

Rīga

17.02.2020

Our Ref: 1.13p/LV-41

Answers to the questions provided by the Tenderers in the open competition „Detailed technical design review and design expertise services for Rail Baltica in Estonia”, Id No RBR 2019/14

RB Rail AS presents the following answers to the questions from the Tenderers:

No	Questions	Answers
1.	<p>Ref.to Clause 5. Subject matter of the open competition</p> <p>5.10. The delivery of the Detailed Technical Design Review and Design Expertise Services will mostly take place in Estonia. We understand that the services will be provided from the Consultants home office ensuring the presence of the key experts in Estonia for the relevant meetings. Please confirm.</p>	<p>Procurement commission hereby confirms that Service provider is not obliged to be located in Estonia for the provision of the Design Review and Design Expertise services. Nevertheless, Service provider shall ensure the presence of experts during all meetings necessary for the provision of the services and in full extent envisaged in Technical specification, Regulation and Draft Contract of the open competition (meetings most likely will take place in Estonia at Contracting Authority's premises).</p>
2.	<p>With respect to the „Technical and Professional Ability”, we kindly ask Rail Baltica (RB) to lower the requirement of Design Speed ≥ 201 Km/h since this particular clause wish to narrow down competition and sets the margin over the level for a single km that would enable more companies to qualify for the tender. In the context of best EU practice, RB should make change as it would reflect intention to provide equal grounds for competition and enable a wider range of participants to qualify.</p>	<p>Procurement commission hereby kindly explains, that the main aim of establishing requirement for the design speed ≥ 201 km/h (Section 7.4 of the open competition Regulations) is to ensure full compatibility with Rail Baltica Global project Design Guidelines and current ongoing Detailed Technical Designs in order to follow the Rail Baltica Global project standards. The respective requirement is commensurate, objective, completely justified and is not limiting the competition.</p> <p>Considering all previously mentioned, requirements established in Section 7.4. of the open competition Regulations</p>

		concerning speed ≥ 201 km/h shall remain unchanged.
3.	<p>With respect to the Clause "7. Selection Criteria for Tenderers" and specific to the clause "7.5 Team of Key Experts", we kindly ask Rail Baltica (RB) to lower the requirement of Design Speed ≥ 201 Km/h for the Key Experts since this particular clause wish to narrow down competition and sets the margin over the level for a single km that would enable more companies to qualify for the tender. In the context of best EU practice, RB should make change as it would reflect intention to provide equal grounds for competition and enable a wider range of participants to qualify.</p>	<p>Procurement commission hereby kindly explains, that the main aim of establishing requirement for the Design speed ≥ 201 km/h (Section 7.4. and 7.5 of Regulation) is to ensure Key Expert competence with proven experience that would be in a full compatibility with Rail Baltica Global project Design Guidelines and current ongoing Detailed Technical Designs. Procurement commission would like to note that there is no intention to narrow down the competition, but to follow Rail Baltica Global project standards.</p> <p>Thus, the respective requirement is commensurate, objective, completely justified and is not limiting the competition.</p> <p>Considering all previously mentioned, requirements established in Section 7.5. of the open competition Regulations concerning speed ≥ 201 km/h shall remain unchanged.</p>

Document is approved by Procurement commission's decision made on 17 February 2020, Session minutes No 5, and is valid without signature.