

Riga

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Electronic Procurement System

**Answers to questions received from interested suppliers
in the competitive procedure with negotiation
"Consolidated supply of NOISE BARRIERS ELEMENTS
for Rail Baltica railway construction)",
identification number RBR 2022/20**

RB Rail AS Procurement Commission presents following answers to the questions received from interested suppliers till 5 October 2022:

Nr.	Question	Answer
1.	Annex 4.1-4.5 (Lot 1-5.): reference works from the last 5 years: is it enough to give the datas of "acoustic panels"?	<p>Please note that in accordance with Clause 4.3.1.-4.3.5. of the Candidate Selection Regulations, Candidate must have experience in the delivery of acoustic panels and shall indicate in the Annex 4.1-4.5. performed supplies of acoustic panels whose material corresponds to material indicated in the requirement (wooden/transparent/metal) according to Lot/Lots applying for.</p> <p>Procurement Commission kindly informs you that amendments in Clause 4.3.1.-4.3.5. of the Candidate Selection Regulations will follow. Amended Regulations will be published in E-Tenders system https://www.eis.gov.lv/EKEIS/Supplier/Procurement/87664 and simultaneously on Rail Baltica official webpage https://www.railbaltica.org/tenders/consolidated-supply-of-noise-barriers-elements-for-rail-baltica-railway-construction/, therefore, please follow the latest available information.</p>
2.	Timing: for the lots, which we wish to give our application, delivery term, to understand, to fulfil in total of 84 months?	<p>Please be kindly informed that in accordance with Clause 1.16. of the Candidate Selection Regulations, the procurement contract for the supply of noise barriers elements will be concluded for a period of 84 (eighty-four) months with the possibility to extend the period of execution covering also the defects notification period and in accordance with the terms and conditions specified in regulatory enactments and the Procurement Contract. Considering the agreement of Lithuania, Latvia, Estonia and the European Commission on the implementation of the multi-year Rail Baltica railway construction project, the centralized procurement of consolidated construction materials is carried out to ensure continuous supplies of the main construction materials throughout the construction process. Material</p>

		supply schedule will be provided in the Second Stage of the Competition.
3.	Authorised person: is it enough to give for the planned association (still without legally authorization of the association) or needs to be a legal authorized person from the companies?	In accordance with Clause 5.3. of the Candidate Selection Regulations, if the Application is submitted by the partnership (<i>association</i>), an agreement of cooperation (or letter of intent to enter into agreement) <u>signed by all members of the partnership</u> , which lists responsibilities of each and every partnership member, and <u>which authorizes one key member</u> to sign the Application and other documents, to receive and issue orders on behalf of the partnership members, and with whom all payments will be made, shall be included.
4.	Annex 3: if we will establish an association: is it enough to give the financial datas for the companies, who can show the last 3 years datas, and the company who has only the last business year with the financial datas for the project, as was founded 2 years ago (but the director in person will be our technical supervision) can take part in our association or better to take him and cooperate with him as person in the project?	<p>Please be informed that economic and financial standing according to Clause 4.2. of the Candidate Selection Regulations can be met by Candidate or by all members of the partnership together (if Candidate is a partnership and confirms requirement together).</p> <p>In the event the Candidate or a member of a partnership (if the Candidate is a partnership) has operated in the market for less than 3 (three) financial years, the requirement shall be met during the entity's actual operation period.</p> <p>Please clarify this part of the question: <i>"(but the director in person will be our technical supervision) can take part in our association or better to take him and cooperate with him as person in the project?"</i></p> <p>If Procurement Commission understood your question correctly, then we clarify that, in accordance with Clause 5.4. of the Candidate Selection Regulations, for the fulfilment of the Contract, in order to comply with the selection requirements for the Candidates (e.g. technical and professional ability), the Candidate may rely upon capacities of other persons, regardless of the legal nature of their mutual relationship.</p>
5.	<p>Ja piegādātāju grupa līguma noslēgšanas gadījumā plāno dibināt pilnsabiedrību, kas būs atbildīga par līguma izpildi, vai nepieciešams norādīt "nodomu protokolā par līguma slēgšanu" katra partnera atbildības un partneri, kas saņems maksājumus?/</p> <p>If the group of suppliers plans to establish a general partnership in the event of the conclusion of the contract, which will be responsible for the execution of the contract, is it necessary to indicate in the "protocol of intent to conclude the contract" the responsibilities of each partner and the partner who will receive payments?</p>	<p>Iepirkuma komisija apliecina, ka saskaņā ar Nolikuma 5.3. punktu, Pieteikumam jāpievieno visu personu apvienības (<i>pilnsabiedrības</i>) dalībnieku parakstīts sadarbības līgums (vai nodomu protokols par līguma slēgšanu), <u>kurā uzskaitīti katra dalībnieka pienākumi</u> un pilnvarojums vienam galvenajam dalībniekam parakstīt Pieteikumu un citus dokumentus, saņemt un izdot rīkojumus personu apvienības vārdā, <u>un kuram tiks veikti visi maksājumi./</u></p> <p>Procurement Commission confirms that in accordance with Clause 5.3. of the Candidate Selection Regulations, the Application shall enclose an agreement of cooperation (or letter of intent to enter into agreement) signed by all members of the partnership (<i>general partnership</i>), <u>which lists responsibilities of each and every partnership member</u>, and which authorizes one key member to sign the Application and other documents, to receive and issue orders on behalf of the partnership members, <u>and with whom all payments will be made.</u></p>
6.	Saskaņā ar nolikuma punktu Nr.4.3.3., Kandidātam ir jābūt piegādājušam troksni samazinošas ierīces, kas ražotas saskaņā ar	Iepirkuma komisija ir ņēmusi vērā Jūsu jautājumu un vērtē nepieciešamo precizējumu apjomu Nolikumā.

	<p>standartiem EN 16272 un EN 1317. Vai produkts, kas ražots saskaņā ar EN 14388, ir atbilstošs 4.3.3. prasībai. Standarts EN 14388 saskaņā ar būvizrādājumu regulu 305/2011 ir harmonizēts un trokšņu barjerām, kas paredzētas lietošanai uz autoceļiem, ir jāatbilst šim standartam, un tām jābūt marķētām ar CE zīmi./</p> <p>According to clause No. 4.3.3 of the regulations, the candidate must have supplied noise-reducing devices manufactured in accordance with standards EN 16272 and EN 1317. Is the product manufactured in accordance with EN 14388 compliant with 4.3.3. for the claim. The standard EN 14388 has been harmonized according to the Construction Products Regulation 305/2011 and noise barriers intended for use on roads must comply with this standard and be CE marked.</p>	<p>Informējam, ka grozījumi Nolikuma 4.3.1.-4.3.5. punktā sekos. Nolikuma grozījumi tiks publicēti E-konkursu sistēmā https://www.eis.gov.lv/EKEIS/Supplier/Procurement/87664 un vienlaikus Rail Baltica oficiālajā mājas lapā https://www.railbaltica.org/tenders/consolidated-supply-of-noise-barriers-elements-for-rail-baltica-railway-construction/, tāpēc lūdzam sekot līdzi jaunākajai pieejamajai informācijai.</p> <p>Procurement Commission has noted your question and shall assess to make clarification in the Regulations. Procurement Commission kindly informs you that amendments in Clause 4.3.1.-4.3.5. of the Candidate Selection Regulations will follow. Amended Regulations will be published in E-Tenders system https://www.eis.gov.lv/EKEIS/Supplier/Procurement/87664 and simultaneously on Rail Baltica official webpage https://www.railbaltica.org/tenders/consolidated-supply-of-noise-barriers-elements-for-rail-baltica-railway-construction/, therefore, please follow the latest available information.</p>
7.	<p>Saskaņā ar nolikuma punktu Nr.4.3.3., Kandidātam ir jābūt piegādājušam troksni samazinošas ierīces no metāla (alumīnija). Vai barjeras, kas ražotas no oglekļa tērauda vai nerūsējoša tērauda, tiek uzskatītas par atbilstošām 4.3.3. punktam? Ražošanas tehnoloģija dažādu metālu troksni samazinošu ierīču ražošanai ir ļoti līdzīga./</p> <p>According to clause No. 4.3.3 of the regulations, the candidate must have noise-reducing devices made of metal (aluminum) to be supplied. Are barriers manufactured from carbon steel or stainless steel considered to comply with 4.3.3. point? The production technology for the production of various metal noise reduction devices is very similar.</p>	<p>Iepirkuma komisija ir ņēmusi vērā Jūsu jautājumu un vērtē nepieciešamo precizējumu apjomu Nolikumā. Lūdzu, skatiet informāciju, kas sniegta iepriekšējā atbildē./</p> <p>Procurement Commission has noted your question and shall assess to make clarification in the Regulations. Please refer to the information given in the previous answer.</p>
8.	<p>Mēs iesniegsim dokumentus ar pilnvarotu personu, vai Jums būtu "Power of attorney" un "Partnership agreement" paraugi? Negribētos lai būtu kādas kļūdas šajos dokumentos./</p> <p>We will submit the documents with an authorized person, would you have samples of the Power of attorney and Partnership agreement? I would not like there to be any errors in these documents.</p>	<p>Diemžēl Iepirkuma komisija nevar jums nodrošināt pilnvaras un sabiedrības līguma paraugu, jo šo dokumentu saturu nosaka pats Kandidāts.</p> <p>Vienlaikus lūdzam ņemt vērā, ka saskaņā ar Nolikuma 5.3. punktu, Pieteikumam jāpievieno visu personu apvienības dalībnieku parakstīts sadarbības līgums (vai nodomu protokols par līguma slēgšanu), kurā uzskaitīti katra personu apvienības dalībnieka pienākumi un pilnvarojums vienam galvenajam dalībniekam parakstīt Pieteikumu un citus dokumentus, saņemt un izdot rīkojumus personu apvienības vārdā, un kuram tiks veikti visi maksājumi. Šajā dokumentā Kandidāts papildus norāda personu apvienības dalībnieku, uz kura spējām tas balstās, lai apliecinātu savu finansiālo un ekonomisko stāvokli un solidāru atbildību par Līguma izpildi.</p> <p>Saskaņā ar Nolikuma 7.3. punktu, pilnvarojuma dokumentā (piemēram, pilnvarā) expressis verbis norāda pilnvarojumu parakstīt, iesniegt un citādi pārvaldīt Pieteikumu./</p>

		<p>Unfortunately, Procurement Commission cannot provide you template of Power of attorney and Partnership agreement as it is up to Candidate to decide on content of these documents.</p> <p>At the same time, please note that in accordance with Clause 5.3. of the Candidate Selection Regulations, the Application shall include an agreement of cooperation (or letter of intent to enter into agreement) signed by all members of the partnership, which lists responsibilities of each and every partnership member, and which authorizes one key member to sign the Application and other documents, to receive and issue orders on behalf of the partnership members, and with whom all payments will be made. In this document Candidate additionally indicates the member of the partnership on whose capacity it relies to certify its financial and economic performance and a commitment to be financially and economically responsible for the fulfilment of the Contract.</p> <p>In accordance with Clause 7.3. of the Candidate Selection Regulations, authorization document (e.g. power of attorney) expressis verbis shall indicate the authorizations to sign, submit and otherwise manage the Application.</p>
9.	<p>You are asking for noise barriers compliant with European standards EN 16272 and EN 1317. But EN 1317 is about safety barriers. Could it be a mistake and the correct standard would be the EN 1793?</p>	<p>Procurement Commission has noted your question and shall assess to make clarification in the Regulations.</p> <p>Procurement Commission kindly informs you that amendments in Clause 4.3.1.-4.3.5. of the Candidate Selection Regulations will follow. Amended Regulations will be published in E-Tenders system https://www.eis.gov.lv/EKEIS/Supplier/Procurement/87664 and simultaneously on Rail Baltica official webpage https://www.railbaltica.org/tenders/consolidated-supply-of-noise-barriers-elements-for-rail-baltica-railway-construction/, therefore, please follow the latest available information.</p>
10.	<p>Ja plānots dibināt pilnsabiedrību, vai finansiāli un ekonomiski atbildīgam jābūt partnerim (tai skaitā jāiesniedz līguma izpildes garantija, avansa maksājuma garantija), uz kura finansiālām un ekonomiskām spējām kandidāts ir balstījies saskaņā ar Nolikuma 4.2. punktu?/</p> <p>If it is planned to establish a general partnership, should the partner be financially and economically responsible (including a contract performance guarantee, advance payment guarantee), on whose financial and economic abilities the candidate has relied in accordance with Article 4.2 of the Regulations?</p>	<p>Informējam, ka saskaņā ar Nolikuma 5.2. punktu, Pasūtītājs ir noteicis, ka starp personu apvienības (<i>pilnsabiedrības</i>) biedriem, uz kuru finansiālajām un ekonomiskajām iespējām personu apvienība balstās un kuri būs finansiāli un ekonomiski atbildīgi par Līguma izpildi, ir jābūt nodibinātai solidārai atbildībai par līguma izpildi. Detalizēti līguma projekta nosacījumi, tai skaitā līguma izpildes garantija, tiks sniegti konkursa otrajā posmā./</p> <p>Please be kindly informed that in accordance with Clause 5.2. of the Regulations, Contracting authority requires establishing joint and several liability for the execution of the contract between the members of the partnership (<i>general partnership</i>) on whose financial and economic capabilities the partnership is relying and who will be financially and economically responsible for the fulfilment of the Contract. Detailed conditions of the Draft contract, including contract performance</p>

		guarantee, will be provided in the Second Stage of the Competition.
11.	Please clarify what is the specification of these steel poles and their characteristic minimum parameters (steel grade, load and bending requirements, marking, etc.) that must be met?	Please be informed that detailed technical specification for noise barriers elements (including steel poles) will be provided in the Second Stage of the Competition.
12.	Will it be accepted that steel posts are replaced with poles made of other materials, if its technical specifications and minimum parameters will meet the technical requirements and minimum parameters of steel posts?	Please refer to previous answer.
13.	Which certified laboratory tests do you accept (please specify) and which tests are required for the acceptance of this alternative material?	Detailed technical specification of noise barriers elements, including requirements for laboratory tests, will be provided in the Second Stage of the Competition.
14.	According to the General description of the subject-matter of the Competition (Annex No 2), please confirm that the scope of the procurement is only supply of noise barriers elements (acoustic panels and steel posts with baseplate) and do not include any construction works. Also, in the detailed description of the subject-matter of procurement at the Stage Two of the Competition will not be included any requirements for construction works.	Procurement Commission confirms that subject-matter of the Competition is supply of the noise barriers elements.

Sincerely,

Procurement commission chairperson

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