

Riga

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Our Ref: 1.13p/LV-2021-312

**Answers to questions from the interested suppliers
in competitive procedure with negotiations
“Global Project Cost Benefit Analysis (CBA) and Long Term
Business Plan”, identification number RBR 2021/21**

RB Rail AS presents following answers to the questions received from the interested suppliers until 17 September 2021:

Nr.	Questions	Answers
1.	Please confirm that there is no conflict in interest for the companies that were involved in the preparation of previous Business Plan for Rail Baltica (RBR 2021/21)?	The Procurement commission doesn't see any conflict of interests for companies involved in the preparation of previous Business Plan for Rail Baltica Global project.
2.	In section 4 (Annex 5) the candidate is requested to provide following - <i>The Candidate within the previous 7 (seven) years (2014 until the date of submission of the application) has gained experience in points a)-e). It is also stated that the experience required in sub-paragraphs a)-e) can be covered by no less than 2 (two) projects. The experience required in each sub-paragraph must be fully obtained within one project.</i> Could you please clarify if the candidate should provide experience that will cover all points from a)-e) by single project as a one reference, totally providing 2 projects that will cover all points from a)-e)? Or the candidate should submit the experience for at least two projects that will cover some of the points, for example project 1 will cover point a, and project 2 will cover point c?	The Procurement commission clarifies that <u>all</u> required experience in sub-paragraphs a)-e) of Clause 4.1.3 of Regulation should be covered <u>by no less than 2(two)</u> projects with any experience breakdown between the projects. <i>For instance, sub-paragraph a) covered by project No 1 and sub-paragraphs b), c) d) and e) covered by project No 2. Thus, in total all required experience is covered.</i> Please note that experience required in sub-paragraph should be fully obtained within one project. This means that if the experience obtained within the project only partly complies with the requirement of respective sub-paragraph, the Procurement commission won't recognise such experience as compliant. <i>For example, in regard to sub-paragraph a), the Candidate indicates project No 1 to prove experience involving interaction among 1 out of three required transport modes and project No 2 to prove experience in interaction between another two transport modes. Above mentioned approach demonstrates that required experience is not fully obtained within one project which is not acceptable.</i>

3.	Can candidate provide the same reference projects in Annexes 3-5?	The Procurement commission explains that reference projects provided in Annex No 5 can be the same as in the Annex No 3 and No 4. However, the reference projects provided in Annex No 3, 4 and 7 should be different.
4.	Can metro infrastructure be considered as a railway infrastructure, and if it is not considered as a railway infrastructure can it be considered as a non-railway infrastructure?	The Procurement commission clarifies that metro cannot be considered as a railway infrastructure but can be considered as a non-railway infrastructure.
5.	In section 4 (Annex 4) the candidate is requested to provide following project - <i>“at least 1 (one) project related to transport company/entity operating in a market-based competitive environment - as opposed to entities related to infrastructure delivery (i.e. design/construction/upgrade) or any other pre-market phase.”</i> Could you clarify what should be understood under this requirement, is it required to have experience in development of Business Plan for infrastructure managers, railway undertakings or design/construction companies?	The Procurement commission clarifies that the experience required must refer to projects implemented for companies or entities working in market-based competitive environments already operating; projects implemented for entities involved in infrastructure delivery or other pre-market phases (i.e. for infrastructure/services not yet operational) will not be considered.
6.	Could the procurement authority clarify the meaning of <i>“Main Contractor”</i> within this procurement?	Hereby the Procurement commission clarifies that <i>“Main Contractor”</i> means the entity appointed directly by the contracting authority as a main responsible for the leading, managing and completion of the respective Services (CBA or/and BP) in the reference project.
7.	According to section 4.8 <i>“The Candidate, in order to certify that it complies with the selection criteria for Candidates, may submit the European Single Procurement Document (ESPD) as initial proof.”</i> Please confirm that points included in section 4.4 Exclusion Grounds <i>“Selection Criteria for Candidates”</i> can be covered by the ESPD.	Hereby the Procurement commission confirms that the Candidate can submit ESPD as initial proof in order to certify compliance with the selection criteria in Section 4.4 <i>“Exclusion Grounds ”</i> . In this case, Candidate who should be invited to submit a Bid will be requested to provide the documents confirming the conformity of the Candidate to the requirements set out in the Section 4.4 before taking the decision on the results of the selection of Candidates.
8.	We would like to ask for an extension (one week) of the application submission deadline, given the importance of the subject and the complexity of the tender.	The Procurement commission informs that following the request it has decided to extend the date for the submission of Applications till 7 October 2021 . Please follow up the information provided in the E-Tender system.
9.	By the nature of our business, <i>“x”</i> operates its local offices as separate legal entities in each country. Given that multiple offices, therefore multiple legal entities will be involved in	The Procurement commission explains that according to Clause 5.1 of Regulation in order to comply with the selection requirements for the Candidates relating

	providing the necessary project references, do all the involved legal entities need to enter into a partnership agreement or establish a general or limited partnership, as described in section 3.1.2 of the Candidate Selection Regulation?	to technical and professional capacity, the Candidate may rely upon the capacities of other persons, <u>regardless of the legal nature of their mutual relationship</u> . This means that you can rely on qualification of other legal entities without entering into partnership agreement or establishing general or limited partnership. In this case you should submit documents mentioned in Section 5 "Reliance on the capacities of the other persons" and Clause 4.8 of Regulation.
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Sincerely,

Procurement commission chairperson

N. Vjatkina

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