**Electronic Procurement System**

***Answers to questions from interested supplier***

***in the open competition* “*Procurement and Commercial Services Framework***

***for the Rail Baltica Global Project” identification number RBR 2022/22***

RB Rail AS presents following answers to questions received from interested supplier until 20 January 2023:

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| **Nr.** | **Question (English/Latvian)** | **Answer (English/Latvian)** |
| **1.** | Familiarized with the experience requirements set in the Procurement Regulations, as well as the purpose of the Procurement described in the Technical specifications, we draw attention to the fact that the Tenderer is required to have expert experience in the European Union, excluding experts who have gained experience in the Baltic Countries.  Such requirements unduly limit the number of potential tenderers, as well as non ¬ compliant with free market principles (free movement of goods, services, capital between Member States) In the European Union, set in Article 4 of the Treaty on the Functioning of the European Union (TFEU) Paragraphs 2 (a), 26, 27, 114 and 115.  In the applicant's view, experts who gained experience in projects realized in the Baltic States, combined with the overall experience gained in the field are capable of achieving the objective pursued in the scope of this procurement.  In light of the above, we ask the procurement commission to amend Regulations by deleting restrictive requirement and express the experience requirement in the following way “All Contracts/Projects used to demonstrate the Experts Experience had to be implemented within European Union or European Economic Area.  In addition, it is not clear how to interpret the object of the First Lot “INTERNATIONAL PROCUREMENT SUPPORT SERVICES”, in the context of procurement in the European there is no concept of “international” for the Member States of the Union. Please provide clarification. | Procurement commission would like to clarify, that the Client’s intention, as stated in the particular lot description in Section 2.1 of the Technical Specification is, through analysis and evaluation to receive advice on improving its own practices. For this, the Client deems it necessary to include expertise regarding a strategic view in procurement best practices outside the Baltic states. This enables the Client to obtain information and proposals on best practices from the EU level and implement those in its activities.  The procurement commission would also like to stress that in order to maximise market participation, the procurement is divided into lots. This enables tenderers to participate in the procurement by submitting a tender in the lots best suited to the tenderer’s expertise.  The submitted request only applies to the lot titled “International procurement support” and the very nature of the services the Client wishes to receive from said lot is closely tied to the requirements that the Client has set to the previous experience of the providers of these services.  Considering this, the procurement commission deems the request to not be justified and does therefore not amend the regulation.  The request to clarify the object of the procurement lot is too vague and general in nature for the commission to properly address. The commission kindly reminds that the description to each procurement lot is provided in the Technical Specification (Annex 1 to the Procurement Regulations).  The term “International” in the nature of the scope of procurement is not related to the procurement legislation itself. |
| **2.** | Iepazīstoties ar iepirkumā izvirzītajām pretendenta pieredzes prasībām, kā arī tehniskajā specifikācijā aprakstīto iepirkuma mērķi, vēršam uzmanību, ka pretendentam izvirzītas prasības attiecībā uz ekspertu pieredzi Eiropas savienībā, izslēdzot ekspertus, kas guvuši pieredzi Baltijas valstīs. Šādas izvirzītās prasības nepamatoti ierobežo potenciālo pretendentu skaitu, kā arī neatbilst brīvā tirgus principiem (brīvai preču, pakalpojumu, kapitāla apritei starp dalībvalstīm) Eiropas savienībā, kas nostiprināts Līguma par Eiropas Savienības darbību (LESD) 4. panta 2. punkta a) apakšpunkts, 26., 27., 114. un 115. pantā.  Pretendenta ieskatā, eksperti, kas guvuši pieredzi projektos, kas realizēti Baltijas valstīs, apvienojumā ar jomā gūto kopējo pieredzi ir spējīgi realizēt šī iepirkuma ietvarā izvirzīto mērķi.  Ņemot vērā iepriekš minēto, lūdzam iepirkumu komisiju veikt grozījumus, dzēšot prasības daļu attiecībā uz pieredzes gūšanu ārpus Baltijas valstīm izsakot prasību šādā redakcijā:  “**All contracts/projects used to demonstrate the Experts experience had to be implemented within European Union or European Economic Area.”**  Papildus norādām, ka nav izprotams, kā interpretēt pirmās lotes priekšmetu “INTERNATIONAL PROCUREMENT SUPPORT SERVICES”, jo iepirkumu kontekstā Eiropas savienības dalībvalstīm nepastāv jēdziens “Starptautisks”. Lūdzam sniegt skaidrojumu. | Iepirkuma komisija vēlas paskaidrot, ka Pasūtītāja nodoms, ievērojot Tehniskajās specifikācijas 2.1. sadaļā minēto, ir ar analīzi un novērtēšanu saistīti pakalpojumi, lai saņemtu konsultācijas un ekspertu pakalpojumus par savas esošās prakses uzlabošanu.  Tādējādi, lai saņemtu savai vajadzībai atbilstošu pakalpojumu, Pasūtītājs uzskata par nepieciešamu iekļaut prasībās tādas pieredzes prasības, kur pieredze iegūta ārpus Baltijas valstīm Tas ļauj Pasūtītājam iegūt informāciju un priekšlikumus par paraugpraksi no ES līmeņa pasūtītājiem un pārņemt to savā turpmākā darbībā.  Iepirkuma komisija vēlas arī uzsvērt, ka, lai palielinātu ieinteresēto piegādātāju līdzdalību, iepirkums ir sadalīts vairākās daļās. Tas ļauj pretendentiem piedalīties iepirkumā, iesniedzot piedāvājumu tajās iepirkuma daļās, kuras vislabāk piemērotas pretendenta darbības specifikai un pieredzei. Ņemot vērā, ka uzdotais jautājums attiecas tikai uz iepirkuma daļu, “Starptautiskie iepirkumu atbalsta pakalpojumi”, un pakalpojumu būtība, kurus Pasūtītājs vēlas saņemt, ir cieši saistīta ar izvirzītajām prasībām, iepirkumu komisija nesaskata pamatojumu veikt izmaiņas  Ņemot vērā augstāk minēto, iepirkuma komisija uzskata iebildumus par nepamatotiem un neveiks grozījumus nolikumā  Iepirkumu komisija norāda, ka jautājums par termina “INTERNATIONAL” interpretāciju nav saprotams, kā arī vēlas atgādināt ,ka katras iepirkuma daļas (lotes) apraksts ar skaidrojumiem ir sniegts Tehniskajās specifikācijās (Nolikuma pielikums Nr 1).  Papildus norādām, ka termins “INTERNATIONAL” nav saistāms ar iepirkumu jomas normatīvajiem aktiem. |
| **3.** | We are interested to submit an application for several lots. Is it possible to require a prolongation of the deadline given the specific requirements for international experts in various fields/practice areas? Please kindly inform us if the prolongation of the deadline is possible | The Procurement commission has evaluated the request for an extension of the deadline for the submission of proposals and informs that the there is no justification for the reasons to prolong the proposal submission term and proposal submission term will not change. |

Priority language for the answers- English.

Sincerely,

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| Procurement commission chairperson | M.Jogi |

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