

DRUŽBA ZA AVTOCESTE V REPUBLIKI SLOVENIJI
DARS d.d.
DARS, MOTORWAY COMPANY IN THE REPUBLIC OF SLOVENIA
DARS, d.d.

Dodatek št. 3 k dokumentaciji v zvezi z oddajo javnega naročila

za

Nadzor kakovosti storitev v fazi delovanja ECS

Appendix no. 3 to contract documentation
for
Quality Supervision During the ETS Operation Phase

Avgust 2017

V skladu s členom 11 Navodil ponudnikom za izdelavo ponudbe podajamo naslednjo spremembo dokumentacije v zvezi z oddajo javnega naročila:

According to article 11 of the Instructions to tenderers on the elaboration of the tender amendments to the contract documents are made:

Odgovori na vprašanja:

Answers to the questions:

- Vpr. št. 9** 1. Based on the additional information published 23.08.2017 8:26:
Amendment to Point 5.1 (i) Instructions to Tenderers on the Elaboration of the Tender was mistakenly dropped. Amendment to Point 5.1 (i) is:
"5.1 (i) The economic operator is not a contractor or a subcontractor:
- under the Contract on the establishment and operation of a multi-lane electronic toll collection system in free-flow traffic on motorways and expressways, DARS No. 717/2016 dated 06/ 09/ 2016.
Means of proof:
To prove that it meets these conditions, the economic operator must sign STATEMENT 1 in Chapter 6.
The Contracting Entity shall verify the fulfilment of the indicated condition using its own archive."
Amendment to Point 5.1 (i) and STATEMENT 1 will be made in Appendix no. 2.
- STATEMENT 2 contains the same original condition:
Under the Contract on the establishment and operation of a multi-lane electronic toll collection system in free-flow traffic on motorways and expressways, DARS No. 717/2016 dated 06 September 2016, under the contract "Implementation of engineering services in the establishment of an electronic toll collection system in freeflow traffic, Lot A: Implementation of engineering services in the technological segment of the project", DARS No. 722/2016 dated 02 September 2016, or under the contract "Implementation of engineering services in the establishment of an electronic toll collection system in free-flow traffic, Lot B: Implementation of engineering services in the information segment of the project", DARS No. 734/2016 dated 08 September 2016;
Will Contracting Entity modify this condition also in the STATEMENT 2?
- Odg. št. 9** Da, v nadaljevanju dodatka podajamo spremembo dokumentacije v zvezi z oddajo javnega naročila.
Yes, amendments to the contract documents are made in the Appendix.
- Vpr. št. 10.1** Based on the additional information published 23.08.2017 8:26:
Amendment to Point 5.1 (i) Instructions to Tenderers on the Elaboration of the Tender was mistakenly dropped. Amendment to Point 5.1 (i) is:
"5.1 (i) The economic operator is not a contractor or a subcontractor:
- under the Contract on the establishment and operation of a multi-lane electronic toll collection system in free-flow traffic on motorways and expressways, DARS No. 717/2016 dated 06/ 09/ 2016.
- We believe that since DARS has changed these conditions and allowed companies that were involved in the ETS project to participate, it has a significant impact on the tender conditions (for instance other companies/subcontractors can be involved and

the final price can change). Especially if this change happened in such short notice before the proposal submission. This does not give enough time to adapt this change and it favors the companies that did not participate in the ETS project and could have worked on the proposal submission since the original tender documents were published. In other words, we believe this is discriminatory and DARS should move the deadline for proposal submission by at least the original submission period to provide fair conditions for everyone.

Odg. št. 10.1 Rok za predložitev ponudb je podaljšan z Dodatkom št. 2 do 22. 9. 2017, t.j. 30 dni od objave predmetne spremembe. Naročnik roka dodatno ne bo podaljšal.
Date for submitting the tender has been prolonged with Appendix no. 2 to 22 September 2017, which is 30 day from publishing change. The submission time will not be prolonged again.

Vpr. št. 10.2 Could you please provide Appendix no.1 (DODATEK_1) to contract documentation for Quality Supervision During the ETS Operation Phase also in English?

Odg. št. 10.2 Naročnik vprašanj ne bo prevajal.
The questions will not be translated.

Vpr. št. 10.3 Tender concept evaluation in Chapter 1 states that Detailed calculation (evaluation) of the SLA/KPIs, which are defined in Chapter 2 – Terms of Reference: Document #400 – Specifications will be evaluated.
We believe that in order to propose the detailed calculation of the SLA/KPIs, QS contractor needs more detailed description of data taken from Road side equipment, basic knowledge of the data processing chain in ETC Contractor back office and detailed Quality server data model with detailed attribute description to propose sensible and detailed calculation for each SLA to avoid obtaining misleading values.
Could you please provide the detailed data specification with the description of attributes that will be stored and available on the QS Server?

Odg. št. 10.3 Kakor je opisano v razpisnem dokumentu #400 - Specifikacije, zlasti v točkah 2.2.2 in 2.4.2, v začetni »Fazi poravnave ocenjevalnega modela«, (zahteva [J]) je nadzornik kakovosti zadolžen, da skupaj z ECS izvajalcem (in DARS) določi in se uskladi o vsebini strežnika kakovosti.
To vključuje, vendar ni omejeno na specifikacijo uporabljenih podatkovnih virov, definicijo strukture podatkovnega modela in podatkovne attribute, postopke ETL, vključno s cikli osveževanja in posodabljanja itd. - vse, da se omogoči ustrezna ocena KPI, kot je zahtevano v točki 2.3 #400 - Specifikacije, "Nivoji storitev ter metodologija njihovega ocenjevanja", ki jo bo izvedel NK-MMONS. DARS bo zagotovil ustrezno sodelovanje izvajalca ECS, ki je pogodbeno zavezan k podpori aktivnosti nadzornika kakovosti.
As described in tender document #400 - Specification, especially in sections 2.2.2 and 2.4.2, within the initial "Assessment Model Alignment Phase" (requirement [J]) the Quality Supervisor is in charge to jointly define and agree with the ETC Contractor (and of course DARS) on the contents of the Quality Server. This includes but is not limited to the specification of the data sources used, field and attribute definitions, ETL processes including refresh and update cycles, etc. - all in order enable the proper assessment of the KPIs as requested in lit. 2.3 of the QS Specification, "The Service Levels and their Assessment Methodology" by the QS-SLMM. DARS will ensure the respective co-operation of the ETC Contractor, who is contractually obliged to support the QS assessment activities.

Vpr. št. 10.4 Tender concept evaluation in Chapter 1 states that For evaluating concept adequacy, the following criteria apply:

- Inadequate: the concept does not meet the ToR requirements in terms of extent and content.
- Adequate: the concept meets all the ToR requirements in terms of extent and content.

Number of points awarded based on the specific evaluation criterion (4 categories) is 0-500 and 0-1000. Do we understand it correctly that the concept's criterion is evaluated either 0 or maximum points?

Odg. št. 10.4 Da.
Yes.

Spremembe razpisne dokumentacije:

Poglavje 6 – Sposobnost: I Z J A V A 2

Vsa ostala določila dokumentacije v zvezi z oddajo javnega naročila ostanejo nespremenjena.

Changes to contract documents

Chapter 6 – Qualification: S T A T E M E N T 1

S T A T E M E N T 2

All other specifications of the contract documents remain unchanged.

Podizvajalec:

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I Z J A V A 2

- smo registrirani pri pristojnem organu in imamo v temeljnem aktu družbe določeno dejavnost, ki je predmet javnega naročila in za katero dajemo ponudbo;
- da nam in osebi, ki je članica našega upravnega, vodstvenega ali nadzornega organa, ali ki ima pooblastila za njegovo zastopanje ali odločanje ali nadzor v njem, ni bila izrečena pravnomočna sodba, ki ima elemente kaznivih dejanj, ki so opredeljena v Kazenskem zakoniku (Uradni list RS, št. 50/12 – uradno prečiščeno besedilo in 54/15; v nadaljnjem besedilu: KZ-1) oz. v 1. odstavku 75. člena ZJN-3;
- na dan poteka roka za oddajo ponudb nismo uvrščeni v evidenco gospodarskih subjektov z negativnimi referencami;
- v zadnjih treh letih pred potekom roka za oddajo ponudb nam ni bila s pravnomočno odločbo pristojnega organa Republike Slovenije ali druge države članice ali tretje države več kot enkrat izrečena globa zaradi prekrška v zvezi s plačilom za delo;
- na dan oddaje ponudbe izpolnjujemo obvezne dajatve in druge denarne nedavčne obveznosti v skladu z zakonom, ki ureja finančno upravo, ki jih pobira davčni organ v skladu s predpisi države, v kateri ima sedež, ali predpisi države naročnika, oziroma vrednost teh neplačanih zapadlih obveznosti ne znaša 50 eurov ali več, in imamo predložene vse obračune davčnih odtegljajev za dohodke iz delovnega razmerja za obdobje zadnjih pet let do dneva oddaje ponudbe;
- nismo v stečaju;
- v zadnjih 6 mesecih, pred skrajnim rokom za oddajo ponudbe na podlagi predmetnega javnega naročila, nismo imeli blokirane posameznega računa več kot 15 dni (skupno število dni blokade v 6 mesecih). Strinjamo se, da bomo v primeru zahteve naročnika, v roku, ki ga bo določil naročnik, naročniku predložili dokazila, iz katerih bo razvidno, da posamezni račun ni bil blokirani v skupnem trajanju več kot 15 dni v zadnjih šestih mesecih pred oddajo ponudbe;
- pri prejšnjih pogodbah o izvedbi javnega naročila sklenjenih z naročnikom DARS d.d. nam ni bila odpovedana pogodba o izvedbi javnega naročila ali unovčena garancija za dobro izvedbo pogodbenih obveznosti;

- nismo izvajalec ali podizvajalec po pogodbi o vzpostavitvi in delovanju večsteznega elektronskega cestninskega sistema v prostem prometnem toku na avtocestah in hitrih cestah, DARS št. 717/2016 z dne 6. 9. 2016;
- nismo in ne bomo dajali resnih zavajajočih razlag pri dajanju informacij, zahtevanih zaradi preverjanja obstoja razlogov za izključitev ali izpolnjevanja pogojev za sodelovanje, te informacij bomo razkril in bomo predložili dokazila, ki se zahtevajo v skladu z 79. členom tega zakona.

Spodaj podpisani dajemo uradno soglasje, da DARS d.d. v zvezi z oddajo javnega naročila Nadzor kakovosti storitev v fazi delovanja ECS, 000084/2017, pridobi podatke za preveritev ponudbe v skladu z 89. členom ZJN-3 v enotnem informacijskem sistemu – eDosje iz devetega odstavka 77. člena ZJN-3.

V _____, dne _____

PODIZVAJALEC (podpis) _____

Tenderer:
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STATEMENT 1

- We hereby accept the conditions of the public tender for the Quality Supervision During the ETS Operation Phase
- We are familiar with all contract documents, which included:
 - 1) Chapter 1 Instructions to Tenderers on the Elaboration of the Tender
 - 2) Chapter 2 Terms of Reference and the Pro-Forma Invoice
 - 3) Chapter 3 Tender form, Tender guarantee
 - 4) Chapter 4 Draft contract and authorisation for the lead partner to conclude the contract
 - 5) Chapter 5 Draft Performance guarantee
 - 6) Chapter 6 Forms and STATEMENTS for establishing the qualifications of tenderers pursuant to the requirements from Chapter 1
 - 7) ESPD form
- We have taken into account the indicated contract documents in the preparation of the tender, and in the case of selection of our tender, we shall take it into account in the implementation of the present contract.
- We agree that the contract documents form an integral part of the contract.
- We are registered with the competent authority and have the activity, which is the subject of the procurement and for which we give the tender, specified in the company basic act.
- No final judgement, which has elements of criminal offences defined in Criminal Code (Official Gazette of RS, Nos. 50/12 - official consolidated text and 54/15; hereinafter: KZ-1) or in the first paragraph of Article 75 of the ZJN-3 has been delivered to us or any person who is a member of our administrative, managerial or supervisory body, or who is authorised to represent it or make decisions or supervise it.
- We are not listed in the register of business entities with negative references on the last date for the submission of tenders.
- In the last three years prior to the deadline for the submission of tenders, we were not fined for an offence in connection with a payment for work upon a final decision of the competent authority of the Republic of Slovenia or another Member State or third country more than once.

- On the day of submitting the tender, we fulfil statutory duties and other pecuniary non-tax obligations in accordance with the law governing financial administration, which are collected by the tax authority in accordance with the regulations of the country, in which it has an established head office, or regulations of the country of the Contracting Entity, or the value of overdue liabilities does not equal EUR 50 or more, and we have submitted all withholding tax returns on income from employment relationships for the last five years up to the date of submission of the tender.
- We are not in bankruptcy.
- In the last 6 months prior to the deadline for the submission of tenders based on the procurement, we did not have individual accounts blocked for more than 15 days (the total number of days of blockage in 6 months). We agree that in the event of the Contracting Entity's request, we shall submit to the Contracting Entity evidence showing that the individual account has not been blocked for more than 15 days (in the total duration) in the last six months prior to the submission of tender, within the period determined by the Contracting Entity.
- In connection with previous contracts on the implementation of procurement concluded with the Contracting Entity, DARS d.d., we were not subject to a termination of the contract on the implementation of procurement or a redemption of a performance guarantee.
- We are not a contractor or a subcontractor under the Contract on the establishment and operation of a multi-lane electronic toll collection system in free-flow traffic on motorways and expressways, DARS No. 717/2016 dated 06 September 2016;
- We did not and shall not provide seriously misleading explanations when providing information required for the purpose of establishing the grounds for exclusion or for fulfilling the relevant selection criteria and will disclose this information and submit the certificates as required by the Article 79 of the above law.
- In the preparation of tender, we considered the provisions of the Prevention of Restriction of Competition Act and did not prepare the tender contrary to the rules of competition.
- We prepared the tender individually and independently.

The undersigned hereby give our formal consent to DARS d.d. to acquire information regarding the tender Quality Supervision During the ETS Operation Phase, 000084/2017 for the purpose of verifying the offer in accordance with Article 89 of the ZJN-3 in the uniform information system – eDosje in accordance with paragraph 9 of Article 77 of the ZJN-3.

In _____, on _____ THE TENDERER (signature) _____

Subcontractor:

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STATEMENT 2

- We are registered with the competent authority and have the activity, which is the subject of the procurement and for which we give the tender, specified in the company basic act.
- No final judgement, which has elements of criminal offences defined in Criminal Code (Official Gazette of RS, Nos. 50/12 - official consolidated text and 54/15; hereinafter: KZ-1) or in the first paragraph of Article 75 of the ZJN-3 has been delivered to us or any person who is a member of our administrative, managerial or supervisory body, or who is authorised to represent it or make decisions or supervise it.
- We are not listed in the register of business entities with negative references on the last date for the submission of tenders.
- In the last three years prior to the deadline for the submission of tenders, we were not fined for an offence in connection with a payment for work upon a final decision of the competent authority of the Republic of Slovenia or another Member State or third country more than once.
- On the day of submitting the tender, we fulfil statutory duties and other pecuniary non-tax obligations in accordance with the law governing financial administration, which are collected by the tax authority in accordance with the regulations of the country, in which it has an established head office, or regulations of the country of the Contracting Entity, or the value of overdue liabilities does not equal EUR 50 or more, and we have submitted all withholding tax returns on income from employment relationships for the last five years up to the date of submission of the tender.
- We are not in bankruptcy.
- In the last 6 months prior to the deadline for the submission of tenders based on the procurement, we did not have individual accounts blocked for more than 15 days (total number of days of blockage in 6 months). We agree that in the event of the Contracting Entity's request, we shall submit to the Contracting Entity evidence showing that the individual account has not been blocked for more than 15 days (in the total duration) in the last six months prior to the submission of tender, within the period determined by the Contracting Entity.

- In connection with previous contracts on the implementation of procurement concluded with the Contracting Entity, DARS d.d., we were not subject to a termination of the contract on the implementation of procurement or a redemption of a performance guarantee.
- We are not a contractor or a subcontractor under the Contract on the establishment and operation of a multi-lane electronic toll collection system in free-flow traffic on motorways and expressways, DARS No. 717/2016 dated 06 September 2016;
- We did not and will not provide seriously misleading explanations when providing information required for the purpose of establishing the grounds for exclusion or for fulfilling the relevant selection criteria, and will disclose this information and submit the certificates as required by the Article 79 of the above law.

The undersigned hereby give our formal consent to DARS d.d. to acquire information regarding the tender Quality Supervision During the ETS Operation Phase, 000084/2017 for the purpose of verifying the offer in accordance with Article 89 of the ZJN-3 in the uniform information system – eDosje in accordance with paragraph 9 of Article 77 of the ZJN-3.

In _____, on _____ THE SUBCONTRACTOR (signature) _____