

Riga

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Our Ref: 1.13p/LV-2022-264

Electronic Procurement System

Answers to questions from interested suppliers in the procurement "Legal services", identification number RBR 2022/17

RB Rail AS presents following answers to questions received from interested suppliers until 11 August 2022:

Nr.	Question	Answer
1.	<p>[..] (Supplier) intends to participate in the procurement „Legal Services“ (Identification No RBR 2022/17) (Procurement), announced by RB Rail AS (Contracting Authority). The Procurement is carried out using E-Tenders system (https://www.eis.gov.lv/EKEIS/Supplier) which is subsystem of the Electronic Procurement System (https://www.eis.gov.lv/EIS/).</p> <p>The Supplier requests an extension of the deadline for submitting of a proposal and explains that the Procurement is related to the coordinating of the action of the partners in three countries, therefore, proper preparation and submission of a proposal becomes more difficult. For example, it takes more time to get the certificates / statements and to prepare documents specified in Selection Criteria for Tenderers of the Regulations for the Procurement.</p> <p>When requesting to extend the deadline for the submission of the Proposal, the Supplier also turns the attention of the Contracting Authority to the fact that Article 56 (7) 2) of the Law on Public Procurement of the Republic of Latvia</p>	<p>The Procurement commission kindly indicates that on 9 August 2022 amendments have been made in the Procurement regulations and these amendments, <i>inter alia</i>, includes extension of the proposal submission deadline until 22 August 2022 at 10:00 (Riga time). Please see the updated versions of the Procurement regulations on RB Rail AS website (https://www.railbaltica.org/tenders/legal-services-5/) and on Electronic Procurement System (https://www.eis.gov.lv/EKEIS/Supplier/Procurement/85617).</p> <p>Additionally, the Procurement commission indicates, that the Procurement is carried out in accordance with the Section 10 of the Public Procurement Law of the Republic of Latvia (hereinafter - PPL). Although in accordance with the PPL (please see the Section 32 of the PPL) minimum proposal submission deadline for proposal submission for such procurement would be five business days, when determining the deadline for the submission of proposals, the Procurement commission took into account the amount of information to be prepared as well as other considerations and determined a reasonable and sufficient deadline for the submission of proposals.</p>

	<p>(PPL) imposes an obligation on the contracting authority to determine “a time limit which is sufficient for the submission of the relevant tender, taking into account such factors as the complexity of the subject-matter of the procurement contract and the time required for the preparation of tenders”. Article 2 3) of the PPL states that the purpose of the PPL is to ensure “effective use of the funds of the contracting authority, minimising the risk thereof as far as possible”.</p> <p>Considering the quantity of documents and the time set for their preparation, the current deadline for the submission of the Proposal is not sufficient. The extension of the deadline would allow the Contracting Authority to receive a competitive proposal which would enable it to acquire the services necessary through rational use of the funds allocated for the Procurement and thereby achieve the goal of the Procurement.</p> <p>Considering the above, the Supplier requests to extend the deadline for submitting of proposals until 22 August 2022.</p>	
2.	<p>Could you please clarify, what is the period for the experience permitted under Clause 3.2.2. of Annex 3 to the Regulations of tender No. RBR 2022/17 – is it seven or five years? The requirement states “in the last 7 (seven) years (from 2017 until the submission date)”.</p>	<p>From the context of the question, the Procurement commission concludes that question is regarding the Arbitration Expert experience mentioned in the Section 3.2, Clause 2 of the Annex 1 “Technical specification” of the Procurement regulations. The Procurement commission apologizes for the typographical error and kindly indicates that permitted period for the Arbitration Expert experience is last 7 (seven) years (from 2015 until the proposal submission date).</p>

Sincerely,

Procurement commission chairperson / secretary

V. Ezergaile

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