

Riga

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Our Ref: 1.13p/LV-2021-270

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 13 August 2021:

Nr.	Questions	Answers
1.	Please kindly confirm that as per last 3 financial years it could be also considered 2020,2019 and 2018 instead 2019, 2018, 2017.	<p>Procurement Commission explains that, according to the Clause 4.3.1. of the Regulations, the Candidate’s average financial turnover within the last 3 (three) financial years (2017, 2018, 2019) shall not be less:</p> <ol style="list-style-type: none"> 1) than 55 million EUR if the Candidate applies for the Lot No.1; 2) than 30 million EUR if the Candidate applies for the Lot No.2. 3) than 2,5 million EUR if the Candidate applies for the Lot No.3. [..] <p>However, Regulations, in line with principles of Public Procurement Law of the Republic of Latvia, does not restrict the possibility to select different years instead of the ones already established in the Regulations (2017., 2018., 2019) in the following cases:</p> <ul style="list-style-type: none"> -if the Candidate or a member of a partnership (if the Candidate is a partnership) has operated in the market for less than 3 (three) years, as stated above, or - in case the last three financial years of the respective Candidate differs from the financial years stated in Regulations, or the financial report isn’t available (financial turnover in such case shall be indicated for previous three

		financial years where the financial report is available).
2.	We kindly ask you to accept postponing the Opening date at least until 31st September in order to have enough time to conveniently close our negotiations, sign and prepare the documents and conveniently prepare our candidature.	Procurement Commission is currently considering the possibility to provide additional extension of the application submission date, and will provide you with its decision, as soon as the decision is made.
3.	Please confirm that the candidate does not have to name anywhere in the Application sub-contractors (for services) and sub-suppliers (for delivery of goods) of the candidate which designs and/ or manufacture turnouts system or signaling equipment for any of the Lots if the candidate does not rely on that sub-contractor or sub-supplier to prove its technical and professional ability and that sub-contractor or sub-supplier is not a member of consortium (i.e. part of the candidate itself).	<p>Procurement Commission hereby confirms that, if the Candidate does not rely on the sub-contractor or sub-supplier to prove its technical and professional ability (meet the qualification requirements) and / or the respective sub-contractor or sub-supplier is not a member of consortium (i.e., part of the Candidate itself), the Candidate is not requested to indicate any such sub-contractor / sub-supplier during the Stage One of the Competition.</p> <p>During the Stage Two of the Competition the Contracting Authority will request the Tenderer to indicate and will evaluate subcontractors, whose share of Contract is equal to or exceeds 10% of the Contract price.</p>
4.	<p>Considering that currently the procurement is only in the 1st stage (qualification) and precise scope and technical specifications (supply, services) are not yet known, precise list of sub-contractors and sub-suppliers is not required and objectively not possible to make in the 1st stage – there might be a need to involve other sub-suppliers or sub-contractors during 2nd stage of the procurement.</p> <p>In addition, according to Public Procurement Law it should be possible to involve new sub-contractors or replace sub-contractors even during contract execution phase if the conditions listed in Article 62 of the Public Procurement Law are met. Besides involvement of a new sub-supplier or replace of sub-supplier is not regulated and restricted by the law.</p>	<p>Please refer to the answer given above in Clause No 3 of this letter.</p> <p>Procurement commission confirms that, rules of the Article 62 of the Public Procurement Law of the Republic of Latvia (hereinafter – PPL) will be followed during the procurement contract fulfilment.</p>
5.	Please confirm that the Candidate does not have to name sub-suppliers that supply turnout components or raw materials (i.e. not the turnouts as the final product).	As it is already explained before, during the Stage One of the Competition it is not requested to reveal the information regarding the sub-contractors / sub-suppliers involved. However, during the Stage Two of the

		<p>Competition the Tenderer will be requested to indicate sub-contractors, whose share of works is equal to or exceeds 10% of the Contract price.</p> <p>In the course of the Stage Two of the Competition and during execution of the contract information about the vendors for certain elements may be required.</p>
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Procurement Commission Chairman

M.Blaus

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