

Rīga, 26 July 2017

No 6.1/2017- 364

**Answers to the questions from the interested suppliers
in open competition "Legal Services" ID. No RBR 2017/20**

RB Rail AS presents the following answers to the questions received until 26 July 2017 from the interested suppliers:

No	Questions	Answers
1.	For Procurement part 1; and pertinent to the Regulations outlining the proposal of an expert team; would a Tenderer be able to compete/provide legal services without suggesting a group of local experts?	For Procurement part 1 the Tenderer should be able to compete/provide legal services if each of experts will have experience mentioned in the Technical Specification in the particular country. It is not necessary that the expert is from particular country but he/she shall be expert in particular service line in particular country what shall be proved by expert's experience performing projects in particular country.
2.	In Estonia, a new Public Procurement Act will come into force on 1 September 2017. Does the contracting authority require the Case Study to be based on the new act?	Yes, the case study shall be based on new Public Procurement Act of the Republic of Estonia, which will come into force on 1 September 2017.
3.	Sub-section 7.1.4 of the Regulation states that the Tenderer can be excluded from participation in the Procurement, if the person that has prepared the Procurement documents, member of the Procurement commission or an expert is connected with the Tenderer in the following cases: "if he or she is a current or an ex-employee, official, shareholder, procure holder or member of a Tenderer or a subcontractor, which are legal persons and such relationship with the legal person terminated within the least 24 months". Please provide wider explanation of the following terms: "procure holder", "member of a Tenderer", and "subcontractor"?	According to the Section 42 of the Public Procurement Law and as well as the Section 2 Clause 2.12. of the Regulations of the Cabinet of Ministers No 107 "Regulations for Application of the Procurement Procedures and Design Contests", dated 28 February 2017., the Contracting Authority has included Tenderer's exclusion grounds. All terms mentioned in Section 7.1, including "procure holder", "member of a Tenderer" and "subcontractor", shall be interpreted within the meaning of provisions of the Public Procurement Law.
4.	In section 3.1 of Annex No 3 (Terms of Reference) of the Regulation is specified the minimum level of requirements for the experts, namely, they are required to have following professional experience: "3 years within the period of last 5 years as senior lawyer or higher". Please provide wider explanation on the term "senior lawyer",	"Senior lawyer" is lawyer, who: 1) as employee or self-employed person who provides his/her services to the law firm or a company in the role of middle or senior manager (for example, a senior lawyer or a manager); or

	especially in relation to the lawyer's practice at a law firm, and lawyer's practice before joining any law firm?	<p>2) he/she is holding a management position at state or municipal authority (for example, a head of a unit or department); or</p> <p>3) he/she has the rights to pass autonomous decisions; or</p> <p>4) he/she is in charge of one or several employees; or he/she has right to delegate the tasks to other people or subordinates and to monitor how tasks are performed.</p>
5.	Is it required to indicate all the persons that potentially might be involved in the implementation of the work including legal associates, project managers, assistants and highly qualified lawyers, who will provide consultation for experts indicated in the tender?	<p>It is not forbidden to indicate all the persons which might be involved in providing legal services but the tenderer shall indicate experts in services lines which will be liable in respect to the provided legal services in relevant service line.</p> <p>Please note that Procurement Commission will evaluate only those persons (experts), which are required in the Regulations.</p>
6.	<p>Section 17.12.1.(a)(b) of the procurement regulation states that maximum experience score one expert can receive is 6 points. Maximum experience score all experts from one proposal can receive are 30 points. Annex No.1.A: "Application for procurement part 1" requires to name 1 expert from every country in every service line (15 experts in total).</p> <p>Does an "expert" in context of Section 17.12.1. (a)(b) of the procurement regulation means 3 experts (from every country) in one service line? That is – maximum points one expert from one country in each service line can get is 2?</p>	<p>No, "expert" in context of Section 17.12.1 (a) and (b) of the Regulations means each of experts in each country and service line. That is – maximum points one expert can get from one country in each service line is 6.</p>

Procurement commission chairman



Mārtiņš Blaus