

Riga

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Our Ref: 1.13p/LV-2021-290

Electronic Procurement System

***Answers to questions from the interested supplier
in the competitive procedure with negotiations
"Consolidated supply of rails for Rail Baltica railway construction",
identification number RBR 2021/15***

RB Rail AS presents following answers to the questions received from the interested supplier until 1 September 2021:

Nr.	Questions	Answers
1.	In order to offer a better price and ensure continuity of supply, is it allowed for tenderer participate with two producers in separate associations of persons. Alone by himself tenderer does not have enough recourses to qualify for tender conditions.	Procurement Commission notes that in accordance with Regulations Clause 1.13. "Candidate is entitled to submit Application for one or several lots." In accordance with Clause 2.1. "During the Stage Two of the Competition the Procurement Commission in every lot will choose the most economically advantageous proposal according to criteria covering technical, financial and environmental aspects which comply with the requirements set in the documentation of the Stage Two of the Competition [..]" As explained in the previously mentioned Clauses, during the 2 nd Stage of the Competition, in every lot Procurement Commission will choose only one proposal. Regarding question related of the possibility to participate with two producers in separate associations of persons Procurement Commission kindly explains that participation in separate partnerships within the same lot shall be considered as a breach of Law on Competition, considering consultations, contracts or agreements or other communication between procurement participants are prohibited. Bid information in one partnership might be used to prepare the bid in other partnership so in such case

		conditions of fair competition might not be guaranteed.
2.	Is it permissible to have the qualification of a tenderer in which three members have joined the association of persons, each of whom does not qualify for the requirements, but together all three members would meet the requirements set for the candidates.	<p>Procurement Commission kindly notes, according to Clause 3.1.2. of the Regulation, the Application can be submitted by a group of suppliers (partnership) to meet all requirements set out in the Regulation.</p> <p>In such case the Application can be submitted by a group of suppliers (partnership) which complies with the selection criteria for Candidates and all the members of the partnership shall be listed in Annex No 1.1. "Application form" for Lot No.1, Annex No 1.2. "Application form" for Lot No.2. and Annex No 1.3. "Application form" for Lot No.3.</p> <p>In accordance with Clause 6.4.3. if an Application is submitted by a partnership, the Application shall include an agreement (or letter of intent to enter into agreement or any similar document) signed by all members of the partnership on the participation in the Competition, which lists responsibilities of each and every partnership member and a joint commitment to fulfil the Procurement Contract.</p>
3.	Can a candidate qualify with 2 and more producers? How?	<p>Procurement Commission kindly informs that there was no intention to contract more than one manufacturer under one lot. This has been a principle based on which the Qualification requirements were established.</p> <p>Since this question has raised Procurement Commission shall consider producing the clarifications in the Regulations, therefore, amendments in the regulations may be expected shortly. Please keep following updates in the procurement profile in E-Tender system.</p> <p>Please note, that following findings and recommendations made from previous construction material studies and market consultations, it is not considered beneficial to involve several manufacturers in one lot. The total volumes have already been divided to attract more rail manufacturers while project keeps continue seeking for consistency of materials being procured. Involving several manufacturers is not being considered as beneficial as it will evidently cause additional complexity, unnecessary interfaces, potential quality and trackability issues as well as additional costs for maintaining of more than one logistics chains.</p>

4.	Is evidence of experience required other than Annex 4. If so, which ones? For example issued Invoices, contracts etc.	<p>The Procurement Commission informs that according to Clause 4.4.2.- 4.4.4. of the Regulation, filled and signed Annex 4 containing description of contracts/supplies performed by the Candidate with attached written references from the clients, indicated in Annex No 4 must be submitted.</p> <p><i>Please refer to the guidelines enclosed as Annex No 6 for preparation of the Client's reference. Please note, that applications will not be rejected if the information provided in the reference letter will not include all content provided in the Annex No 6. Reference letters may also be prepared and submitted in the form preferred by the Client / Candidate itself.</i></p> <p>Additionally, the Procurement Commission informs that in case it is not possible to submit client's reference, Candidate may submit copies of the contract and delivery – acceptance notes or other evidences which clearly indicates delivery and acceptance.</p>
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Procurement Commission Vice-Chairman

A.Smuškovs

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