

Rīga

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Our Ref: 1.13p/LV-2021-328

***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 27 September 2021:

Nr.	Questions	Answers
1.	In case the Candidate does not have ISO 9001:2015 (or newer version) certificate, what should the alternative solution – the self-description of the quality equivalent management system contain?	The Procurement commission clarifies that, in case, the Candidate does not have ISO 9001:2015 (or newer version) certificate but its applied quality management system is equivalent of ISO 9001, it can submit self-declaration and description of the quality management system. The Procurement commission notes – the description must provide the necessary information that proves the Candidate’s quality management system is equivalent to ISO 9001:2015 (or newer version).
2.	Regarding the documents to be submitted on Exclusion grounds in Section 4.4. Regulation – is it required to collect those documents for the persons the Candidate relies upon its capacities as well, or is it only applicable for the Candidates?	The Procurement commission explains that each person upon whose capacities the Candidate relies to certify that it complies with the selection criteria, is subject to Exclusion ground check according to Section 4.4 of Regulation (excl. 4.4. (9) to 4.4. (11). The Candidate has two options: 1) to submit all necessary documents stated in Section 4.4. (excl. 4.4. (9) to 4.4. (11) about each person, on whose capacities the Candidate is relying or 2) to submit the European Single Procurement Document (ESPD) for each such person as initial proof. Candidate who should be invited to submit a Bid will be requested to provide the documents confirming the conformity of the person’s on whose

		capacities it relies on before taking the decision on the results of the selection of Candidates.
3.	For the project experiences, listen in section 4.1, under Requirement no. 1 and 2. (related to Annexes 3 and 4) the documents to be submitted include "Copies of references from respective clients or similar documents (copies of deeds of conveyance or other evidencing of experience)". In case, due to client logistics, no client-signed documents can be provided, is there any self-declaration, or similar document acceptable?	The Procurement commission kindly explains that similar document can be any document issued or approved by third party (Client, competent authority etc.) that proves Candidates' experience required in Clause 4.1.1 and 4.1.2 of the Regulation. Therefore supplier's self-declaration won't be considered acceptable.
4.	Is it sufficient to upload the scanned copies of the manually signed declarations required for the tender in the tender portal?	Yes, it is sufficient. The Procurement commission draws your attention, that if the application or any other document, including any agreement, is not signed by the legal representative of the Candidate, members of the partnership, person on whose capacities the Candidate relies, then a document certifying the rights of the persons who have signed the application or any other documents, to represent the Candidate, a member of the partnership, a person on whose capacities the Candidate is relying, (powers of attorney, authorisation agreements etc.) must be included.
5.	According to Annex 4, and also as set forth in paragraph 2 in 4.1, the Candidate is required to provide references of at least 5 projects, which is then later referred to as a) at least 3 (three) projects related to a single or dual-use (passenger and freight) railway infrastructure, b) at least 1 (one) project related to development of greenfield railway infrastructure, c) 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, d) at least 1 (one) project related to non-rail transport infrastructure or non-rail transport company. The latter adds up to 6 projects. Please clarify the required number of references.	The Procurement commission kindly explains that one reference project can be used to certify experience required in different sub-paragraphs. However minimum number of unique reference project must be not less than 5 (five). For example, in order to comply with requirements of Clause 4.1.2, the Candidate could provide 5 unique reference projects as follows: <ul style="list-style-type: none"> - project No1 refers to sub-paragraph a) and b); - project No 2 refers to sub-paragraph a); - project No 3 refers to sub-paragraph a); - project No 4 refers to sub-paragraph c); - project No 5 refers to sub-paragraph d).
6.	According to the definition of "Long-term Business Plan", long term means that the plan covers a minimum of 10 years of fully operational stage of the business, according to the definitions provided. Strategy is a "Document that describes the detailed	The Procurement commission hereby confirms that your assumption is correct. Considering that there is no requirement that the "Strategy" needs to cover 10 years your proposed example might be acceptable.

	roadmap for a business to follow in the next years to achieve its objectives". From this wording we assume that when a requirement refers to "Long-term Business Plan or Strategy", such as in paragraph sections 4.2, or 13.1 of the Regulation, if the project was to develop a strategy, there is no requirement that the strategy needs to cover 10 years. In light of this, for example, a market entry strategy for the next years would fit the requirement. Is this assumption correct?	
7.	<p>We would like to ask that if we fill an ESPD for the Candidate and the persons providing capacities– what are the documents of the below list that have to be submitted beyond the ESPD?</p> <p>"The following documents shall be included in the application (hereinafter – Application):</p> <p>1.1.1. Filled Application form in accordance with Annex No 1;</p> <p>1.1.2. Information and documents (including documents, but not limited to, according to Section 4.1. – 4.3. of the Regulations and Annex No 3 – Annex No 6), confirming compliance of the Candidate with the selection criteria for the candidates, or the corresponding ESPD;</p> <p>1.1.3. Information and documents for Candidate evaluation according to Section 13 of the Regulation, (Annex No 7 and other documents stipulated in the Section 13 of the Regulation), if Candidate proposes compliance with any of the evaluation criteria.</p> <p>1.1.4. Information and documents relating to the entities on whose capacities the Candidate is relying (according to Section 5 of the Regulations), or the corresponding ESPD."</p>	<p>The Procurement commission kindly explains that if the Candidate submits ESPD for itself and the persons providing capacities, it still must submit the following documents:</p> <ol style="list-style-type: none"> 1) Filled Application form in accordance with Annex No 1; 2) Information and documents for Candidate evaluation according to Section 13 of the Regulation, (Annex No 7 and other documents stipulated in the Section 13 of the Regulation), <u>if Candidate proposes compliance with any of the evaluation criteria;</u> 3) A signed confirmation or agreement on cooperation and/or passing of resources to the Candidate between the persons on whose capacities it relies on. <p>The Procurement commission draws your attention – the Candidate must fill out all the necessary parts of ESPD in order to provide essential information for the Procurement commission to evaluate Candidate`s compliance with the Regulations. Please note that in case of global indication for all selection criteria in part IV "Selection Criteria" of ESPD the Procurement commission won`t be able to evaluate Candidate`s compliance with requirements of Section 4.1 of the Regulations.</p>
8.	In order to prove the Candidate`s experience (as requested for example in sections 4.1, 4.2), it is necessary to attach "Copies of references from respective clients or similar documents (copies of deeds of conveyance or other evidencing of experience)." Would a contract, signed by the client, suffice as evidencing of experience?	<p>The Procurement commission explains that a contract, signed by the client could be considered as sufficient evidence. Please assure that the submitted contract contains proper information for the commission to assess that the gained experience is compliant with the requirements.</p> <p>In addition, the Procurement commission notes – in case the contract is submitted as evidence to prove experience in sections</p>

		4.1. and/or 4.2. the Candidate must provide a contact person (e-mail and phone number) that can prove the gained experience.
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Sincerely,

Procurement commission chairperson

N. Vjatkina

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