

Contracting Authority's Clarifications

Supply contract: “Supply of waste removal trucks and mobile recycling yard”; Ref. number: HR-BA-ME00184 / 3

The answers to the requests for clarifications received by the potential tenderers through the functional e-mail address to0waste.tuzi@gmail.com and through the official postal address Municipality of Tuzi, Street 1 No. 44, 81206 Montenegro:

Q1	Lot 1: In point 1.1, a motor brake with a minimum power of 130 kW is requested, our vehicle has a motorbrake with a power of 110 kW, which represents an insignificant and imperceptible difference compared to the required one.
A1	<p>A 130 kW engine brake provides greater engine braking capability, which leads to better deceleration under load. Considering the purpose of the truck that will be transporting cargo/waste, a reduction in engine braking power can decrease safety and increase brake wear.</p> <p>According to market research conducted prior to preparing the technical specifications for this tender procedure, it was determined that most manufacturers meet these characteristics.</p> <p>In any case, please refer to Corrigendum no. 1 to the Tender Dossier for all changes of the technical specifications.</p>
Q2	Lot 1: A manual gearbox is required, we offer a vehicle with an automatic gearbox, which in practice has proven to be a much better and more durable technical solution because it reduces the possibility of driver error and damage to the gearbox assembly to a minimum.
A2	<p>Considering the purpose of the truck, the terrain configuration for collecting and transporting waste, greater control is required, which is provided by a manual transmission that is simpler and cheaper to maintain.</p> <p>According to market research conducted prior to preparing the technical specifications for this tender procedure, it was determined that most manufacturers meet these characteristics.</p> <p>In any case, please refer to Corrigendum no. 1 to the Tender Dossier for all changes of the technical specifications.</p>

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Q3	Lot 1: The load capacity of the front axle is required, minimum 4.5 t. The load capacity of the rear axle is at least 8.5 t, does this mean the data on the technical load capacity or the data for the national registration of the vehicle.
A3	This criterion relates to the data on the technical load capacity of the vehicle.
Q4	Lot 1: A plastic fuel tank of at least 215 liters is required, will a vehicle with a steel tank of 150 liters be acceptable?
A4	<p>A larger fuel tank capacity results in longer operating periods between refueling. This is particularly important in waste removal operations where downtime due to refueling can affect operational efficiency, and the configuration and spread of the terrain in Tuz require longer working periods.</p> <p>Additionally, plastic tanks are lighter than steel tanks and are resistant to rust and corrosion, while steel tanks are prone to rust and corrosion if not treated properly. The intended use of the truck, the conditions in which it will operate, and the subsequent maintenance costs have determined that plastic tanks are acceptable.</p> <p>According to market research conducted prior to preparing the technical specifications for this tender procedure, it was determined that most manufacturers meet these characteristics.</p> <p>In any case, please refer to Corrigendum no. 1 to the Tender Dossier for all changes of the technical specifications.</p>
Q5	Lot 1: Electrical adjustment of headlights is requested, will a vehicle with manual adjustment of headlights be acceptable?
A5	<p>Electric adjustment systems enhance the driver's ability to quickly and efficiently optimize the position of the headlights, improving overall safety and performance during operations, especially in variable conditions.</p> <p>According to market research conducted prior to preparing the technical specifications for this tender procedure, it was determined that most manufacturers meet these characteristics.</p> <p>In any case, please refer to Corrigendum no. 1 to the Tender Dossier for all changes of the technical specifications.</p>
Q6	Lot 2: In point 2.1. wanted Diesel engine, four cylinders in line, SCR and EGR technology with a particulate filter, the vehicle we offer achieves the required eco standard with SCR but without EGR, which means that the user will have a simpler engine with one less maintenance item. Will a vehicle with an SCR engine without EGR be acceptable?



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A6	<p>The SCR technology is effective for reducing nitrogen oxide (NOx) emissions and is commonly used in modern diesel engines. However, EGR technology helps further reduce NOx emissions by recirculating a portion of the exhaust gas back into the engine's intake. The inclusion of EGR in specification enhances its capability to manage emissions, particularly under various load conditions. Therefore, both SCR and EGR technologies, offers enhanced emissions control compared to the specification which includes only SCR.</p> <p>According to market research conducted prior to preparing the technical specifications for this tender procedure, it was determined that most manufacturers meet these characteristics.</p> <p>In any case, please refer to Corrigendum no. 1 to the Tender Dossier for all changes of the technical specifications.</p>
Q7	<p>Lot 2: Motor brake with a minimum power of 130 kW is requested, our vehicle has a motor brake with a power of 110 kW, which represents an insignificant and imperceptible difference compared to the required one.</p>
A7	<p>Please refer to answer A1.</p>
Q8	<p>Lot 2: A manual gearbox is required, we offer a vehicle with an automatic gearbox, which in practice has proven to be a much better and more durable technical solution because it reduces the possibility of driver error and damage to the gearbox assembly to a minimum.</p>
A8	<p>Please refer to answer A2.</p>
Q9	<p>Lot 2: The load capacity of the front axle is required, minimum 4.5 t. The load capacity of the rear axle is at least 8.5 t, does this mean the data on the technical load capacity or the data for the national registration of the vehicle?</p>
A9	<p>Please refer to answer A3.</p>
Q10	<p>An air compressor with a minimum of 360 cc is required, will a vehicle with a 238 ccm single cylinder compressor be accepted?</p>
A10	<p>A compressor with a capacity of 360 ccm provides greater air delivery and pressure capabilities. This is crucial for the efficient operation of pneumatic systems, braking systems, and other components that rely on compressed air. A smaller capacity compressor would result in lower performance. Therefore, a compressor with a capacity of at least 360 ccm is essential in situations where the efficient functioning of pneumatic systems is critical, such as in waste removal.</p> <p>According to market research conducted prior to preparing the technical specifications for this tender procedure, it was determined that most manufacturers meet these characteristics.</p>



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	In any case, please refer to Corrigendum no. 1 to the Tender Dossier for all changes of the technical specifications.
Q11	Lot 2: Electrical adjustment of headlights is requested, will a vehicle with manual adjustment of headlights be acceptable?
A11	Please refer to answer A5.
Q12	As representatives of a premium brand such as [REDACTED], we believe that our proposed changes to the technical specification in no way affect the daily exploitation of the vehicles, while certain changes will help the user to get an even better- and better-quality vehicle. Please accept our proposal so that as many manufacturers as possible can submit an offer and the end user gets the best possible vehicle. We thank you in advance.
A12	According to market research conducted prior to preparing the technical specifications for this tender procedure, it was determined that most manufacturers meet criterion mentioned in the Technical Specifications. In any case, please refer to Corrigendum no. 1 to the Tender Dossier for all changes of the technical specifications.
Q13	In the document ANNEX II + III: TECHNICAL SPECIFICATIONS + TECHNICAL OFFER of procurement procedure: “Supply of waste removal trucks and mobile recycling yard”, Lot I-Vehicles for collecting and transporting waste, Ref. Number: HR-BA-ME00184/3 for Item number 1.1 you stated as mandatory specification "Diesel engine, four cylinders in line" and code Item number 2.1 "Diesel engine, four cylinders in line, SCR and EGR technology with a particulate filter". Furthermore, for items from the technical specification for both items: - Alternator minimum 110 A - Plastic diesel tank minimum capacity 215 l - Ad Blue tank minimum 32 l Our intention is to improve the process with these changes and bring it to full compliance with the following principles highlighted in the PRAG manual: 2.6.11.1. General principles (“The contracting authorities must draw up clear and non-discriminatory selection criteria for the purpose of assessing that the candidate/tenderer has sufficient economic, financial, professional, and technical capacity to implement the tasks of the contract. The chosen criteria must be



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proportionate and may not go beyond the scope of the contract.“) and 4.3.2. Drafting and content of the tender dossier („Unless warranted by the nature of the contract, technical specifications referring to or describing products of a given brand or origin and thereby favouring or excluding certain products are prohibited.“).

Transparency

The contracting authority should ensure openness and clarity on procurement policy and its delivery. This obligation consists in ensuring, for the benefit of any potential tenderer, a degree of advertising sufficient to enable the market to be opened up to competition and the impartiality of procurement procedures to be reviewed [66]. Transparency is also ensured through the publication of award notices in the cases referred to in Section 2.10.4.1. as well as information about recipients (see Section 2.10.4.2.).

Equal treatment and non-discrimination

All interested parties should be treated in the same way, meaning that all tenderers must be afforded equal opportunities when formulating their tenders, which therefore implies that the tenders of all competitors must be subject to the same conditions [67].

Competition

Procurement should be carried out by competition, unless there are justified reasons to the contrary. This obligation also means that the estimated value of a contract may not be established in such a way as to avoid the competitive tendering procedure or to circumvent the rules which apply to certain procurement procedures or above a certain threshold, nor may a contract be split for that purpose (a practice known as ‘salami-slicing’). *Moreover, as pointed out by the Court [68], the widest possible opening-up to competition is also in the interest of the contracting authority itself, which will have thus greater choice as to the tender that is the most advantageous and the most suited to the needs of the public authority.*

The public procurement is governed by rules intended to remove barriers and open up markets in a non-discriminatory and competitive way.



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We propose the following changes that would improve the competition on the call itself:

- For Item no 1.1: "Diesel engine, at least four cylinders in line"
- For Item no 2.1 "Diesel engine, at least four cylinders in line, SCR and EGR technology with a particulate filter"
- Alternator at least 100A
- Plastic diesel tank capacity at least 200l
- Ad Blue tank at least 30l

We ask you to take into account that if these technical specifications remain, without the proposed changes, the basic principles according to which procurement works in accordance with the PRAG rules (i.e. one chassis supplier is favored) are grossly violated, which would be the basis for overturning the process as well as serious fines by the donor.

**Here, we draw your attention to the following articles from the PRAG manual:
2.6.11. Selection and award criteria**

2.6.11.1. General principles

The contracting authorities must draw up clear and non-discriminatory selection criteria for the purpose of assessing that the candidate/tenderer has sufficient economic, financial, professional, and technical capacity to implement the tasks of the contract. The chosen criteria must be proportionate and may not go beyond the scope of the contract.

Below are examples of criteria not to be used:

- requesting technical experience in an overly prescriptive manner that effectively restricts the number of eligible candidates to one or a few firms.

4.3.2. Drafting and content of the tender dossier

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	<p>Unless warranted by the nature of the contract, technical specifications referring to or describing products of a given brand or origin and thereby favoring or excluding certain products are prohibited.</p> <p>In the end, we hope that we approached the process constructively and that our well-intentioned suggestions will be accepted, which will ensure full compliance of the procedure with all the rules set by the donor.</p>
A13	<p>Here are responses for each request for change of technical specification:</p> <ul style="list-style-type: none"> - Diesel engine, four cylinders in line: Considering the purpose of the truck, the terrain configuration for collecting and transporting waste, as well as maintenance costs, a four-cylinder diesel engine is the ideal solution. Specifically, with a four-cylinder engine, we achieve lower fuel consumption and lower upfront and maintenance costs. - Diesel engine, four cylinders in line, SCR and EGR technology with a particulate filter: Considering the purpose of the truck, the terrain configuration for collecting and transporting waste, as well as maintenance costs, a four-cylinder diesel engine is the ideal solution. Specifically, with a four-cylinder engine, we achieve lower fuel consumption and lower upfront and maintenance costs. - Alternator minimum 110 A: Our specification of 110 A allows for greater electrical output, which support additional electrical accessories, improved battery charging, and better overall electrical system performance. This is particularly important for vehicles that require higher power for various operations, including lights and other electrical components for specialised vehicles. - Plastic diesel tank minimum capacity 215 l: Please refer to Corrigendum no. 1 to the Tender Dossier. - Ad Blue tank minimum 32 l: Please refer to Corrigendum no. 1 to the Tender Dossier. <p>According to market research conducted prior to preparing the technical specifications for this tender procedure, it was determined that most manufacturers meet criterion mentioned in the Technical Specifications.</p> <p>In any case, please refer to Corrigendum no. 1 to the Tender Dossier for all changes of the technical specifications.</p>