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**Answers to questions from the interested supplier
in open competition "Quality assessment study on usage of local mineral
materials for Rail Baltica Railway project",
identification number RBR 2018/24**

RB Rail AS presents following answers to questions received until 12 October 2018 from the interested supplier:

No	Questions	Answers
1.	<p>In the Annex No 1 and 2: Technical specifications (work package 1 objectives) a unreasonable limiting requirement has been stated as follows: <i>"For this purpose, sampling and testing must be carried out by the Consultant in Latvia/Lithuania."</i> This requirement is unreasonably limiting the participants to only use the capacity of the laboratories of these two stated countries and contradicts with the European Single Market principles. In the light of this, is it allowed to use external laboratories that comply with all the technical requirement set in the tender (8.4.1.2/8.4.2.2 and in the Tables 1 of Annex no 1 and 2), but are situated outside of Latvia/Lithuania?</p>	<p>Procurement commission indicates that testing may be carried out in any laboratory that meets requirements stipulated in Section 8.4.1.2 of the Regulations (or Section 8.4.2.2 of the Regulations for Part 2 of the Procurement). Procurement commission indicates that it follows from the subject-matter of the Part 1 of the Procurement that sampling must be carried out in Latvia, but there are no limitations where testing should be carried out.</p> <p>This information mentioned above identically refers to the Section 2.1.2 "Work Package 1" of the Technical specification for Part 2 of the Procurement (Annex 2).</p>
2.	<p>The work package 1 objectives states to select a total of 3x10 quarries (sand, gravel and dolomite/limestone) within the range of 60 km of the Rail Baltica corridor. At the same time these quarries must be able to provide DoP and DoC documentation for every product. Has the tenderer estimated the availability of these quarries in the set 60km range or is the reference report <i>"Supply of Mineral Materials for Rail Baltica in Latvia/Lithuania"</i> confirming the availability? In case its needed to extending the range, who will provide the range to be used, the Contracting authority or the Contractor?</p>	<p>Procurement commission indicates that the range where suitable quarries must be located can be extended only if appropriate quarries don't exist within the aforementioned range. In case there will be a need to extend the range, it will be decided by the Contracting authority after receiving a list of quarries from the Tenderer.</p> <p>When choosing quarries, the Tenderer shall study, review and use as a reference report "Supply of Mineral Materials for Rail Baltica in Latvia" (or report "Supply of Mineral Materials for Rail Baltica in Lithuania" for Part 2 of the procurement) where the ranges are listed.</p>

		<p>Report will be provided to Tenderer by Contracting authority.</p> <p>Procurement commission kindly asks to pay attention that the Tenderer must provide a list of at least 10 sand, 10 gravel and 10 dolomite/ limestone quarries to the Contracting authority for approval. The Contracting authority shall review the list and choose from it 5 sand, 5 gravel and 5 dolomite/ limestone quarries where sampling shall be carried out.</p> <p>This information mentioned above identically refers to the Section 2.1.2 "Work Package 1" of the Technical specification for Part 2 of the Procurement (Annex 2).</p>
3.	<p>Is it allowed to participate on the tender as single Supplier with a set of subcontractors not as group of Suppliers (partnership) in case the requirements no 8.4.1.1/8.4.2.1, 8.4.1.3.1/8.4.2.3.1, 8.4.1.3.2/8.4.2.3.2 and 8.4.1.3.3/8.4.2.3.3 will be fulfilled by the subcontractors, not by the single Supplier? In this case the required information will be listed as single Supplier experience under Annex No 5-Description of the Tenderers experience and information about the subcontractors and its experts will be provided in the Annex No 6-Experience of the expert and Annex No 8-Subcontractors forms?</p>	<p>It is allowed to participate in the procurement as a single supplier, if the supplier meets requirements set in the Regulations by itself or by relying on the capacity of other entities. Before submitting the proposal procurement commission kindly asks to get acquainted with the differences between the partnership, the subcontractor and the entities on whose capacity tenderer relies.</p> <p>With a definition of "<u>Subcontractor</u>" procurement commission understands: A natural or legal person or combination of such persons regardless of the legal nature of their mutual relationship involved/ hired by tenderer or itself, <u>performing the part of the services</u> of the study agreement. With a definition of "<u>Entities on whose capacity Tenderer relies</u>" procurement commission understands: A natural or legal person or combination of such persons regardless of the legal nature of their mutual relationship that tenderer involves <u>in order to comply with the selection requirements for the tenderers</u> relating to the economic and financial standing and technical and professional ability (including the team of key experts).</p>

Procurement commission chairperson



V. Kļaviņa