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**Answers to the questions from the interested suppliers
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 answer to the question received until 17 October 2018 from the interested supplier:

No	Questions	Answers
1.	<p>As [...] seeks to participate in RB RAIL AS current tender "Quality assessment study on usage of local mineral materials for Rail Baltica Railway project" (ID No RBR 2018/24) and to fill the ESPD form as required in Regulations</p> <p>8.9. The Tenderer, to certify that it complies with the selection criteria for Tenderers, may submit the European single procurement document as initial proof. This document must be submitted electronically and for each person upon whose capacity the Tenderer relies to certify it's compliance with the requirements stipulated in the Regulations, and for each of their indicated subcontractors, the share of whose work is equal to or exceeds 10 % (ten per cent) of the value of the Contract, but if the Tenderer is a partnership – for each member thereof. To fill in the European single procedure document the Tenderer uses the "ESPD.xml" file at the Internet webpage https://ec.europa.eu/tools/espd/filter?lang=en.</p> <p>But we could not find the file to import to the ESPD filling system (there is no such file in EPS), could You help us with this issue - by telling or sending this file?</p>	<p>Procurement commission indicates that in case when tenderer choses to submit European single procurement document (hereinafter – ESPD) as initial proof, it has to create and submit an ESPD as an ESPD response document. Please visit ESPD online tool: https://ec.europa.eu/tools/espd/filter?lang=en and follow these instructions -> click button "I am an economic operator" -> then "Create response".</p>
2.	<p>In order we are going to participate in "Quality assessment study on usage of local mineral materials for Rail Baltica Railway project" competition, we would like to know if this proposal (bid) security is good? (attached).</p>	<p>At this stage Procurement commission is not entitled confirm whether your presented proposal (bid) security meets the requirements stipulated in the Regulations, as Procurement commission does not provide</p>

		<p>evaluation of proposals before their submission.</p> <p>However, Procurement commission does not see any controversy with the Regulations in it. Please, note that this explanation is informative, and it is not binding on the Procurement commission. Evaluation of submitted proposals will be provided only after receipt of all proposals during the evaluation process.</p>
3.	<p>Our bank has told that because of the requirement (11.4.5. – references to the Latvian law) they need to involve their Latvian branch for the preparation of such letter. As such they told that having this letter ready by the 23.10 is not doable. Also none of the insurance providers in [...] (called through all the largest providers on the market) are able to provide such policy for us, some just say that this type of policy is not in their portfolio (hence they are not allowed to give out this type of policies) and some say that they cannot give out such policies as these are governed by the laws outside of [...]. We have also tried the largest Latvian insurance providers [...], but they have told no and explained that they cannot provide it to foreign companies and have directed us back to our [...] insurance companies.</p> <p>In order to make it possible for us to participate on the tender. Would it be possible as an alternative to get a permission to:</p> <ol style="list-style-type: none"> 1) Transfer the proposal security directly to your RB Rail AS bank account based on the requirements stated in the Tender section 11; 2) Use notary account and their signed letter of confirmation that the security is available for you based on the requirements stated in the Tender section 11. 	<p>Procurement commission indicates that such options as direct transfer of the funds of proposal security to RB Rail AS bank account or use of notary account isn't foreseen by the Regulation of particular open competition therefore are not applicable.</p> <p>Since the Section 11.4.5. of the Regulations sets out standard condition for the proposal security (bank guaranty) and is not contrary to the Uniform Rules for Demand Guaranties, ICC Publication No.758, issued by the International Chamber of Commerce (ICC) and are widely accepted by financial institutions, Procurement commission does not see obstacles for obtaining such proposal security.</p> <p>Please address this answer to the financial institutions for obtaining proposal security.</p>

Procurement commission chairperson



V. Kļaviņa