

Rīga

25.02.2020

Our Ref: 1.13p/LV-55

**Answers to the questions provided by the Tenderers in the open competition „Detailed technical design review and design expertise services for Rail Baltica in Lithuania”, Id No RBR 2019/15**

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

No	Questions	Answers
1.	<p>Taking into consideration that the subject-matter of procurement RBR 2019/15 "Detailed Technical Design Review and Design Expertise Services for Rail Baltica in Lithuania" provides: 1) review of design solutions and 2) provision of expertise service, please specify which construction specialists and with which competencies and qualifications for mentioned services must be provided by the Tenderer?</p> <p>In the Republic of Lithuania, the design examination shall be carried out in accordance with the following special regulations:</p> <ul style="list-style-type: none"> <li>• I-1240 Lietuvos Respublikos statybos įstatymas</li> <li>• I-323 Lietuvos Respublikos melioracijos įstatymas</li> <li>• MTR 1.05.01:2015 „Melioracijos statinių projekto ekspertizė ir melioracijos statinių ekspertizė.</li> <li>• TR 3.03.01:2005 "Nekilnojamojo kultūros paveldo statinio tvarkomųjų statybos darbų projekto ar tvarkomųjų paveldosaugos darbų projekto paveldosaugos (specialiosios) ekspertizės atlikimo taisyklės" patvirtinimo.</li> </ul> <p>In the territory of the Republic of Latvia there are following laws and regulations:</p> <ul style="list-style-type: none"> <li>- Construction law;</li> <li>- Railway construction regulations;</li> <li>- building construction regulations;</li> </ul>	<p>Procurement commission hereby kindly explains that <u>all necessary Key experts and their qualification/education, language knowledge and professional experience requirements are precisely defined in the Section 7.5.</u> of the open competition Regulations. Please note that the Tenderer shall ensure its compliance with the above-mentioned requirements in order to be recognized as compliant during the procurement procedure.</p> <p>In addition, in accordance with Clause 6.1.2., 6.2., 6.3. and 6.5. of the Technical Specification of open competition Regulations, for the provision of the Design Expertise Services, <u>in case the Tenderer is awarded with the contract signing rights, the Tenderer shall ensure involvement of all experts listed in Technical Specification (Table No 5 "Key-Experts" and Table No 6 "Required non-exhaustive Additional Experts"). All expert's professional competence (qualification) shall be acknowledged by the respective Lithuanian and Latvian (regarding the part of the bridge over the river Mūša, located in Latvia) authorities in accordance with respective legislation for experts proposed for the provision of the Design Expertise Services during the fulfilment of the contract, as required in Technical Specification.</u></p> <p>The Tenderer must provide services in accordance with all applicable legislation of the Republic of Lithuania and Latvia.</p>

	<ul style="list-style-type: none"> <li>- Road and street construction regulations;</li> <li>- Building regulations for individual engineering structures;</li> <li>- Construction regulations for hydrotechnical structures and drainage structures;</li> <li>- Construction regulations for power generation, transmission and distribution facilities.</li> </ul> <p>Execution of the Expert Services in accordance with the above-mentioned laws and regulations requires specific knowledge directly within the laws of Lithuania and the Republic of Latvia, and the provision of the service requires appropriate experience and language knowledge not available to experts required by the Tender Regulations but who has appropriate experience required by the Tenderer Regulations regarding the design review phase which, in turn, is not available to Lithuanian and Latvian construction design experts, as such projects have not been implemented in Latvia and Lithuania for 10 years.</p> <p>Please find the opportunity to amend the requirements of the Tender Regulations by setting additional requirements for the Tenderers regarding the provision of expertise services in the territories of Lithuania and Latvia.</p>	<p>Procurement commission would like to point out that the main aim of establishing respective qualification requirements for the Key Experts (Section 7.5 of the open competition Regulations) is to ensure Key Experts 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 considers that the current requirements established in Section 7.5 of the open competition Regulations in line with requirements established in Technical Specification are commensurate, objective, completely justified and is not limiting the competition and are sufficient to receive the services in a highest quality.</p> <p>Considering all previously mentioned, requirements established in Section 7.5. of the open competition Regulations concerning Key Experts shall remain unchanged.</p>
2.	<p>Article 5.3. of the Tender Regulations provides that the design expertise service shall be provided in accordance with the Construction Law of the Republic of Latvia, to which the special regulations of the Republic of Latvia are subordinated. How does the Client intend to receive the service if no technical and professional competences (SCCB certificate, experience and language knowledge) is required for operating in the field of expertise in the Republic of Latvia, but the subject-matter of the procurement clearly defines this?</p> <p>Referring to a presentation "Detailed technical design review and design services for Rail Baltica" with suppliers held in Riga 28.06.2019, please explain how and when are the expert with appropriate competencies mentioned in the presentation planned to be attracted? Is there a separate procurement planned for this service?</p> <p>Required field of Experts:</p> <ul style="list-style-type: none"> <li>- Project manager of Design expertise;</li> <li>- Building Design Expert;</li> <li>- Architectural Design Expert;</li> <li>- Structural Design expert for civil structures and tunnels;</li> </ul>	<p>Procurement commission hereby kindly explains that all necessary Key experts and their qualification/education, language knowledge and professional experience requirements are precisely defined in the Section 7.5. of the open competition Regulations. Please note that the Tenderer shall ensure its compliance with the above-mentioned requirements in order to be recognized as compliant during the procurement procedure.</p> <p>In addition, in accordance with Clause 6.1.2., 6.2., 6.3. and 6.5. of the Technical Specification of open competition Regulations, for the provision of the Design Expertise Services, <u>in case the Tenderer is awarded with the contract signing rights, the Tenderer shall ensure involvement of all experts listed in Technical Specification</u> (Table No 5 "Key-Experts" and Table No 6 "Required non-exhaustive Additional Experts"). <u>All expert's professional competence (qualification) shall be acknowledged by the respective Latvian authorities</u> (regarding the part of the bridge over the river Mūša, located in Latvia) in accordance with respective legislation</p>

	<ul style="list-style-type: none"> <li>- Highspeed railway track design expert 1435 mm;</li> <li>- Railway track design expert 1520mm;</li> <li>- Road design expert;</li> <li>- Water, stormwater, drainage and sewage design expert;</li> <li>- Land melioration and hydrotechnical expert;</li> <li>- Electrical power supply design expert for non-Traction power supply;</li> <li>- Railway catenary design expert;</li> <li>- Railway signaling design expert;</li> <li>- Low voltage (up to 1kV) power supply design expert;</li> <li>- Mid voltage (1-35kV) power supply design Expert;</li> <li>- High voltage (110 and more KV) power supply design Expert;</li> <li>- Network and telecommunications design expert;</li> <li>- Gas supply network (max pressure <math>\leq 1,6</math> [16 bar] design expert;</li> <li>- Gas supply network (max pressure <math>\geq 1,6</math> MPa [16 bar] design expert;</li> <li>- Mechanical design expert;</li> <li>- BIM System design expert (not required according to local legislation);</li> </ul> <p>Environmental expert.</p>	<p>for experts proposed for the provision of the Design Expertise Services during the fulfilment of the contract, as required. <u>The Tenderer must provide services in accordance with all applicable legislation of the Republic of Lithuanian and Latvia.</u></p> <p>In addition, Procurement commission would like to note, that only small part of the whole scope of works (part of the bridge over the river Mūša located in Latvia) shall be done in accordance with Latvian legislation.</p> <p>As regards list of experts listed in your letter, Procurement commission kindly notes, that this information has been updated since market research and meeting with interested suppliers, thus the Tenderer shall refer to the current requirements established in Clause 6.4. (Table 6) of the Technical specification. List with Additional experts is non-exhaustive and can be extended by ESP if it is necessary to perform services according to the respective national legislation. No separate procurement is planned regarding involvement of any additional experts for the provision of the respective services.</p> <p>Procurement commission would like to point out that the main aim of establishing respective qualification requirements for the Key Experts (Section 7.5 of the open competition Regulations) is to ensure Key Experts 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 considers that the current requirements established in Section 7.5 of the open competition Regulations are commensurate, objective, completely justified and is not limiting the competition and are sufficient to receive the services in a highest quality.</p>
3.	<p>Could you confirm that the key experts have to be qualified in relevant area to provide Design Expertise Services in accordance with European Qualification Framework and not have necessary certificates or/and other legal recognition</p>	<p>Procurement commission kindly explains that in accordance with Section 7.5. of the open competition Regulations <u>Key experts shall have professional qualification/education according to the Country's (Country, where the</u></p>

<p>documents in accordance to the Estonia legislation ? There is discrepancy between the § 6.2 and the table 5 (Annex 3 : Technical specification) and the document 7. Regulations with amendments §7.2.</p>	<p><u>qualification/education has been obtained) legislation for the provision of respective services in the field of his/her expertise (if necessary, by the respective Country's legislation).</u></p> <p>Thus, in case the Tenderer involves foreign Key experts (e.g. in case the qualification/education has been obtained outside Lithuania) <u>in order to participate in the open competition (during the procurement stage), it is not mandatory for such experts to be certified / qualified or have respective education obtained in accordance with Lithuanian legislation.</u> Such foreign experts shall only have professional qualification/education obtained according to the Country's (Country, where the qualification/education has been obtained) legislation, in order to participate in the procurement.</p> <p>In accordance with Clause 6.1.2., 6.2., 6.3. and 6.5. of the Technical Specification of open competition Regulations, for the provision of the Design Expertise Services, <u>in case the Tenderer is awarded with the contract signing rights, the Tenderer shall follow requirements established in Technical Specification (Table No 5 "Key-Experts" and Table No 6 "Required non-exhaustive Additional Experts") and experts professional competence (qualification) shall be acknowledged by the respective Lithuanian and Latvian (for the part of the bridge over the river Mūša located in Latvia) authorities</u> in accordance with respective legislation for experts proposed for the provision of the Design Expertise Services during the fulfilment of the contract, as required in Technical Specification.</p> <p>As regards discrepancies, Procurement Commission does not find any discrepancies between Clause 6.2. -table 5 "Key-Experts" of the Technical Specification and Clause 7.2. "Legal standing and suitability to pursue the professional activity" of the Regulations.</p> <p>If assuming that the Tenderer considers that there are discrepancies between Section 7.5. of the open competition Regulations and Technical Specification documentation, Procurement commission notes that there are</p>
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		no discrepancies between both documents and requirements, as Section 7.5. defines requirements to be fulfilled for participation in the procurement (during the procurement stage) and in Technical specification – for the contract fulfilment.
4.	Is a postponement possible ?	Hereby Procurement commission informs that it has made a decision to extend the date for submission of proposals. The time for submission of proposals will be extended till 23.03.2020. Please follow up the information provided in the E-Tender system and RB Rail AS webpage.
5.	Regulations 15.1: extension 1 month	Hereby Procurement commission informs that it has made a decision to extend the date for submission of proposals. The time for submission of proposals will be extended till 23.03.2020. Please follow up the information provided in the E-Tender system and RB Rail AS webpage.
6.	Regulations & Annex 3: 7.2, Could you confirm that the key experts have to be qualified in relevant area to provide Design Expertise Services in accordance with European Qualification Framework and not have necessary certificates or/and other legal recognition documents in accordance to the Estonia legislation ? There is discrepancy between the § 6.2 and the table 5 (Annex 3: Technical specification) and the document 7. Regulations with amendments §7.2.	<p>Procurement commission kindly explains that in accordance with Section 7.5. of the open competition Regulations <u>Key experts shall have professional qualification/education according to the Country's (Country, where the qualification/education has been obtained) legislation for the provision of respective services in the field of his/her expertise</u> (if necessary, by the respective Country's legislation).</p> <p>Thus, in case the Tenderer involves foreign Key experts (e.g. in case the qualification/education has been obtained outside Lithuania) <u>in order to participate in the open competition (during the procurement stage), it is not mandatory for such experts to be certified / qualified or have respective education obtained in accordance with Lithuanian legislation.</u> Such foreign experts shall only have professional qualification/education obtained according to the Country's (Country, where the qualification/education has been obtained) legislation, in order to participate in the procurement.</p> <p>In accordance with Clause 6.1.2., 6.2., 6.3. and 6.5. of the Technical Specification of open competition Regulations, for the provision of</p>

		<p>the Design Expertise Services, <u>in case the Tenderer is awarded with the contract signing rights, the Tenderer shall follow requirements established in Technical Specification (Table No 5 "Key-Experts" and Table No 6 "Required non-exhaustive Additional Experts") and experts professional competence (qualification) shall be acknowledged by the respective Lithuanian and Latvian (for the part of the bridge over the river Mūša located in Latvia) authorities</u> in accordance with respective legislation for experts proposed for the provision of the Design Expertise Services during the fulfilment of the contract, as required in Technical Specification.</p> <p>As regards discrepancies, Procurement Commission does not find any discrepancies between Clause 6.2. -table 5 "Key-Experts" of the Technical Specification and Clause 7.2. "Legal standing and suitability to pursue the professional activity" of the Regulations.</p> <p>If assuming that the Tenderer considers that there are discrepancies between Section 7.5. of the open competition Regulations and Technical Specification documentation, Procurement commission notes that there are no discrepancies between both documents and requirements, as Section 7.5. defines requirements to be fulfilled for participation in the procurement (during the procurement stage) and in Technical specification – for the contract fulfilment.</p>
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Document is approved by Procurement commission's decision made on 25 February 2020, Session minutes No 9, and is valid without signature.