

Rīga

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Answers to the questions from the interested suppliers No 7

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 3 June 2020 from the interested suppliers:

No	Questions	Answers
1.	<p>In Annex No 4 of the open competition "Expert services for Rail Baltica Global Project" ID No RBR 2020/8) qualification requirements for previous experience for the Lot No 14 "Infrastructure management" it is requested:</p> <p>According to Section 8.4. (1) of Regulation: The Tenderer within the previous 10 (ten) years has gained experience in at least 2 (two) reference projects across at least 2 organisations in relation with infrastructure management (e.g. Infrastructure access charging and revenue models; Life-cycle and sustainable asset management; Development of competitive services in an open-access market; Institutional governance and interface with market; Transition planning from project delivery to infrastructure management)</p> <p>Please conform, that infrastructure management projects experience in any other field (inc. energy, transportation etc.), not only railways will be considered as relevant.</p>	<p>Procurement Commission confirms, that infrastructure management projects in other fields, including transportation and energy, shall be considered relevant if such experience covers infrastructure management areas (e.g. Infrastructure access charging and revenue models; Life-cycle and sustainable asset management; Development of competitive services in an open-access market; Institutional governance and interface with market; Transition planning from project delivery to infrastructure management).</p> <p>At the same time please note that the list of fields of expertise under the lot "Infrastructure management" explicitly states "railway infrastructure access charging and revenue development etc." meaning that the Tenderer with submission of proposal confirms that he will provide requested services and during the fulfilment of the Framework agreement at any time will be ready to present team of experts with knowledge and expertise specific in railway infrastructure management issues .</p>
2.	<p>Considering that the newly incorporated "Company name" is a joint-stock company, under the coordination of a sole shareholder ("Company name"), registered in the "Italian Chambers of Commerce" last 17/12/2019 under the REA number RM-XXXXXXX.</p> <p>Considering that according to Article 3 "Purpose" of the Article of Association (in attachment both in Italian & English translation): "the purpose for which the company is established is to</p>	<p>Please note that Procurement commission according to Public Procurement Law of the Republic of Latvia shall not carry out any assessment of the tenderers and their proposals until the opening of proposals.</p> <p>In addition, Procurement Commission would like to clarify, if the tenderer doesn't have sufficient capacity and resources to fulfil the Framework agreement or doesn't have required qualification to apply for this competition, in any case it may rely on the capabilities</p>

develop and strengthen, in the target international markets of "Company name", the activities for designing, building, operating and maintaining public and private transport and railway lines, vehicles, stations and systems, for both passengers and freight, including the related engineering, certification, logistics, information & communication technology, advisory and training services by the "Company name" Group companies, also in their interest, in the transport service, transport infrastructure and integrated mobility service sectors In particular, the company shall, by coordinating and engaging the competences, resources and means of the "Company name" Group companies, offer services and activities in the following fields:

(a) design; (b) valorisation, transformation, restructuring, regeneration, remediation, recovery, requalification and functional maintenance of transport infrastructure; (c) site supervision, oversight and acceptance testing of works in the transport engineering sector; (d) operation and maintenance of transport services, lines, vehicles and related systems, including assistance services to interested clients; (e) assistance in the management of the infrastructure, in the assessment of its state of preservation (also in terms of quality and safety) and in long-term maintenance planning; integrated logistical and organisational support services, and ordinary and extraordinary maintenance actions and services, including the related technical, functional and integrated services; (f) design, development and management of IT systems and software applications; (g) study, training and research.

Considering the above, "Company name" intends to participate to the "EXPERT SERVICES FOR RAIL BALTICA GLOBAL PROJECT" with the support of the other sister companies of the Group, and after a proper analysis of the tender regulations, requests for the following clarifications:

1. REF: 8. Selection criteria for the tenderers - 8.1 Exclusion Grounds

Please confirm if taking into consideration what pointed out above, we can consider as a time reference for the requirements referred to in paragraph 8.1, the period starting from December 2019 (date of establishment) up to the date of presentation of the present tender.

2. REF: tenderer's application – annex 3 confirmation of Financial Standing

and capacity of other entities by submitting proposal as partnership consisting of several entities which consolidate their resources and liability for fulfilment of this Framework agreement.

According to Clause 8.2 (1.) if the Proposal is submitted by a partnership, the proposal shall include an agreement (or letter of intention to enter into agreement) signed by all members on the participation in the competition which lists responsibilities of each and every partnership member and a joint commitment to fulfil the Contract and which authorizes one key member to sign the Proposal and other documents, to receive and issue orders on behalf of the partnership members, and with whom all payments will be made. In this document Tenderer additionally indicates the member of the partnership on whose capacity it relies to certify its financial and economic performance and who will be financially and economically responsible for the fulfilment of the Framework agreement.

For instance, if the owner of the Tenderer is another company (parent company) and the Tenderer is intended to rely on the capacity and abilities of the parent company, proposal shall be submitted by the partnership consisting of both entities. Qualification requirements regarding Qualification requirements under Clause 8.1 and 8.2. shall be met by each member of the partnership, but requirements under clause 8.3 and 8.4 shall be met by partnership (all members together).

	<p>Please confirm if it is suitable to demonstrate the fulfilment of the requirements related to turnover for the years 2017/2018/2019 by referring to the financial statements of the Holding Company (“Company name” Group) or it is necessary to add a letter from the Parent Company.</p> <p>3. REF: tenderer’s application – annex 4 Qualification requirements for the previous experience</p> <p>Please confirm if, according to “Company name” Articles of Incorporation, it is suitable to demonstrate the fulfilment of the requirements by the previous experiences of the Sister Company “Company name”, the Infrastructure Manager of the Holding Company.</p>	
3.	<p>As a bidder company has a question about the proposed Terms and Conditions for the contracts for:</p> <p>Lot 17</p> <p>Lot 18</p> <p>Will the terms be amended for each particular lot and have the commissioners decided which terms will be applicable to lots 17 & 18, please?</p>	<p>Procurement Commission clarifies that Draft Framework Agreement (Annex No 5 of competition regulation) with all conditions is intended for all lots without exceptions. Before signing Framework agreement only minor adjustments could be made which could not change economical balance or risk distribution between parties, affect possible participation of other potential service providers in competition if such amendments would be known before. Framework Agreement defines the main principles of service provision, acceptance of deliverables, payments, liability etc. for services provided under every lot. If specific requirements will occur, they will be included additionally in respective assignment order for fulfilment of specific task.</p>
4.	<p>Tender documents contains Annex No 1 “Technical specifications”, as well in the list of documents to be submitted by tenderers in EIS system is section “Technical specifications”. Shall tenderer need to prepare his own Technical specifications or it is enough to write that technical specifications prepared by Client will be fully fulfilled by the Tenderer?</p>	<p>Procurement Commission would like to clarify that tendered is not required to upload documents under the section “Technical specifications” as there is no qualification requirement in this section.</p> <p>In addition, Tenderer is free to upload other documents, that have no specific place for uploading, in the section “Other Requirements” in E-Tendering system.</p> <p>Procurement Commission clarifies that there is no request to add any documents or forms under section “Technical requirements” in Electronic Procurement System.</p>
5.	<p>Shall be translated from Latvian into English separated documents – like registration certificates, references from client, copies of drawings and pages of technical design? Article 12.7. of regulations requests translate only proposal itself, but nothing said about originals in Latvian.</p>	<p>Procurement Commission clarifies that all documents shall be translated into English and documents issued in Latvian as well.</p>

6.	<p>12.2.2. Upon submission, the Tenderer signs the Proposal with secure electronic signature and timestamp or with electronic signature provided by Electronic Procurement System. The Tenderer can use secure electronic signature and time-stamp and sign Application form, Financial proposal and other documents separately. Proposal (its parts, if signed separately) are signed by authorized person, including authorization document (e.g. power of attorney). We have a secure electronic signature obtained in Italy. Is it allowed to sign our proposal with our secure electronic signature? Is it mandatory to use secure electronic signature and time stamp? The extension of a file digitally signed, and time stamp is tsd or p7m, is it accepted?</p>	<p>Procurement Commission clarifies, that it is not prohibited to use any kind of e-signature standard which legally is approved as official standard in any of EU member states.</p> <p>In order to avoid of technical issues due to opening of document, verification of validity of e-signature and authority which is legally authorized to issue and maintain respective e-signature certificate, we kindly recommend to use ASICE standard which is a format for electronic signatures intended for the uniform circulation of electronic documents within the European Union or sign every form requested by the competition regulation manually, scan as <i>pdf</i> file, upload to the Electronic Procurement System and sign whole proposal with the e-signature tool provided by the Electronic Procurement System.</p> <p>In addition, please be aware that person who signs the proposal also in Electronic Procurement System, shall be legally authorized to sign it behalf of the Tenderer. Power of Attorney or any other document which confirms signatory rights shall be added.</p>
7.	<p>With regard to the requirements of the LOT N° 17 “Tenderer within the previous 10 (ten) years has gained experience in at least 2 (two) digitalization projects in transport sector, including digital solution development for transport logistics or passenger mobility efficiency, or railway maintenance”, could you please clarify if BIM services can be considered in the meaning of “digitalization projects” and “digital solution development</p>	<p>Procurement commission would like to clarify that the aim of the digitalization projects is to cover transport sector, including solution development for transport logistics or passenger mobility efficiency, or railway maintenance.</p> <p>Pure BIM services do not qualify under the meaning “digitalization projects” without further explanation and details.</p> <p>Procurement commission could not consider such BIM solutions at this stage of procurement.</p>
8.	<p>Annex No. 2, section 4 requests to describe the Capabilities on which the Tenderer relies. Please describe what information is to be provided at this section (e.g. fields of expertise, number and/or name of experts, years of experience, etc.)</p> <p>Shall we list all entities that are applying for the referred lot: Lead Partner (Tenderer), Members of the Partnership, and Subcontractors?</p>	<p>If the Tenderer is relying on the capabilities of other entities to prove its compliance with any of the qualification requirements, it must identify all these entities by filling respective rows in the Application form (Annex No 2 of Regulation). In addition, the Tenderer shall indicate also what kind of capabilities the Tenderer is relying on (for instance previous experience etc.) to meet required qualification requirements. If the Tenderer intends to rely on the capabilities of other persons to meet any of the qualification requirements, please refer also to Section 9 of Regulation. If the Tenderer intends to involve any subcontractor (if it is known till the submission of the proposals) to cover required fields of expertise, all these entities also shall be identified by filling respective rows in the Application form (Annex No 2).</p> <p>In this case, please refer also to Section 10 of Regulation. Please be aware that the persons on whose capabilities the Tenderer relies to meet any of the qualification requirements may be also subcontractors.</p>

		If the proposal is submitted by the partnership, all members of the partnership shall be listed in the Application form as members of the partnership.
9.	We arrived to the stage, when we started to upload the required documents to each lot. Under the section: Technical Requirements we found the updated Technical Specifications for download. However, it is unclear for us what documents are expected from us to upload at this section.	<p>Procurement Commission would like to clarify that Tenderer is not required to upload documents under the section “Technical specifications” as there is no qualification requirement in this section.</p> <p>In addition, Tenderer is free to upload other documents, that have no specific place for uploading, in the section “Other Requirements” in E-Tendering system.</p> <p>Procurement Commission clarifies that there is no requirement to upload any documents under section “Technical requirements”.</p>
10.	With regard to the section 8. SELECTION CRITERIA FOR THE TENDERERS (8.1. Exclusion grounds) please kindly confirm that in this stage of tender it is acceptable to submit only the European Single Procurement Document (ESPD). Our understanding is based on the point 12.3.2. of the Regulations.	<p>Procurement Commission clarifies that information and documents confirming the compliance of the Tenderer with the selection criteria for the Tenderers set in Section 8.1 of Regulation “Exclusion grounds”, could be covered by submitting the corresponding European Single Procurement Document (ESPD).</p> <p>At the same time please take a note that check regarding non – existence of exclusion grounds will be performed only regarding the tenderers to whom the contract award shall be assigned, and Procurement Commission will send additional request to these tenderers to submit all required evidences in any case.</p>

Procurement Commission Chairperson

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