section 114(2) of the Act (see also the explanation for inquiry 1a. above). When determining the evaluation criteria, the contracting authority also complied with the obligation under Section 115 of the Act, which imposes an obligation on the contracting authority to state in the tender documentation the fact that it chose the evaluation method according to the price-quality ratio of delivered goods and at the same time determined a clear set of rules for tender evaluation. The rules are as follows:</p> <ul style="list-style-type: none"> • tender evaluation criteria (complied with); • criteria evaluation method (complied with); • relationship between individual criteria – weight of individual criteria (complied with). <p>In view of the above, the contracting authority will not modify the price to quality ratio in any way.</p>
2	<p>In Annex 4 to the TD (<i>tender documentation, note of the contracting authority</i>) the F4 cell contains the following formula: $d = (c - a) * 100$. However, subsequent cells F5 and F6 calculate the value according to a different formula.</p> <p>Will the contracting authority modify the model example so that cells F5 and F6 state the correct value, or will it modify the formula in cell F4?</p>	<p>Not accepted.</p> <p>The editable Microsoft Excel file, which forms Annex 4 to the tender documentation, contains the following formulas: cell F5 uses this formula $=IF(E5=0;0;(E5-C5)*100)$ and cell F6 uses this formula $=IF(E6=0;0;(E6-C6)*100)$, which terms of calculation corresponds to the $d = (c - a) * 100$ formula given under the heading Indicator column of the table in question.</p>
3	<p>The contracting authority has set the criterion Quality of the offered goods as one of the evaluation criteria and it states what will be evaluated within the given criterion in Annex 4 to the tender documentation. By stating the B3, C2, C3, C5 and C6 parameters in Annex 4 to the TD, the contracting authority declares that it prefers one specific type of foreign product that meets all the conditions in summary. In addition, the given parameters are not normally required by the contracting authority in similar contracts. The parameters set in this way thus raise doubts as to whether the input conditions are not set in a discriminatory manner.</p> <p>Will the contracting authority adjust the parameters specified in Annex 4 to the tender documentation so as not to favour one specific type of foreign product?</p>	<p>Not accepted.</p> <p>With reference to Chapter 3 of Annex 1 to the tender documentation and the explanation of the tender documentation of 17 April 2020, e.g. the answers to questions 6, 8, 9, 10, 11, 12, 15, the contracting authority repeatedly states that parameter B3 is additional and the participant does not have to include it in its tender if its goods do not have this function.</p> <p>Parameter C2 is a permissible alternative to parameter C1, parameter C3 is preferred by the contracting authority, but the contracting authority allows for an alternative in the form of parameter C4. Parameters C5 and C6 are additional and therefore optional.</p> <p>By the above explanation, the contracting authority proves that the tender conditions set by it within the framework of this public contract meet all the principles of Section 6 of the Act.</p>

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		<p>In addition, the inquirer in its inquiry no 4 below (quote: "...other contractors are able to provide the technical accessories required by the contracting authority...") itself admits the possibility of adding optional parameters or functions to those which its currently offered goods probably have, and that there are more contractors who are able to meet the tender conditions, including any additional parameters. The inquirer itself refutes its claim about the alleged discriminatory setting of the tender conditions in inquiry no 4.</p> <p>In conclusion, the contracting authority states that the participant's claim about the alleged advantage of one preferred foreign type of product and the alleged discriminatory conditions is unfounded. Therefore, the contracting authority states that there is no reason to change the list of desired parameters of the goods.</p> <p>For the sake of completeness, the contracting authority states that it has changed, resp. updated its requirements for parameter B3. See the answer to question 15 of this explanation.</p>
4	<p>In Annex 1 to the tender documentation, the contracting authority set the technical specification in such a way that the given conditions, which are not standard on the market, can be at present met only by one specific type of foreign product. Other contractors are able to provide the technical accessories required by the contracting authority, but not within two weeks as per Article 16.6 of the tender documentation. According to the set deadlines, the contracting authority could request the submission of a sample as early as the second half of May 2020, and this could only be provided by a contractor who already has a product set exactly according to the contracting authority's parameters – i.e. only one specific type of foreign product.</p> <p>All supplements are awarded by a significant number of points and by setting too short a deadline for submission of the sample (according to the set deadlines, the contracting authority could request the submission of the sample in the second half of May 2020), the contracting authority discriminated against similar products other than the one it takes as a model – one specific type of foreign product.</p> <p>a. Can the contracting authority indicate when it will require a sample test at the earliest this year?</p>	<p>The participant's claim that the conditions set by the contracting authority are not standard on the market is probably due to a different interpretation of the term "market". The contracting authority deliberately chose the method of conducting the procurement procedure so as to enable the participation of the widest possible range of potential contractors and at the same time to receive the highest quality goods in the public contract and meet its objectives. In addition to the Czech Republic, the contracting authority (probably unlike the inquirer) considers the market to include other Member States of the European Union, the European Economic Area and the Swiss Confederation, or another state that has an international agreement with the Czech Republic or the European Union guaranteeing access of contractors from these states (hereinafter the "relevant market") to the tendered public contract in accordance with the principles of public procurement pursuant to Section 6, in particular with regard to paragraph (3)(a) and (b) thereof.</p> <p>The inquirer's assertion that the contracting authority set conditions with regard to one alleged specific type of foreign product was already refuted by the contracting authority in</p>

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	<p>b. Will the contracting authority adjust the tender conditions to ensure equal competition for everyone (when all but one producer is currently discriminated against) – for example, by setting a deadline for submitting a sample, for example within 2 months of receiving the call (instead of two weeks)?</p>	<p>its answer to inquiry 3. After all, the inquirer itself refuted its own claim in the second sentence of this inquiry no 4.</p> <p>The inquirer is probably well versed in the economic environment of the Czech Republic. Therefore, in order to avoid any doubts as to whether the contracting authority is proceeding in accordance with Section 6 of the Act, the contracting authority adds that the way in which it intends to use the goods that are the subject-matter of this procurement procedure does not have a comparable model in the Czech Republic, but it does in the relevant market.</p> <p>4a. The tender documentation update</p> <p>The contracting authority has decided to extend the deadline for submission of tenders (see the conclusion of this explanation of the tender documentation) and thus provide suppliers with as much time as possible for the preparation of their tenders. From the point of view of the contracting authority, this is the maximum possible extension, as it is necessary to leave sufficient time for the preparation of the contracting authority for the routine operation of cameras, which the contracting authority is obliged to start from 01. 01. 2021.</p> <p>The contracting authority cannot set a specific date for the testing of samples, as it depends not only on its will but also on the complexity of the assessment and evaluation of the tenders received, the legal deadlines and the overall course of the procurement procedure. In any case, the contracting authority is interested in terminating the procurement procedure as soon as possible.</p> <p>4b. Not accepted.</p> <p>The contracting authority (see explanation above) fundamentally rejects the inquirer's claim that all but one contractor is discriminated against.</p> <p>On the contrary, the contracting authority encourages the participants to include in their tender such data on the offered goods that they are able to realistically meet within the deadlines given by the terms of this public contract, including the delivery of the required number of goods for testing samples.</p> <p>For the above reasons, the contracting authority will not change the conditions of the procurement procedure.</p>

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5	<p>Point (a) of Article 5.1. of the purchase contract literally states:</p> <p>5.1. The contractor undertakes to deliver the Goods gradually to the place of performance within 90 calendar days from the date of the Customer’s call for performance, under the following conditions:</p> <p>(a) within 30 calendar days from the date of the Client’s call, at least 40% of the total delivery of the Goods must be delivered;</p> <p>Can the contracting authority also specify and set a deadline in relation to the previous inquiry, which would not be discriminatory for all but one producer and which would determine when the first 40% of the goods will be required to be delivered at the earliest this year?</p>	<p>Tender documentation update</p> <p>The contracting authority in paragraph 5.1. of Annex No. 2 - Binding Draft Contract newly stipulated that the call for performance will be made by the Contracting Authority within 30 calendar days from the effective date of the Contract.</p> <p>To determine the specific date of the earliest delivery of the first part of the goods (paragraph 5.1 letter a of the binding draft contract) - the contracting authority refers the participant to his answer to point 4a. above. The contracting authority is not able to anticipate when the procurement procedure will be terminated (a contract concluded with the selected supplier). In any case, the contracting authority is obliged to comply with all legal deadlines and at the same time to conclude the contract without undue delay after the expiry of the ban on concluding the contract (see § 124 para. 1 of the Act).</p>
6	<p>In Annex 1 – Technical specification, the contracting authority requires the following information to be provided:</p> <ul style="list-style-type: none"> • confirmation of the expected cessation of production of the offered types of camera systems; and • information on the estimated time of post-warranty support of the equipment, the production of which is – <p>or at the time of expiration of the warranty period offered by the participant will be – terminated.</p> <p>a. Can the contracting authority explain why it is requesting this information? How does the contracting authority intend to use this data if it is not the subject of an evaluation?</p> <p>The sentence – “information on the estimated time of post-warranty support of the equipment, the production of which is – or at the time of expiration of the warranty period offered by the participant will be – terminated.” – does not make grammatical sense.</p> <p>b. Can the contracting authority reformulate the sentence to capture what exactly is the will of the contracting authority?</p>	<p>Explained, not accepted.</p> <p>The reason for this requirement of the contracting authority is explained by a note in paragraph 1.4 of Annex 1 to the tender documentation. The contracting authority agrees with the recommendation of the preliminary market consultations participant. The contracting authority requires this information in order to assess the degree of risk with which the contractor will be able to meet its obligations to provide related services in accordance with point 1.3.3 of Annex 1 to the tender documentation.</p> <p>The text quoted by the inquirer (quote: <i>“information on the estimated time of post-warranty support of the equipment, the production of which is – or at the time of expiration of the warranty period offered by the participant will be – terminated.”</i>) is not a separate sentence and as such should be read along with separate beginning of the sentence (quote: <i>“The contracting authority requires the participant to state in its tender, among other things, the following information about the Goods offered:”</i>)</p> <p>For the avoidance of doubt, the contracting authority requires the contractor to inform it whether there is a risk that before the expiry of the warranty period offered by the contractor,</p>

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		<p>there may be (or will be) a situation where the offered goods will no longer be technically supported by the contractor (see the contracting authority's requirement in paragraph 2.7(a) of Annex 2 to the tender documentation).</p> <p>The text quoted by the inquirer accurately describes the intention and requirements of the contracting authority and there is no reason to reformulate it.</p>
7	<p>In Article 1.3.2 of Annex 1 to the tender documentation, the contracting authority states the following:</p> <p>1.3. The contracting authority also requires the provision of the following services in the performance of the public contract in question:</p> <p>1.3.2. methodological and technical assistance in the installation, commissioning, and operation of the supplied camera systems;</p> <p>Although this performance is part of the tender price, the contracting authority does not set any parameter for this requirement in order to receive comparable tenders.</p> <p>Can the contracting authority specify in detail the parameters of this SLA and specify how contractors should price this requirement?</p>	<p>Explained.</p> <p>The requirements of the contracting authority are precisely and in relation to each other formulated in:</p> <ul style="list-style-type: none"> • paragraph 2.7(a), second point; • paragraph 5.2(d); • paragraph 9.6, fourth point <p>of Annex 2 to the tender documentation.</p>
8	<p>In Article 2.1 of Annex 1 to the tender documentation, the contracting states Parameter A1: recognition of the vehicle type and its correct classification into one of the 5 mandatory groups.</p> <p>However, the contracting authority does not further define these classes. This information is missing in the technical specification, but without definition the correctness of the classification cannot be assessed.</p> <p>a. Can the contracting authority define more precisely the required groups so that there is no dispute about possible classification?</p> <p>b. Will the contracting authority complete the definitions of the categories so that the boundaries of the individual categories are clearly defined in terms of the visibility of the vehicle in the image and the subsequent automatic image processing?</p> <p>c. For example, where would Mercedes Vito belong (among vans or cars), which exists in a version as a van, but also in a version of a</p>	<p>Explained.</p> <p>The determination of individual groups was based on the assumed possibilities of optical resolution, which are sufficient for the initial detection and which will let the contracting authority determine how the detected metadata can be subjected to further processing.</p> <p>8a, 8b Explained.</p> <p>This is the same factual request of the interviewer. The contracting authority requires the basic classification of the detected vehicle into one of the named categories, necessary for the subsequent processing and comparison of the detected metadata of parameter A1. In real operation, the correct final classification of the vehicle will be ensured by a combination of data detected by camera systems and vehicle data in the relevant information systems.</p> <p>8c. The Mercedes Vito may be classified as a van or as a passenger car. The contracting authority</p>

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	<p>passenger car?</p> <p>d. For example, where would the IVECO Daily belong (among light trucks or vans), which exists in the version up to 3.5 tonnes as a van, but also in the light truck version of 5.2 or 7 tonnes?</p> <p>e. If so, how would these borderline cases of vehicles, which may belong to more than one category, be evaluated during the test of the sample?</p>	<p>will consider both classifications as correct.</p> <p>8d. The IVECO Daily may be classified as a light truck, van, passenger car and also as a bus. Optical recognition has its limitations and the contracting authority does not require that the correct classification into one of the 5 mandatory groups be performed by the camera system with regard to the weight of the vehicle or its internal arrangement, as the inquirer tries to suggest to the contracting authority by the wording of its inquiry. For the subsequent processing of metadata, it will be sufficient if the recognised vehicle is classified by the camera system in a category that is not in direct conflict with the recorded vehicle type (for example by classifying the IVECO Daily as a heavy truck)..</p> <p>8e. During the test of samples, a vehicle will be considered as a correctly classified vehicle, if it will be clear from the overview image thereof that it can fall into more than one category (see also answer to 8d).</p> <p>For more information on the method of assessing the conformity of images with the metadata specified by the supplier's system, see Article 16 of the tender documentation.</p>
9	<p>In Article 2.2 of Annex 1 to the tender documentation, the contracting authority requires an average accuracy of the licence plate and country of origin recognition of at least 95%.</p> <p>a. Can the contracting authority specify what is the basis for this set percentage? Is it all the vehicles that pass through the given section of the road, or is it based on all the vehicles that the device captures?</p> <p>As the tender documentation is now set up and as the contracting authority confirms by excluding the video from the test in the explanation of 17 April 2020, in response to inquiry ID 23, it is possible for any detection device to decide which vehicle to take into the evaluation (it could also take it just to be sure – for example every tenth vehicle).</p> <p>b. If the required percentage is related to the number of vehicles driven in total, will the contracting authority adjust all the tender documentation relating to the quality score and the tests to take account of this fact?</p> <p>c. Will the contracting authority specify which</p>	<p>Explained. Precised in the tender documentation.</p> <p>The Act does not oblige contracting authorities to communicate to the participants in the procurement procedure the reasons for determining the required level of qualitative parameters. Nevertheless, the contracting authority does so in the interest of correct mutual communication.</p> <p>9a. Explained.</p> <p>The basis for determining the minimum required level of the A2 parameter are the contracts concluded by the contracting authority with end customers for the services that the contracting authority will provide through the goods that form the subject-matter of this public contract.</p> <p>For the possibility of distorting the results of the test of samples by the contracting authority, see the answer to question no. 1a.</p> <p>However, the contracting authority can confirm that the basis for determining the success (quality) of camera systems, ie the 95% limit required by the contracting authority (or the better value offered by the supplier) are all</p>

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	<p>countries are relevant under A2 Parameter?</p>	<p>vehicles that pass through a given section of road.</p> <p>9b. Explained.</p> <p>The contracting authority assumes that the inquirer still refers to the A2 parameter mentioned in the introduction of this query. The A2 parameter expresses the ratio of correctly recognised data to the total number of recorded metadata records to the captured vehicles.</p> <p>Multiple vehicles can be displayed in one image. For all these vehicles, the system must create metadata within the scope of Annex No. 1 to the tender documentation. It is the conformity of these metadata with the captured vehicles that will be the subject of control and the starting point for assessing compliance with the offered values of the parameters of the goods.</p> <p>For more details, see Article 16 of the tender dossier.</p> <p>9c. Explained.</p> <p>The contracting entity requires that the camera systems that are the subject-matter of this procurement procedure recognise the licence plates of the countries listed in ISO 3166.</p>
10	<p>In Article 2.1 of Annex 3 to the tender documentation, the contracting authority requires the use of alphanumeric characters. However, for example Germany uses a graphic element separating the provincial district on its licence plates, namely 1 to 3 symbols, which must be separated for the purpose of queries to the vehicle register. Thus, for further automated processing of the licence plate number, it must be read by inserting a separator (e.g. a hyphen), which, however, is not an alphanumeric symbol.</p> <p>Will the contracting authority modify this specification?</p>	<p>Accepted, the tender documentation update</p> <p>The contracting authority hereby clarifies its requirement set out in the second point of paragraph 2.3. of the Annex No. 1 of the tender documentation. Newly, this requirement is as follows:</p> <ul style="list-style-type: none"> • vehicle licence (registration) plate number (Unicode UTF-32)
11	<p>In Article 2.10 of Annex 1 to the tender documentation, the contracting authority literally states:</p> <p>The maximum speed of the vehicle to be captured by the camera system must be at least 200 km/h.</p> <p>Why did the contracting authority chose only 200 km/h and not a higher speed?</p>	<p>Explained.</p> <p>With this requirement, the contracting authority reflects the request of the recipient of the service that the contracting authority will provide through the subject-matter of this public contract.</p>
12	<p>In Article 2.11 of Annex 1 to the tender documentation, the contracting authority literally</p>	<p>Explained.</p>

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	<p>states:</p> <p>All components of the camera system must be capable of trouble-free operation in an outdoor environment with a temperature range from -20°C to +50°C.</p> <p>This is an unusual operating temperature range. The Road and Motorway Directorate of the Czech Republic has a protocol for determining the external influences (PPK-PVV), from which follows the need for operation from -25°C.</p> <p>Will the contracting authority adjust the requirements to correspond to the determination of external influences for the current standard on Czech motorways?</p>	<p>The Contracting Authority based its determination of the requirement in question on the Czech Hydrometeorological Institute (hereinafter also "CHMI") statistics for the last 3 years and considers the stated temperature range to be reasonable. The contracting authority is fully aware of and bears the risk of the occurrence of lower or higher temperatures.</p> <p>For the above reason, the contracting authority will not modify its requirements for the temperature range within which the trouble-free operation of the subject-matter of the public contract must be ensured.</p>
13	<p>In Article 2.2 of Annex 1 to the tender documentation 3.1 to 3.3, the contracting authority states that parameters B1, B2 and B3 are defined by success rate in 24 hours of daytime operation mode.</p> <p>a. How is daytime operation mode defined?</p> <p>b. By time, e.g. 07:00 to 19:00? If so, do these values differ in summer and winter?</p> <p>c. By light intensity? If so, how many lux is considered daytime or night-time mode?</p> <p>d. Is it given by the properties of the offered technology and the contractor determines the daytime operation itself?</p> <p>e. How will such parameter be evaluated?</p> <p>f. Why does the contracting authority require the evaluation of these parameters only in the daytime operation mode?</p> <p>g. Does this mean that the contracting authority is not interested in these parameters at night?</p> <p>h. If not, why does the contracting authority require them at all?</p>	<p>13a-e. Explained, the tender documentation update</p> <p>The contracting authority considers the daytime operation to be limited by sunrise and sunset (in hours and minutes) for the day (days) of the sample test (data by the CHMI).</p> <p>13f-h. Explained.</p> <p>The contracting authority repeatedly points out that the parameters dealt with in this explanation are additional parameters, which the participant may or may not include in its tender. If the participant includes them in its tender, it will be sufficient for the contracting authority if the participant fulfils them only in daytime operation mode, because the contracting authority considers them to be unattainable during night-time operation.</p>
14	<p>In Article 3.1 of Annex 1 to the tender documentation, the contracting authority literally states: Parameter B1: vehicle identification and classification according to the manufacturer, brand, and type of vehicle.</p> <p>Could the contracting authority (preferably in the form of examples) clarify the difference between a</p>	<p>Explained, tender documentation update</p> <p>The Contracting Authority hereby specifies the assignment for a possible tender of the participant concerning the additional parameter defined in paragraph 3.1 of Annex No. 1 of the tender documentation. Parameter B1 reads as follows: recognition and classification of the vehicle according to the make and model of the</p>

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	<p>manufacturer and a brand?</p>	<p>vehicle in the sense of § 13 par. 3 let. a) and b) of Decree 343/2014 Coll., on vehicle registration. For example, Ford (make) Focus (model) or Renault (make) Thalia (model).</p>
15	<p>In Article 3.1 of Annex 3 to the tender documentation, the contracting authority states: Parameter B3: recognition and classification of the object in the acquired image into other groups beyond the mandatory groups listed in paragraph 2.1; examples of other groups are e.g. the type of vehicle (motorcycle, quad bike, trailer, etc.) or other type of object shown (e.g. person, animal, etc.).</p> <p>An evaluation benefit is provided for this function. However, such a requirement leads to non-transparent conditions, as it is not given “what” it should do, but it is a bonus. Therefore, a contractor can offer a function that is completely unnecessary for the given subject of use and gain advantage in the evaluation of tenders. On the other hand, other important requirements beyond the scope of the assignment, such as the guaranteed support period, are not subject to evaluation.</p> <p>Will the contracting authority remove this discriminatory point or adjust it in order to evaluate a function that is useful for the contracting authority for a given project and at the same time so that this parameter is not incomparable?</p>	<p>Accepted, modified tender documentation</p> <p>The contracting authority hereby specifies that within the additional parameter B3, if it will be the subject of the tender of the participant, it requires the recognition and classification of the following types of objects:</p> <ul style="list-style-type: none"> • motorcycle, resp. motorcyclist; • pedestrian; • cyclist. <p>The above-mentioned terms (types of objects) have the same meaning as their meaning within the application of Act No. 361/2000 Coll., On Traffic on Roads and on Amendments to Certain Acts (Road Act).</p> <p>In connection with the above specification, the contracting authority amended the tender documentation accordingly. For more details, see paragraph 3.3 of Annex No. 1 to the tender documentation.</p> <p>The reason for the evaluation of this additional parameter is the possibility of future improvement of the client's services, especially the use of camera systems for comprehensive monitoring of traffic on monitored roads.</p>
16	<p>In Article 3.1 of Annex 4 to the tender documentation, the contracting authority states: Parameter B4: warranty period: the contracting authority requires the provision of a guarantee of the trouble-free operation of the equipment for a period of at least 2 years.</p> <p>Article 3.4. of Annex 1 to the tender documentation, the contracting authority literally states:</p> <p>The contracting authority further requires that the participant states in its tender the method of providing the repair service in a replacement-based manner and describes in sufficient detail the process of these services, determines the reaction times according to individual types of defects (hereinafter the “SLA”), whereas:</p> <ul style="list-style-type: none"> • the contracting authority requires that these 	<p>16a. Tender documentation update</p> <p>Provisions concerning post-warranty service have been removed from the tender documentation, therefore the answers of the contracting authority to the relevant questions of the supplier are no longer relevant.</p> <p>16b. Explained.</p> <p>The indicative price may relate to operations involving both replaceable repairs and, for example, post-warranty software support.</p>

ID	inquiry	Explanation
	<p>services be provided free of charge before the expiry of the warranty period, or alternatively that their price is included in the price of the goods;</p> <ul style="list-style-type: none"> • the contracting authority requires the participant to state in its tender the indicative price and conditions for these services after the expiry of the warranty period expressed in CZK per unit (man-hour or individual action). <p>a. Can the contracting entity explain how this requirement relates to point 5.2. of the purchase contracts, where the SLA is defined and what services and actions does the contracting authority imagine to price?</p> <p>b. Do these operations have to be directly related to repairs in an interchangeable manner, or can they be, for example, software post-warranty support, which is absolutely necessary in projects of this type?</p>	
17	<p>In Article 4.1(b) of Annex 1 to the tender documentation, the contracting authority states the following:</p> <p>parameter C2: if the offered camera system does not have the functionality referred to in point (a), the contracting authority allows processing of images and metadata on a local server with Ubuntu OS physically available on the toll gate structure on which the camera system will be installed, connected to the camera system via LAN 1 Gbit.</p> <p>and in the explanation of 17 April, in response to inquiry ID 15, specified the specification of the local server:</p> <ul style="list-style-type: none"> • Automation PC910 industrial platform; • Intel i7-3517 processor, 4 cores @ 1.70 GHz, 4 MB cache; • 8 GB RAM • Ubuntu 18.04.4 64-bit operating system • 1 TB SSD local storage. <p>provided that the usability of image and metadata processing servers is about 50% of the above specification.</p> <p>We would like to warn the contracting authority that the stated values of the parameters are exceptionally low and unusable in practice. If the</p>	<p>The tender documentation amended</p> <p>The contracting authority will not upgrade the specified server. The contracting authority newly accepts the contractor to offer a single comprehensive solution with the delivery of another local server. More detailed conditions are set out in the amended paragraph 4.1 of Annex No. 1 to the tender documentation..</p> <p>The contracting authority draws the attention of the participants to the fact that in accordance with paragraph 4.1(a) of Annex 1 of the tender documentation, it prefers the processing of images and metadata directly in the supplied camera system and in accordance with Section 6 of the Act, the contracting authority stipulates that if the offered camera system does not offer the preferred functionality, it allows for processing of images and metadata on a local server of the contracting authority with the specified specification and/or newly also on the local server delivered by the supplier.</p>

ID	inquiry	Explanation
	<p>contracting authority allows a solution on a local server, then it must be automatically assumed that the server parameters will meet the standard performance requirements of the algorithms that the contracting authority requests. The processor of the server in question was launched in 2012, i.e. it is 8 years old. Real calculations for 6 (driving) lanes cannot run on it.</p> <p>Will the contracting authority upgrade this server to standard performance enabling the required video detection function for 6 lanes?</p>	
18	<p>In Article 4.3 of Annex 1 to the tender documentation, the contracting authority requires the possibility of remote control of lens rotation. This feature is also considered to be favourable when evaluating tenders. However, the contracting authority does not further specify the purpose of this function in the system.</p> <p>All devices are designed for fixed installation with a constant view of the road. The contractor is supposed to provide the location proposal, manuals for installation, operation, etc. The delivered goods will be installed according to the instructions and will operate as such, so there is no reason to make any further movements. The required function in this context seems completely unnecessary and its evaluation bonus seems discriminatory. It is obvious that the contracting authority read it from the technical specification of the tested product of a foreign manufacturer and even included it in the quality evaluation score, which seems like a purpose-based inclusions, considering this function is not useful (when moving the lens, the device and DOES NOT DETECT OR EVALUATE vehicles). We ask for this function to be explained or for this discriminatory point to be removed.</p> <p>Can the contracting authority clarify the purpose of this function in the system? Will the contracting authority remove this discriminatory requirement?</p>	<p>Explained, not accepted.</p> <p>The contracting authority does not explicitly require the remote lens rotation function (C5 parameter). However, if the contractor includes this function in its tender, the contracting authority will appropriately award it with points within the evaluation of the quality of the offered goods, because it can especially lead to significant savings in operating costs; if necessary, thanks to this function, the contracting authority can adjust the settings of the camera system remotely and does not have to send a vehicle of the technical field group to the installation site.</p> <p>In view of the above explanation, the contracting authority will not change the tender conditions of this public contract in this point.</p>
19	<p>In Article 4.4 of Annex 1 to the tender documentation, the contracting authority requires remote control of the lens zoom. This feature is also considered to be favourable when evaluating tenders. However, the contracting authority does not further specify the purpose of this function in the system.</p> <p>All devices are designed for fixed installation with</p>	<p>Explained, not accepted.</p> <p>The contracting authority does not explicitly require the remote lens zoom function (C6 parameter). However, if the contractor includes this function in its tender, the contracting authority will appropriately award it with points within the evaluation of the quality of the offered goods, because it can especially lead to</p>

ID	inquiry	Explanation
	<p>a constant view of the road. The contractor is supposed to provide the location proposal, manuals for installation, operation, etc. The delivered goods will be installed according to the instructions and will operate as such, so there is no reason to make any further movements. Therefore, the required function seems completely unnecessary and its evaluation bonus seems discriminatory.</p> <p>Can the contracting authority clarify the purpose of this function in the system? Will the contracting authority remove this discriminatory requirement?</p>	<p>significant savings in operating costs; if necessary, thanks to this function, the contracting authority can adjust the settings of the camera system remotely and does not have to send a vehicle of the technical field group to the installation site.</p> <p>In view of the above explanation, the contracting authority will not change the tender conditions of this public contract in this point.</p>
20	<p>The contracting authority prefers processing in the camera over processing at a server. However, server processing can be very efficient and can even be more favourable – given the additional features required, which can be easily supplemented in this way in the future. This can be a problem when the functions are built into the camera due to limited computing resources. There, it seems discriminatory to consider in-camera processing to be favourable.</p> <p>Can the contracting authority clarify why it prefers in-camera processing over server-side processing?</p>	<p>Explained.</p> <p>The contracting authority prefers the processing of image and metadata to be done directly in the camera system (C1 parameter) compared to processing on a local server (C2 parameter), see also the answer to inquiry no 17.</p>
21	<p>In Article 8.2 of the tender documentation, the contracting authority literally states:</p> <p>The participant shall create its own design for the installation of 41 toll gates, where each gate is built in such a way that a device for recording traffic in both directions can be installed on it. The contracting authority assumes that the vehicles will be recorded from one direction, i.e. from the front (against the direction of travel). However, it is up to the participant to create its own design, leading to the achievement of the measurement accuracy parameters required by the contracting authority.</p> <p>Can the contracting authority clarify how the situation will be handled for gates that are already equipped with another technology?</p>	<p>Explained.</p> <p>For the purposes of this public contract, the contracting authority requires the contractor to create and installation design (and thus to determine the total price for the supply of goods and related services), regardless of whether the toll gates on which the contracting authority will install the purchased goods at its own expense and risk are equipped with other technology or not.</p>
22	<p>The tender documentation does not state whether cabling should be supplied with the cameras.</p> <p>a. Does the contracting authority require the supply of bare cameras only or should cabling be included?</p>	<p>Explained.</p> <p>The contracting authority does not require the supply of cabling or mounting brackets.</p>

ID	inquiry	Explanation
	<p>b. Does the contracting authority require mounting brackets for cameras adapted to the portals themselves or does the contracting authority intend to manufacture them itself?</p>	
23	<p>In Article 16 of the tender documentation, the contracting authority defines the testing of the goods.</p> <p>The success of the recognition is determined by weather conditions – e.g. the required parameters cannot be achieved in heavy rain or snow. Similarly, the position of the sun during the day can significantly affect the achieved parameters (against the sun, etc.). Therefore, all offered technologies must be tested at the same location at the same time, otherwise it is discriminatory.</p> <p>Will the evaluation of the required and additional parameters take place at the same time and in the same place for all participants?</p>	<p>Explained.</p> <p>No. The testing of samples will be performed in accordance with Article 16 of the tender documentation only with the selected contractor.</p>
24	<p>The contracting authority states in Article 16.10 that at least 10,000 images must be collected. In the explanation of the tender documentation of 17 April 2020, in response to inquiry ID 20, it states that:</p> <p>“The measurement will last until at least 10,000 samples are taken in both daytime and night-time operation mode (i.e. 24 hours).” and</p> <p>“If a minimum number of 10,000 samples (images) is not collected in 24 hours, the testing time shall be extended accordingly.”</p> <p>a. For the avoidance of doubt, can the contracting authority define the minimum number of records collected for the daytime operation mode?</p> <p>b. For the avoidance of doubt, can the contracting authority define the minimum number of records collected for the night-time operation mode?</p>	<p>24a, b. Explained, the tender documentation update</p> <p>The contracting authority hereby stipulates that the limit of 10,000 images applies to the day mode. At least 2,000 images must be taken in night mode.</p> <p>For more details, see paragraph 2.1 of Annex No. 1 to the tender documentation.</p>
25	<p>In the explanation of the TD of 17 April 2020, the contracting authority states in its answer to inquiry ID 2 the following:</p> <p>“If the licence plate is recognised correctly and the country of origin is recognised incorrectly, such an entry shall be regarded as incorrect”</p> <p>However, this does not correspond to the method of assessment in Annex 5 of the TD.</p>	<p>Accepted, the tender documentation amended</p> <p>The contracting authority shall modify the tables intended for the evaluation of the sample test so that they correspond to the contracting authority’s intention for objective verification of the offered parameters of the selected contractor, as follows:</p>

ID	inquiry	Explanation																																																																						
	<table border="1"> <thead> <tr> <th>Recognised \ Taken</th> <th>Correctly</th> <th>Incorrectly</th> <th>Total</th> <th>A2 parameter</th> </tr> </thead> <tbody> <tr> <td></td> <td>a</td> <td>b</td> <td>c = a + b</td> <td>e = a / c</td> </tr> <tr> <td>License plate</td> <td></td> <td></td> <td>0</td> <td>0,00%</td> </tr> <tr> <td>Country</td> <td></td> <td></td> <td>0</td> <td>0,00%</td> </tr> <tr> <td>Total</td> <td>0</td> <td>0</td> <td>0</td> <td>0,00%</td> </tr> </tbody> </table> <p>From the given model example, it is clear that the evaluation of the required parameter is counted as 10 incorrect cases out of 200, but at the same time it was only 100 vehicles. The other tables for the testing of sample are incorrect in the same way.</p> <p>Will the contracting authority correct these calculations to make it clear how the tests will be evaluated?</p>	Recognised \ Taken	Correctly	Incorrectly	Total	A2 parameter		a	b	c = a + b	e = a / c	License plate			0	0,00%	Country			0	0,00%	Total	0	0	0	0,00%	<table border="1"> <thead> <tr> <th>Recognised \ Taken</th> <th>Correctly</th> <th>Incorrectly</th> <th>Total</th> <th>A2 parameter</th> </tr> </thead> <tbody> <tr> <td></td> <td>a</td> <td>b</td> <td>c = a + b</td> <td>e = a / c</td> </tr> <tr> <td>License plate + country</td> <td></td> <td></td> <td>0</td> <td>0,00%</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Recognised \ Taken</th> <th>Correctly</th> <th>Incorrectly</th> <th>Total</th> <th>B1 parameter</th> </tr> </thead> <tbody> <tr> <td></td> <td>a</td> <td>b</td> <td>c = a + b</td> <td>e = a / c</td> </tr> <tr> <td>Make + model</td> <td></td> <td></td> <td>0</td> <td>0,00%</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Recognised \ Taken</th> <th>Correctly</th> <th>Incorrectly</th> <th>Total</th> <th>B2 parameter</th> </tr> </thead> <tbody> <tr> <td></td> <td>a</td> <td>b</td> <td>c = a + b</td> <td>e = a / c</td> </tr> <tr> <td>Vehicle colour</td> <td></td> <td></td> <td>0</td> <td>0,00%</td> </tr> </tbody> </table>	Recognised \ Taken	Correctly	Incorrectly	Total	A2 parameter		a	b	c = a + b	e = a / c	License plate + country			0	0,00%	Recognised \ Taken	Correctly	Incorrectly	Total	B1 parameter		a	b	c = a + b	e = a / c	Make + model			0	0,00%	Recognised \ Taken	Correctly	Incorrectly	Total	B2 parameter		a	b	c = a + b	e = a / c	Vehicle colour			0	0,00%
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26	<p>In the explanation of the TD of 17 April 2020, the contracting authority states in response to inquiry ID 7 that erroneous detections will not be taken into account for vehicles travelling at speeds above 200 km/h.</p> <p>How does the contracting authority intend to control the driving speed, including the specification of the key parameter of speed measurement accuracy?</p>	<p>Explained, modified tender documentation.</p> <p>According to paragraph 2.10 of the tender documentation, the maximum speed of the vehicle to be captured by the camera system must be at least 200 km/h.</p> <p>If the supplier proves that the images of the vehicles, which were evaluated as defective in terms of the parameters offered by the supplier during the sample test, show that the speed of such vehicle was higher than the above speed, the contracting authority will not take these images into account for testing the samples.</p> <p>The contracting authority is ready to provide the supplier with co-operation with the possible installation of additional equipment designed to measure the speed of vehicles during the test of samples.</p> <p>For the sake of completeness, the contracting authority states that a significant number of vehicles traveling above 200 km/h cannot be expected in normal operation, so it leaves it to the supplier to decide whether to determine the speed of vehicles for these purposes or whether to consider .</p> <p>New more detailed rules for the course of testing of samples are set out in Article 16 of the tender documentation.</p>																																																																						
27	<p>In the explanation of the TD of 17 April 2020, the contracting authority states in response to inquiries ID 8,9,10,11,12 that it does NOT REQUIRE the discussed functional parameter. However, if the functional parameter is not required, it cannot be necessary for the system to function. Nevertheless, these functional (but obviously redundant) parameters are included by the</p>	<p>Not accepted.</p> <p>The contracting authority sufficiently explained its intentions in the answer to inquiry no 1 (a, b).</p> <p>The contracting authority adds that it is not possible to agree with the participant's view contained in his question, in particular for the following reasons:</p>																																																																						

ID	inquiry	Explanation
	<p>contracting authority in the evaluation. This favours the contractor who offers these parameters, as it can be a compensation for a higher tender price. The contracting authority thus in fact violates the duty due managerial care, as its procedure allows the purchase of a more expensive product only because it has some other parameters that are not essential for the subject-matter of the contract.</p> <p>Will the contracting authority correct the method of evaluating tenders so that it is truly focused on economic favourability?</p>	<ul style="list-style-type: none"> - If the contracting authority accepted the participant's view that parameters that are not necessarily required but only preferred cannot be evaluated, this would distort the meaning of evaluating the quality of the offered performance, envisaged and even preferred by the Public Procurement Act - see his § 114. Evaluation of the quality of the performance offered is always an evaluation of something "extra", which is not necessary for the performance of the public contract, but it nevertheless brings or can bring significant added value to the contracting authority. The importance of added value is then reflected in the weight of the criterion. In other words, the interviewer de facto says that contracting authorities should always evaluate only the offer price, which is unthinkable and certainly, in the opinion of the contracting authority, has nothing to do with the managerial duties to act with due care, quite the contrary. - In the opinion of the contracting authority, it is definitely not possible to imagine exclusively the cheapest solution under economic advantage. This is clearly stated by the contracting authority through the set weights of the individual evaluation criteria. - Otherwise, the contracting authority agrees with the participant that its intention, and in the contracting authority's view legitimate and legal, is to favor suppliers who offer systems with a certain added value, for which the contracting authority considers technical parameters beyond minimum technical requirements.
28	<p>In the explanation of the TD of 17 April 2020, the contracting authority states in response to inquiry ID 14 its intention to find out the prices for post-warranty services and at the same time states that it does not intend to take these prices into account in the evaluation and does not consider them binding. The contracting authority thus in fact violates the duty of due managerial care, because its procedure does not intend to take into account the knowledge of the price of post-warranty services and is therefore willing to choose a contractor whose post-warranty services will not be economically favourable.</p> <p>Will the contracting authority correct the method of evaluating tenders so that it is truly focused on</p>	<p>The tender documentation amended</p> <p>The contracting authority has excluded the provisions concerning post-warranty service from the tender documentation.</p>

ID	inquiry	Explanation
	economic favourability?	

In view of the above content of the explanation, the contracting authority modified the content of the following documents of the tender documentation: the main document of the tender documentation, including Annexes No. 1, 2, 4 and 5.

New versions of these documents were published by the contracting authority together with this explanation.

In connection with changes in the tender documentation, together with the previous, and the delayed publication of certain explanations of the tender documentation, the contracting authority extends the deadline for submission of tenders until 25 May 2020 until 12:00 (noon).

Prague, 4 April 2020

Ing. Jan Paroubek
in charge of state enterprise management