

Riga

05.05.2020

Our Ref: 1.13p/LV-108

Answers to questions from the interested suppliers in competitive procedure with negotiations "Engineering services for preparation, procurement and supervision of Rail Baltica energy subsystem deployment", identification number RBR 2020/10

RB Rail AS presents following answers to the questions received from the interested suppliers until 29 April 2020:

Nr.	Questions	Answers
1.	<p><i>Section 4.3.1.</i> <i>Documents to be submitted: Audited or self-approved by a Candidate (only in case when the audited report is not required by the law of the country of residence of the Candidate) annual reports for financial years 2017, 2018, 2019 showing the turnover of the Candidate and each member of the partnership on whose abilities the Candidate is relying to certify its financial and economic performance and who will be financially responsible for the execution of the Contract (if the Candidate is a partnership) and a company on whose capacities the Candidate is relying to certify its financial and economic performance.</i></p> <p>Please notice that audited annual reports have not been disclosed yet, thus we will not able to provide the Audited Annual Report for the year 2019 in due time for this Application submission deadline. Auditing results in Spain are not usually disclosed till midyear and given the current pandemic situation we cannot forecast when an independent audit will finally be completed.</p> <p>Therefore, we propose two solutions:</p> <ul style="list-style-type: none"> - Submitting audited annual reports for financial years 2016, 2017 and 2018 or - Submitting audited annual reports for financial years 2017 and 2018, and internal Balance Sheets and Results for the year 2019, which will be very approximative to the 	<p>Procurement commission hereby explains, that in case the audited annual financial statement for the financial year 2019 according to the law of the country of residence of the Candidate is not available on the Proposal submission date, the Candidate can submit self-approved financial documents showing the annual turnover of the Candidate for the financial year 2019. According to the mentioned above, Procurement commission will accept internal Balance Sheets and Results for the year 2019 signed by Candidate's authorised person.</p>

	final audit.	
2.	<p><i>Section 4.4.2. of the Exclusion Grounds Requirement: It has been detected that on the last day of the term for submitting applications (1st stage) or on the day when a decision has been made on possible granting of rights to conclude the procurement contract (2nd stage), the candidate has tax debts in Latvia or a country where it has been incorporated or is permanently residing, including debts of mandatory state social insurance contributions exceeding 150 euro in total in any of the countries.</i></p> <p>Submitting certificates from competent authorities showing the status of the Candidate's tax and social insurance contributions on the last day for submitting applications means that such certificates should be requested to the competent authorities of the very same day of the application submission and then translated into English. This implies the risk of not receiving the certificates on time and/or not having enough time to translate them. Thus, we kindly request to accept the submission of certificates dated at least during one week before the last day of the term for submitting the applications.</p>	<p>Procurement commission hereby explains, that in accordance with Clause 4.6. of the Regulations, notices and other documents, which are issued by foreign competent institutions, are accepted and recognized by the procurement commission, if they are issued no earlier than 6 (six) months prior to submission thereof or if the notice contains a shorter validity term.</p> <p>Thus, certificate which is issued before submitting the application and meets requirements mentioned above will be recognized by Procurement commission.</p> <p>Please note, that Candidate in order to certify that it complies with the selection criteria stipulated in the Regulations, may submit the European Single Procurement Document (ESPD) as initial proof. Thus, Candidate has to submit appropriate documents from the competent authority of the country of registration or residence later - during the verification of application, upon the request of the Procurement commission.</p>
3.	<p>According to Section 10.1 regarding Submission of Applications, the Application shall be submitted by 11 May 2020 before 15:00 o'clock (Riga time).</p> <p>In order to have time enough to collect all the requested documentation, we would like to request a two-weeks extension of the submission deadline.</p>	<p>Hereby Procurement commission informs that it has been decided to amend the Regulations and to extend the date for submission of Applications.</p> <p>Please follow the information provided in E-Tender system.</p>
4.	Please provide Annex 8 in editable format (.docx).	Please find attached Annex 8 in editable format (.docx) to this letter.
5.	Is it allowed to use the same project reference to fulfil several requirements? E.g. Project A, which fulfils requirements as per 4.1.1, automatically fulfils also requirements as per 4.1.2 and 4.1.3. In this case, Project A would be prepared using the applicable annexes / templates for the specific requirements.	In order to prove compliance with the requirements set in Clause 4.1.1., 4.1.2. and 4.1.3. of the Regulations, Candidate can use the same reference project.
6.	In page 7 of "CANDIDATE SELECTION REGULATION", requirement 4.1.4 asks for "160 km of OCS". Nonetheless, in Annex N°3 (page 28), Annex N° 4 (page 30), Annex N°5 (page 32), and Annex N°7 (page 35), it is required "170 km if OCS". Please, clarify.	Procurement commission clarifies that reference project which is requested in Clauses 4.1.1., 4.1.2. 4.1.3., 13.1.1, 13.1.2 and 13.1.3. of the Regulations has to comply with requirement "160 km of OCS" set in Clause 4.1.4 b). Requirements of "170 km of OCS" set in Annexes 3,4,5 and 7 shall

		be considered as typos and corrected accordingly.
7.	Our understanding is that projects to fulfil 4.1.1, 4.1.2, 4.1.3 and 4.1.5 don't need to be different. That is to say, if a project fulfils conditions in 4.1.1, 4.1.2, 4.1.3 and 4.1.5, it can be repeated. Please confirm if our understanding is correct.	Yes, that is correct.
8.	Our understanding is that projects to fulfil 13.1.1; 13.1.2; and 13.1.3 don't need to be different. That is to say, if a project fulfils conditions in 13.1.1; 13.1.2; and 13.1.3, it can be repeated. Please confirm if our understanding is correct.	Yes, that is correct. However, the project that has been proposed for evaluation under Clause 13.1.1 of the Regulations cannot be the same as proposed to comply with Clause 4.1.2. of the Regulations and the project that has been proposed for evaluation under Clause 13.1.3 of the Regulations cannot be the same as proposed to comply with Clause 4.1.3. of the Regulations.
9.	Our understanding is that projects to fulfil 4.1.1 and 13.1.2 don't need to be different. That is to say, if a single project fulfils conditions in 4.1.1 and conditions in 13.1.2, it can be repeated. Please confirm if our understanding is correct.	Yes, that is correct.
10.	According to section 13.1.3 of the Regulation, only filled annex nº5 and description (not more than 2 pages per project) are needed. Therefore, there is no need to attach reference letters from the Clients proving the usage of the software tool (that is to say, this requirement applies to 4.1.3 but not to 13.1.3). Please confirm if our understanding is correct.	Yes, that is correct.
11.	In these annexes it is indicated at the bottom of the page <i>"Annex: Description (not more than 2 pages per reference project)"</i> . The template of Annexes provided already occupies more than 2 pages. Our understanding is that we must fill in the tables included in the provided template (with no page limit), and then we must attach a general description of the project of no more than 2 pages. Please confirm if our understanding is correct or explain otherwise.	Yes, that is correct.
12.	<i>According to section 4.8 "The Candidate, in order to certify that it complies with the selection criteria for Candidates, may submit the European Single Procurement Document (ESPD) as initial proof."</i> Please confirm that points included in section 4.4 Exclusion Grounds "Selection Criteria for Candidates" can be covered by the ESPD.	Procurement commission clarifies, that in order to certify that Candidate is not subject to exclusion grounds set in section 4.4 of Regulations, Candidate can submit European Single Procurement Document (ESPD) as initial proof. Thus, Candidate has to submit appropriate documents from the competent authority of the country of

		registration or residence later - during the verification of application, upon the request of the Procurement commission.
13.	Our company is in the process of approving the 2019 financial statements, since our National Law allows the approval of annual accounts until June 30, 2020. It is requested to be able to present the audited financial statements for the years prior to 2019, that is to say, 2016, 2017 and 2018. Please confirm.	Procurement commission hereby explains, that in case the audited annual financial statement for the financial year 2019 according to the law of the country of residence of the Candidate is not available on the Proposal submission date, the Candidate can submit self-approved financial documents showing the annual turnover of the Candidate for the financial year 2019. Please note, that the Candidate should submit document confirming the right of respective person to approve above mentioned financial statement.

Sincerely,

Procurement commission chairperson

A. Benfelde

THIS DOCUMENT HAS BEEN SIGNED WITH A SAFE ELECTRONIC SIGNATURE
AND CONTAINS A TIME-STAMP