

Rīga

11.05.2020

Our Ref: 1.13p/LV-112

Answers to the questions from the interested suppliers No 3

RB Rail AS presents the following answers to the questions received within open *competition* **“Expert services for Rail Baltica Global Project” ID No RBR 2020/8** until 11 May 2020 from the interested suppliers:

No	Questions	Answers
1.	Ad annex No.4: Can the project references be understood as company-related as well as expert-related? In other words: Does a project reference count if it was carried out by our expert who works in our company but has implemented the project in his previous career?	Please see “Answers to the questions from the interested suppliers No 2” dated on 07.05.2020 Answer given to question No.1. Procurement commission clarifies that experience of the tenderer (company) is not the same as the experience of the expert. The tenderer may rely on the capabilities (including previous experience) only in case, if this expert has gained experience as a contracting entity (was legally responsible for the fulfilment of the contract under which respective experience was gained) and will be involved in the provision of expert services as a member of a partnership (consortium) or as subcontractor. If the expert has gained experience as an employee or is continuing his professional career as an employee, previous experience can't be transmitted in this case. Please be aware that experience for the experts involved in the provision of specific expert services will be asked before launch of particular assignment order after framework agreement will be concluded with the winners of this competition. Tenderer is free to choose resources and type of legal bounds how to enter for competition.
2.	Ad annex No.4: We have understood that at this stage only descriptions of the project references are requested as the document states that <i>annexes attached by the Tenderer are on its own discretion.</i> Our assumption therefore is that at this stage no additional documents are mandatory. Is our understanding correct?	Please see “Answers to the questions from the interested suppliers No 2” dated on 07.05.2020 Answer given to question No.2. Procurement commission would like to refer to Clause 8.5. where stated, that “.... Technical and professional ability (Section 8.4 of the Regulations) shall be clear and understandable without any additional analysis or external proof of the submitted information. The Contracting authority shall not be obliged to use additional sources of information to decide regarding Tenderer's compliance with the qualification requirements. The

		Tenderer shall remain fully responsible for the <u>provision of sufficiently detailed information</u> in the Proposal required to confirm clearly the compliance with qualification requirements set in the Regulations.
3.	<p>Ad annex No.2 (page 46): The table in chapter 3 asks for "Max. Expert Hourly rate".</p> <ul style="list-style-type: none"> o Is it possible to indicate a separate hourly rate for subcontractors? o As most lots ask for different experts within the lot we would like to know if the hourly rate has to be the same for each expert in this lot or if the different roles can have different rates (e.g. a different rate for the EIA expert and the archaeological expert in Lot 1)? 	<p>Please see <i>"Answers to the questions from the interested suppliers No 2" dated on 07.05.2020 Answer given to question No. 3.</i></p> <p>Procurement commission clarifies, that according to Clause 11.2. of Regulations the Tenderer shall indicate only one maximum hourly rate for each lot. Other rates shall not be indicated.</p> <p>Please note, that after contract award and during direct award or mini-competition procedures for the fulfilment of the specific tasks maximum hourly rate may be decreased according to specific task and team of experts involved in the provision of services. There are not planned to ask for different rates.</p>
4.	Following the tender for expert services for the Rail Baltica Global Project (IDENTIFICATION NO RBR 2020/8), could you please explain if legal services under Polish law are part of the services contemplated under procurement lot no. 18 or any other lot?	Procurement Commission clarifies that subject matter of the Lot 18 and other lots does not intend to provide services specifically according to Polish law.
5.	Have we understood correctly, that in this procurement (RBR 2020/8 - Lot No 17: Railway digital innovations) RailBaltica is interested to receive multiple with railway digitalization and use of autonomous systems related expert services (hourly fee for the expert services), that are not limited to IT experts and Transport engineers (as stated in page no. 39 of RBR 2020/8) and we can submit bid for expert services, that we feel as suitable for railway digitalization, like 3D mapping experts, LiDAR sensing experts, Unmanned systems experts, IoT experts, Autonomous systems (robotics) experts, Cyber security experts etc.?	Procurement commission clarifies, if the interested supplier has team of experts which covers all required fields of expertise stated in Regulations and meet the qualification requirements for the particular Lot, it can apply. Please read carefully Technical specification (Annex No 1 to Regulations) and qualification requirements for the tenderers.

6.	<p>According to Regulations Clause 2.7, I would like to request the following information:</p> <ul style="list-style-type: none"> - the maximum budget of 8177000 EUR is referred to each single lot or to the sum of all 19 lots? 	<p>Procurement Commission clarifies, that the maximum budget is estimated for all 19 Lots.</p>
7.	<p>Would it be possible to have a video call to go through the tender lots? I would like to know exactly how we can participate for the 3 intermodal projects. As a subcontractor for our OCR system under the umbrella of a TIER 1 contractor for example. Or any other position.</p>	<p>Procurement Commission clarifies, that there is not intended to provide video consultations for interested suppliers. Only written communication between Procurement Commission and interested suppliers is provided. Please take a note that Procurement Commission till the submission of the proposals is not allowed to provide any kind of assessment of the supplier and its ability to qualify for this open competition. Please be informed, that Clause 7 of Regulations defines the potential formations of the tenderers which can submit proposal. If proposal is submitted by the partnership, qualification requirements may be covered jointly by all members of the partnership. According to Clause 9 of Regulation the Tenderer may rely also on the capacity of other persons regardless of the legal nature of their mutual relationship, but in that case the Tenderer according to Clause 9 of Regulation shall prove that entity on whose capabilities the tender is relying, has the required qualification and also fact how these abilities and capacity of the resources will be transferred to the tenderer throughout the fulfilment of the framework agreement.</p>

Procurement Commission Chairman

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