

Rīga, 18 January 2019

No 6.1/2019 - 30

**Answer to the question from the interested supplier  
in open competition "Tax advisory and reporting services for RB Rail AS  
in 2019-2020", identification number RBR 2018/31**

RB Rail AS presents following answer to the question received until 18 January 2019 from the interested supplier:

No	Questions	Answers
1.	Can you please specify what is considered under „certified copy“ of diploma in clause 8.4.1.4.1? Does it need to be notarized document or is there some other way for us to certify the diplomas?	Procurement commission indicates that in accordance with Section 12.4 of the open competition "Tax advisory and reporting services for RB Rail AS in 2019-2020" regulations (hereinafter – Regulations) any copy of the document that is enclosed to the proposal for the open competition can be certified by Tenderer itself if it is applicable by the legislation of the respective country.
2.	In which form should be the statements gathered from the competent authorities regarding Section 8 of the Regulations? Do these statements need to be electronically signed and if yes, can they be digitally signed? Or is some other way of information sufficient as well (for example registry outtakes)?	Procurement commission indicates that statements or other documents issued by competent authority may be submitted in the form which competent authority issues statements: signed statements in paper or digitally signed electronic statements. If Tenderer submits scanned signed statement in paper, Tender should certify that derivative of the document is correct and matches the original.  Please take into account that there is no obligation to submit any documents mentioned in Section 8.1.1 of the Regulations unless these documents are specifically requested by the Procurement commission.

3.	Do you have any suggestions which would be competent authorities regarding clauses 8.1.1 (Criminal Records Database?), 8.1.6, 8.1.7. and 8.1.8? Would we need to get the statements regarding our entity and as well as board or council member, representative etc in clause 8.1.1?	Procurement commission indicates that to identify evidences and authorities in charge for issue of such evidences required for confirmation of non-existence of the exclusion grounds for the Tenderer, you can use eCertis system (a mapping tool used to identify and compare certificates requested in public procurement procedures across the EU): <a href="https://ec.europa.eu/tools/ecertis/search">https://ec.europa.eu/tools/ecertis/search</a> .  Please take into account that there is no obligation to submit any documents mentioned in Section 8.1.1 of the Regulations unless these documents are specifically requested by the Procurement commission.
4.	Part one contains services (payroll) that require a Data Processing Agreement (DPA) that we are obliged to sign with our clients when offering certain services. If we are legally required to add this DPA to the contract would it still be possible for us to submit a Proposal?	Procurement commission indicates that Data Processing Agreements in each part of open competition is obligatory and will be concluded between Contracting authority from one side and Tenderer to whom the contract will be awarded from another side additionally to the Procurement contract.
5.	Our Terms of Business document states that <i>"Our total liability (including interest) for all claims connected with the services or the agreement (including but not limited to negligence) is limited to twice the fees payable for the services or the actual damages whichever is the lesser."</i> Would it be possible to make a proposal with this liability cap (i.e twice the fee), although clause 11.6 on page 92 (in draft contract) states that the Liability Cap is 500 000 EUR?	Procurement commission indicates that Liability Cap has been determined by evaluating all possible risks of failure to fulfil obligations/ duties or poor performance of obligations/ duties and possible damages that could be caused by this failure to other party. Considering the fact mentioned before, Procurement commission believes that Liability Cap is stated proportionately with the possible impact of the failure and Tenderer submitting the Proposal should take into account.

Procurement commission chairperson



V. Kļaviņa