

Procurement commission of RB Rail AS (Contracting authority) nominated to organize procurement – competitive procedure with negotiation “Consolidated supply of track sleepers with rail fastenings and under sleeper pads for construction of Rail Baltica railway line”, procurement id. No RBR 2021/13 (Competition) announces that on 9 November 2021 was taken decision to extend deadline for submission of applications till 26 November 2021 for the following reasons:

- 1) Interested supplier “PATA SIA” on 6 September 2021 has submitted claim to Procurement Monitoring Bureau (PMB) of Latvia with request to acknowledge selection criteria for the candidates set in clause No 4.4.2. of the Competition regulation as incompliant with Public Procurement Law. PATA SIA in general objects the requirement for previous experience in supply of sleepers equipped with rail fastenings and under sleeper pads for track gauge 1435 mm and asks to remove requirement for track gauge 1435 mm and composition of sleepers with rail fastenings and under sleeper pads;
- 2) RB Rail AS on 16 September has submitted clarifications to Procurement Monitoring Bureau with justification that selection requirements for the candidates set in clause No 4.4.2. of competition regulation in opinion of Procurement commission are in compliance with Public Procurement Law and requested to acknowledge claim submitted by PATA SIA as unjustified and rejected.
- 3) Procurement Monitoring Bureau on 6 October 2021 has issued judgment (available in Latvian language on web: <https://pvs.iub.gov.lv/uploads/files/lemumi/668414/lem668414.pdf>) with the request to prohibit to continue procurement procedure and conclude contract without implementing amendments in competition regulation according to decision made by Claims Review Commission of PMB. PMB in general asks to exclude from clause No 4.4.2. of competition regulation requirement for track gauge 1435 mm and composition of sleeper with rail fastenings and under sleeper pads with justification that these parameters mainly refer to the product not prove capability and capacity of the supplier to provide supplies of such materials, because subject matter of this procurement mainly is supply of sleepers, but not production and possible list of suppliers mainly are agent (middleman) companies, not manufacturers. Additional reason was mentioned also that such experience doesn't exist in Latvia and Baltic States as well.

RB Rails AS still is assessing judgment made by Claims Review Commission of Procurement Monitoring Bureau in order to take suitable decision on further steps. RB Rail AS kindly asks the suppliers who have already submitted their applications for this Competition or suppliers who are interested and ready to submit applications, to follow up the latest info. in E-Tenders system (<https://www.eis.gov.lv/EKEIS/Supplier/Procurement/58574>) and official web link of RB Rail AS (<https://www.railbaltica.org/tenders/consolidated-supply-of-track-sleepers-with-rail-fastenings-and-under-sleeper-pads-for-construction-of-rail-baltica-railway-line/>).