

Rīga

28.10.2019

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**Answers to questions from interested suppliers  
in competitive procedure with negotiations "Notified Body (NoBo)  
services for Rail Baltica trackside infrastructure  
TSI conformity assessment (verification)",  
identification number RBR 2019/19**

RB Rail AS presents following answers to the questions received from the interested suppliers until 28 October 2019:

Nr.	Questions	Answers
1.	<p>In section 4.1.3 (2) of the Candidate Selection Regulation, it is mentioned that "For each TSI a dedicated Lead Assessor is required. Only competence of PRM TSI and SRT TSI could be delivered by other Lead Assessors." Do we understand correctly that for each listed TSI in this section, a different Lead Assessor has to be appointed conform the following example?</p> <ul style="list-style-type: none"> <li>• INF TSI: Lead Assessor A</li> <li>• PRM TSI: Lead Assessor B</li> <li>• SRT TSI: Lead Assessor C</li> <li>• ENE TSI: Lead Assessor D</li> <li>• CCS TSI: Lead Assessor E</li> </ul> <p>If our understanding is incorrect, could you please provide an example as above with the desired situation?</p>	<p>Procurement commission indicates that the combination of appointed Lead assessors provided by the interested supplier would meet the requirement stipulated in the Section 4.1.3 Sub-Section 2) of the competitive procedure with negotiations "Notified Body (NoBo) services for Rail Baltica trackside infrastructure TSI conformity assessment (verification)" (hereinafter – Competition) regulations (hereinafter – Regulations).</p> <p>Additionally, Procurement commission points out that <u>competence of PRM TSI and SRT TSI could be delivered by other Lead Assessors</u> (please see note "NB!" in Section 4.1.3 Sub-Section 2) of the Regulations). In accordance with note mentioned before for example combination like this is allowed as well:</p> <ul style="list-style-type: none"> <li>• INF TSI: Lead Assessor A</li> <li>• PRM TSI: Lead Assessor A</li> <li>• SRT TSI: Lead Assessor C</li> <li>• ENE TSI: Lead Assessor C</li> <li>• CCS TSI: Lead Assessor E</li> </ul>

		<p>or</p> <ul style="list-style-type: none"> <li>• INF TSI: Lead Assessor A</li> <li>• PRM TSI: Lead Assessor A</li> <li>• SRT TSI: Lead Assessor A</li> <li>• ENE TSI: Lead Assessor D</li> <li>• CCS TSI: Lead Assessor E</li> </ul> <p>etc.</p>
2.	<p>Conform section 4.3.1 of the Candidate Selection Regulation, second bullet point in column "documents to be submitted", is it correct that in case the Candidate wishes to submit a bid as a partnership consisting of two entities, the audited annual reports from both entities are sufficient to comply with the required evidence? If not, please indicate the additional needed documents.</p>	<p>Procurement commission indicates that in accordance with Section 4.3.1 of the Regulations, if candidate is a partnership consisting of two members and confirms the average financial turnover jointly (<u>both will be financially and economically responsible for fulfilment of the contract</u>), annual reports must be submitted for each member of partnership. Annex No 5 of the Regulations "Confirmations of Candidates Financial Standing" must be submitted in any case.</p>
3.	<p>Does Rail Baltica allow Candidates to rely on the capacities of other entities to fulfill the evaluation criteria defined in section 13 of the Candidate Selection Regulation?</p>	<p>In accordance with Section 46, Paragraph 4 of the Public Procurement Law of the Republic of Latvia<sup>1</sup>, Candidate may rely on the capacities of other entities, only if such entities will provide services for the execution whereof the relevant capacities are necessary.</p>
4.	<p>A) What are the requirements of the in section 8.2.2 of the Candidate Selection Regulation mentioned electronic signature and time seal?</p> <p>B) Could you provide examples of compliant electronic signatures?</p>	<p>Procurement commission indicates that:</p> <p>a) if in the candidate's residence country candidate have possibility to sign official documents with electronic signature which as well includes time seal (information when the document has been signed), then candidate can submit application signed with mentioned electronic signature. As well candidate can use the signature which is provided in the Electronic Procurement System. In accordance with Section 8.2.2 of the Regulations candidate can use any of mentioned signature types to sign the application.</p> <p>b) in Latvia electronic signature is "eSignature" and document format is "edoc" (more information is available here: <a href="https://www.eparaksts.lv/en/">https://www.eparaksts.lv/en/</a>) but each country has different types and formats of electronic signatures.</p>

<sup>1</sup> Public Procurement Law of the Republic of Latvia. Available: <https://likumi.lv/doc.php?id=287760>

5.	<p>In the provided documentation, there is a document named "Iepirkuma priekšmeta (1.posma) prasības, 1.versija" which appears to be available only in Latvian language. Could you please elaborate on what this document is and what is expected from the Candidate regarding this document?</p>	<p>Procurement commission indicates that document named "Iepirkuma priekšmeta (1.posma) prasības, 1.versija" summarizes all the requirements and forms which need to be filled in as one set and is automatically generated by Electronic Procurement System. In principle, this file just backs up all documents added to the "Documents (actuals)" section.</p>
6.	<p>In 4.1.2 in the column "document to be submitted", it is mentioned that Annex 3 also has to be signed.</p> <p>a) Does it also has to be signed by using a E-signature or can it be hand-signed and scanned?</p> <p>b) Who is a dedicated person to sign it?</p>	<p>Procurement commission indicates that:</p> <p>a) Annex No 3 of the Regulations as well as other documents can be hand-signed and scanned but Electronic Procurement System before submission will request to sign all documents (documents as a whole) by using electronic signature provided by Electronic Procurement System (please see the Section 8.2.2 of the Regulations).</p> <p>b) Annex No 3 of the Regulations as well as other documents (except Annex No 4 and No 8 of the Regulations) and documents as a whole must be signed by representative of the candidate. Please refer to Section 8.2.2. of the Regulations - <u>The application (its parts, if signed separately) is signed by an authorised person, including their authorisation document (e.g. power of attorney) <i>expressis verbis</i> stating the authorisations to sign, submit and otherwise manage the documents.</u></p>
7.	<p>For each key expert a filled and signed Annex 4 is required.</p> <p>a) Does the key expert has to sign it by using a e-sign?</p> <p>b) Or is it also allowed to sign it per hand?</p>	<p>Procurement commission indicates that:</p> <p>a) key experts can sign Annex No 4 and Annex No 8 using secure electronic signature who contains time seal (Section 8.2.2 of the Regulations) but it is not mandatory, if Annexes mentioned before are hand-signed.</p> <p>b) it is allowed for key experts to sign Annex No 4 and Annex No 8 per hand.</p>
8.	<p>With reference to Annex No 5, Confirmation of Candidates Financial Standing, the formula for calculating the equity ratio does not contain a division but a subtraction. Please clarify.</p>	<p>Procurement commission indicates that according to requirement stipulated in Section 4.3.2 of the Regulations, <u>equity</u> (not equity ratio) of the Candidate shall be positive. Please calculate equity according to formula which is indicated in the Annex No 5 of the Regulations. The formula name "Equity ratio" indicated in the Annex No 5 of the</p>

		Regulations is inaccurate and it should be "Equity".
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Procurement commission chairperson



A. Benfelde