

## EXPLANATION OF TENDER DOCUMENTATION

within the meaning of Section 98 (3) of the 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	Question	Answer
1	<p>The tender documentation requires the supplier to submit a list of 3 reference significant deliveries for the last 3 years before the start of the tender procedure. It is therefore explicitly referred to as a supply (ie purchase) and not to a service (ie lease).</p> <p>Does the supplier correctly understand that the reference significant supply is only the supply (ie purchase) and not the rental of the equipment?</p> <p>If the supply includes a lease of equipment, what is the point at which the contracting authority will recognize it as meeting the condition "for the last 3 years before the start of the procurement procedure"? Is this the moment of installation and commissioning of the equipment or the duration of the lease?</p>	<p>Explained, accepted.</p> <p>The contracting authority requires the participant to prove by references the technical qualification necessary for the successful performance of the subject of the public contract, ie the supply of goods meeting the requirements of the contracting authority.</p> <p>To prove the required technical qualification, the form of the contract is not essential for the contracting authority, but its material (technical) content.</p> <p>The contracting authority therefore allows significant deliveries by which the participant demonstrates technical qualification to include, in addition to sales, also other forms of a contractual relationship with the supplier's client, ie also the lease of the delivered equipment<sup>1</sup>.</p> <p>The term "delivery" is used here to mean the provision of goods with the required properties and the determining moment is at least the beginning of the significant delivery, ie the provision of equipment to the supplier's client, which must be carried out within the required period of 3 years before the tender.</p>

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<sup>1</sup> Section 14 (1) of the Act expressly classifies among public supply contracts all public contracts the subject of which is the acquisition of goods, animals or controllable natural forces, unless they are part of a public works contract pursuant to the provisions of Section 14 (3) of the Act. Acquisition according to Act means in particular the purchase, lease or rent.

ID	Question	Answer
		<p>If the period of realization of a significant delivery (in the case of the tenant of the lease) still lasts, or was completed less than 3 years ago, this significant delivery is acceptable for the contracting authority to prove the technical qualification of the participant.</p>
2	<p>In Annex No. 4 (Quality of the offered performance), the contracting authority states additional parameters when the parameter "Pedestrian recognition and classification" is specified in point B3.1, in point B3.2. the parameter "Recognition and classification of cyclists" is given and in point B3.3. the parameter "Recognition and classification of motorcyclists" is given.</p> <p>Can the contracting authority clarify the added value of the above parameters for the performance of the public contract? Can the contracting authority explain why it prefers equipment with these parameters?</p>	<p>Explained.</p> <p>Although the contracting authority is not obliged to justify its requirements for the subject of performance and although additional parameter B3 is not mandatory for the performance of this public contract, but additional, the contracting authority states in the interest of transparency that it is interested in future investments in camera systems for the development of other value-added services for its clients in the field of road safety (recognition of pedestrians and cyclists), provision of statistical data (recognition of motorcycles), etc.</p>
3	<p>In response to question 16 in the explanation of tender documentation No. 3, the contracting authority literally states that "Provisions concerning post-warranty service have been excluded from the tender documentation, therefore the contracting authority's answers to the relevant supplier's questions are no longer relevant."</p> <p>Using this procedure, the contracting authority will create a so-called vendor lock-in for a possible request for subsequent post-warranty service, which the contracting authority will require. If subsequently (after the warranty service expires) the contracting authority requests warranty service for the delivered equipment, it will have to (thanks to the vendor lock-in) launch a new tender for the supply of new equipment and uninstall existing equipment, as the Public Procurement Act to divide the order) post-warranty service does not allow the selected supplier.</p> <p>Will the contracting authority adjust the tender conditions so that a properly specified post-warranty service will be a part of it, so that its actions do not cause the so-called vendor lock-in?</p>	<p>No.</p> <p>By deleting the requirement to indicative conditions of post-warranty services, the contracting authority complied with the suppliers' comments, as it acknowledged that post-warranty services are not part of its performance and must therefore be the subject of separate business negotiations between the contracting authority, or subject to another public procurement procedure.</p> <p>The contracting authority defined parameter B4 - length of the warranty period as one of the evaluation indicators of the quality of the offered goods, and expects that especially in the case of a longer warranty period than the minimum required by the client, the vendor lock risk mentioned by the interviewer will be significantly reduced or even eliminated, if the warranty period will cover the entire real life of the goods.</p> <p>The contracting authority will not adjust the tender conditions for the above reasons.</p>
4	<p>In the explanation no. 3, the contracting authority in answer to question 9c refers to the ISO3166 standard. This standard defines country codes around the world. That is, even those whose occurrence on the roads of the</p>	<p>Explained.</p> <p>The participant rightly draws attention to the fact that the presence of vehicles with less common license plates from distant non-European countries is unlikely on the roads concerned. The degree of</p>

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	<p>Czech Republic is very unlikely. We know from practice that it is not easy to find a number of European registration marks in Czech traffic, and even more from other continents (also because it does not make sense to travel to the Czech Republic or through the Czech Republic by car from Zimbabwe or El Salvador, for example).</p> <p>A) It is therefore evident that not all countries defined in the standard are in any way relevant to the subject of the public contract. We ask for clarification which countries are relevant.</p> <p>B) How does the contracting authority intend to test the success of reading brands in non-European countries?</p>	<p>risk of the samples being affected by the presence of these marks is therefore minimal, if not zero.</p> <p>A)</p> <p>In principle, the contracting authority cannot limit the list of relevant countries in which vehicles that may be present on the roads concerned have been registered. For the purposes of this public contract and its transparent evaluation, including testing samples, it is not even necessary, because it is statistically proven that the vast majority of vehicles using toll roads in the Czech Republic come from the Czech Republic, neighboring and other European countries, with EU countries predominating, and the possible marginal presence of vehicles from non-European countries cannot affect the evaluation of this public contract to any significant extent.</p> <p>B)</p> <p>When testing samples, the contracting entity will not differentiate between European and non-European vehicles and is convinced that the possible accidental presence of registration marks of non-European countries will not significantly affect the results of the sample test.</p>
5	<p>In the explanation No. 3 in the answer to question 13, the contracting authority defines the day and night regime as the time according to the official sunset and sunrise. However, such definitions are inaccurate. For example, astronomical spring begins on March 20, which, however, does not prevent spring weather in February or winter weather in April or May.</p> <p>Light is key for day and night mode and this is influenced by, for example, clouds or other weather conditions. So even after sunrise it can be dark.</p> <p>We ask that the definition of night and day regime be adjusted to suit the real environment.</p>	<p>Not accepted.</p> <p>In the revised tender documentation, the contracting authority used the only possible transparent and non-discriminatory day and night regime definition by reference to official data from an independent authority.</p> <p>The contracting authority does not agree with the participant's statement that the astronomical spring, spring or winter weather is somehow related to sunrise and sunset, respectively with day or night conditions during the sample test.</p> <p>It can be reasonably expected that the number of vehicles that will be scanned at the marginal time of night mode, ie just after sunset and just before sunrise, will be statistically higher (due to heavier traffic) than in complete darkness. The contracting authority considers this assumption to be an advantage for the selected supplier, increasing the probability of achieving successful verification of the offered parameters.</p> <p>For the above reasons, the contracting authority will not modify the definition of day and night regime in any way.</p>
6	<p>In the explanation No. 3 in the answer to question 22, the contracting authority states that it does not require cabling and brackets. The contracting authority does not know and</p>	<p>Explained.</p> <p>A) and B) The contracting authority does not yet know how to install the goods meeting the</p>

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	<p>correctly does not anticipate which method of attachment or connection the offered technology will use.</p> <p>A) How does the client intend to install the equipment?</p> <p>B) How does the client intend to connect the equipment (power supply, communication with external systems, interconnection of internal components, etc.)?</p> <p>C) What is the relationship between the above statement and the fact that according to point 16.6 of TD all elements necessary for the test must be supplied (ie including cables and holders, otherwise the test cannot take place) and at the same time in accordance with the content of the offer (ie without cables and holders which according to the explanation of the ZD, the contracting authority does not explicitly want)?</p>	<p>requirements of the contracting authority, the supply of which (by the contracting authority's purchase) is the subject of this public contract. The method of installation will depend on what goods will be delivered, and the contracting authority requires that the delivery also includes complete documentation, methodological and technical assistance of the supplier.</p> <p>C) Paragraph 16.6 of the tender documentation, version dated 4.5.2020, does not mention (cit.) <i>"all elements"</i> or <i>"cables and brackets"</i>. Therefore, the contracting authority is unable to answer to the participant otherwise that there is no relationship between the above statement (in answer to question no. 22 of the explanation of tender documentation no. 3 dated 4.5.2020) with misinterpreted paragraph 16.6 is none. The response no. 22 in the mentioned explanation is in full accordance with the intention of the contracting authority and the tender documentation.</p>
7	<p>In the explanation No. 3 in the answer to question 25, the contracting authority states that it corrected the tables in Excel for the evaluation of the test of samples. However, the contracting authority did not correct the table for calculating the quality of the classification, so the result of parameter A1 is still calculated as the ratio of the sum of the correct ones and the sum of all detections. However, this is a wrong procedure, as it allows a high-quality classification of a large number of vehicles (passenger cars) to obtain a good result of parameter A1 even if the qualification in a smaller group (eg buses) is well below the required limit. The parameter A1 evaluated in this way does not provide real information on the quality of the classification into individual classes, but only the overall success, which, however, may work well only for some groups of vehicles and will rather estimate other groups.</p> <p>Will the contracting authority correct the calculation method so that it does not contain this error?</p>	<p>Not accepted.</p> <p>As part of the modification of the tender documentation, the contracting authority did not make any changes in the aid for the evaluation of the sample test related to parameter A1.</p> <p>The evaluation of the test of samples and verification of the offered level of parameter A1 complies with the intention of the contracting authority that in the given parameter the overall success of the classification of detected vehicles is fulfilled.</p> <p>For the above reason, the contracting authority will not change the method of calculating the evaluation of parameter A1 by testing the samples.</p>
8	<p>In the explanation no. 3 in the answer to question 26 and also in the explanation no. 4 the answer to question 3, the contracting authority states that it is up to the supplier to prove that the speed was greater than the required 200 km/h.</p> <p>But what is considered relevant evidence? We assume that the expert opinion of the supplier</p>	<p>Explained.</p> <p>On 4.5.2020, the contracting authority amended the tender documentation (and accordingly extended the deadline for submission of tenders) so as to enable transparent and objective documentation of compliance with the conditions for testing samples.</p>

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	<p>should not be enough, as he can easily misuse the thesis of high speed for every unsuccessful case. Isn't it just necessary to measure speed in some way? In what way, with what accuracy?</p>	<p>The contracting authority has set objective conditions for possible (supplier-provided) measurement of the speed of passing vehicles in the modified tender documentation, see paragraph 16.11 of the tender documentation, version dated 4.5.2020.</p>
9	<p>In the explanation no. 4 in the answer to question 16, the contracting authority states that he will perform measurements in parallel using his technology, then at night without IR, in order not to disturb the (supplier's) system.</p> <p>A) From this it can be concluded that it is probably a camera system, but how will the camera system work at night without IR?</p> <p>B) How reliable does the client's detection system work? It is certainly lower than 100%, but then the result of the comparison of the client's measurements with the tested goods does not speak about the success of the tested goods in relation to all vehicles that passed through the section, but in relation to the identified vehicles of the contracting authority. The result will be distorted. This is an unacceptable method of testing when the percentage stated by the supplier and tested by the contracting authority is a key evaluated parameter.</p> <p>Example: suppose that supplier reports a 97% success rate beyond the assignment. Let's assume that the system used by the contracting authority is of high quality and will also work with such high success rate. During the tests, the contracting authority uses its system to determine 97% of vehicles. Of the thousands of cars on the road, 970 are detections. Assume that the supplier detects 941 vehicles. According to the contracting authority, the supplier will meet the declared success rate of 97% (<math>941/970 * 100 = 97.01011\%</math>), but in reality the supplier did not detect even the minimum required 95% (only 94.1%). The contracting authority even states in point 16.10 that it assumes that its quality control system will work with a worse result than the tested system, ie the test is completely inconclusive (at least 95% is required if the contracting authority's system is of the same quality, it is 90 % of the total and if it gets worse, it's even less).</p> <p>For these reasons, in orders where the quality of detections, readings, etc. is evaluated, video recording is always used, where a manual counting is performed, which will serve as a</p>	<p>Explained, not accepted.</p> <p>In its response to previous requests for explanation and subsequent modification of the tender documentation, the contracting authority clearly declares its intention to perform parallel measurements, especially to prevent possible adverse effects on the success of parameters achieved by modified vendor software (eg deleting images with lower detection quality) and formulated its expectations. that the supplier's camera system (subject to a sample test) will show better results than the system currently available to the contracting authority. Depending on the situation, the data from the client's parallel measurement can, of course, help to reveal further errors in the supplier's system.</p> <p>A) It is a camera system. At night, the system will work without IR, as will the natural lighting of vehicles, respectively the light sensitivity of the sensor of the client's camera system.</p> <p>B) The specific level of reliability of the contracting authority's camera system is not crucial for the sample test, as parallel measurement by the contracting authority's camera system is only a complementary checking mechanism that cannot artificially reduce the true accuracy of vendor system recognition during the test, see introduction to this question.</p> <p>The contracting authority does not agree with the interviewer's conclusions, because the data set entering the evaluation of the sample test includes all vehicles that pass the monitored section of the road during the sample test. It is therefore not necessary for it to be recognized by the supplier's system or by the contracting authority's system (which would correspond to the success values that the supplier considers in the inquiry), but only to record their presence. If the supplier's system does not detect a passing vehicle during the scan, ie does not recognize and create metadata for it at all (but not due to a vehicle speed above 200 km/h), this vehicle will be assessed as incorrectly recognized in relation to all verified parameters.</p> <p>The evaluation procedure is described in detail in paragraph 16.11 of the tender documentation, version dated 4.5.2020 and will not be changed by</p>

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	<p>basis for calculating success, in addition, it is possible to perform a possible repeated check of disputes.</p> <p>Will the contracting authority correct the method of testing to meet the objective needs of evaluating the required parameters, ie success in relation to the total number of vehicles?</p>	<p>the contracting authority.</p>
10	<p>In the explanation no. 5 in the answer to question 2, the contracting authority states and in the explanation no. 10 in the answer to question 3, it states that the stated values are industry standards. There is no doubt that PoE + according to IEEE802.3at is really a standard.</p> <p>A) Can the contracting authority state which standard is involved in the case of the 24V and 5A variant? In the supplier's experience, this is not a standard.</p> <p>B) On the contrary, according to the supplier's rich experience, the standard for toll gates is a 0.4 kV low voltage connection, which is in accordance with the standard, which consists of PPK-EM issued by ŘSD (the standard of Czech road infrastructure manager, note by the translator) for toll gates. We ask the contracting authority to adjust the specifications to match the standard equipment of toll gates.</p>	<p>Explained, not accepted.</p> <p>A) The contracting authority points out that the subject of this public contract is the supply of goods, not their installation or operation. The client is responsible for installation, connection and operation. Regardless of the previous sentences, the contracting authority states that the value of the current load 5A at 24V is based on the regulations contained in the set of standards ČSN 33 2000 (Czech state norm for electrical installations).</p> <p>B) The client is acquainted with the PPK-EM standard and will comply with it during installation. The contracting authority's requirements do not conflict with the PPK-EM standard. The contracting authority rejects the participant's conclusions because they do not serve as a basis for explaining the tender documentation. In this case, the interviewer uses the institute of a request for an explanation of the tender documentation to persuade the contracting authority to accept the interviewer's solution, which is (at least this follows from the text of the question) in conflict with the contracting authority's requirements formulated in Annex 1 of the tender documentation. The contracting authority will not change its requirements.</p>
11	<p>In the explanation no. 10 in the answer to question 8, the contracting authority states a low probability of the occurrence of a new type of vehicle. This statement may not be valid. Automakers introduce many new car models throughout the year. The Geneva Motor Show alone was expecting about 15 new products, and these are far from all the possibilities of introducing new types.</p> <p>How does the contracting authority intend to deal with these facts when the subject of the work is not any service containing a regular update of the learned set of vehicles?</p>	<p>Explained.</p> <p>The contracting authority states that the currentness of the vehicle database is the responsibility of the supplier, both during the test of samples and during the performance of the contract itself for this public contract (however, it is a purchase contract, not a work contract, as the supplier incorrectly states).</p> <p>An integral part of the performance of the public contract are (also) warranty services, which according to point 1.3.2 paragraph 1.3 of Annex No.1 to the tender documentation includes methodological and technical assistance to the supplier in the installation, commissioning and <u>operation of supplied camera systems</u>, so it is possible update of the database of models of both types of vehicles and models of registration plates.</p>

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		<p>If, due to the obsolescence of the database (or SW in general), the supplier's goods do not meet the offered parameters, the contracting authority shall apply the relevant contractual penalties in accordance with paragraph 9.8 of Annex No. 2 to the tender documentation. The contracting authority therefore clearly expects the supplier to carry out updates in its own interest in order to avoid the application of these contractual penalties.</p> <p>To avoid any doubts, the contracting authority further states that it also allows for a possible software update (and thus the addition of yet unknown image samples, eg new vehicle types or license plates) and for a possible repeat test of samples in accordance with paragraph 16.7 of the tender documentation.</p>

In Prague on 15 May 2020

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