

Rīga

21.07.2021

Our Ref: 1.13p/LV-2021-245

Electronic Procurement System

**Answers to questions from the interested suppliers
in the competitive procedure with negotiations
“Consolidated supply of turnouts and rail expansion joints for Rail Baltica railway construction”,
identification number RBR 2021/2**

RB Rail AS presents following answers to the questions received from the interested suppliers until 20 July 2021:

Nr.	Questions	Answers
1.	Do translations of application documents need to be certified by a certified translator?	When submitting the Application, the legal representative of the Candidate has the right to certify the correctness (self-certify) of all submitted documents' derivatives and translations itself. No certified translation required.
2.	What are the signature requirements for the application documents? Do all application documents need to be signed electronically or can these documents be signed by hand signature as well?	The Candidate shall sign the Application with a secure electronic signature and time-seal or with an electronic signature provided by the Electronic Procurement System (please see the Section 6.2.2 of the Regulations). If the documents are signed manually, Application still needs to be signed electronically by using any of the options mentioned in the Section 6.2.2 of the Regulations.
3.	Do the audited annual reports of the candidates need to be signed electronically or can be signed by hand.	Procurement Commission kindly explains that the Candidate is entitled to submit electronically signed audited annual financial report or electronically signed copy of the annual financial report (signed by the representative of the Candidate / member of the partnership (if the Candidate is partnership) etc.).
4.	Are there any special requirements regarding disclosure of beneficial owners of the companies? Is it sufficient to disclosure direct shareholders of the Candidate? What to	Procurement Commission notes that there is no obligation to submit documents specified in the Section 4.1 of the Regulations (except cases

<p>disclosure if Candidate does not have one natural person - the owner? What to disclosure if shareholder is listed company and/or state-owned company?</p>	<p>stipulated in Section 10.3 of Regulations) at this stage of procurement.</p> <p>Nevertheless, Procurement Commission explains that, according to the Article 11¹. of the Law on International Sanctions and National Sanctions of the Republic of Latvia, Beneficial owner is a natural person who is the owner of the customer - legal person - or who controls the customer, or on whose behalf, for whose benefit or in whose interests business relationship is being established or an individual transaction is being executed, and it is at least:</p> <p>a) regarding legal persons - a natural person who owns, in the form of direct or indirect shareholding, more than 25 per cent of the capital shares or voting stock of the legal person or who directly or indirectly controls it;</p> <p>b) regarding legal arrangements - a natural person who owns or in whose interests a legal arrangement has been established or operates, or who directly or indirectly exercises control over it, including who is the founder, proxy or supervisor (manager) of such legal arrangement.</p> <p>Please note, that respective information regarding the persons referred to in the Article 11¹, Paragraph one and two of the Law on International Sanctions and National Sanctions of the Republic of Latvia (Clause 4.1.14. of the Regulations) in relation to a tenderer registered in the Republic of Latvia will be obtained by the Procurement Commission from the Register of Enterprises in accordance with the procedures specified in regulatory enactments.</p> <p>As regards companies registered outside of Latvia, Procurement Commission will obtain the respective information in one of the following ways:</p> <ol style="list-style-type: none"> 1) requiring the tenderer to submit a statement from a foreign competent authority, setting a term for the provision of information not shorter than 10 working days after the date of issue or dispatch of the request (including requesting information on the beneficial owner or information that the beneficial owner cannot be identified), 2) independently, 3) if a certificate from a foreign competent authority is not issued, it may be replaced by an oath or, if the oath is not provided for by national law, by a certificate from the tenderer to a competent executive or judicial authority, a sworn notary or a in their country of registration.
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5.	<p>If candidates rely on the capability of other person relating to the economic and financial standing and technical and professional ability, have these other persons to satisfy any requirements other than art. 4.2 of the candidate selection regulation?</p>	<p>If the Candidate relies on capabilities of other persons to meet the qualification requirements established in the Section 4 of the Regulations, Application must contain all the documents listed in Section 4.6 (filled in Annex No 3.1., 3.2., 3.3., signed confirmation or agreement on cooperation and/or passing of resources to the Candidate, signed between such persons and the Candidate [..], and Section 4.7 of the Regulations (ESPD). For more detailed information please refer to the Section 4.6. and 4.7 of the Regulations.</p> <p>Please note, that in case of each such reliance the Candidate shall submit all evidencing documents listed in the Regulations, depending on the qualification requirement which the Candidate is envisaged to cover with capabilities of other persons.</p> <p><i>Please see the following examples:</i> 1) if the Candidate relies on capabilities of other persons to confirm with Technical and professional ability requirements established in Section 4.4 of the Regulations for Lot No 1, the Candidate shall submit all documents listed in Section 4.6., 4.7 of the Regulations, Annex 4.1 and copies of signed references from the respective Clients; 2) if the Candidate relies on capabilities of other persons to confirm with Economic and financial standing for Lot No 1, the Candidate shall submit all documents listed in Section 4.6., 4.7 of the Regulations, Annex No 5.1 and audited or self-approved yearly reports [..] etc., as indicated in the Section 4.3 of the Regulations. The same principle applies to all other qualification requirements established in Section 4 of the Regulations.</p> <p>In addition, please note that any of the persons on whose capabilities the Candidate relies to certify it's compliance with qualification requirements, cannot be a subject to exclusion grounds stipulated in Section 4.1 - 4.1.12 of the Regulations. Exclusion ground check will be provided in the later stage and only to the qualified Candidates (including persons on whose capabilities the candidate is relying to meet qualification requirements), however, Procurement Commission will inform the Candidates separately regarding the exclusion ground check and request all the necessary documents (if any, as stipulated in Section 4.1 - 4.1.12 of the Regulations)).</p>
6.	<p>Taking into account the volume of the Competition and its significant requirements to be met by the candidates regarding their technical and professional abilities which must be supported by client references and signatures as well as a conflict of interest checks, this is objectively a time-consuming process for the candidates in order to prepare</p>	<p>Procurement Commission kindly explains that currently it is not possible to extend the submission time due to the demanding time schedule of the project.</p>

	applications to the highest standard. Also, considering the practice of other contracting authorities when determining deadlines for submission of tender documents, we hope you would consider extending the application time period for candidates for a total of 8 weeks, till the 30th September 2021.	
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Procurement Commission Member

B.Zauere

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STAMP