

Riga

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Our Ref: 1.13p/LV-2024-186

Electronic Procurement System

***An answer to the questions from the interested suppliers
In the open competition "Recruitment services – in the Baltic States
(Latvia, Lithuania, Estonia)",
Identification number, RBR 2024/4***

RB Rail AS presents following answers to the questions received from the interested suppliers until 26th May 2024:

No	Question	Answer
1.	Is it necessary to establish branches in Lithuania and Estonia if we already have partnership with other companies in these countries that you can contact when needed?	<p>The Procurement commission informs that in accordance with Section 8.4.3. of the Regulations is stated that <i>"The Tenderer shall have Pan-Baltic representation (i.e., offices, affiliates, branches) in all three Baltic countries (Latvia, Lithuania, Estonia)."</i></p> <p>The Procurement commission informs that the relevant requirement does not impose an obligation to establish branches. When submitting a proposal for procurement, the Tenderer must provide evidence that it has a representation in Pan-Baltic.</p> <p>With regard to already existing cross-border cooperation partners, the Tenderer can fulfil the mentioned requirement as follows: for example, by participating in procurement as a "partnership" (together with cooperation partners) (please pay attention to the Section 7 of the Regulations), or indicate that they are the persons on whose capabilities the Tenderer is relying (please pay attention to the Section 9 of the Regulations).</p>
2.	In Lithuania and Estonia, is it mandatory for the collaborating entity to be a company, or can it also be a sole proprietorship?	The Procurement commission confirms, collaborating entity can also be a sole proprietorship. However, the Procurement commission kindly asks to pay attention to the fact that it is necessary to identify the type of cooperation, for example, whether the relevant

		cooperation partner is a person on whose capabilities the Tenderer is relying.
3.	Can all the project managers responsible for the actual selection be based in Latvia, with only liaison contacts present in Lithuania and Estonia?	<p>It follows from the Technical Specification that also those Project Manager who will work on recruitment projects in Estonia and Lithuania, must have in-depth expertise of the local candidate market. This approach is also implied by the draft Contract. The Procurement commission assumes that local language skills, which an expert working from Latvia is unlikely to have, would be very useful for a thorough understanding of the local candidate market. This could lead to the suspicion that the proposed Project Manager will not be able to meet the above requirements. Therefore, although it is not a mandatory requirement, knowledge of the local language would be highly desirable, despite the fact that English is specified as the working language in the Technical specification and the draft Contract. However, considering the above, it must be stated that the Tender can also propose a Project Manager based in Latvia for cross-border cooperation, as long as he/she is able to fulfill all the requirements of the Technical specification and the Contract.</p> <p>Additionally, the Procurement commission emphasizes that in accordance with Clause 3.5.3. of the draft Agreement, the Service Provider will always be bound by this obligation: "the Service Provider shall replace the Sub-Contractor and/or Approved Staff member which, during the effectiveness of this Agreement, fails to meet any of the requirements set out during the Procurement Procedure." In addition, other mandatory principles contained in the Agreement must be respected, such as the contractual principles that Services must be provided to a high quality and in accordance with the Good Industry Practice. In other words, all of this means that the Service provider will be required to replace the personnel if such personnel will be unable to ensure high-quality performance of the Contract, i.e., <i>inter alia</i>, such an obligation will also arise if it turns out that the Sub-Contractor and/or Approved Staff member does not have in-depth expertise of the local candidate market.</p>
4.	Based on the requirements outlined in section 8.3.1. and 8.3.2 of the tender document, could you please clarify if, in the case of a partnership involving several companies, we provide an average annual financial turnover within last 3 (three) financial years about all the companies together (8.3.1.) and we give an information	<p>Regarding requirement No 8.3.1. of the Regulations</p> <p>The Procurement commission explains that <u>in case the Tenderer submits the proposal as a partnership</u>, it also can certify compliance with the above-mentioned requirement jointly. Respectively, according to the requirements of the Regulation, it is not established that each</p>

	<p>about the member of the partnership on whose capacity Tenderer is relying to certify its financial and economic performance and who will be financially and economically responsible for fulfilment of the Contract (8.3.2.)</p> <p>it is mandatory to provide the information about a liquidity ratio and equity capital for each company in a partnership or alternatively is sufficient to provide this information for only one main responsible company within the partnership?</p>	<p>member of partnership must fulfill the mentioned requirement.</p> <p>Also, according to Regulations is stated, that if the Proposal is submitted by a partnership, the Tenderer shall indicate the member of the partnership on whose capacity Tenderer is relying to certify its financial and economic performance and who will be financially and economically responsible for fulfilment of the Contract including this information in the agreement of cooperation (or letter of intent to enter into agreement) stipulated in Section 8.2.1 of the Regulations.</p> <p>At the same time, the Regulation provides the possibility that the Tenderer can rely on the financial capabilities of another person to prove compliance with the mentioned requirement. It also can be a partnership member(s). Also, in such case, the Tenderer needs to indicate in the proposal on which members financial capacity (i.e., turnover) the Tenderer is relying and needs to indicate each member of the partnership which will be financially responsible for the performance of the contract (please pay attention to requirements stipulated in Section 8.2.1).</p> <p>Considering abovementioned, the Procurement commission explains that the Tenderer can submit the documentation specified in the Section 8.3.1 of the Regulations only for one member of the partnership, if this particular member alone meets the financial standing criteria specified in the Section 8.3.1.</p> <p>Regarding requirement No 8.3.2. of the Regulations</p> <p>According to the requirements of the Regulations, it is provided that in the case of a partnership:</p> <ol style="list-style-type: none"> 1) the requirement can be fulfilled by each member of the partnership; and also 2) the requirement can be fulfilled by those member(s) of the partnership on whose financial and economic capabilities the partnership is relying and who shall be financially and economically responsible for fulfilment of the procurement contract. <p>In other words, the Tenderer may submit evidence only of that member(s) of the partnership, if Tenderer is relying to those member(s) to certify its financial and economic performance and those member(s) will be</p>
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		financially and economically responsible for fulfilment of the Contract. In such case, the Procurement commission kindly asks to pay attention all necessary documents which must be submitted (e.g., agreement of cooperation).
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Sincerely,

Procurement commission chairperson / Secretary

I. Zuļķe

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