

Rīga, 22 January 2018

**Answers to the questions from the interested suppliers
in open competition "Risk management framework"
ID. No RBR 2017/24**

RB Rail AS presents the following answers to the questions received until 22 January 2017 from the interested suppliers:

No	Questions	Answers
1.	<p>We are interested in participation of the tender "Risk Management framework" (identification No RBR 2017/24). However, we would like to pay attention to the mentioned tender's regulation, the average turnover of the company shall be not less than 250.000,00 EUR while the insurance policy – 10.000.000,00 EUR which seems disproportionate. Also, according to other tenders issued by "RB RAIL AS" the value seems to be very high, especially bearing in mind the scope of works and the insurance policy. Therefore, it seems to be considered that assessor shall bear the liability of others who shall (in our opinion) bear the liability: designers, construction companies, etc. Thus, we would like to know if it is possible to include a commitment to the tender's regulation to get this liability instead of the insurance policy.</p>	<p>According to the Public Procurement law, procurement commission is entitled to require Tenderer's financial turnover (<i>in the amount of two estimated contract prices</i>) and professional indemnity insurance (<i>amount is not specified, but proportionality principle must be applied</i>). Considering the subject of the open competition and type of services the procurement commission concluded that insurance policy in the amount of 10 000 000,00 EUR (ten million <i>euro</i>) per claim and policy period for open competition "Risk management framework" is appropriate.</p> <p>Procurement commission indicates that Service Provider shall:</p> <p>(a) insure or increase its insurance against its commercial liability under Clause 17.2 and/or Clause 17.3/ of the agreement; (b) insure or increase its insurance against public/third party liability.</p> <p>Procurement commission informs that commitment instead of Professional risk indemnity insurance cannot be included. According to the Regulations "The Tenderer should have a valid Professional risk indemnity insurance with limit of liability of at least 10 000 000,00 EUR (ten million <i>euro</i>) per claim and policy period and with extended reporting period 5 (five) years."</p>
2.	<p>We are interested in participation of the tender "Risk Management framework" (identification No RBR 2017/24). After assessment of tender regulations, considering the short time to deliver tenders' documentation and requirements, we kindly ask for a possibility to extend deadline for the</p>	<p>Procurement commission informs that proposal submission deadline will be prolonged till 2 February, 2018 to ensure that all tenderer's have sufficient time to register in the E-Tenders system.</p>

	mentioned tender for 4 weeks. We are very interested in this project, so we would like to gain more time to be able to prepare all documents properly. Hoping to receive a positive answer on this matter.	
3.	<p>Can you please confirm that answers to questions related to who can submit the Tender have been wrong and that this function can't be sub-contracted due technicalities of E-tender system.</p> <p>We look forward to your response to this issue as this change the ground rules significantly due the fact, that answers from 9th and 16th of January were taken in account in order to prepare the proposal (which is almost ready for us) and arrange necessary documentations. I understand, that there are two options in consideration:</p> <ul style="list-style-type: none"> - Extending the period of submission; - Changing the tender rules, so submitting the documents in E-tender system can be sub-contracted. <p>Either option would be welcome in order for us and our partners to be able to submit a proposal in time.</p>	<p>Procurement commission confirm that the tenderer must technically submit the tender by himself, as the tenderer's name will appear automatically in the opening of the proposals.</p> <p>Procurement commission informs that proposal submission deadline will be prolonged till 2 February,2018 to ensure that all tenderer's have sufficient time to register in the E-Tenders system.</p>
4.	As we understand that your suggested project value has recently been extended from 135,000-150,000 EUR to 135,000-1,000,000 EUR?	Procurement commission informs that estimated open competition price is not indicated in the open competition Regulations.
5.	We believe that the suggested project timescale of four months is insufficient to ensure that the new risk management arrangements are sufficiently embedded within the rail company and to implement a risk management system – it should be extended to 12 months.	<p>Open competition subject matter is to develop a Risk Management manual ("the Manual"), including strategy, policy and procedures. Subject matter does not include development of risk management system. According to the technical specification Section 3.3. the manual should include strategy document amalgamating the recommendations on future development of risk management function and associated operations <u>as well as Risk management system functional and technical requirements.</u> Development of the risk management system will be included in the other procurement.</p>

Procurement commission chairman



Mārtiņš Blaus