

Rīga

27.08.2020

Our Ref: 1.13p/LV-289

***Answers to questions from the interested suppliers
in open competition “Reliability, availability,
maintainability and safety (RAMS) consultancy services”,
identification number RBR 2020/12***

RB Rail AS presents following answers to the questions received from the interested suppliers until 26 August 2020:

Nr.	Questions	Answers
1.	<p>RB Rail is asking for 3 days of presence in premises of RB Rail AS during each four-week period of the contract. Could you please clarify:</p> <p>1) That in the event of travel restrictions imposed by the authorities of Latvia and/or the Contractor’s country, RB Rail will be flexible in this requirement being possible to organize alternative videoconference calls and no penalties will be applied to the Contractor.</p> <p>2) In order to receive consistent commercial proposals please confirm which key experts should be visiting RB Rail premises during each four-week period of the contract. Should it be the Team Leader only? the team leader plus one key expert? any two key experts?</p>	<p>1) Procurement Commission would like to assure, that travel restrictions imposed by the authorities of Latvia and/or the Contractor’s country and safety measures shall be followed by the both parties and will be considered in every specific case regarding actual type of Service provision, i.e. in person or online. In such case no penalties will be applied to the Contractor. If necessary, Parties shall agree appropriate terms or modifications to the Services to facilitate the continued performance of the Contract.</p> <p>2) According to clause 3.1.2 of Technical specification presence activities include workshops, presentations of study reports and results, moderation of discussions, introduction of solution-options to decision makers. Contractor shall assess and propose competent persons in order to carry out abovementioned activities on the basis of his professional experience, expertise and scope of Services defined in the Technical specification.</p>
2.	<p>Could you please provide Annex No9_Draft contract in word format so that it is easily readable?</p>	<p>Please find attached Annex 9 “Draft contract” (with technical errors (numbering, formatting) corrected), in word format to this letter.</p>
3.	<p>We understand that you have a procurement schedule to comply with, but as a</p>	<p>Procurement Commission does not consider that given justification is</p>

	<p>consequence of the COVID19 most of our experts are on holidays now so it is going to be impossible for them to sign Annex no.5 and to prepare a good methodology. Please consider giving a one-month extension of the proposal's submission deadline.</p>	<p>sufficient for extension of proposal's submission deadline. Proposal's submission deadline remains unchanged.</p>
<p>4.</p>	<p>Could you please provide additional clarification on when a proposal would be considered abnormally low Proposal? We suggest proceeding as in other European procurements where a maximum budget is given and a maximum % discount is established to identify abnormally low Proposals.</p>	<p>Hereby Procurement Commission explains that Procurement is organised according to Public procurement law, which regulates procedure and issues for assessment of abnormally low proposal in Section 53 "Abnormally low tender". Thus, other approaches, namely rejection of proposal based only on exceeding of maximum discount is not applicable. In general, section 53 states, that a contracting authority shall require explaining the price or costs proposed in the tender where the tender appears to be abnormally low in relation to the particular public works, public supply or public service contract. The explanation may specifically relate to:</p> <ol style="list-style-type: none"> 1) the costs of the manufacturing process, construction method or of the services to be provided; 2) the technical solutions chosen or any exceptionally favourable conditions available to the tenderer for the execution of works, the supply of the products or provision of services; 3) the qualities and originality of the works, supplies or services proposed; 4) compliance with obligations established by the legal framework and collective agreements in the field of environmental, social, labour law and labour protection; 5) obligations towards subcontractors; 6) the State aid obtained by the tenderer. <p>The contracting authority shall assess the explanations provided by consulting the tenderer. The contracting authority shall reject the tender as abnormally low, if the provided explanation does not satisfactorily account for the low level of price or costs proposed by the tenderer, or if the price or costs do not cover the costs related to compliance with obligations</p>

		established by the legal framework and collective agreements in the field of environmental, social, labour law and labour protection.
5.	<p>At § 18 of the Regulation for the competition NO RBR 2020/12 it stated that "Technical Proposals should not exceed 20 pages on A4 paper and the font size for general text parts shall not be less than approximately size 10 in a well readable and recognisable font type."</p> <p>Could you please clarify if the cover page of the Technical Proposal and the indexes are included in the abovementioned 20 pages?</p>	Cover page and indexes are not included in the above mentioned 20 pages.

Appendix:
Annex 9 "Draft contract" on 41 (forty one) pages.

Sincerely,

Procurement commission chairperson



N.Vjatkina