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Reg. No: 1.13p/LV-2026-57

Electronic Procurement System

Answers to the questions received from the interested suppliers in the open competition

“Design Expertise services for Rail Baltica Energy Subsystem in Latvia, and Lithuania” ID No RBR 2025/14

Contracting Authority presents following answers to the questions received from the interested suppliers until 16th April 2026*:

No	Question	Answer
1.	<p><i>Lūdzam detālāk aprakstīt Līguma slēgšanas kritērijus un nosacījumus, varbūt varat sniegt piemēru par atbildes Nr. 10 šo sadaļu/</i></p> <p>"At the same time, the Procurement commission informs that as a result of the procedure, it is planned to conclude a Framework Agreement with several tenderers/consultants who have submitted compliant tenders. Please pay attention to Sections 11 "Financial proposal" and 20 "Agreement and award Criteria" of the Regulations, as well as to the draft Agreement." /</p> <p>Please describe in more detail the criteria and conditions for concluding the Agreement, perhaps you can provide an example of this section of answer No. 10¹</p> <p>"At the same time, the Procurement commission informs that as a result of the procedure, it is planned to conclude a Framework Agreement with several tenderers/consultants who have submitted compliant tenders. Please pay attention to Sections 11 "Financial proposal" and 20 "Agreement and award Criteria" of the</p>	<p>The Procurement commission explains the concept of the Financial proposal, Contract award criteria, as well provides explanation of the "Direct award" and "Mini competition" principles of the Framework Agreement's (also Agreement) execution phase:</p> <p>Regarding Financial proposal (Section 11 of the Regulations).</p> <p>The conditions of the Financial proposal are described in the Section 11 of the Regulations.</p> <p>General ideal is, that as remuneration for the Services, the Tenderer shall propose the <u>Hourly Rate Upper Limit</u> as single value. For the purpose of justification of proposal to be provided during mini-competitions (after Agreement award), Tenderer must to provide detalisation of financial proposal by splitting Hourly Rate Upper Limit value as proposed in the table detalisation of Financial proposal. Tenderer must to provide split of Hourly Rate Upper Limit value by hourly rates of particular Expertise experts and add additional costs the Tenderer considers to be included in the detalised financial proposal.</p> <p>For Financial proposal detalisation (form), please see the Annex 6.1. of the Regulations.</p> <p>The Procurement commission kindly ask to pay attention to the fact, that after Agreement award and during Direct award or Mini-competition procedures for the fulfilment of the</p>

¹Note from Procurement commission: For insight, please see Question and Answer No 10, from Procurement commission's letter No 1.13p/LV-2026-47, dated 13 April 2026.

Regulations, as well as to the draft Agreement”.

specific tasks maximum hourly rate may be decreased (*please see explanation/ example below*).

Regarding Agreement award criteria (Section 20 of the Regulations).

The economically most advantageous proposal shall be Proposal with the lowest proposed threshold for hourly rate (*Hourly Rate Upper Limit*) (the only evaluation criterion), which complies with the requirements stipulated by the Regulations (20.2 of the Regulations).

The Procurement commission determines and selects 5 (five) Tenderers in accordance with Section 20.2 of the Regulations and entering in the Framework Agreements shall be awarded to the Tenderers ranked by the hourly rate price from lowest rate to the highest rate for each Lot (Section 20.3 of the Regulations).

If after ranking there is more than one Tenderer in the same position, the Procurement commission will rank all of them at the same position and will award all qualified Tenderers ranked from 1 (first) to 5 (fifth) position (Section 20.4 of the Regulations).

In other words, Procurement commission selects only compliant proposals, and before making a preliminary decision to award with Agreement rights, compares the proposed “Hourly Rate Upper Limit”.

In the next step, Procurement commission will rank the Tenderers, ranked by the hourly rate price from lowest rate (“Hourly Rate Upper Limit”) to the highest rate for each Lot. Then, Procurement commission selects 5 (five) Tenderers in accordance with Section 20.2 of the Regulations and entering in the Framework Agreements which propose the lowest rates.

Only exception will be in case, if after ranking there is more than one Tenderer in the same position. Then the Procurement commission will rank all of them at the same position and will award all qualified Tenderers ranked from 1 (first) to 5 (fifth) position.

Please see example:

Scenario A:

Position by ranking	Tenderer	Proposed price EUR, excl VAT: "Hourly Rate Upper Limit "
1	A	5
2	B	10
3	C	15
4	D	20
5	E	25
6	F	30

Conclusion: The Procurement commission makes a preliminary decision, to enter into a Framework Agreement with Tenderers: A; B; C; D and E.

Scenario B:

Position by ranking	Tenderer	Proposed price EUR, excl VAT: "Hourly Rate Upper Limit "
1	A	5
2	B	10
3	C	15
3	D	15
4	E	20
5	F	25
6	G	30
8	H	35

Conclusion: The Procurement commission makes a preliminary decision, to enter into a Framework Agreement with Tenderers: A; B; C; D; E and F, because C and D share the same position.

**The proposed prices are illustrative.*

Regarding Framework Agreement.

Additionally, Procurement commission wants to inform that the purpose of the Framework Agreement is to define provisions under which the Consultant (Tenderer) may be engaged to provide the Services to the Client and main provisions to be followed during provision of the Services. The Framework Agreement does not impose an obligation whatsoever on the Client to engage the Consultant to provide the Services, nor does it guarantee any exclusive right to the Consultant to provide the Services. The Framework Agreement entitles the Consultant to participate in Mini Competition Procedures along with other Consultants (each of whom has signed a separate Framework Agreement), or be awarded with the provision of the Assignment directly in accordance with the Direct Award Procedure.

ENE subsystem design is under early-stage development. For Latvia and Lithuania, ENE subsystem design will be split in several designs, building permits and the exact scope of these designs cannot be determined at this stage. This is the main reason why the Framework Agreement approach was chosen, as the scope may be defined per assignment as needed under the Assignment Order procedure.

Under the Mini Competition Procedure, the Client invites all framework consultants to submit a Quote in response to a Request for Quote (RFQ) describing the required services, scope, deliverables, and timeline. Consultants normally have 5 Business Days to submit a binding Quote based on the capped hourly rates in the Framework Agreement. The Client evaluates all responses and awards the Assignment Order to the most economically advantageous offer, primarily based on price, but potentially also considering delivery time and previous cooperation experience.

		<p>Under the Direct Award Procedure, the Client may award an Assignment Order directly to a single framework consultant, without competition, where objectively justified (e.g. continuity of work, workload balancing, urgency, lack of valid responses in a mini competition, or absence of other framework consultants). The Client issues an RFQ to the selected consultant, who must submit a binding Quote (normally within 5 Business Days) based on agreed hourly rates. Following receipt of the Quote, the Client may award the Assignment Order directly or, if the Quote is unsuitable, switch to another consultant, initiate a mini competition, or terminate the procedure.</p> <p>Procurement commission informs that the hourly rate proposed during the Procurement phase sets only an upper limit (cap) for future assignments. As part of the Mini-Competition or Direct Award procedure, the Consultant is allowed to propose a lower hourly rate. In other words, if the Consultant objectively believes that the specific service can be performed at a lower hourly cost, it may offer a different, more appropriate hourly rate based on the issued RFQ and its conditions. Similarly, the Consultant may maintain its proposed hourly rate in the Procurement but vary over time the length of time (hours) for which the service will be performed. This enables the Consultants to provide competitive quotes for assignments during the RFQ phase. However, as already identified, the proposed hourly rate serves as a maximum value and may not be increased during the RFQ, expect when parties agree to apply indexation.</p>
2.	<p>We still have a few questions:</p> <p>1. The procurement conditions state that the average annual financial turnover of the supplier participating in the tender over the last 3 (three) years (2022, 2023, 2024) is not less than:</p> <p>1) EUR 300,000.00 (three hundred thousand euros, 00 cents) (if the Participant submits an application for procurement lot No. 1);</p> <p>2) EUR 400,000.00 (four hundred thousand euros, 00 cents) (if the Participant submits an application for procurement lot No. 2). The first question is, is it really 2022, 2023, 2024, and not 2023, 2024, 2025? The second question is, are the indicated average annual financial turnover amounts not excessive?</p> <p>2. Since the selected suppliers will provide services on the basis of a dynamic procurement system, i.e. suppliers are selected based on qualification requirements, what determines the indicated hourly rate?</p>	<p><u>Answer to the question No 1:</u></p> <p>The Procurement commission informs that the procurement procedure is conducted in accordance with the Public Procurement Law of the Republic of Latvia, therefore, certain conditions have been formulated based on the Latvian regulatory framework. As the preparation of annual financial statements for previous reporting period, in accordance with Latvian regulatory enactments, may take until the end of May of the relevant year or even later (depending on the company's legal or business form), the requirement regarding financial turnover specifies the following period: the years 2022, 2023, and 2024. Accordingly, the Procurement commission will be able to verify financial turnover data based on <u>approved</u> annual financial statements.</p> <p>However, the Procurement commission notes that if a tenderer has an approved annual financial statement for the year 2025, it may submit information for the years 2023, 2024, and 2025. This is provided for by the note included in the procurement Regulations:</p> <p><i>"If the previous 3 (three) reporting years of the Tenderer differ from the years specified in the Section 8.3.1 of the Regulations (2022, 2023, 2024), the financial turnover must be indicated for the Tenderer's previous 3 (three) reporting years."</i></p>

	<p>Regarding the average financial turnover amount: the Procurement commission observed the principle of proportionality, taking into account the Agreement value specified in Section 6.7 of the Regulations. It should be noted that the estimated Agreement value is higher as the required financial turnover data. Furthermore, the Procurement commission must be confident that the tenderer's financial indicators are stable in order to assume the contractual obligations.</p> <p>Answer to the question No 2: The Procurement commission notes that the Procurement is not carried out using a Dynamic Procurement System, but Electronic Procurement System, and this is Open competition procedure. In view of the above, tenderers will be evaluated and selected based on the provisions of the Regulations. With regard to the content of the proposal, and documents which must be submitted, please refer to Answer No 10 of Letter 1.13p/LV-2026-47, dated 13 April 2026. With regard to the pricing principle, as well as the structure of the financial proposal and the performance of the Agreement within the specified timeframe, please see the response to Question No 1 of this letter.</p>
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* Procurement commission informs that in accordance with Section 2.8. of the Regulations, the exchange of information between the Procurement commission and the Supplier or Tenderer shall be in writing (by sending documents electronically to e-mail or using E-Tenders system) in English (if information is submitted in Latvian, it shall be accompanied by a translation into English). Additionally, the Procurement commission informs that the answers are provided with reference to the Procurement documentation, which is in English, as only the English version is legally binding.

Sincerely,

I. Zulkē

Procurement commission chairperson

Ieva Zulkē
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