



Date: 11/12/2015

SM/SM

VND-302/15

SUBJECT: Clarification 4 / of Tender Documents for public procurement:
PURCHASE OF 5 NEW SOLO LOW FLOOR BUSES WITH ELECTRIC DRIVE WITH EQUIPMENT FOR CHARGING (name and label from the general procurement dictionary: 34144910 – Electric Buses), no. **VND – 302/15**

CLARIFICATION 4 OF TENDER DOCUMENTS

Dear Sir,

Please find attached the Clarification 4 of the Tender Documents,

This Clarification 4 is henceforward a containing part of Tender Documents.

Sincerely Yours,

EXECUTIVE MANAGER
OU "INVESTMENTS"

Ljeuposavka Vidović, LL.B.

Attachment: Clarification 4 of the Tender Documents

PROCUREMENT SUBJECT - PURCHASE OF 5 NEW SOLO LOW FLOOR BUSES WITH ELECTRIC DRIVE WITH EQUIPMENT FOR CHARGING (name and label from the general procurement dictionary: 34144910 – Electric Buses), no. **VND – 302/15 – Clarification 4**

Dear Sir,

Pursuant to Article 63 of the Law on Public Procurement („The Official Gazette of the Republic of Serbia” No. 124/12, 14/15 and 68/15) we are providing you with the following clarifications related to the bid preparation:

No.	QUESTION																								
1	<p>Article 94. – Table 2. – of the Rulebook on division of motor and combined vehicles and technical conditions for vehicles in road traffic („The Official Gazette of the Republic of Serbia” No. 40/2012, 102/2012, 19/2013, 41/2013, 102/2014, 41/2015 and 78/2015), clearly defines the minimum required number of doors on the vehicles for passenger transport (buses, trolleybuses and combined vehicles for passenger transport) as follows: Table 2.</p> <table border="1" data-bbox="256 569 1490 821"> <thead> <tr> <th data-bbox="256 569 553 653">Number of passengers</th> <th colspan="3" data-bbox="553 569 1490 611">Number of service doors</th> </tr> <tr> <th data-bbox="256 611 553 653"></th> <th data-bbox="553 611 829 653">Class I bus</th> <th data-bbox="829 611 1117 653">Class II bus</th> <th data-bbox="1117 611 1490 653">Class III bus</th> </tr> </thead> <tbody> <tr> <td data-bbox="256 653 553 695">23-45</td> <td data-bbox="553 653 829 695">1</td> <td data-bbox="829 653 1117 695">1</td> <td data-bbox="1117 653 1490 695">1</td> </tr> <tr> <td data-bbox="256 695 553 737">46-70</td> <td data-bbox="553 695 829 737">2</td> <td data-bbox="829 695 1117 737">1</td> <td data-bbox="1117 695 1490 737">1</td> </tr> <tr> <td data-bbox="256 737 553 779">71-100</td> <td data-bbox="553 737 829 779">3</td> <td data-bbox="829 737 1117 779">2</td> <td data-bbox="1117 737 1490 779">1</td> </tr> <tr> <td data-bbox="256 779 553 821">> 100</td> <td data-bbox="553 779 829 821">4</td> <td data-bbox="829 779 1117 821">3</td> <td data-bbox="1117 779 1490 821"></td> </tr> </tbody> </table> <p>The above-mentioned Rulebook defines the division of motor and combined vehicles as well as the conditions these vehicles need to fulfill in order to operate in the road traffic regarding dimensions, technical conditions, devices, assemblies, equipment and technical standards and as such represents the positive regulation of the Republic of Serbia the application of which is UNEQUIVOCALLY MANDATORY.</p> <p>The question is: Are you obliged to obey the Rulebook on division of motor and combined vehicles and technical conditions for vehicles in road traffic („The Official Gazette of the Republic of Serbia” No. 40/2012, 102/2012, 19/2013, 41/2013, 102/2014, 41/2015 and 78/2015) of the Republic of Serbia, which is in force, since according to this Rulebook, the buses which are the subject of this public procurement must have three doors. The Rulebook does not stipulate anywhere that „double deck” door is regarded as two doors, for a door is a door, regardless of their width.</p> <p>Why are your interpretations above the Rulebook on division of motor and combined vehicles and technical</p>	Number of passengers	Number of service doors				Class I bus	Class II bus	Class III bus	23-45	1	1	1	46-70	2	1	1	71-100	3	2	1	> 100	4	3	
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	Class I bus	Class II bus	Class III bus																						
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> 100	4	3																							
	ANSWER																								
	<p>It is obvious that Article 94 Table 2. – of the Rulebook on division of motor and combined vehicles and technical conditions for vehicles in road traffic („The Official Gazette of the Republic of Serbia” No. 40/2012, 102/2012, 19/2013, 41/2013, 102/2014, 41/2015 and 78/2015) is not agreed with the Rulebook UN ECE 107 and Directive EC/2001/85 , items 7.6.1.1 and 7.6.1.6.</p>																								

7.6.1.1. The minimum number of doors in a vehicle shall be two, either two service doors or one service door and one emergency door. Every double-deck vehicle shall have two doors on the lower deck (see also paragraph 7.6.2.2. below). The minimum number of service doors required is as follows:

Number of passengers	Number of service doors		
	Class I & A	Class II	Class III & B
9 - 45	1	1	1
46 - 70	2	1	1
71 - 100	3		

7.6.1.6. A double service door shall count as two doors and a double or multiple windows as two emergency windows.

We agree with your statement that in the above-mentioned Rulebook, in Article 94 - Table 2 it is not stipulated what kind of door is in question and we consider it an omission of Article 94, Table 2 of the Rulebook on division of motor and combined vehicles and technical conditions for vehicles in road traffic („The Official Gazette of the Republic of Serbia” No. 40/2012, 102/2012, 19/2013, 41/2013, 102/2014, 41/2015 and 78/2015), which can cause different or imprecise interpretations regarding the type and number of doors (one-winged, two-winged) on Class I buses.

For this reason, we refer to Rulebook UN ECE 107 and Directive EC/2001/85, Items 7.6.1.1 и 7.6.1.6. **which clearly and precisely define the above-mentioned** and this is in accordance with the document on accession to European Union which was signed by the Government of the Republic of Serbia. **Since the Republic of Serbia signed the document on accession with European Union, it is obligatory to apply all EU directives, i.e. to comply all its rulebooks and regulations with EU’s, so in this case, the Directive EC/2001/85 in the part where it defines the concept of city bus (category M3, Class I) is fully valid and legitimate.**

Considering the fact that the buses with electrical drive are to be purchased for the first time in Serbia and are not manufactured in Serbia, it is clear that they shall be homologated in accordance with the international documents (UN ECE Rulebooks or EC Directives). The awarded bidder shall be obliged to deliver to the Purchaser the documents **WVTA (Whole Vehicle Type Approval and COC Certificate (Certificate of conformity))** on the basis of which they shall be certified and complied with the domestic regulations by the Traffic Safety Agency and the laboratory for inspection of motor vehicles in Serbia.

Since this is the open procedure of public procurement, allowed for participation of domestic and foreign entities and with the aim of respecting the principle of **Ensuring Competition, Article 10 and Principle of Equality of Bidders, Article 12, defined in the Law on Public Procurement („The Official Gazette of the Republic of Serbia” No. 124/12, 14/15 and 68/15)** with the intention to cover the largest possible number of participants (bidders) among the producers of electrical buses with pantograph charging system, we are obliged to accept the international applicable documents (UN ECE Rulebooks and Directives). Otherwise, any bidder who possesses WVTA (Whole Vehicle Type Approval и COC Certificate (Certificate of conformity)), which are in this case compliant with the Rulebook UN ECE 107 and Directive EC/2001/85, items 7.6.1.1 и 7.6.1.6, could be fully entitled to refer to Article 10 and Article 12 of the Law on Public Procurement.

This Clarification 4 is a containing part of Tender Documents VND-302/15.

FOR THE PUBLIC PROCUREMENT COMMITTEE

Slobodan Mišanović, M.Sc.T.E.