

# CONTRACTING AUTHORITY'S CLARIFICATION

Contract title: **Procurement of Bulldozer with ripper for project FIREGUARD, Petrovaradin, Republic of Serbia**

Publication Ref: **RORS00061-LP-TD05**

No.	Question / Answer
1. Q:	<p><b>Dear Sir/Madam,</b></p> <p>With reference to the above-mentioned procurement procedure and the provisions of the tender documentation prescribing that the offered bulldozer must comply with the <b>EU Stage V engine emission standard</b>, we hereby submit a request for clarification and amendment of the technical specification. Considering that, in accordance with the applicable regulations of the Republic of Serbia, construction and heavy machinery complying with the <b>EU Stage III emission standard</b> may be lawfully placed on the market and used in regular operation, we believe that prescribing the exclusive requirement for the EU Stage V standard represents a disproportionately restrictive technical condition which may limit competition, while not being necessary for the proper and safe performance of the contract. Furthermore, taking into account that the subject of procurement concerns a machine predominantly used in rural and non-urban operating conditions, equipment complying with the <b>EU Stage III emission standard</b> fully satisfies the functional, technical and operational requirements of the Contracting Authority without affecting the execution of the contract. In order to ensure wider competition, equal treatment of economic operators and proportionality of technical requirements to the subject of procurement, we kindly request confirmation whether machinery complying with the <b>EU Stage III emission standard (or equivalent)</b> will be considered acceptable, and, where applicable, that the technical specification be amended so that the minimum requirement reads:</p> <p><b>“Minimum engine emission standard: EU Stage III or equivalent.”</b></p> <p>In accordance with the applicable procurement rules, we kindly request that any clarification or amendment of the tender documentation be published and communicated to all interested tenderers in the manner prescribed by the tender dossier.</p>
1. A:	<p>After a detailed consideration of the content of request for clarification and amendment of the tender documentation, the Contracting Authority concluded the following:</p> <p>The requirements of the procurement procedure are based on objective criteria and principles of sustainable forest management:</p> <p>As a public enterprise whose main activity is precisely the sustainable management of forest ecosystems, PE "Vojvodinašume" has been operating in accordance with the Forest Stewardship Council (FSC) standards, the internationally recognized "gold standard" of responsible management of natural resources balancing environmental, social, and economic interests for many years.</p> <p>The FSC standards imply:</p> <ul style="list-style-type: none"><li>• carbon sequestration and biodiversity conservation,</li><li>• air pollution control through minimizing emissions from forest machinery,</li><li>• use of the most environmentally friendly systems for suppressing harmful gases.</li></ul>

Even though it is in line with applicable regulations of the Republic of Serbia, Stage III standard emits roughly 10–15 times more harmful gases than the required Stage V standard, i.e. 1,000% to even 1,500% more.

The environmental impact cannot be ignored, i.e. the difference in emissions of harmful substances is not negligible or negotiable. Insisting on technology that drastically reduces nitrogen oxides (NO<sub>x</sub>) and particulate matter (PM) directly serves the purpose of the procurement – work in vulnerable and protected natural habitats.

The Contracting Authority has the right to define the level of quality and environmental performance of the goods it procures, especially when this is directly related to its nature protection activities. The requirement is justified because preserving biodiversity and minimizing air pollution in the very heart of protected and vulnerable ecosystems requires the highest level of technology.

The claim of setting “disproportionately restrictive technical condition which may limit competition” is unjustified as according to available web-based information and previous experience with similar procurements, the market inside and outside of Republic of Serbia (as this is an international open tender procedure), offers a wide range of suppliers of construction and working machines (bulldozers, excavators, loaders, etc.) that offer equipment compliant with the Stage V standard.

Managing forests in a sustainable manner in accordance with FSC standards is the priority and duty of the Contracting Authority. Considering that the procured equipment is a long-term investment for improving the capacities of the PE “Vojvodinašume”, the insistence on the application of the highest - Stage V standard - is fully justified, necessary and in line with the applicable procurement rules. In conclusion, the Contracting Authority maintains the position stated in the technical specification of the tender documentation.