

Rīga

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Our Ref: 1.13p/LV-2021-173

***Answers to questions from the interested suppliers  
in open competition "Assessment Body (AsBo)  
services for Rail Baltica Global Project",  
identification number RBR 2021/3***

RB Rail AS presents following answers to the questions received from the interested suppliers until 26 April 2021 11:00 am:

Nr.	Questions	Answers
1.	<p>Some clauses in the document "Annex No 1: Technical specification" are not clear to us regarding the scope of the requested of AsBo activities (cf. e.g. clause 6.2). Please confirm the following if applicable:</p> <ul style="list-style-type: none"> <li>• Within the assessment activities there are no assessments or verification against technical regulations (national or international standard, TSIs etc.) are necessary as we expect these tasks to be done by the applicable NoBos, DeBos, Design Supervisors, checkers acc. to national laws etc.</li> <li>• The assessment activities are only related to the process implemented by the client according CSM RA regulation (Regulation (EU) No 402/2013) requirements, or under recognized code of practice as CENELEC EN 50126, EN 50562.</li> </ul>	<p>The Procurement commission confirms that evaluation of technical compliance against TSIs and technical standards are performed by other parties as NoBo, DeBo, or Design Verification entities, and shall not be part of the AsBo scope.</p> <p>AsBo assessment activities shall apply to processes implemented by Client and Contractors and related evidence documentation with reference to CSM-RA regulation 402/2013, and standards CENELEC EN 50126, EN 50562, EN 61508.</p>
2.	<p>Clause 5.9 of the AsBo Procurement Technical Specification states "AsBo shall assist the Client in the preparation of technical specifications for procurement of design services, materials, and construction contracts, coordinating the requirements related to the delivery of risk assessment and risk management activities."; this is not within the role of the AsBo and could potentially provide a conflict of interest. We can only review the results of the application of the risk assessment process. It is assumed that the</p>	<p>Since RB Rail procuring Type A Assessment Body, which by default is independent from the "design, risk assessment, risk management, manufacture, supply, installation, operation/use, servicing and maintenance" we do not see possible conflicts of interest in case if AsBo will provide consulting assistance related to requirements used to the delivery of risk assessment and risk management activities during development of technical specifications for mentioned procurements. However Contracting</p>

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	AsBo will not support this activity. Please clarify.	Authority is ready to discuss with AsBo requirements in regard to Client assistance in the preparation of technical specifications for procurement during Contract inception phase and adapt requirement according to conclusions made. Above mentioned case by no means can affect the Regulations requirement of AsBo independence and impartiality.
3.	Likewise, clause 5.11 states "AsBo shall assist the Client in establishing the Rail Baltica Program approval strategy which will define what, when and how CSM activities and their assessment should be developed in order to secure timely approval by the National Safety Authorities" The strategy must be developed by the proposer, and the AsBo will be happy to discuss and suggest efficiencies to the strategy, but we have to maintain our integrity and independence. It is assumed that the AsBo role for this activity will be limited to review and discussion, but that the strategy development will be led by Rail Baltica. Please clarify.	The Procurement commission confirms that for development of Rail Baltica Program approval strategy AsBo role will be limited to review and discussion, but the strategy development will be led by RB Rail AS.
4.	Clause 5.12 states "AsBo shall liaise and coordinate risk assessment activities with other assessment bodies involved in Global Project as interoperability assessment body (by NoBo), national rules assessment body (by DeBo) and AsBo/ISA appointed separately for evaluation of CCS subsystems. Coordination between assessment bodies shall allow parties to eliminate respective involvement avoiding gaps or overlapping of activities.". It is assumed that it is the independent assessment of the risk assessment activities and not the risk assessment activities themselves that will be discussed with other assessment bodies to ensure there is not duplication of the assessment services. Please clarify.	The Procurement commission confirms that the AsBo role is related to coordination with other Conformity assessment bodies of the independent assessment of the risk assessment activities.
5.	There are a number of cases where the technical specification appears to erroneously refer to risk assessment reports (detailing the risk assessment findings undertaken by the proposer and the contractors) where as it is assumed that these should be referring to the AsBo Assessment Reports (detailing the findings of the AsBo review activities). Such as Clauses 10.6.10, 10.6.11, and 13.7. In each case we have assumed that the document being referred to is the document being prepared by	Yes, you are correct, assessment reports mentioned in Clauses 10.6.10, 10.6.11, and 13.7 shall be prepared by AsBo.

Nr.	Questions	Answers
	the AsBo and not any document prepared by the proposer. Is this correct?	
6.	It is noted that the AsBo is being asked to assess local facilities such as maintenance depots and freight terminals. Such parts of the railway are not within the scope of the CSM RA Regulation (Article 2(5) of the regulation states that "The railway systems excluded from the scope of Directive 2004/49/EC according to its Article 2(2) are excluded from the scope of this Regulation."; and 2004/49/EC article 2(2) states "Member States may exclude from the measures they adopt in implementation of this Directive: (a) metros, trams and other light rail systems; (b) networks that are functionally separate from the rest of the railway system and intended only for the operation of local, urban or suburban passenger services, as well as railway undertakings operating solely on these networks; (c) privately owned railway infrastructure that exists solely for use by the infrastructure owner for its own freight operations.". Is it required that all local facilities are subject to assessment by an AsBo?	The Procurement commission clarifies that local facilities such as maintenance depots and freight terminals are subjects of AsBo assessment using procedures and methods given in CSM-RA Regulation.
7.	It is noted that the reference project case study stipulates specific requirements that only are possible to be met by a small number of projects across Europe in the last 10 year and therefore it is not possible for a large number of suppliers to meet the requirement, despite delivering projects of equal value and complexity. It is also noted the project case study stipulates ERTMS on 50km of double track, yet ERTMS is not within the AsBo scope of this procurement. Can you please clarify why this applies and indeed if you will accept a range of different projects which demonstrate the requirements, albeit not as one singular project.	The Procurement commission considers that the scope of requirements, as well as the requested minimum level of capabilities for the implementation of the AsBo contract is determined commensurate to the subject-matter of the Procurement contract. Contracting Authority is willing to hire a highly experienced AsBo understanding full scope of delivery of railway system, facilitating communication / coordination with other stakeholders, and system safe integration up to performance of dynamic testing The Procurement commission explains that experience required in Clause 8.4.2 d) "ERTMS trackside subsystem deployed over 50 km of double track line" has to be covered by one eligible reference project. Different reference projects which in total demonstrate compliance with this requirement will not be acceptable.
8.	Clause 4.2 of the Technical Specification defines national legislation and national guidance documents for the three countries	With regards to Clause 4.2. of Technical specification please find prepared list of National legislation and related guidance

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	as being part of the scope of the AsBo assessment. Can these documents be supplied or clearly referenced?	documentation as published by the National Safety Authorities in Estonia, Latvia and Lithuania (Annex No1).
9.	<p>We have noted that the positions listed in the Tender document Appendix 1 to Annex 4 - Work Packages and Financial Proposal 20210322 not correspond to all the positions listed in:</p> <ul style="list-style-type: none"> <li>- Annex No. 1: Technical Specification, point 16.9, table 3 (lead Expert's roles and responsibilities) and 4 (additional roles and responsibilities)</li> <li>- and the positions listed in the document: Regulations for the Competition, Point 8.5. Please note that: <ul style="list-style-type: none"> <li>• Lead assessor for Risk management and Lead Assessor for Quality Management are included in the documents: Annex No. 1 and Regulations for the Competition, but not in Appendix 1 of Annex 4;</li> <li>• Lead assessor for safe integration, Lead assessor for operation and maintenance, Leading Quality Assessor , Key technical Expert in cybersecurity are included in Appendix 1 of Annex 4 but not in Annex 1 and Regulations for Competition</li> <li>• Key technical expert for operation and maintenance, Key technical expert in rolling stock are included in Annex No 1 but not in Appendix 1 of Annex 4;</li> </ul> </li> </ul>	<p>The Procurement Commission clarifies that the main document, were all required experts are indicated and their role/responsibilities described, is Technical specification (Annex No 1). Please note that the list of experts indicated in the Annex No 4 "WORKPACKAGES &amp; PRICING REQUIREMENT" and Appendix 1 "WORKPACKAGES AND FINANCIAL PROPOSAL" of Annex No 4 is given as an example in order to illustrate the way how to prepare Financial proposal. The list of the experts in the Financial proposal should be adjusted by the supplier according to the specific Work package (WP) and list of experts indicated in the Technical specification.</p> <p>To avoid misunderstandings the Procurement Commission has prepared clarified list of experts for the Appendix 1 "WORKPACKAGES AND FINANCIAL PROPOSAL" of Annex No 4 and Annex No 4 "WORKPACKAGES &amp; PRICING REQUIREMENT" (please see below).</p>

### 1) Extract from Appendix 1 "WORKPACKAGES AND FINANCIAL PROPOSAL" of Annex No 4

Example of WP detailed calculation. IMPORTANT: All WPs mentioned in this document shall be calculated in similar way. AsBo can suggest it own template, but all parameters required by this table shall remain.

#### WORK PACKAGE - DELIVERABLES DETAILED CALCULATION (WP2.1 - DS1)

Name: WP2.1.1 (DS1) Estonia Design Section INF

Deliverable (WP-D) (Inception Report or Technical Design Assessment Report or Final Assessment Report or Generic Design Assessment Report or Application Design Assessment Report or Safe Integration Assessment Report or Additional Safe Integration Report) (WP Nr.)

No	Position	Name	Hourly rate	No of hours	Total fee (excl. VAT), EUR	Hourly rate	No of hours	Total fee (excl. VAT), EUR
<b>Proposed experts:</b>			<b>Assessment of Technical Design</b>			<b>Final assessment (incl. Construction and testing phase)</b>		
1	Project Leader	TBD			0,00 €			0,00 €
2	Lead Assessor for generic railway system	TBD			0,00 €			0,00 €
3	Lead Assessor for Risk management	TBD			0,00 €			0,00 €
4	Lead Assessor for Quality management	TBD			0,00 €			0,00 €
5	Deputy Project Leader	TBD			0,00 €			0,00 €
6	Documentation manager	TBD			0,00 €			0,00 €
7	Key technical expert in Railway infrastructure	TBD			0,00 €			0,00 €
8	Key technical expert in superstructures	TBD			0,00 €			0,00 €
9	Key technical expert in energy systems	TBD			0,00 €			0,00 €
10	Key technical expert in fire & explosion safety	TBD			0,00 €			0,00 €
11	Key technical expert in environmental safety	TBD			0,00 €			0,00 €
12	Key technical expert in EMC	TBD			0,00 €			0,00 €
13	Key technical expert for operation and maintenance	TBD			0,00 €			0,00 €
14	Key technical expert in rolling stock	TBD			0,00 €			0,00 €
15	Quality Assessor	TBD			0,00 €			0,00 €
<b>Total for Techn. Design:</b>					<b>0,00 €</b>	<b>Total for Final Assessment:</b>		<b>0,00 €</b>

Note: Please indicate all other experts which will be involved in the execution of the Contract, if any

2) Extract from Annex No 4 "WORKPACKAGES & PRICING REQUIREMENT"



Table 1

WORK PACKAGE – DELIVERABLES DETAILED CALCULATION								
Name: WP TBD								
Deliverable (WP) (Inception Report or Technical Design Assessment Report or Final Assessment Report or Generic Design Assessment Report or Application Design Assessment Report or Safe Integration Assessment Report or Additional Safe Integration Report) (WP Nr. )								
No	Position	Name	Hourly rate	No of hours	Total fee (excl. VAT), EUR	Hourly rate	No of hours	Total fee (excl. VAT), EUR
Proposed experts*:			Assessment of Technical Design			Final assessment and testing (incl. Construction phase)		
1	Project Leader	TBD						
2	Lead Assessor for generic railway system	TBD						
3	Lead Assessor for Risk management	TBD						
4	Lead Assessor for Quality management	TBD						
5	Deputy Project Leader	TBD						
6	Documentation manager	TBD						
7	Key technical expert in Railway infrastructure	TBD						
8	Key technical expert in superstructures	TBD						
9	Key technical expert in energy systems	TBD						
10	Key technical expert in fire & explosion safety	TBD						
11	Key technical expert in environmental safety	TBD						
12	Key technical expert in EMC	TBD						
13	Key technical expert for operation and maintenance	TBD						
14	Key technical expert in rolling stock	TBD						
15	Quality Assessor	TBD						
			Total for Techn. Design:			Total for Final Assessment:		

\*All other experts which will be involved in the execution of the Contract shall be indicated in the table!

Sincerely,

Procurement commission chairperson

N.Vjatkina

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AND CONTAINS A TIME STAMP*