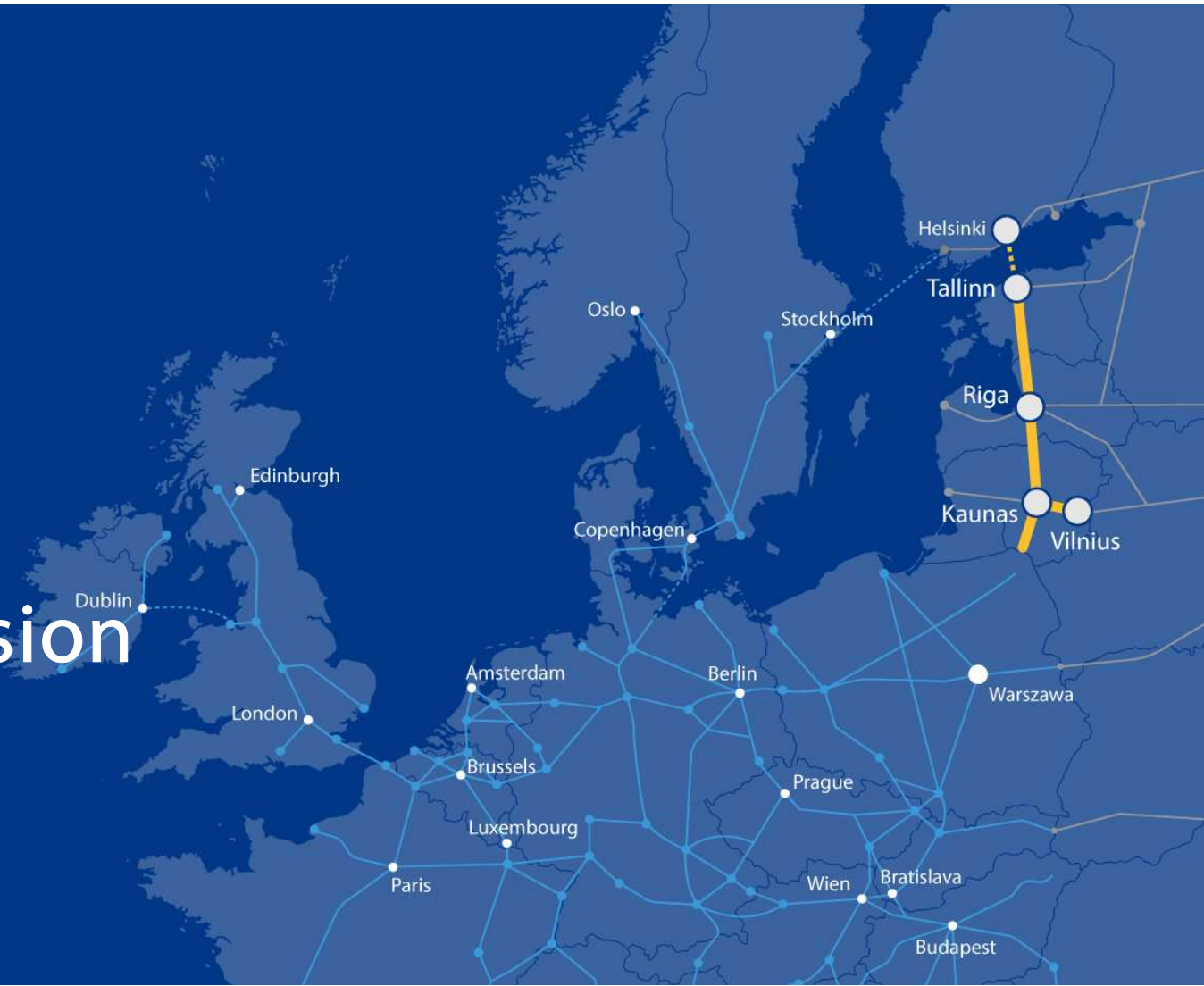


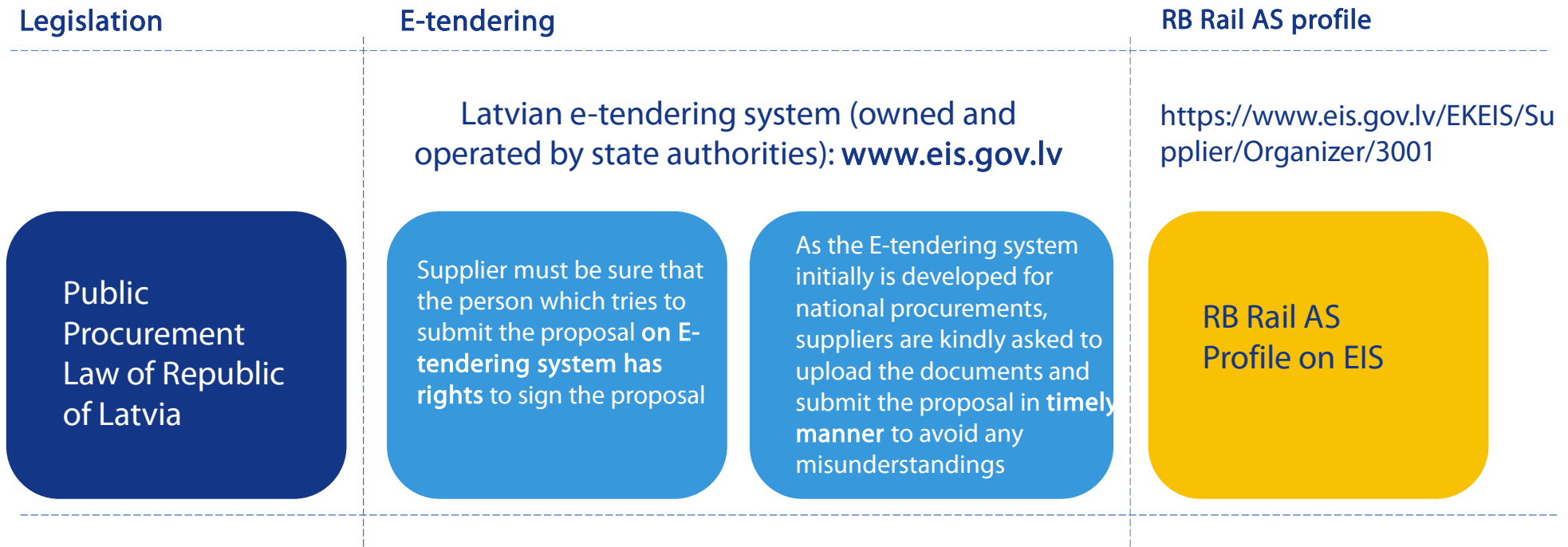


Rail Baltica procurement: proposal submission and main pitfalls



Co-financed by the Connecting Europe
Facility of the European Union

RB Rail AS procurement: where to apply?



NB! Registration in Latvian E-tendering system can take up to one week.
Manual is available here: www.railbaltica.org/procurement/e-procurement-system/

RB Rail AS procurement procedures

ONE STAGE

SECTION 9 of PPL (goods and services 10-42k; Works 22-170k)

OPEN COMPETITION

Submission of qualification documents, technical and financial proposal in one stage

No negotiations

No appeal in PMB

Submission of qualification documents, technical and financial proposal in one stage

No negotiations

TWO STAGE

RESTRICTED COMPETITION

1st stage – submission of qualification documents

2nd stage – submission of technical and financial proposal

No negotiations

COMPETITIVE PROCEDURE WITH NEGOTIATIONS

1st stage – submission of qualification documents

2nd stage – submission of technical and financial proposal

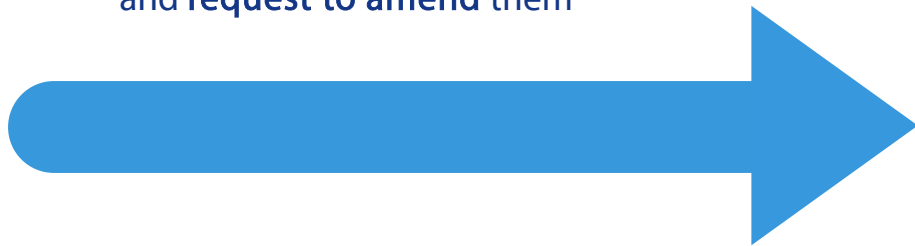
Negotiations

Submission of final proposal

Actions before the submission

Submission
deadline

Supplier can ask **questions**
and **clarify requirements**
and **request to amend** them



**No amendments
after submission!**
Tenderer has
accepted the
requirements by
submitting the
proposal!

**Draft agreement
cannot be
significantly
changed either.**
It's one for the
annexes of the
procurement
regulations.

NB! Please read the Q&A letters published in RBR
website before asking your question!

NB! Please be aware and introduce yourself with the draft
contract already before the submission of the proposals!

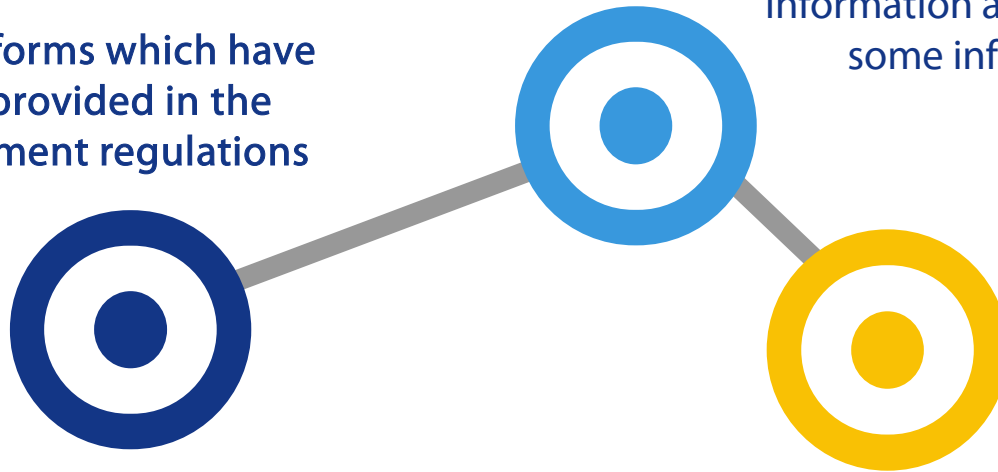
Information in the application / proposal

Use the forms which have been provided in the procurement regulations

(usually annexes regarding supplier experience, experts experience, financial standing etc.)

Annexes are prepared and structured in a way to assist the supplier in the preparation of all requested information and not to miss some information.

Consider the requirement included in the procurement regulations and describe the compliance at least in the same level of details.



Qualification criteria

Financial standing

Turnover (as per specific procurement)

No	Year	Total Turnover in EUR	Notes
The Candidate or member of the partnership (if the Candidate is a partnership) on whose capacity Candidate is relying to certify its financial and economic performance (Section 5.3.1 of the Regulation) and who will be financially and economically responsible for fulfilment of the Contract or other entity on whose capacity Candidate is relying (if the Candidate is relying on other entity's capacity) to certify its financial and economic performance and who will be financially and economically responsible for fulfilment of the Contract:			
Name of the Candidate /member of a partnership/other entity			
1.	2019		
2.	2018		
3.	2017		
Average annual turnover within the last 3 (three) financial years			

Liquidity ratio ≥ 1.00

Positive equity

$$\text{liquidity ratio} = \frac{\text{current assets}}{\text{short - term liabilities}} = \text{---}$$

$$\text{equity} = \text{total assets} - \text{total liabilities} = \text{---}$$

Technical capabilities (experience):

Provided services / works must cover all required services / works

Elaboration of requirements (incl. technical, functional, operational, RAMS, etc. requirements) for ETCS, GSM-R, TMS, interlocking, block system incl. trackside equipment;

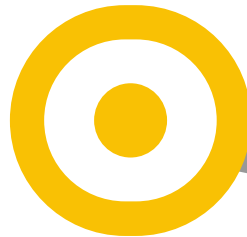
Reference project must include all characteristics rerquired

Project where specific services have been provided and the service scope included at least the following TSI compliant railway infrastructure with parameters of:

- 50 (fifty) km of double track line 1435 mm gauge with design speed of at least 160 km/h;
- 2 (two) stations with not less than two siding tracks and 8 turnouts each;

Technical and financial proposal

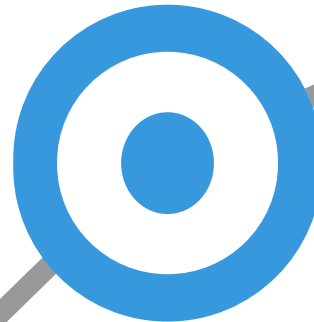
No changes in the technical specification can be done by the tenderer



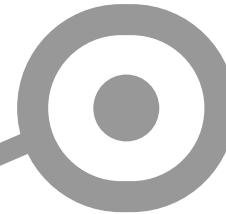
PC is entitled to correct arithmetical errors in the financial proposal and such corrections are legitimate



Tenderer cannot propose other solution than requested by technical specification (exception in case if it is clearly allowed by the procurement documents)



Technical proposal must contain clear and explicit information regarding compliance with the requirements



Clarifications / Amendments

Commission is willing to clarify all unclear information in the proposal before it makes the decision regarding non-compliance, however...

Commission must ensure:

- Transparency
- Free competition
- Equal and fair treatment
- Effective use of the funds of RB



It's allowed to clarify information which is included in the proposal (clarifications)



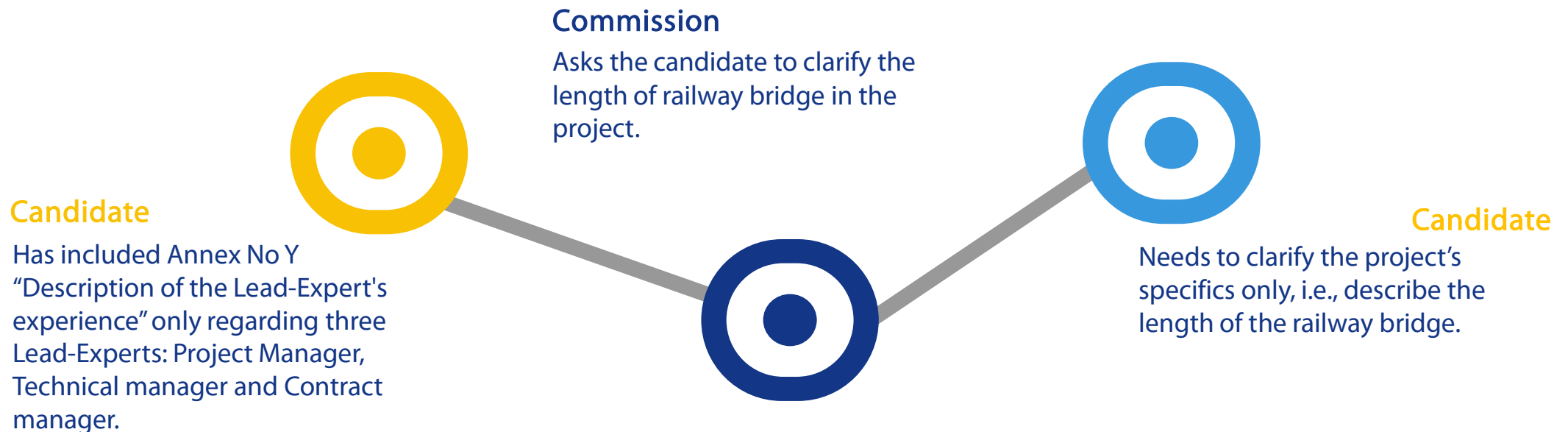
It's not allowed to add totally new information to the proposal (amendments)

NB! Commission cannot recognize as compliant agreements, documents etc. which are dated after the proposal submission deadline, expect the exclusion ground document.

Example: Clarifications (allowed)

Requirement: The Candidate within the previous 15 (fifteen) years (until the date of submission of the application) has gained experience in provision of Railway AC traction power simulation with the dedicated software tool in one **Reference project**.

Reference project requirement: As a reference project shall be considered a project where specific services have been provided and the service scope included at least the following TSI compliant railway infrastructure:
d) 1 railway bridge at least 200 meters long.



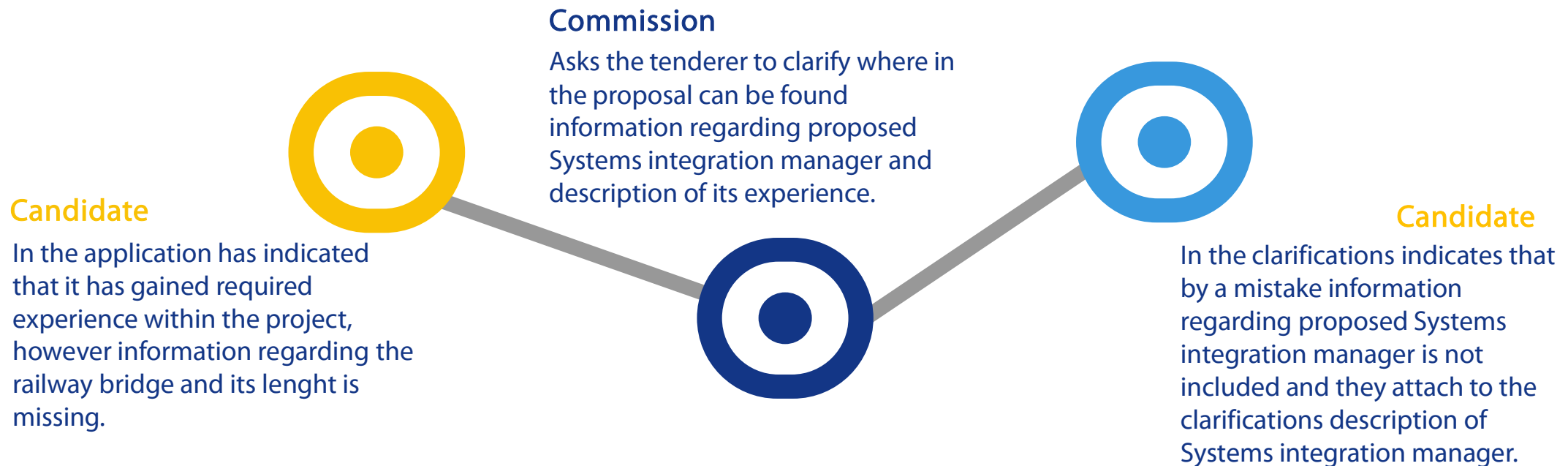
Example: Amendments (not allowed)

Requirement: Technical proposal shall be prepared according to Section 5 of the Invitation and shall include:

5.1.2. Proposed Lead-Experts:

5.1.2.1. Experience according to requirements of Chapter X of the Annex No 1 "Scope of Services" and Annex No Y "Description of the Lead-Expert's experience".

In the Chapter X of the Annex No 1 "Scope of Services" have been mentioned following four **Lead-Experts: Project manager, Technical manager, Contract manager, Systems integration manager.**



Partnership

There are no restrictions in any of RB Rail AS Procurements regarding the form in which supplier/-s can participate in the procurement.

However, in case supplier plans to participate in the procurement as partnership there are specific requirements, such as:

In the proposal a **cooperation agreement (or letter of intent) must be submitted** where it is agreed upon liability and responsibility of each member of the partnership.

Content of the partnership (members) cannot change during the procurement procedure. Choose the potential partners carefully to minimize the risk of future disagreements!

NB! Agreement (or letter of intent) must be signed by all members of partnership.

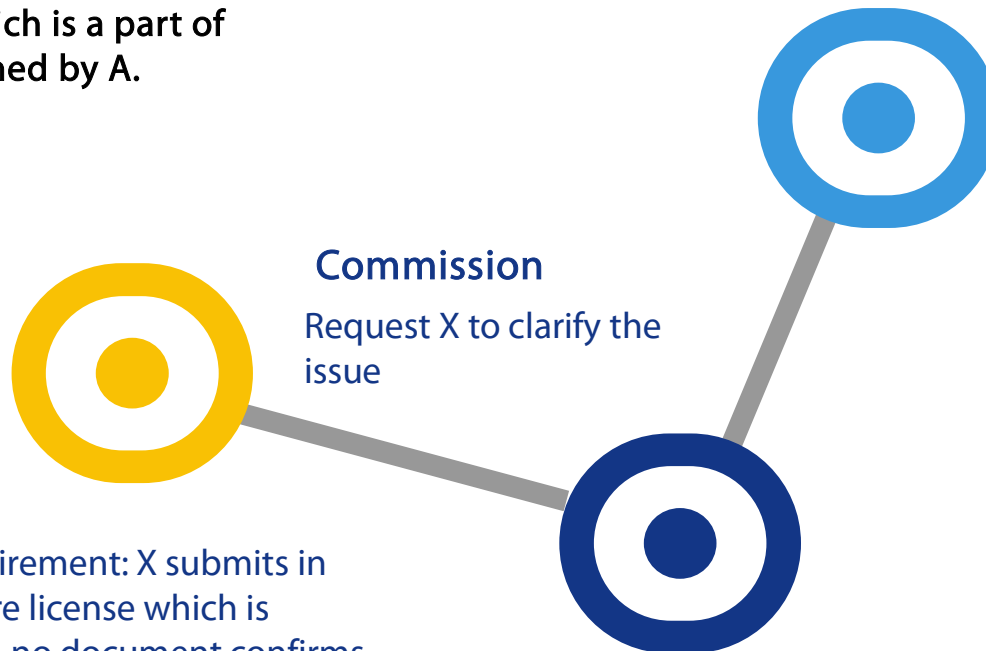
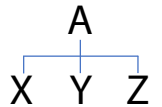
Holding

Requirement: Tenderer shall be the owner or licensed user of the software that the tenderer is proposing to use for the provision of the Services.

Proposals have been submitted by company X, which is a part of holding and is owned by A.

Candidate

X submits a letter from Y (dated after the deadline of submission of the proposal) that they will provide the software and the license to X.



Candidate

To comply with requirement: X submits in the proposal software license which is issued to Y. However, no document confirms that Y will ensure that X will have the software during the performance of the contract.

Conclusions:

- Even if the companies are from one holding, each of them is treated as separate legal entity and to rely on other «sister» company capabilities general rules must be applied;
- **Agreement on the resources must be done** before the deadline of submission of the proposal.

Main messages to industry on this topic

- Don't hesitate to ask questions and express concerns regarding requirements, technical specifications, draft contract
- Please follow the deadlines and plan early involvement in the application/proposal preparation, so you have time to review the documents carefully
- Choose your partners wisely, to be sure that together you will have needed resources and will be ready to deliver the contract