



EUROPEAN UNION
DELEGATION TO BOSNIA AND HERZEGOVINA

Finance, Contracts and Audit Section

Sarajevo,

Project: EU support for street lighting project in the city of Bihać, Bosnia and Herzegovina

Ref no.: EuropeAid/140252/DH/SUP/BA; EC/BIH/TEN/19/009

Subject: CLARIFICATION no. 1

QUESTION no. 1

A. INSTRUCTIONS TO TENDERERS

In Part 3. Participation, you state:

3.1. Participation is open to all natural persons who are nationals of and legal persons (participating either individually or in a grouping – consortium – of tenderers) which are effectively established in a Member State of the European Union or in a eligible country or territory as defined under the Regulation (EU) No 236/2014 establishing common rules and procedures for the implementation of the Union's instruments for external action (CIR) for the applicable instrument under which the contract is financed (see also heading 22 of the contract notice). Participation is also open to international organisations. All supplies under this contract must originate in one or more of these countries. **However, they may originate from any country when the amount of the supplies to be purchased (as a whole or, if divided into lots, per lot) is below EUR 100 000.**

In Part 4. Origin, you state:

4.1. Unless otherwise provided in the contract or below, all goods purchased under the contract must originate in a Member State of the European Union or in a country or territory of the regions covered and/or authorised by the specific instruments applicable to the programme specified in clause 3.1 above. For these purposes, 'origin' means the place where the goods are mined, grown, produced or manufactured and/or from which services are provided. The origin of the goods must be determined according to the relevant international agreements (notably WTO agreements), which are reflected in EU legislation on rules of origin for customs purposes: the Customs Code (Council Regulation (EEC) No 2913/92) in particular its Articles 22 to 246 thereof, and the Code's implementing provisions (Commission Regulation (EEC) No 2454/93).

For Lot 1: All supplies under this contract must originate in one or more of the above countries.

Our question is, do we, as a steel pole producers (BiH-ORIGIN) qualify for participation in this procurement subject if the value of the steel poles procurement is below EUR 100 000, referencing 3.1 Participation- , *However, they may originate from any country when the amount of the supplies to be purchased (as a whole or, if divided into lots, per lot) is below EUR 100 000*“.

ANSWER no. 1

Please note that Bosnia and Herzegovina is one of the eligible countries as defined under the rules and procedures for the applicable instrument under which the contract is financed. Therefore, legal persons (companies) effectively established in Bosnia and Herzegovina and goods originating from Bosnia and Herzegovina do qualify for participation in this tender procedure for both lots and regardless of the amount of supplies to be purchased.

QUESTION no. 2

In accordance with Article 8 of Instructions to tenderers how long the Tender guarantee for LOT 1 should be valid?

In accordance with Article 8.1. - „Tenderers will be bound by their tenders for a period of 90 days from the deadline for the submission of tenders”, and Article 8.3 - „The successful tenderer will be bound by its tender for a further period of 60 days. The further period is added to the validity period of the tender irrespective of the date of notification”.

We counted like this: 24 September 2019 + 90 days (Article 8.1.) + 45 days of the expiry of the tender validity period (Tender guarantee form - Specimen tender guarantee) + 60 days (Article 8.3) = 06.04.2020.

Do you agree that the Tender guarantee for LOT 1 should be valid until the day: 06.04.2020.?

ANSWER no. 2

In accordance with Article 8.1 and Article 23 of the Instructions to Tenderers, the tender guarantee for LOT 1 must cover period of 90 days from the deadline for the submission of tenders (tender validity period) and 45 days beyond the period of validity of the tender.

Therefore in this case the tender guarantee for LOT 1 must cover period from 24 September 2019 to 6 February 2020.

In accordance to Article 8.2, the contracting authority may ask tenderers in writing to extend this period by 40 days. Tenderers that agree to do so will not be permitted to modify their tenders and they are bound to extend the validity of their tender guarantees for the revised period of validity of the tender.

QUESTION no. 3

PART CONCERNING REQUIREMENTS FOR THE COLOR REPRODUCTION INDEX (Ra / CRI = 80):

There is no technical justification for insisting on such a high color reproduction index (Ra = 80) for NW sources, when it is known that the highest number of reputable LED equipment manufacturers give Ra > 70 for neutral white (4000K) or Ra > 80 LED chips for LED chips in cool

white light color (3000K). This requirement could only make sense in decorative, urban or sports lighting, ie. in those lighting segments where it is important for the color of light generated by the light source to be close to the real colors available in sunlight. In industrial or street lighting, the color reproduction index is not significant, as evidenced by the long-standing operation of the existing installation with light sources of a much lower color reproduction index, which did not pose any problem in daily operation - the highest quality high pressure sodium sources had a color reproduction index $R_a < 60$, while most standard high pressure sodium sources had $R_a < 25$! Therefore, it can be concluded that such a request is unjustified because it does not contribute to a significant qualitative shift, but favors a certain equipment manufacturer and imposes unnecessary characteristics that can exclusively lead to a significant increase in the volume of investment (NW diodes with $R_a = 80$ continue to be a non-standard solution, and is and their price is much higher than standard (good enough) NW diodes with $R_a > 70$).

ANSWER no. 3

Please see Corrigendum no.1 with changes marked in red colour, incorporated into the Annex II+III.

Items number 1.1, 1.2, 1.3, 1.4, 1.5, 1.6 now read "Playback index of color ≥ 70 "

Item no. 1.17 now reads "color reproduction index ≥ 70 "

QUESTION no. 4

PART CONCERNING IK10 SHOCK RESISTANCE REQUIREMENTS:

There is no meaningful technical justification for insisting on an IK10 degree of mechanical protection, when the vast majority of existing (conventional and LED) lamps in public lighting installations have an IK08 degree of mechanical protection, which has been proven for many years to effectively protect the lamp from all common causes, cracking or damaging the lamp protector. In the long-standing practice and design of IK08-grade luminaires, the number of cases of protector cracking (whether glass, PC or PMMA) is not at the level of statistical error. The highest degree of mechanical protection of the IK10 could make sense in sports lighting where, due to frequent ball strikes, the tread could fall off, although most sports objects were designed with IK08 mechanical protection lamps. It should be remembered that public lighting lamps are most often installed at heights above 5-6m (in urban areas and 8-10m), the chance of "deliberate" damage to the lamp protector (by throwing stone or the like) is minimal from such distances and with such tread strength (5J impact resistance). It should also be noted that the IK08 mechanical protection rating has been empirically chosen as optimal (and more than sufficient) because it protects the lamps from any common earthquakes or vibrations that may occur in public lighting installations (due to earthquakes or strong wind gusts). Any insistence on a greater degree of mechanical protection indicates favoring certain manufacturers and unjustifiably increasing the volume of investment - more expensive lamps are purchased that do not achieve any qualitative shift!

ANSWER no. 4

Please see Corrigendum no.1 with changes marked in red colour, incorporated into the Annex II+III.

Items no. 1.1, 1.2, 1.3, 1.4, 1.5 now read "Mechanical resistance of impact lamp **minimum IK8...**"

QUESTION no. 5

PROTECTOR MAKING MATERIAL

Modern luminaire protectors are made of glass or polycarbonate equally, the choice of material does not affect the characteristics of the luminaires and we suggest that the protector may be made of glass or polycarbonate.

ANSWER no. 5

Luminaire protectors must satisfy the requested characteristics (tempered glass).

QUESTION no. 6

Lot 1: IK10 mechanical protection grade and tempered glass protector are both required for the lamps.

Since tempered glass protector can't have IK10 protection, the question is, will you approve a lamp protector made of polycarbonate if the other specifications of the lamp remain the same?

ANSWER no. 6

Luminaire protectors must satisfy the requested characteristics (tempered glass).

Please also see answer no. 4 to this clarification which gives information that all replacements of IK10 to IK8 are made in Corrigendum no. 1.

QUESTION no. 7

Lot 1: the lamps are requested to be made of cast aluminium. Extruded aluminium has better heat conductivity and therefore better heat dissipation. So the question is, can extruded aluminium lamps be offered instead of cast aluminium lamps?

ANSWER no. 7

Please see Corrigendum no.1 with change marked in red colour, incorporated into the Annex II+III, page no. 2, which now reads "The upper and lower part of the lamp casing made of aluminium alloy under pressure **or extruded aluminium...**"

QUESTION no. 8

The ENEC certificate is a voluntary certificate that does not certify any feature of an LED lamp. The ENEC certificate is a set of technical standards and directives covered by the EMC, LVD and EN standards, and therefore this certification is not recognized as mandatory and cannot be required as a condition in the tender documentation. The question is, why a manufacturer who has all the necessary certificates related to EMC, LVD and EN standards could not be a bidder in the procurement process, if it is not integrated into the ENEC certificate. In order to substantiate these claims, we have attached a list of voluntary certifications that are optional and are only used to further highlight the product, and we can subsequently provide you with all the test reports you need to prove the safety of our lamps.

http://www.siq.hr/sigurnost_i_elektromagnetika/medunarodna_certifikacija/

ANSWER no. 8

Please see Corrigendum no.1 with change marked in red colour, incorporated into the Annex II+III, page no. 2, which now reads "ENEC certificate **is optional**".