

Riga

Date of the document is the date of the time stamp of the last enclosed qualified electronic signature

Our Ref: 1.13p/LV-2022-292

Electronic Procurement System

***Answers to questions from an interested supplier
in the competitive procedure with negotiation
“Rail Baltica Energy Subsystem Design and Build”,
identification number RBR 2022/7***

RB Rail AS presents following answers to questions received from the interested supplier on 9th September 2022:

No	Question	Answer
1	<p>Regarding the answers to the questions of the interested suppliers dated 08/09/22, specifically to number 3, in which the procurement commission clarified that for the requirement of the “CANDIDATE SELECTION REGULATION”, the article 13.1 on Evaluation Criterion No. 5, a metro project was not recognized as a railway project in accordance with article 1, section three, letter a), of Directive (EU) 2016/797 of the European Parliament and of the Council, of May 11, 2016, relative to the interoperability of the railway system within the European Union Directive.</p> <p>Please confirm that this criterion is applied to all the references requested in points 5.3. Technical and professional capacity.</p> <p>In other words, according to DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, which establishes the conditions that must be met to achieve interoperability of the Union rail system, they are not considered within the scope of application of this Directive, undergrounds, trams and light rail systems. Therefore, please confirm that</p>	<p>The Procurement commission explains that requirements stipulated in the Section 5.3. of the competitive procedure with negotiation “Rail Baltica Energy Subsystem Design and Build”, identification number RBR 2022/7 includes requirements of a “railway project”, and the Procurement commission confirms that in the Section 5.3. “railway project” shall be understood in the same way as it is explained in the Procurement commission answer No 1.13p/LV-2022-256 to question No 3, dated 9 August 2022 (i.e., requirements of Section 5.3. cannot be covered with metro, tram or light rail projects):</p> <p><i>“The Procurement commission explains that to comply with the requirement stipulated in Section 13.1.5 of the Candidate selection regulation Candidate can indicate any type of <u>railway project</u> which meets the requirements. In accordance with Article 1 Paragraph three, point (a) of the Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union the Directive shall not apply to metros, therefore a metro project cannot be recognized as “railway project” and will not be assessed as compliant with the</i></p>

	the railway projects required for compliance with point 5.3. Technical and professional capacity (5.3.1, 5.3.2, 5.3.3, 5.3.4 and 5.3.5) must fall within the scope of that directive and be considered compliant with the TSI.	requirement stipulated in Section 13.1.5 of the Candidate selection regulation.
--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------

Sincerely,

Procurement commission chairperson

A. Benfelde

*THIS DOCUMENT IS SIGNED ELECTRONICALLY WITH A QUALIFIED ELECTRONIC SIGNATURE
AND CONTAINS A TIME STAMP*