

*Annex*

to the summary of the 19.01.2022 consultation with the interested suppliers

**ANSWERS TO THE QUESTIONS FROM INTERESTED SUPPLIERS**  
regarding the procurement procedure

**„CONSULTING ENGINEER AND CONSTRUCTION SUPERVISION SERVICES  
FOR THE RAIL BALTICA MAINLINE CONSTRUCTION IN LATVIA”  
(Id No. EDZL 2021/7 CEF)**

No.	Supplier's questions	Answer
1.	Will the Consultant for construction supervision be authorized to act as the Engineer in accordance with FIDIC Red Book?	Yes, the Contracting Authority is merging the roles of technical supervisor for the supervision of construction works with engineer services according to the FIDIC Red book and the contract for services will be signed according to the FIDIC White book.
2.	Is there any conflict of interest for participating in tender for companies already involved in design stage of Rail Baltica mainline?	<p>The Contracting Authority explains that, observing also the explanations of the regulation of existing regulatory enactments provided by the Ministry of Economics of the Republic of Latvia, the restriction to provide construction supervision services is limited to the performer of construction works, but is not applicable to the designer.</p> <p>Taking into account the above-mentioned, the Contracting Authority indicates that the interested supplier, who has participated in the provision of the design services of the Rail Baltica mainline, is entitled to participate in the competitive procedure with negotiations (and, accordingly, in the event of victory) to provide construction supervision services both as a Candidate (including, as one of the members of the association of persons or one of the members of the partnership), or as a subcontractor attracted by the Candidate. In such a case, the supplier concerned is also entitled to provide construction supervision services, both for the construction of the Rail Baltica mainline sections whose development of designs he has actually participated in and also for the</p>

		<p>construction of other sections whose development of designs he has not actually participated in.</p> <p>At the same time, the Contracting Authority draws attention to the fact that, in view of the scope of the FIDIC engineering consultant services to be provided for in the procurement contract, there may be situations in which a supplier, who has previously participated in the provision of the Rail Baltica mainline design services, enters into a conflict of interest situation in substance, for example, in the case where the engineering consultant has to assess whether the performer of the construction works has reasonably pointed to errors made by the developer of the design in the content of the design.</p> <p>The Contracting Authority considers that the set of procedures, drawn up in the draft construction contract, which will be the part of the documentation of Stage Two of the construction procurement procedure, and in the draft FIDIC engineer contract, which will be the part of the documentation of Stage Two of this procurement procedure, regarding the role of the construction supervisor, as responsible for the assurance of the quality of performed works, and the role of the FIDIC engineer, clearly identifies and separates the performance of these tasks in terms of human resources and processes. Application of those appropriate contractual mitigation measures will preserve and assure the Contracting Authority's interest of independency of the FIDIC engineer. In view of this, the Tenderer will have to plan and, in the event of the conclusion of a procurement contract, strictly observe requirements of the above-mentioned set of rules in the provision of engineering consultant services in order to avoid the development of such situations within the framework of the performance of the procurement contract.</p> <p>Accordingly, the Contracting Authority has already planned to include in the draft</p>
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		<p>procurement contract specific conditions regarding the prevention of the situations referred to above during the execution of the procurement contract and the duties of the contractor and concrete action to prevent such situations, including informing the Contracting Authority of any potential for the development of such situations during the execution of the procurement contract, as well as the significant consequences for the contractor in the event of failure to rectify such situations.</p> <p>The Contracting Authority is also evaluating the possibility of setting a requirement for the Tenderer, together with the initial proposal, to submit a detailed plan for the mitigation of potential situations of conflict of interest during the execution of the procurement contract, which the contractor will have to comply with during the execution of the contract, and which could be determined as one of the aspects of evaluating the Tenderer's proposal as part of the selection of the proposal.</p>
3.	Could you please elaborate on local taxes, compliances and legal policies to be followed to work in Latvia?	<p>There is nothing specific in terms regarding local taxes, not different as in other European countries.</p> <p>Latvia is following the same principles for tax policies as the other European countries.</p>
4.	Any general idea about the mix of expertise that are required for the construction supervision services (main office, site offices, regional office) Director, Construction managers, QA/QC, inspectors, Safety supervisors, commercial.	<p>Detailed information about the required experts and site facilities will be provided in the documentation of Stage Two of the procurement procedure.</p> <p>For General management and other involved experts of engineer and supervisor services will be required experience of supervision in similar size object depending on supervision object – general, regional section or building permission level.</p> <p>In any case, the recommendation is to mix local and general competences, to be able to administrate FIDIC contract with knowledge of the local Construction Law and other regulations.</p>

		From the Contracting Authority's experience in other already ongoing Rail Baltica construction objects which the Contracting Authority is managing, the international team shall be integrated with local members, as it shows good results.
5.	Is there any restriction, if a joint-venture member or subcontractor, whose capabilities the Candidate relies on, is taking part as a Candidate (single Candidate, joint-venture partner or subcontractor, whose capabilities the Candidate relies on) in the procurement procedure „Rail Baltica mainline construction in Latvia” (id. No. EDZL 2021/6 CEF)?	The regulations of both procurement procedures (for construction works and engineer services) do not contain any restrictions on the participation of the Candidate, joint venture (including its members), subcontractors, the persons on whom the Candidate relies. According to the regulatory enactments the performer of the construction works of the Rail Baltica mainline shall not be allowed to provide constructions supervision services.
6.	Could you please clarify, according to the regulations all documents should be submitted in English attaching the certified translation to Latvian. Does it mean that the consultant needs to provide all certificates, financial data and other documents in certified translation to Latvian?	Yes, according to the regulations of the procurement procedure, all information should be submitted in both languages – English and Latvian. For more information, please see already published answers in the EPS (Electronic Procurement System), in the framework of this procurement procedure.
7.	Do you have any plans to issue shadow operation consultancy tender in future?	Yes, the procurement for services will be carried out by the global coordination body RB Rail AS. Shadow operator consultancy services will be ordered by RB Rail AS as the project coordinator for the whole three Baltic states. The tender is already ongoing and the second stage will be announced, please follow information on Rail Baltica project homepage and in the EPS (Electronic Procurement System).
8.	Should we consider O&M [Operation and Maintenance] expert for existing supervision tender?	No, operation and maintenance expert will not be required within this procurement. Supervision task will be completed with installation ballast and rails.

9.	Is it planned to commission separate building permits after finishing of actual constructions works or the commissioning will be done after completion of all works/permits? And when guarantee period will start to count?	<p>The designs provided to construction company and Engineer services contractor and included in construction section (building permit) will be for substructure and superstructure, including works of installation of rail and ballast.</p> <p>There will be an act of verification of completion after each construction phase (embankment, rails).</p> <p>After completion of embankment construction works in several building permits, rail and ballast installation works can be started depending on construction company's technology. The Contracting Authority assumes for section not less than 50 km.</p> <p>After completion of ballast and rail installation works, according to the Construction Law of Latvia each building permit will be commissioned separately.</p>
10.	Are there railway stations or freight yards in the construction works? What are the included systems in construction? Is the ballasted track all over the line?	<p>Infrastructure maintenance facilities construction in Skulte and Iecava will be included in the scope of the construction works.</p> <p>During construction works these facilities will be used as material storage facilities and logistic bases.</p> <p>Construction of the Regional stations (outside Riga city) could be included in construction works procurement as an option, but it is not confirmed yet, because procurement procedure for design of the Regional stations is ongoing.</p> <p>Separate contract for construction of CCS system and separate contract for construction of ENE system are not a part of this contract. These systems will be procured in common procurement for all three Baltic states by RB Rail AS.</p> <p>Yes, Rail Baltica Design Guidelines implies ballasted track.</p>
11.	Any general idea about the geotechnical/geological existing	Geotechnical and geological conditions in Latvia are very various. Only constant is that there is not a lot of bedrock. More detailed

	Conditions for the rail network? What sort of embankment construction?	<p>information is collected during site investigation works within the design stage. Geotechnical investigation will be provided in the documentation of Stage Two of this procurement procedure.</p> <p>The typical cross sections drawings of construction elements are given in Rail Baltica Design Guidelines and included in presentations of previously held webinars for construction works and engineer services. Presentations can be found in the Contracting Authority's homepage <a href="http://www.edzl.lv">www.edzl.lv</a>.</p>
12.	Will the interface/system integration topic with CCS / ENE clarified during the bidding stage / before contract signature or after?	Process of interface between construction of substructure (including ballast and rails) and CCS/ENE systems will be defined in the documentation of Stage Two of this procurement procedure and Rail Baltica mainline construction works procurement procedure.
13.	Any general idea about utilities in the Right-of-way (Protection/relocation)?	<p>Protection and relocation of utilities will be the task of the contractor of construction works but supervision of works - in scope of Engineer services.</p> <p>All relocation work solutions will be object of Detailed technical design provided by RB Rail AS design consultant and designs will be approved by owner of utility and related Stakeholders.</p>

**Provided information is a general description of the procurement process only. Before acting on any information, you should consider the appropriateness of it having regard to procurement regulations, officially published documentation for this procurement in the Electronic Procurement System (EIS) and written answers to questions. Not information shared during the presentation constitutes advice, a confirmation, or any kind of commitment or interpretation with regard to this procurement. Any shown materials or verbal statements are provided with no guarantees of reliability, completeness, accuracy or timeliness, and without any obligations. SIA EIROPAS DZELZCEĻA LĪNIJAS assumes no liability or responsibility for any content shared (in written or in verbal form) during the presentation. The opinions expressed in the presentation and on the slides are those of the participants individually and not necessarily those of SIA EIROPAS DZELZCEĻA LĪNIJAS and/or Procurement Commission of respective procurement. Information provided may change later during development of the documentation for the specific procurement.**