

Rīga, 24 January 2018
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*Answers to the questions from the interested suppliers
in Restricted Competition "Design and design supervision services
for the construction of the new line from Kaunas to Ramygala" ID. No RBR 2017/29*

RB Rail AS informs that the deadline for application submission for the Competition is postponed to 21 February 2018, 16:00 and presents the following answers to the questions received until 19 January 2018 from the interested suppliers:

No	Question	Answer
1.	Will participation in this competition, carry out (performance) of design and design supervision services (works) will allow (will not block) our company from a opportunity to participate in contract work competition for the construction work of this railway track in future?	Contracting authority is not in a position to foresee in advance the possible situations throughout the process of Rail Baltica Global Project implementation that could lead to any <i>conflict of interest</i> cases or to provide any response on the matter. All the cases and possible influence on the procurements at the later stage of the Global Project shall be evaluated according to procedures set out by national procurement legislation.
2.	Chapter 7.4 – Technical and professional ability, requirements. The condition "with the speed above 200 km/h" is mentioned in three requirements (requirement 1, 2 and 3). Could you please confirm that for the three of them "design <u>equal to</u> 200 km/h or above" would be also acceptable?	Please be informed that the condition "speed above 200 km/h" in the clause 7.4 of the Regulations remains unchanged.
3.	Could you please confirm that no Apostile (The Hague) is needed for any document issued in a country member of the European Union for the purpose of this competition?	If the Candidate will be requested to submit evidences confirming absence of cases of exclusion stated in Clause 7.1 there can be such a case where Apostile can be submitted, if it is foreseen by national legislation of Country Tenderer is registered.
4.	Could you please clarify which is the the maximum budget for the Services Contract?	Please be informed that the budget for the subject matter of the Competition shall not be disclosed.
5.	Our company having design and consulting experience, working both with local and international partners, have analyzed the candidate selection regulation for the Competition and identified that the general terms and the scope of building design in Lithuania do not match the provisions of the Law on Construction of the Republic of	Please be informed that in accordance to clause 1.5.2 of the Regulations, the detailed information on the scope of the services to be procured, as well as on the source information, shall be provided to the candidates qualified in the first stage of Competition.

	<p>Lithuania and the Technical Construction Regulations which are mandatory. Design and construction participants operating in the territory of the Republic of Lithuania must follow the mandatory provisions of this legislation, when design and construction works are carried out.</p> <p>Due to above mentioned reason, the general terms and the scope of building design are not fully understandable. Because of uncertainties, unclear tasks pose additional questions and raise the risks. Information that additional and detailed description/information will be disclosed to the candidates who will be selected for submitting a proposal during the second stage of the Competition neither eliminate, nor reduce the uncertainties and risks.</p> <p>For the reasons listed above we kindly ask You:</p> <ol style="list-style-type: none"> 1. to explain and clarify the conformity of scope of services with mandatory Lithuanian legislation (the Law on Construction of the Republic of Lithuania, Technical Construction Regulations); 2. to postpone the tender submission date for the first stage of the Competition for 2 weeks -to February 12th, 2018 	<p>In accordance to the item 2 of the Annex No. 2 of the Regulations, the "Design and design supervision services for the construction of the new line from Kaunas to Ramygala" shall be implemented under the construction legislation of the Republic of Lithuania.</p> <p>Contracting authority has informed about the decision on the extension of the deadline for the submission of applications separately through the online link http://www.railbaltica.org/tenders/design-and-design-supervision-services-for-the-construction-of-the-new-line-from-kaunas-to-ramygala/ and in publication in E-Tenders system: https://www.eis.gov.lv/EKEIS/Supplier/Procurement/9772</p> <p>Deadline for the application is postponed to 21 February 2018.</p>
6.	<p>Point 8.2 of the Candidate Selection Regulation. Could you confirm that the exclusion grounds also apply to a person on whose capabilities a candidate relies but supporting documents mentioned in Section 7.1(1) to 7.1(11) are not asked at this first stage?</p>	<p>Exclusion grounds apply to the person on whose capabilities Candidate relies on. If the candidate provides ESPD then it has to be provided for the person on whose capabilities it relies on and evidences will be requested from both if the Candidate will be selected for the second stage of the Competition.</p>
7.	<p>Point 8. RELIANCE ON THE CAPABILITIES OF OTHER PERSONS. May the candidate and a person on whose capabilities this candidate relies be related through a sub-consultant agreement?</p>	<p>Candidate can rely on the capabilities of a subcontractor, in such case Candidate has to state this situation by filling forms of the procurement Regulation meant for subcontractor and a person on whose capabilities Candidate relies on.</p>
8.	<p>In the Candidate Selection Regulation for Restricted Competition:</p> <p>Point 7.4. Technical and professional ability. Comment 1 (at the bottom of the page) states "If a candidate is a partnership, members of the partnership together shall comply with the above requirements."</p>	<p>The statements are not contradictory, each of them states different situation how Candidate can ensure compliance with the requirements set out by the Regulations. For fulfilment of requirements Candidate can enter into a partnership, rely on a capabilities of an other supplier, one does not exclude the other one.</p>

	<p>And Point 8.1 states "For the fulfilment of the specific contract, in order to comply with the selection requirements for the candidates relating to the economic and financial standing and technical and professional ability (including regarding the team of key experts), the candidate may rely upon the capabilities of other persons, regardless of the legal nature of their mutual relationship."</p> <p>Due to the fact that a person on whose capabilities the candidate relies is not the candidate (this person is not a member of the group of suppliers), these two statements are contradictory. The first states that only the candidate (members of the partnership, if a partnership) may fulfil the technical and professional ability requirements, however, the latter let the candidate rely upon the capabilities of other persons. Could you kindly clarify which statement prevails?</p>	
9.	<p>7.4 Technical and professional ability point 5: experience in the civil design within urban environment. Please specify in more detail Civil design within urban environment requirement. Is it meaning design of transport related objects (metro, trams, stations, platforms, roads, viaducts and other) in urban areas?</p>	<p>Qualification requirement specified in sub-clause 1.5) of Clause 7.4 of the Regulations is not limited to the design scope of transport related objects.</p>
10.	<p>Once the second stage of this procedure is launched and a more detailed description of the required scope and key experts are known, may the candidate rely upon the capabilities of any additional person not declared at this first stage?</p>	<p>For the second stage Candidate may attract additional persons on whose capabilities to rely for fulfilment of procurement requirements.</p>
11.	<p>we kindly ask if the award in design tender exclude the candidate from participation to subsequent construction tenders.</p>	<p>Contracting authority is not in a position to foresee in advance the possible situations throughout the process of Rail Baltica Global Project implementation that could lead to any <i>conflict of interest</i> cases or to provide any response on the matter. All the cases and possible influence on the procurements at the later stage of the Global Project shall be evaluated according to procedures set out by national public procurement legislation .</p>
12.	<p>.. wants to emphasize that E-Tender system (www.eis.gov.lv) directly influences practical ability to submit proposals for tenders "Design and design supervision services for the</p>	<p>The proposal can be signed by the tools provided in E-Tenders system (please see Clause 10.6 of the Regulation for more information).</p>

	<p>construction of the new line from Pärnu to Rapla”, No. RBR 2017/27 and “Design and design supervision services for the construction of the new line from Kaunas to Ramygala”, No. RBR 2017/29 and can be a limiting factor to participate in tender for foreign Tenderer. Contrary, E-Tender system should provide even abilities to submit proposals disregarding Tenderers’ country of origin.</p> <p>We kindly ask to confirm State Regional Development Agency’s (Valsts reģionālās attīstības aģentūras) opinion, that once Tenderer is signed in E-Tender system (www.eis.gov.lv), Tenderer’s representative will be able to submit and sign proposal with electronic signature by just initiating button “Sign” in the system and external driver/service/medium/digital certificate for digitally signing of proposal is not needed.</p>	
13.	Can we see other supplier questions and answers?	All the questions from interested suppliers (without revealing their names) are collected and published together with the answers.
14.	How is question-answers organised? Through e-mail or EIS?	Questions can be submitted by e-mail stated in Clause 1.9. (a) of the Regulations or submitted in E-Tender system.
15.	Can the “7.3 Economic and financial standing” and “7.4 Technical and professional ability” be fulfilled with subcontractor’s references?	Candidate can rely on the capabilities of a subcontractor, in such case Candidate has to state this situation by filling forms of the procurement Regulation meant for subcontractor and a person on whose capabilities Candidate relies on.
16.	Can the “building design” in 7.3 mean all the design modes including preliminary design?	The term “building design” shall cover the legally accepted design stage according to the construction legislation.
17.	Does designers and planners from earlier stages are also considered as preparer of procurement documentation?	Contracting authority is not in a position to foresee in advance the possible situations throughout the process of Rail Baltica Global Project implementation that could lead to any <i>conflict of interest</i> cases or to provide any response on the matter. All the cases and possible influence on the procurements at the later stage of the Global Project shall be evaluated according to procedures set out by national public procurement legislation
18.	The planned design and design supervision services works, for the new road from Kaunas to Ramygala, has a big complexity and has a large scope. The performance of all these	Contracting authority has informed about the decision on the extension of the deadline for the submission of applications separately through the online link

	<p>works requires deep knowledge of the human resources from local and foreign countries and requires attraction of companies registered in foreign countries.</p> <p>We would like to pay your attention to the fact, that the contracting entity has chosen the minimum deadline, allowed by law, for submission of applications - 30 days. Also, we would like to note, that foreign companies, which would like to participate in competition, are obliged to execute additional procedures: to register in to E-Tender system, to collect appropriate statement from the competent authority of the country of registration or residence, to translate documents into English language.</p> <p>Taking into account the complexity and large scope of works and services described above, the need for additional procedures, we ask you to postpone the deadline for submission of applications for the first stage of competition until! 1st of March 2018.</p>	<p>http://www.railbaltica.org/tenders/design-and-design-supervision-services-for-the-construction-of-the-new-line-from-kaunas-to-ramygala/ and in publication in E-Tenders system: https://www.eis.gov.lv/EKEIS/Supplier/Procurement/9772</p> <p>Deadline for the application is postponed to 21 February 2018.</p>
19.	<p>Taking into consideration the fact that this restricted procedure is carried out using E-Tenders system which is subsystem of the Electronic Procurement System (https://www.eis.gov.lv/EKEIS/Supplier), please note that our interested foreign company is having difficulties in registering into the system. We understand that the power of attorney from the supplier's administrator has to be signed by both the organisation's authorized signatory and authorized administrator, and in case they don't own an electronic signature the registration forms must be sent by post; and only after three days since receiving the forms the SRDA will register the company in EPS. Thus, please take into consideration the possibility of extending the submission period with 2 more weeks, so that we could have the necessary time to be registered in the EPS and so that the participation of the highly experienced international companies wouldn't be artificially restricted.</p>	<p>Contracting authority has informed about the decision on the extension of the deadline for the submission of applications separately through the online link http://www.railbaltica.org/tenders/design-and-design-supervision-services-for-the-construction-of-the-new-line-from-kaunas-to-ramygala/ and in publication in E-Tenders system: https://www.eis.gov.lv/EKEIS/Supplier/Procurement/9772</p> <p>Deadline for the application is postponed to 21 February 2018.</p>

Procurement Commission chairman



Mārtiņš Blaus