

Riga

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

Our Ref: 1.13p/LV-2023-79

Electronic Procurement System

***Answers to the questions from the interested suppliers
in the competitive procedure with negotiations
"Rail Baltica Control-Command and
Signalling Subsystem Design and Build",
identification number RBR 2022/26***

RB Rail AS presents following answers to the questions received from the interested suppliers until 13 February 2023:

Nr.	Question	Answer
1.	<p>Annex 9, chapter 13.1.1 According to this requirement, all works in section 5.3.1 have to be provided: Chapter 5.3.1 includes the "Reference projects" only and refers to section 1 of the tender dossier. In section 1 there is a distinction made in the definition of a "Brownfield project" (ETCS and GSM-R are not mentioned) and the definition of a "Reference Project" (whereas ETCS and GSM-R are mandatory).</p> <p>Could you please confirm our understanding that a "brownfield railway project" does not mandatorily include ETCS and GSM-R to properly fill in Annex 9? Otherwise the separation in two types of brownfield projects (Brownfield reference project OR brownfield Railway project) would not makes sense according to the table for the form of annex 9 where you can either comply to "manufacture and delivery of ETCS or interlocking equipment" (last point in the table of description of Services in the</p>	<p>Considering the complexity of the question and additional time and expertise needed to answer it, the Procurement commission informs that answer to the question will be provided in five business days.</p>

	<p>form of Annex no. 9) and the requirement of “Radio cellular network planning by means of software tools” (i.e. second point of description of services in the form of Annex no.9) is mandatory for Brownfield Reference Projects only.</p> <p>Annex 9: Please confirm that annex no. 9 can be filled based on a brownfield Railway project as defined in section 1 meeting all the condition of the mentioned “Brownfield railway project” even without ETCS and GSM-R scope. In this case, the requirement “Radio cellular network planning by means of software tools” of Annex No. 9 remains open.</p>	
<p>2.</p>	<p>Tender dossier Chapter 5.4., Exclusion grounds</p> <p>Does an oath document concerning points 5.4.6-5.4.8 need to be notarized or can it be signed by the bidders authorized legal representative(s)?</p>	<p>In accordance with Section 5.8 of the competitive procedure with negotiations Rail Baltica Control-Command and Signalling Subsystem Design and Build”, ID No RBR 2022/26 (hereinafter – Procurement) 1st stage regulation (hereinafter – Regulation), if the documents, with which a candidate registered or permanently residing abroad (outside Latvia) can certify its compliance with the requirements of Section Error! Reference source not found.4. of the Regulation, <u>are not issued or these documents are insufficient</u>, such documents can be replaced with an oath.</p> <p>The Procurement commission indicates that there is a difference between a self-declaration and an oath within the framework of public procurement. The oath is not a declaration by the candidate himself. Giving an oath is applicable only if the laws of the country of the candidate's registration provide for it. If it is provided for, the oath must be given following the procedure described in the laws of the respective country, while if the laws do not provide the procedure for giving the oath, only then the oath must be given before a competent executive or judicial authority, a sworn notary or a competent institution of the relevant industry.</p> <p>The Procurement commission kindly ask potential suppliers to check what type of documents are issued and allowed in each country of the <u>European Union</u> (including self-declaration) and will be accepted by the Procurement commission using the information on the website of European Commission “eCertis” (available here: https://ec.europa.eu/tools/ecertis/#/search).</p>

		<p>Additionally, please see the second paragraph in the answer provided by the Procurement commission to the question No 4.</p>
3.	<p>Tender dossier Chapters 9.2.2. 5.1.1 and 5.1.3</p> <p>Do the Power of Attorneys need to be notarized?</p>	<p>Power of attorney do not have to be notarized unless it is mandatory in accordance with the laws applicable to this power of attorney.</p> <p>Additionally, please see the Section 9.5 of the Regulation.</p>
4.	<p>According to 5.4.2 Regulation, the Candidate shall provide an appropriate statement that Candidate does not have tax debts on the last day of the term for submitting Applications (in the First Stage of the Competition), which is specific date 1st of March 2023. Please confirm that in case Candidate is a company registered abroad (outside of Latvia), it is sufficient to provide tax debt certificate which is issued no earlier than 6 (six) months prior to the date of submission of Applications and which states the Candidate had no tax debts at certain date prior to submission of Application.</p>	<p>In accordance with the Section 5.7 of the Regulation, notices and other documents mentioned in the Section 5.4 of the Regulation, which are issued by foreign competent institutions, are accepted and recognized by the Procurement commission, if they are issued no earlier than 6 (six) months prior to the date <u>of submission of particular notice or document</u>, if the issuer of the notice or document has not set shorter period of validity. Accordingly, tax debt certificate will be valid if it will be issued no earlier than 6 (six) months prior its (tax debt certificate) submission, not Application submission, unless the issuer of the notice or document has not set shorter period of validity.</p> <p>Additionally, please be aware that there is no obligation to submit any documents mentioned in the Section 5.4 of the Regulation, unless documents are not specifically requested by the Procurement commission (please see the footnote No 3 of the Regulation), as the exclusion grounds check will be carried out only with respect to those Candidates whose qualifications will meet all other requirements stipulated in the Regulation.</p>
5.	<p>The interested supplier foresees difficulties to comply with the procurement deadline of 01 March 2023 due to the complexity and volume of qualification documentation required, very complex cross-country business set up with three legislations, numerous specific aspects of the business case, numerous of partners involved these have to be checked by internal and external experts. According to Article 35(4) of the Public Procurement Law the contracting authority has right to extend terms for submission of application (qualification documents). Taking into account above, in order to participate</p>	<p>As extension of the application submission deadline is affecting whole Rail Baltica Control-Command and Signalling Subsystem Design and Build schedule that is crucial for Rail Baltica project, additional time, expertise and allignement is needed before the making a decision. Accordingly, the Procurement commission informs that answer to the request will be provided in five business days.</p>

	and enable interested suppliers to ensure that the contracting authority receives applications that meets the required level of comprehensiveness and professionalism, we kindly request the procurement commission to extend the deadline for submission of applications until 4th of April 2023 .	
--	--	--

Sincerely,

Procurement commission chairperson

A. Benfelde

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