

Rīga

18.05.2020

Our Ref: 1.13p/LV-119

***Answers to the questions from the interested suppliers No 4***

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 16 May 2020 from the interested suppliers:

No	Questions	Answers
1.	Regarding the requirement for Section 8.2 point #2 indicating that if the Tenderer wish to submit a power of attorney, additional documentation is needed to confirm that the issuer of the power of attorney has the right of signature. Can you confirm what type of documentation is required to confirm the authority of the signatory of the power of attorney?	Procurement Commission clarifies if proposal or any of the documents included in the proposal is signed by the legal (official) representative of the Tenderer or member of the partnership (if the Tenderer is a partnership), or person on whose capabilities the Tenderer is relying (including subcontractor), <u>proposal shall contain document issued by authority in charge of registration of legal persons (companies) or other competent authority which indicates legal representatives.</u> If documents (only those to be approved by the legal representative of the Tenderer or each member of the partnership (if the tenderer is a partnership) or person on whose capabilities the Tenderer is relying (including subcontractors)) included in proposal is not signed by the legal representative, but signed by other authorized person, a power of attorney or other document certifying the rights of the persons who have signed the documents included in proposal, shall be attached to the proposal.
2.	Regarding the requirement for Section 8.4, it is indicated that client reference letters/official documents issued by authorities are needed. Can you confirm whether signed copies of the contract would meet the requirements? <b>If not, can you give examples of the "official documents" that can be used in place of client reference letters?</b>	Whereas according to requirements stipulated in Annex 4 Tenderer is allowed to attach feedback letters, other documents, which <u>proves successful delivery</u> of the services and <u>completion</u> of the contract on its own discretion, the Tenderer may choose type of evidences.

<p>3.</p>	<p>Can you confirm which project specific costs should be factored into the calculation of the proposed maximum hourly rate in addition to the expert service fees?</p> <p>Moreover, can you confirm if travel costs will only be reimbursed if the point of departure is in Europe and not elsewhere in the world (referring to the footnote on page 20 of Annex 1)?</p>	<p>Procurement Commission clarifies that maximum hourly rate of expert services shall include all costs indicated in Clause 11.2. of Regulation except VAT and costs to be reimbursed additionally as specified in Clause 6 of Technical specification (Annex No 1 of Regulation).</p> <p>Procurement Commission confirms that travel costs will be reimbursed as separate costs only if the point of departure is in Europe. At the same time please be aware that there is not intended to restrict involvement of experts which are practicing out of Europe region and other communication channels instead of face – to face communication are also intended.</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 is not planned to ask for different hourly rates.</p>
<p>4.</p>	<p>For the financial proposal, can you confirm that only one fixed maximum hourly rate can be proposed per lot? If so, please confirm that this rate should be a blended rate based on the potential experts that are going to be involved in providing the services stipulated in each Lot.</p>	<p>Yes, Procurement Commission confirms that for each lot only one maximum hourly rate shall be indicated in the Financial proposal based on the involvement of potential team of experts. After contract award and during mini – competitions and direct awards maximum hourly rate <u>may be only decreased</u> according to specific task and involvement of team of experts, but <u>not increased</u>.</p>
<p>5.</p>	<p><b>With regards to the Tenderer’s technical and professional ability, does the project experience of an individual expert of the firm count towards the Tenderer’s project experience for the specific lots listed in Annex 4?</b></p> <p>Or do the projects listed as relevant experience in Annex 4 must have been carried out by the firm?</p>	<p>Procurement Commission clarifies that experience of the Tenderer (company) is not the same as the experience of the expert.</p> <p>The tenderer may rely on the capabilities (including previous experience) of individual expert 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 or as subcontractor.</p> <p>If the expert has gained experience as an employee or is continuing his professional career as an <b>employee, previous experience can’t be transmitted</b> in this case.</p> <p>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.</p> <p>Tenderer is free to choose resources and type of legal bounds how to enter for competition.</p>

6.	With regard to the Clause 4.9. of Draft Framework Agreement (Annex No 5 of Regulations) concerning the Conflict of Interest, please clarify where a conflict of interest will arise in participating to future Rail Baltica opportunities. For example, if our company is successful in one or more lots of this framework agreements concerning design services, it would be possible for us to participate in future Rail Baltica procurements related to design review, Design & Build or supervision services?	Please be aware that participation in this competition will not arise conflict of interest what could restrict participation in upcoming tenders.
7.	Considering the complexity and vastness of this opportunity we kindly ask you to extend the date for submission of proposals of at least two weeks.	Procurement Commission on 18 May 2020 has made decision to make amendments in Regulation and its Annexes, submission deadline for proposals will be extended. Please follow up to the latest updated version of the Regulation and its Annexes on web: <a href="https://www.railbaltica.org/tenders/open-competition-expert-services-for-the-rail-baltica-global-project-identification-no-rbr-2020-8/">https://www.railbaltica.org/tenders/open-competition-expert-services-for-the-rail-baltica-global-project-identification-no-rbr-2020-8/</a> and <a href="https://www.eis.gov.lv/EKEIS/Supplier/Procurement/25650">https://www.eis.gov.lv/EKEIS/Supplier/Procurement/25650</a> .
8.	With reference to Annex 2 point 5 of the Tender RBR 2020/8 – <b>“Expert Services For Rail Baltica Global Project”</b> , can you please provide the definition of <b>“Sub-contractor”</b> ? Can you please clarify if consultants that collaborate with our organization have to be considered Sub-contractors?	Definition of a subcontractor according to Public Procurement Law of the Republic of Latvia- a person contracted by the Tenderer or a person contracted by such person, in its turn, who provides services for the performance of the procurement contract. Please be informed, if the Tenderer relies also on the capabilities of the subcontractor to meet specific qualification requirements stipulated in Regulation, subcontractor shall be considered also as person on whose capabilities the Tender is relying. Please take a look to additional requirements to for persons on whose capabilities the Tenderer is relying.
9.	Current tender Lot 16 requires providing of separately licensed services – insurance broker companies are separately licensed and are legally bound to provide only insurance related services. Meanwhile tender requirement does not allow splitting the lot that include services not related to insurance. This would imply that only joint venture of two or more companies can apply. Given the situation with current tender wording, our question is, would you split the current lot 16 of Tender in an insurance advisory / intermediation and an accounting and tax advisory part, or if lot is not split, can company apply only for the part of lot, it is legally able to deliver?	Procurement Commission clarifies that subject matter of the Lot No 16 is to procure financial consultancy services including also insurance advisory not insurance services which requires special license. Procurement Commission has made decision to make amendments in Regulation (Annex 1 and Annex 4) to refine the text.  Please note, that proposal should cover all fields of expertise of particular Lot according to Regulation.

<p>10.</p>	<p>Technical specification of the open competition <b>“Expert services for Rail Baltica Global Project”</b>( ID No. RBR 2020/8) in its points 5b) and 5 d) requires Tenderer to propose an optimum structure for the Project Team, based on the Services Requested in the terms of reference, and where possible propose a core team with cross-functional roles and to prepare detailed proposal for services to be provided. The proposal includes Team of experts arranged for the services (CV etc. documentation), graphical representation of main Services milestones and deadlines of deliverables as required in particular Assignment order and taking into account these Technical specifications.</p> <p>As these requirement regarding The Technical proposal and Experts CVs are not mentioned in the Regulations for the open competition, but only in the Technical specification, please conform, if it is requested to submit a Technical proposal for each Lot, or it will have to be prepared as submitted only after receiving a particular Assignment order.</p>	<p>Procurement Commission confirms, that there is <u>no requirement to submit</u> proposal including list of proposed team of key <b>experts and CV’s</b>. Qualification requirements for proposed team of experts will be defined only before launch of every assignment order.</p> <p>So, it means that qualification of key experts could be assessed in next stages (mini – competitions and direct awards) (if applicable) only during implementation of the Framework agreement.</p>
------------	--	--

Procurement Commission Chairman

B.Gulbe

*Gulbe, +371 26544929*