

Riga

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Electronic Procurement System

**Answers to questions from the interested supplier
in the competitive procedure with negotiations
"Consolidated supply of railway ballast for Rail Baltica railway construction",
identification number RBR 2021/23**

RB Rail AS presents following answers to the questions received from the interested supplier until 21 October 2021:

Nr.	Questions	Answers
1.	Will Contracting authority consider it acceptable if candidate decides to rely on capabilities of several manufacturers (as persons on whose capabilities the candidate is relying to meet qualification requirements) for one lot?	Procurement Commission confirms that there may be several ballast manufacturers involved. Please note, there are conditions with such regard, i.e., that no mixing is allowed and each quarry supplies must be separate and stored separately.
2.	Is change of subcontractor (also person on whose capabilities the candidate is relying to meet qualification requirements) allowed under Regulation? Please, provide information in what circumstances the change or adding of subcontractor will be acceptable during second stage of procurement and execution of contract.	<p>Procurement Commission hereby informs that, if the Candidate does not rely on the sub-contractor to prove its technical and professional ability (meet the qualification requirements) and / or the respective sub-contractor is not a member of consortium (i.e. part of the candidate itself), the Candidate is not requested to indicate any such sub-contractor 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> <p>Regarding the persons on whose capabilities the Candidate is relying to meet qualification criteria, Procurement commission explains</p>

		<p>that there is possibility to change the person on whose capabilities the candidate is relying to meet qualification requirements, however, only within the legal framework of the Public Procurement Law of the Republic of Latvia (hereinafter – PPL), e.g., in case member of the partnership is being liquidated (if the Candidate is partnership). Any change without objective (within the meaning of PPL) reasoning is not allowed, especially during the procurement stage which can be treated as amendments in the Application which is not allowed by the PPL.</p> <p>Nevertheless, each such case raised shall be assessed separately during the procurement or contract stage in line with general principles and regulation of the Public Procurement Law of the Republic of Latvia.</p>
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Procurement Commission Chairman

M.Blaus

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