

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

ID	Inquiry	Explanation
1	<p>In the Technical Specification of the Public Contract, the Contracting Authority requires the recognition of licence plates and other functionalities above all lanes, including the emergency lane. In the explanation of the TD no 01, the Contracting Authority refused to answer inquiry no 5 and state the maximum width of a lane (although it stated that the inquiry was explained). The inquirer understands that according to the instructions of the Contracting Authority, the tenderers have to find the width of a lane in the relevant provision of the standard. However, this standard does not specify a maximum width of the emergency lane and this question thus cannot be considered as answered.</p> <p>The Contracting Authority must either specify the maximum width of the emergency lane where the required functionalities are to operate, or it must waive its requirement to guarantee functionality above a lane of an unspecified width. Without this specification, the procurement specifications do not contain enough information to properly and responsibly determine the price of the tender.</p> <p>The inquirer asks the Contracting Authority to determine the maximum width of the emergency lane, either by a direct value in metres or by a multiple of the width of the lane according to the referenced standard and to extend the deadline for submission of tenders, because it did not properly answer inquiry no 5 in explanation no 01 (the</p>	<p>Not accepted.</p> <p>In the explanation of the tender documentation of 17 April 2020, the contracting authority answered inquiry no. 5 clearly and comprehensibly by reference to the binding standard ČSN 73 6101 (Design of roads and motorways). The contracting authority does not agree with the statement that this standard does not specify the maximum width of the emergency lane - this standard specifies the width of the emergency lane (=paved curb) in the section “width arrangement of roads” according to individual categories of roads and motorways.</p> <p>In order to avoid uncertainty, the contracting entity shall provide the relevant data from the said standard:</p> <ul style="list-style-type: none"> a) the width of the emergency lane on type D (motorway) and R (expressway) roads is in the range of 2.5 to 3 meters, depending on the total width of the road; b) the width of the parking lane on the type S (road) is in the range of 1.5 to 2.5 meters, depending on the total width of the road. <p>It follows from the above that the maximum width of the emergency lane on the roads where the camera systems will be installed is 3 meters. The contracting authority does not require the cameras to detect any larger width</p>

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	<p>answer that it does not know the width of the lanes is not acceptable, the Contracting Authority must provide the necessary information needed to announce the public contract).</p>	<p>of the emergency lane at the specific place where the cameras will be installed. Furthermore, in response to the referenced inquiry from the explanation of the tender documentation, the contracting authority adds for the sake of completion that it does not have the documentation of the actual construction of roads at the places of the intended installation and it declares that this documentation is not necessary for this public contract.</p> <p>The contracting authority considers the question to have been already duly answered in the first instance (i.e. 17 April 2020); the contracting authority thus fulfilled its obligation in accordance with Section 98 of the Act.</p>
2	<p>For parameters B1 to B3, the Contracting Authority requires functionality in daytime operation mode. We ask the Contracting Authority to clearly determine how is daytime (or night-time) operation defined. In other words, to provide such a definition that it is possible to decide without a doubt at any time whether the image in question was taken in daytime or night-time operation mode.</p>	<p>Accepted, the tender documentation amended.</p> <p>The contracting authority does not explicitly require parameters B1 to B3 (newly B3.1 to B3.3, see the updated Annex No. 1 to the tender documentation). It is up to the contractor whether it will offer these parameters or not. If the contractor decides to include parameters B1 and B2 in its tender, their offered value will be verified within the sample test according to Article 16 of the tender documentation. Parameter B3 (or newly B3.1 to B3.3) will newly not be part of the sample testing.</p> <p>The contracting authority considers the daytime operation to be limited by sunrise and sunset (in hours and minutes) for the day of the sample test (data by the Czech Hydrometeorological Institute, furthermore also "CHMI"), see the paragraph 2.1 of the Annex No. 1 of the tender documentation.</p>
3	<p>In inquiry no 7 in the explanation of the TD no 01, the Contracting Authority was asked how it will ensure that vehicles travelling faster than 200 km/h are not included in the results. The answer of the Contracting Authority is a simple statement that such a record, if it is incorrect, will not be included in the evaluation.</p> <p>The inquirer states that inquiry no 7 was not answered at all, because a question cannot be answered by copying it and omitting the question mark. We ask the Contracting Authority to answer the question HOW it will ensure that vehicles travelling faster than 200 km/h are not included in the results and we ask the Contracting Authority to</p>	<p>Explained, tender documentation amended.</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 captured vehicle speed was higher than the above threshold, the contracting authority will not take these images into account for testing of the samples.</p>

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	<p>extend the deadline for submission of tenders, because it did not properly answer inquiry no 7 in explanation no 01.</p> <p>(This request ultimately calls for a description of a specific technical measure by which the Contracting Authority identifies the speed of the vehicle, so that it is possible to objectively decide on the speed of the vehicle for erroneous records – how will the Contracting Authority determine the speed of individual vehicles?)</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 measure the speed of vehicles for these purposes or whether to consider it more efficient to keep the records of the faster moving vehicles in the sample records.</p> <p>New more detailed rules for the course of testing of samples are set out in Article 16 of the tender documentation.</p>
4	<p>Does the inquirer correctly understand the Contracting Authority's answer to inquiry no 8 in explanation no 01 that the Contracting Authority does not have any minimum requirements for the functionality of determining the manufacturer and the brand and type of vehicle? i.e. that all variants of this functionality offered by the tenderer will be considered satisfactory?</p>	<p>Explained, the tender documentation update</p> <p>The contracting Authority hereby specifies its requirement set out in paragraph 3.1 of Annex No. 1 to the tender documentation. Parameter B1 now reads as follows: <i>recognition and classification of the vehicle according to the make and model of the vehicle in the sense of Section 13 (3) a) and b) of Decree 343/2014 Coll., on vehicle registration. For example, Ford (make) Focus (model) or Renault (make) Thalia (model).</i></p>
5	<p>As part of several inquiries in the explanation of the TD no 01, the Contracting Authority stated that the correctness of the recognition of individual functionalities will be verified as follows:</p> <ol style="list-style-type: none"> 1) visually according to the overview image; 2) in the presence of the selected contractor. <p>It follows from the above that it will be a subjective evaluation of test results. Can the Contracting Authority explain how it will proceed in the event that the representatives of the Contracting Authority and the Contractor do not agree on the "correct" result? Will such an image be excluded from the evaluation?</p>	<p>Explained, tender documentation amended.</p> <p>Following the requests for clarification, the contracting authority has already specified a number of aspects of the course and evaluation of the test of samples, see Article 16 of the tender documentation.</p> <p>The contracting authority considers that the evaluation of the sample test will be based on clearly and objectively given information that neither the contracting authority nor the selected supplier can influence - ie vehicle images + vehicle data exported by the system (sample). Example: if there is a personal car in the picture, neither party can "subjectively" claim that it is a bus. Similarly, if a vehicle with registration number 5AU 6397 is in the image and the tested system exports as license plate number 3M5 7386 for the given image, neither party can claim that the registration number has been correctly determined by the system.</p> <p>It is therefore a visual check of the performed record and a comparison with the distinguished metadata.</p>

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		<p>If the supplier does not consider the evaluation of the contracting authority to be correct, resp. in accordance with the Act and the tender documentation, it of course has the opportunity to defend itself against the incorrect procedure of the contracting authority by filing objections.</p> <p>In order to avoid any doubts about the good intentions of the contracting authority to objectively verify the parameters offered by the selected supplier, the contracting authority states that it stipulates that it is permissible for one or both parties to request the opinion of an independent forensic expert in disputes. or another person with expertise in road transport.</p>
6	<p>As part of the answer to inquiry no 12 in the explanation of the TD no 01, the Contracting Authority stated that each tenderer will determine for itself which groups of objects it will recognise. Will the Contracting Authority therefore consider it sufficient for the acceptance of this additional functionality if the tenderer's technology only recognises persons present on the road?</p>	<p>Yes.</p> <p>In connection with the response to the previous request for clarification, the contracting authority determined that under Parameter B3 it now 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>Parameter B3 (or newly B3.1 to B3.3) remains (remain) an additional parameter and it is up to the participant to decide whether to offer the given parameter or not. (or whether its system contains such a parameter or not). For recognizing each of the above types of items, the supplier will receive a point gain in the evaluation of the quality of the offered goods. The contracting authority can thus offer, for example, only pedestrian recognition, provided that it does not receive any points for the remaining types of objects.</p>
7	<p>The institute of this document are requests for clarification. Thus, according to the logic of the matter, inquiries are made about unclear parts of</p>	<p>Explained, tender documentation update.</p> <p>The contracting authority newly sets more</p>

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	<p>the TD and the inquirer asks the Contracting Authority to explain parts that the tenderer does not understand or considers to be unclear or controversial in consequence of other parts of the TD.</p> <p>As part of the answer to inquiry no 13 in explanation of the TD no 01, the Contracting Authority refused to answer the specific question of how the warranty replacement of equipment will be carried out. We ask the Contracting Authority to answer the question WHERE will the exchange take place and we ask the Contracting Authority to extend the deadline for submission of tenders, because it did not properly answer inquiry no 7 in explanation no 01.</p>	<p>precise conditions under which warranty services will be provided in the tender documentation, including the issue of the method of handing over the claimed goods (see paragraph 3.4 of Annex No. 1 and paragraph 2.7 of the contract).</p> <p>The contracting authority now requires that, within the method proposed by the supplier, defective goods (dismantled by the contracting authority) can be handed over to the supplier (and the return of repaired or replaced goods by the supplier back to the contracting authority) in at least one of the following ways:</p> <ul style="list-style-type: none"> - to be sent by courier or other postal service to one of the European countries; - handover and acceptance at the contracting authority's registered office or premises; - handover and acceptance at the registered office or establishment of the supplier in the Czech Republic.
8	<p>Can the Contracting Authority confirm that the tenderer's tender will be evaluated in exactly the same way, whether it sets the indicative price for the SLA as CZK 1 per year or CZK 100 million per year?</p>	<p>Modified tender documentation.</p> <p>Following the previous explanation of the tender documentation, the contracting authority modified the tender documentation in such a way that it no longer contains requirements for information on the conditions of post-warranty service. For this reason, the contracting authority's answer to this part of the supplier's inquiry is no longer relevant.</p>
9	<p>Does the inquirer correctly understand the Contracting Authority's answer to inquiry no 15 in explanation of the TD no 01 that for the case of image processing on the local server, for all installed cameras on 1 toll gateway there are only 2 physical cores of i7 processor available, i.e. 4 virtual cores clocked at 1.7 GHz on which its own functionality must be provided?</p> <p>Can the Contracting Authority state how it came to believe that there is a technology that can perform the required simultaneous analysis of several video streams on two x86 physical cores without GPU acceleration and can the contracting authority provide a specific example of such technology?</p>	<p>Explained, tender documentation amended</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).</p> <p>The contracting authority does not prefer processing on a local server due to the violation of the compactness of the delivered equipment and the increase in the complexity of the delivered solution from the point of view of the number of hardware components.</p> <p>Many manufacturers of camera systems currently use data processing on a specialised GPU processor on the camera, which in performance exceeds the possibilities of the computing resources of a local server and from the point of view of possible expansion in the future will fully enable possible expansion.</p> <p>By its answer to inquiry no 15 of 17 April 2020,</p>

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		<p>the contracting authority answered the inquirer's question concerning the specification of existing servers.</p> <p>The answer of the contracting authority may not in any case be understood by the inquirer as any recommendation or expression of any belief; as the inquirer tries to suggest. The contracting authority only admits the possibility of using the available technology and it is up to the participant whether or not to use it to meet the functional and technical requirements of the contracting authority.</p> <p>The contracting authority now allows the delivery of the system with its own local server. For more details, see Article 4.1 of Annex No. 1 to the tender documentation.</p>
10	<p>As part of the answer to inquiry no 18 in explanation of the TD no 01, the Contracting Authority fundamentally changes the requirements for 3 reference deliveries, even in such a way that it unacceptably exceeds the possibilities defined in the PPA. In the TD, the contracting authority required that the Participant makes at least 3 significant deliveries with a similar subject-matter of performance, i.e. a delivery of a system with camera technology with recognition of the type of vehicle and the country of issue of a licence plate. However, in the explanation no 01, it stated that it requires the required technologies to not only be delivered, but also actively used by the user. The inquirer states that with this requirement the Contracting Authority exceeds the possibilities granted to it by the Public Procurement Act and asks the Contracting Authority to make its requirements compliant with the law.</p>	<p>Explained.</p> <p>In the answer to question no. 18 in the explanation of the tender documentation dated 17.4.2020, the contracting authority did not state that the required technologies must be "actively used" by the end user. The contracting authority only stated that the supplies must use the required technologies. Thus, in other words, the reference supplies must include the required technologies and allow their use.</p> <p>In order to meet the qualification, the supplier does not have to prove that all functionalities of the delivery are actively used by the user/customer, but only that they allow such use without further additions, deliveries or modifications.</p>
11	<p>As part of the answer to inquiry no 20 in the explanation of the TD no 01, the Contracting Authority stated that the selected contractor will be present at all times during the test and at the same time assumes that the test will last 24 hours or more without an upper time limit. It is clear from the logic of the matter that the representative of the tenderer, but also of the contracting authority, cannot constantly supervise the ongoing test for 24 or 36 hours or even longer without a break. Can the Contracting Authority describe in detail what activities the contractor's representative is to perform during the test, in what environment the tenderer's representative will be and how the person's basic needs will be ensured?</p>	<p>Explained.</p> <p>The contracting authority will specify the place of testing of the samples in the invitation to the selected contractor in accordance with paragraph 16.4 of the tender documentation.</p> <p>The activities of the selected contractor in the testing of samples are described in Article 16 of the tender documentation, in this answer and in the previous answers of the contracting authority.</p> <p>To evaluate the test of samples, the contracting authority assumes to use the supervisory centre of the contracting authority in Průhonice, district. Prague-east, which is suitably equipped for these purposes and has respectable social amenities.</p> <p>At the same time, the contracting authority</p>

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		<p>adds that, of course, only one person does not have to be present on behalf of the supplier during the sample test, but the supplier's representatives may take turns. The same procedure (ie rotation of its employees) is assumed by the contracting authority.</p> <p>At the same time, the contracting authority adds that if the selected supplier is not interested in being present throughout the testing of the samples, the contracting authority will not force him to do so in any way.</p>
12	<p>As part of the answer to inquiry no 21 in the explanation of the TD no 01, the Contracting Authority stated that both the representative of the contract and the Contracting Authority will check all images for all functional parameters that should have been recognised in the given image. Furthermore, in response to inquiry no 20, the Contracting Authority stated that the measurement will last at least 24 hours, so significantly more control images can be collected and included in the evaluation. Furthermore, in Article 16.11 of the TD, it states that after the end of the measurement, the representatives of both parties will perform a visual inspection of the measured metadata. Does the Contracting Authority understand this information correctly that the measurement will be performed for 24 (or more) hours straight, during which a representative of the contract will be present, and immediately after its completion the same representatives of both parties will begin to assess all acquired images and evaluate the recognised metadata to see if it was correctly recognised or not?</p>	<p>Yes.</p> <p>The inquirer understands the relevant information provided by the contracting authority correctly.</p> <p>At the same time, however, the contracting authority also refers to answer No. 11 above - the representatives of the selected supplier may, of course, take turns during the test. At the same time, the contracting authority assumes that the visual inspection of images and metadata will be performed by a wider group of people, not just one person. Of course, the selected supplier will have the same option.</p>
13	<p>As part of the answer to inquiry no 23 in explanation of the TD no 01, the Contracting Authority stated that it is convinced that the above measurement can be performed twice within 5 days, including evaluation. Can the Contracting Authority provide an example schedule for such a scenario? In the inquirer's opinion, the scenarios presented by the Contracting Authority are absolutely unrealistic.</p> <p>Even if we assume that there will be enough vehicles passing through the selected location, i.e. more than 10,000 in 24 hours and the test will be completed after 24 hours, all images must be evaluated by representatives of both parties. A practical exercise makes it easy to verify that diligently checking a match of a 7 or 8 character licence plate between the text string and the image, checking a match of the country of issue of the licence plate between the text string and the</p>	<p>Tender documentation amended.</p> <p>Following the previous explanation of the tender documentation, the contracting authority modified the tender documentation in such a way that it newly stipulates that the limit of 10,000 images applies to the daily mode. In night mode, at least 2,000 images must be collected (see paragraph 2.1 of Annex 1 of the tender documentation).</p> <p>The duration of the test will depend, among other things, on the traffic density. The testing of the samples will continue continuously until the above limits are reached.</p> <p>In response to the question, the contracting authority further modified the tender documentation in such a way that the selected supplier must always deliver the request for repeating the test to the contracting authority</p>

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	<p>image and assessing a match of the type of vehicle between the text string and the image and recording the result of this comparison for future inspection by a relevant authority can certainly not be achieved in less than 15 seconds. And what about determining the colour and especially the manufacturer and brand of a vehicle, where it will often be rather difficult to reach an agreement. Even if we assume that only 10,000 images have been taken and at the same time we assume that it will be possible to evaluate one image in 15 seconds (which is an unrealistically short time as an average value), and we also assume that the representatives will work without breaks (which is unrealistic) and at the same time that they will work 12 hours a day (which is also unrealistic, because both the Contracting Authority and the contractor have 8-hour workdays), 2,880 images can be assessed in one day.</p> <p>From the above, it is clear that it is unrealistic to expect that the test results can theoretically be processed in less than 4 calendar days (or rather working days), in reality, we can expect it to take 10 to 14 days, especially if the selected contractor will provide extended functionalities.</p>	<p>no later than 17:00 on the working day following the day of end of the test; hereby the end of the test means the moment of delivery of the test report to the supplier via the electronic tool of the contracting authority..</p> <p>For the contracting authority's procedure for testing samples, see Article 16 of the tender documentation.</p>
14	<p>As part of the answer to inquiry no 24 in explanation of the TD no 01, the Contracting Authority did not properly explain when the tenderer will be excluded and when not. Can the Contracting Authority clearly state how it will proceed in the event that the values offered by the participant are not successfully verified after all possibilities of repeating the tests have been exhausted? Is it certain that the participant will be excluded? Or is it dependent on the Contracting Authority's decision?</p>	<p>Explained.</p> <p>The contracting authority clearly and unambiguously formulated its opinion in response to inquiry no 24 of 17 April 2020.</p> <p>However, the contracting authority repeats once more: in paragraph 16.18. the sentence "..., the contracting authority is entitled to dismantle the installed samples, return them to the supplier, and proceed in accordance with paragraph 10.9 of this tender documentation.". It follows that the word "entitled" refers to the dismantling of samples and not to the exclusion of the supplier selected. The contracting authority is entitled/obliged to exclude a participant in the procurement procedure exclusively in accordance with the law (see § 48 of the Act).</p> <p>For the avoidance of any doubt, the contracting authority states that if the values offered by the contractor are not successfully verified in accordance with paragraph 16.18, one of the conditions for concluding a purchase contract in accordance with Section 104(b) of the Act will not be met.</p> <p>In such a case, the selected supplier will be in accordance with Section 122 (7) of the Act excluded from the procurement procedure and</p>

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		the contracting authority will continue in accordance to the Section 125 of the Act.
15	<p>How will the Contracting Authority proceed in the event that there are no legible characters determining the state of issue of the licence plate on any of the images that are necessary to perform an optical inspection by the representatives of both parties?</p>	<p>Explained, tender documentation updated.</p> <p>The contracting authority has newly modified the procedure for excluding images from the test sample in Article 16 of the tender documentation. The illegibility of the data displayed in the image due to poor image quality is borne by the supplier if he does not prove that the vehicle has traveled more than 200 km/h (see also the answer to question 3). Such a snapshot, unless the supplier demonstrates that the vehicle has traveled more than 200 km/h, shall be classified as misrecognized in relation to the illegible data, regardless of what metadata the supplier's system assigned to it during the test.</p> <p>On the other hand, the illegibility of the data displayed in the image due to external influences that the selected supplier could not influence (eg dirty or missing registration plates, etc.) is not borne by the supplier. Such an image will be excluded from the test sample in relation to the illegible data.</p>
16	<p>In all parts of the TD, there is talk of correctly and incorrectly recognised information about passing vehicles, evaluated according to the images recorded by the participant. The inquirer assumes, even taking into account the answer to the inquiry regarding video recording in the explanation of the TD no 01, that the way in which the number of vehicles that have actually passed will be determined is not defined. Can the Contracting Authority explain how it will find the default value, how many vehicles have passed and therefore constitute the default value of 100% for assessing the reliability of the system? The same inquiry is made also to finding out the default value of how many foreign objects appeared on the road, if this additional technology is offered (i.e. e.g. how many people appeared in the shot and should have been detected).</p> <p>To avoid misunderstandings, we will provide a specific case:</p> <p>12,000 vehicles will pass during the reporting period, but the system will only create 10,000 images</p> <p>- how will the Contracting Authority find out that 2000 vehicles have been missed? Or in other</p>	<p>Explained.</p> <p>The contracting authority will now perform parallel measurements using its existing technology (in night mode without IR illumination, so that the system of the selected supplier is not disturbed).</p> <p>In the event that the numbers of vehicles measured by the system of the selected supplier are not in accordance with the results of the contracting authority's parallel measurement, the inspection will proceed as follows:</p> <ul style="list-style-type: none"> - the selected supplier's system has detected the vehicle, but the contracting authority's system has not: OK, proceed to assess the metadata assigned to the vehicle; - the selected supplier's system did not detect the vehicle, but the contracting authority's system did: the vehicle is considered to be defectively recognized by the selected supplier's system in relation to all verified parameters. <p>See Article 16 of the tender documentation.</p>

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	<p>words, how will the Contracting Authority find out that there were 12,000 passes if it does not have a video and there are only the images (10,000) created by the participant?</p> <p>- in such a case, will the Contracting Authority proceed with the assessment of the 10,000 acquired images?</p> <p>- or will the test be repeated immediately?</p> <p>during the monitored period, 8 people will pass through the monitored section, but the system detects only 6</p> <p>- how will the Contracting Authority find out that there were 8 of them?</p> <p>- how will it proceed in such a case? will all images be evaluated and the whole test repeated to review the reliability of person recognition and will the quality of licence plate recognition no longer be taken into account?</p> <p>- or will the test be repeated immediately, and the first test not evaluated at all?</p>	
17	<p>In the TD, the contracting authority states the following:</p> <p>“The contracting authority requires each tenderer to prove that in the last 3 years before the start of the procurement procedure, it carried out at least 3 significant deliveries with a similar subject-matter of performance as the subject-matter of this Public Contract, i.e. deliveries of surveillance systems using camera technology with recognition of vehicle type, licence plate of the vehicle and the country of issue of the licence plate.”</p> <p>As follows from the text of the Public Procurement Act and from many decisions of the OPC, the requirement to determine significant deliveries is a legitimate request of the Contracting Authority, but it may not be used to discriminate against certain tenderers. The complainant is convinced that the Contracting Authority defined the requirements for significant contracts for the purpose of securing an advantage for (apparently) one contractor and made it impossible for most others to submit a tender for a public contract by requiring inadequately defined references, especially given the number of such supplies that could have been at all implemented within the Czech Republic or</p>	<p>Not accepted.</p> <p>In preparing this Public Contract, the contracting authority relied <i>inter alia</i> on the course and conclusions of the preliminary market consultations (see also paragraph 1.8 of the tender documentation) and thus demonstrably verified that its requirements were realistic and achievable.</p> <p>Therefore, the requirements set by the contracting authority for demonstrating technical qualification are not and cannot be discriminatory within the relevant market and may not at all be considered as such simply because the participant is probably not capable of demonstrating such qualification.</p> <p>The contracting authority states that the purpose of proving the technical qualification is to find out whether the relevant supplier has experience with the supply (service, construction work) in the given area, with the given parameters. If the supplier does not have such experience (ie in the present case, for example, he has never supplied equipment that can recognize the registration number and</p>

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	<p>even in the EU, in combination with a real test of the reliability of the technology offered by the selected contractor.</p> <p>The subject of significant deliveries is to enable the Contracting Authority to minimise the risk of signing a contract with a Contractor that is unable to meet the requirements of the Contracting Authority. However, in this case, the Contracting Authority can completely eliminate the risk of signing a contract with a Contractor that does not have the required technology with other measures contained in the TD and it is excessive to require such extensive and discriminatory references.</p> <p>Can the Contracting Authority waive from the requirements for significant deliveries the discriminatory requirements for recognising the type of vehicle and the country of issue of the licence plate? Even with the modified references requirement, it will be ensured that the winner of the Public Contract will be a Contractor who can flawlessly handle this technology, and there is therefore no reason to drastically reduce the circle of possible contract for the Public Contract. Such a narrow range of possible contractor will not meet the basic requirements of the PPA for transparency and economic efficiency of the procurement procedure, even though the modified procedure can meet all the requirements of the PPA and at the same time not increase the risk of selecting an unsuitable contractor.</p> <p>If this request is not complied with, the inquirer will be forced to follow a procedure defined by law.</p>	<p>state of registration of the vehicle and actually performs this functionality), it is high risk for the contracting authority to select such a supplier to perform such a substantial contract. with regard to the contractual obligations of the contracting authority towards its clients and towards the state.</p> <p>Furthermore, the contracting authority also refers to its answer to question ID 10 above.</p> <p>Of course, the contracting authority may not and does not intend to prevent the participant from any taking legal action.</p>

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 May 2020

Ing. Jan Paroubek
in charge of state enterprise management