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Our Ref: 1.13p/LV-2022-367

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 8 November 2022:

Nr.	Question	Answer
1.	<p>Nemot vērā, ka iepriekšējā Konkursa rīkotāja atbilde kandidātam nebija pietiekoši skaidra, lūdzam sniegt papildus skaidrojumu par Konkursa nolikuma 4.3.1.p.</p> <p>Jautājums:</p> <p>Vai kandidātiem, kas pretendē vienlaicīgi uz 3., 4. un 5. daļu, lai apliecinātu pieredzes prasības ir jāiesniedz informācija par piegādes darījumiem skaitot visas apjomu daļas kopā (40 000 m² + 60 000 m² + 30 000 m² = 130 000 m²) un tiem visiem darījumiem ir jābūt atsevišķiem (dažādiem) piegādes darījumiem?</p> <p>Jautājuma būtību skaidrojam ar piemēru:</p> <p>Kandidātam ir veikts piegādes darījums A par apjomu 40 000 m² un piegādes darījums B par apjomu 30 000 m².</p> <p>Vai kandidāts drīkst balstīties uz šiem piegādes darījumiem, lai vienlaicīgi apliecinātu savu pieredzi vairākās (3) lotēs, sekojoši:</p> <p>3 lote (40 000 m²) : balstāmies uz A darījumu par summu 40 000 m²</p> <p>4 lote (60 000 m²) : balstāmies uz A un B darījumu kopsummu 70 000 m² (A darījums 40 000 m² + B darījums 30 000 m² = 70 000 m²)</p> <p>5 lote (30 000 m²) : balstāmies uz B darījumu par summu 30 000 m²</p> <p>Kā redzams piemērā darījumi atkārtojas.</p> <p>Vai tas ir atļauts? Vai tomēr katrā lotē ir jābalstās uz atsevišķiem (dažādiem) darījumiem un tie nevar atkārtoties citās lotēs?</p> <p>Lūdzam precizēt, jo kandidātam tas ir ļoti būtiski!/?</p>	<p>Atbilstoši sniegtajam skaidrojumam iepriekšējā atbildē, Iepirkuma Komisija atzīmē, ka saskaņā ar Nolikuma 4.3.6. punktu, Kandidātam jābūt pieredzei atbilstoši Nolikumā noteiktajam kopējam apjomam par daļām, kurām Kandidāts piesakās.</p> <p>Ja Kandidāts pretendē uz 3.daļu, 4.daļu un 5.daļu, Kandidātam jābūt pieredzei metāla akustisko paneļu piegādēs ar kopējo apjomu vismaz 130 000 m² (40 000+60 000+30 000) neatkarīgi no veikto darījumu skaita.</p> <p>Norādītajā piemērā Kandidātam ir pieredze piegādēs ar kopējo apjomu 70 000 m², attiecīgi, izpildot prasību 3. un 5. daļai, vai tikai 4. daļai, bet Kandidāts neizpilda prasību, kas noteikta Nolikumā visām trīs daļām kopā.</p> <p>Papildus Iepirkuma Komisija laipni paskaidro, ka kvalifikācijas prasības mērķis nav formāls, bet gan praktisks, proti, pierādīt Kandidātu spējas izgatavot/iegādāt nepieciešamos daudzumus attiecīgajos termiņos, lai Pasūtītājs varētu pārliecināties, ka līguma slēgšanas tiesību piešķiršanas gadījumā ražotājam/iegādātājam būs pieejamas jaudas un tam ir pieredze, lai nodrošinātu piegādes, kas nepieciešamas saskaņā ar iepirkuma līgumu./</p> <p>As already clarified in the previous answer, the Procurement Commission notes that according to Clause 4.3.6. of the Regulations, the Candidate must have experience in supplies in accordance with the total volume specified in the Regulations for all lots applying for.</p>

<p>Considering that the previous Contest organizer's answer to the candidate was not sufficiently clear, please provide an additional explanation about Clause 4.3.1 of the Competition Regulations.</p> <p>Question:</p> <p>Or for candidates applying simultaneously for Parts 3, 4 and 5 to demonstrate experience requirements, information on delivery transactions must be submitted, counting all parts of the volumes together (Article 40 000 m2 + 60 000 m2 + 30 000 m2 = 130 000 m2) and all those transactions have should there be separate (different) delivery transactions?</p> <p>We explain the essence of the question with an example:</p> <p>The candidate has made delivery transaction A for the volume of 40,000m2 and delivery transaction B for volume of 30,000m2.</p> <p>Whether the candidate may rely on these supply transactions to prove his at the same time experience in several (3) lots, as follows:</p> <p>Lot 3 (40,000m2): based on transaction A for the amount of 40,000m2</p> <p>Lot 4 (60,000m2): based on the total amount of transactions A and B of 70,000m2 (transaction A 40000m2 + transaction B 30000m2 = 70000m2)</p> <p>Lot 5 (30,000m2): based on transaction B for the amount of 30,000m2</p> <p>As you can see in the example, transactions are repeated.</p> <p>Is this allowed? Or should each lot be based on separate (different) transactions and those cannot be repeated in other lots?</p> <p>Please specify, as it is very important for the candidate!/ We explain the essence of the question with an example:</p> <p>The candidate has made delivery transaction A for the volume of 40,000m2 and delivery transaction B for volume of 30,000m2.</p> <p>Whether the candidate may rely on these supply transactions to prove his at the same time experience in several (3) lots, as follows:</p> <p>Lot 3 (40,000m2): based on transaction A for the amount of 40,000m2</p> <p>Lot 4 (60,000m2): based on the total amount of transactions A and B of 70,000m2 (transaction A 40000m2 + transaction B 30000m2 = 70000m2)</p>	<p>If the Candidate applies for Lot 3, Lot 4 and Lot 5, Candidate must have experience in supplies of <u>total volume</u> of metal acoustic panels <u>of at least 130 000 m2</u> (40 000+60 000+30 000) regardless the number of transactions.</p> <p>In the example provided, the Candidate has experience in supplies of total volume 70 000 m2 complying with requirement for Lot 3 and Lot 5 or only for Lot 4, but Candidate do not comply with requirement stipulated in the Regulations for all three lots together.</p> <p>In addition, Procurement Commission kindly explains that the aim of the qualification requirement is not formal, but practical, namely, to demonstrate Candidate's capacity of manufacturing/supply of the required quantities in the respective time scales so that Contracting authority can ascertain that in case of award of the contract there will be capacities available and manufacturer/supplier has the experience to handle supplies required under the procurement agreement.</p>
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	<p>Lot 5 (30,000m2): based on transaction B for the amount of 30,000m2</p> <p>As you can see in the example, transactions are repeated.</p> <p>Is this allowed? Or should each lot be based on separate (different) transactions and those cannot be repeated in other lots?</p> <p>Please specify, as it is very important for the candidate!</p>	
2.	<p>Could you please explain does this purchase consist of materials supply or materials + installation? Does this tender dedicated just for Latvian territory or for the hole project of Rail Baltica?</p>	<p>The Procurement Commission confirms that subject-matter of the Competition is supply of the noise barriers elements (supply contract not installation).</p> <p>Please note that subject-matter of the Competition is divided into 5 lots, where Lot 1 and Lot 2 covers supply to all three Baltic states - Estonia, Latvia, Lithuania, but Lot 3, Lot 4, Lot 5 covers supply to each Baltic state respectively.</p> <p>Quantities and estimated split per countries for Lots 1 and 2 will be distributed in 2nd stage of the procurement for qualified Candidates selected for the 2nd stage.</p> <p>The Procurement Commission kindly advises to study the Regulations of the Competition available in the Electronic Procurement System https://www.eis.gov.lv/EKEIS/Supplier/Procurement/87664 and on Rail Baltica official webpage https://www.railbaltica.org/tenders/consolidated-supply-of-noise-barriers-elements-for-rail-baltica-railway-construction/.</p>
3.	<p>Depending on dynamic purchase system the date of deadline 2022.11.21 is the final one or suppliers might to participate in tender after deadline?</p>	<p>Please be informed that selected procedure for this procurement is Competitive procedure with negotiations and Procurement Contract will be signed with one supplier for each Lot for the term of 84 (eighty-four) months with the possibility to extend this 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.</p> <p>Applications shall be submitted by 21 November 2022 till 14 o'clock (Time Zone EET (Eastern European Time), Riga, Latvia), therefore only applications submitted in E-Tenders System and within time indicated will be accepted and evaluated for participation in the procedure.</p>
4.	<p>Vai fiziskā persona(uz pilnvaras pamata) var iesniegt dokumentus diviem kandidātiem? Piem. kandidāts A pretendē uz Lot 1 un Lot 2 - iesniedz Persona K, un kandidāts B pretendē uz Lot 3,4,5 - iesniedz Persona K(tads pats pārstāvis kā kadidātam A)./</p> <p>Can a natural person (based on power of attorney) submit documents to two candidates? For example. candidate A applies for Lot 1 and Lot 2 - submitted by Person K, and candidate B applies for Lot 3,4,5 - submitted by Person K (the same representative as for candidate A).</p>	<p>Iepirkuma komisija skaidro, ka Pieteikumu iesniedz persona, kura ir pilnvarota to darīt Kandidāta vārdā un šī persona ir jāreģistrē kā E-iepirkumu sistēmas administrators, lai varētu augšupielādēt un parakstīt pieteikumu e-konkursu sistēmā.</p> <p>Saskaņā ar Nolikuma 7.3. punktu, ja Pieteikumu paraksta pilnvarota persona, Kandidāts iesniedz attiecīgu dokumentu (piemēram, pilnvaru), kas expressis verbis norāda pilnvarojumu parakstīt, iesniegt un citādi pārvaldīt Pieteikumu.</p> <p>Lūdzam ņemt vērā, ka pārstāvības juridiskais pamats ir Kandidāta ziņā un piesakoties uz dažādām Iepirkuma</p>

		<p>daļām, vienai fiziskai personai nav ierobežojumu iesniegt Pieteikumu tikai par vienu Kandidātu./</p> <p>The Procurement Commission explains that the Application shall be submitted by person who is authorized to do so on behalf of the Candidate and this person shall be registered as an administrator of the E-procurement system in order to able to upload and sign Application in e-Tenders system.</p> <p>In accordance with Clause 7.3. of the Regulations, if the Application is signed by authorized person, the respective authorization document (e.g. power of attorney) shall be enclosed, expressis verbis stating the authorizations to sign, submit and otherwise manage the Application.</p> <p>Please note that the legal basis of representation is up to the Candidate and when applying for different lots of the procurement, one natural person is not restricted to submit an Application for only one Candidate.</p>
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Sincerely,

Procurement commission chairperson

M. Blaus

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