

Rīga

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## Electronic Procurement System

### **Answers to questions from the interested suppliers in the competitive procedure with negotiations**

#### ***"Consolidated supply of track sleepers with rail fastenings and under sleeper pads for construction of Rail Baltica railway line", identification number RBR 2021/13***

RB Rail AS presents following answers to the questions received from the interested suppliers until 20 July 2021:

Nr.	Questions	Answers
1.	<p><b>Section 4.4.2 – experience regarding sleepers equipped with under sleeper pads</b></p> <p>Section 4.4.2 of the Candidate Selection Regulation requests for experience of supply of 500 000 pcs of reinforced concrete track sleepers equipped with rail fastenings and under sleeper pads in any continuous 12 months' period during last five years. According to knowledge of [:], as professional producer of sleepers, orders of sleepers equipped with under sleeper pads by customers in Europe is not common. In majority of supplies so far, customers order only sleepers with fastenings without under sleeper pads. This trend of ordering lead to actual situation that there are few (or may be even no) companies in Europe which would have experience in supply of under sleeper pads of such quantity. If the requirement is to be understood as requiring this volume of supply <i>over 12 months and not over five years</i>, the requirement may be considered impossible to meet or unduly reducing competition and eventually exposing the procurement process to a potential challenge.</p> <p>In order to maintain fair competition in current tender procedure, we would like to propose to introduce amendments in section 4.4.2 of the Candidate Selection Regulation by excluding a reference to 12</p>	<p>Procurement Commission informs you that your request for amendments in Section 4.4.2. of Regulation has been noted and justification for amendments will be considered in the nearest time. Please, be aware, if any amendments in Regulation will follow, new version (with amendments) of Regulation will be published in E-Tenders system (<a href="https://www.eis.gov.lv/EKEIS/Procurement/Edit/58574">https://www.eis.gov.lv/EKEIS/Procurement/Edit/58574</a>) and simultaneously on RB Rail AS webpage: <a href="https://www.railbaltica.org/tenders/consolidated-supply-of-track-sleepers-with-rail-fastenings-and-under-sleeper-pads-for-construction-of-rail-baltica-railway-line/">https://www.railbaltica.org/tenders/consolidated-supply-of-track-sleepers-with-rail-fastenings-and-under-sleeper-pads-for-construction-of-rail-baltica-railway-line/</a>. Please follow up to the latest info published in E-Tender's system and on RB Rail AS webpage.</p>

	consecutive months, e.g. total volume at least 500 000 pcs. during last five years (2020, 2019, 2018, 2017, 2016 and 2021 until the submission of the Application).	
2.	<p><b>Section 2.2 – variants of proposals</b></p> <p>According to section 1.13.1 of the Candidate Selection Regulation, estimated value of the Framework agreement is EUR 150 million. According to knowledge of [·], as professional producer of sleepers, supply of required amount of sleepers, fastenings and under sleeper pads for such estimated value would not be possible and, most likely, the actual agreement value would exceed the estimated value. [·] is capable to supply the required amount of goods, however, [·] is concerned whether limits of budget of RB Rail AS would not lead to termination of current tender procedure in Stage Two, or if it were to proceed until the end as such, foster abnormally low or predatory prices.</p> <p>In order to allow for proper competition and lawful tender process, can you clarify that the EUR 150 million is not a maximum amount, and that the tenders will be duly analysed to eventually exclude tenders that are not compliant with the legal requirements (such as abnormally low price or predatory prices)?</p>	Procurement Commission notes that estimated value of Framework agreement specified in Regulation is just indicative value in order to indicate approximate size of this agreement just for informative purposes. Please note that final value of the Framework agreement will not be based on the indicative value, but on the Financial proposal submitted by the respective winner of this competition.
3.	Can you confirm if the tenderers are allowed to propose variants by submitting additional options to two envisaged under section 2.2 of the Candidate Selection Regulation by offering a 3rd alternative: reinforced concrete track sleepers equipped with fastening clips pre-stressed and fixed with a bolt without under sleeper pads and a 4th alternative: reinforced concrete track sleepers equipped with fastening clips pre-stressed and fixed by locking on the shoulder without under sleeper pads. And it will be appreciated that you confirm – for the case these alternatives are not incorporated to the Regulation explicitly for all tenderers to submit – that such variants will be duly evaluated and considered for the award?	Procurement commission notes that only two variants (options) in 2 <sup>nd</sup> stage of this Competition are considered because sleepers in whole Rail Baltica railway line according to description of subject matter of this Competition shall be equipped with under sleeper pads independently of selected fastening system. No other options are considered. Both variants according to Regulation will be evaluated in order to set most economically advantageous proposal and winner of this Competition.
4.	If our company produces sleepers equipped with fastenings and under sleeper pads, i.e. sleepers are manufactured in facilities of our company by our employees, however, fastenings and under sleeper pads are ordered from different producers. After delivery of fastenings and under sleeper pads by our cooperation partners to our facilities, those fastenings and under sleeper pads are installed on our sleepers in our facilities by our employees. According to Article 3(1) of the Council Directive of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products, our company is a producer of a finished product – sleeper equipped with fastenings and under sleeper pad, and our company is liable for damage caused by a defect in this product.	Procurement Commission notes that according to Section 4.4.1. of Regulation if the Candidate, for instance, is a manufacturer of the sleepers, but <b>at the same time not a manufacturer of the fastenings or under sleeper pads</b> specified in Annex No 2 of the Regulation, the Candidate in any case has to submit information which confirms capabilities and capacity of the manufacturer/-s of fastenings and under sleeper pads to produce and supply these items in required volumes together with an authorization letter issued by the respective manufacturer having the capability and the capacity to produce fastenings and under sleeper pads.

	<p>Section 4.4.1 of the Tender regulation provides that <i>if the candidate is not a manufacturer of the sleepers or fastenings or under sleeper pads [...] the Candidate has to submit [...] an authorisation letter issued by the respective manufacturer.</i> Our company would be a Candidate.</p> <p>Do we understand correctly that if our company would be a candidate and is a producer of a finished product – sleeper equipped with fastenings and under sleeper pad – as described above, then our company should not submit authorisation letter from manufacturers of fastenings and under sleeper pads which delivers fastenings and pads to our facilities for production purposes?</p>	<p>If the Candidate is a manufacturer of the sleepers and warranty provided by the manufacturer covers also warranty of other elements of the sleeper (including under sleeper pad and fastening system), it is not required to provide separate warranty of manufacturer of the under-sleeper pads and rail fastenings. It means that confirmation letter on capacity and capabilities issued by the manufacturer of the under-sleeper pads and fastening systems may not include sentence regarding warranty obligations, if warranty is provided by the manufacturer of the sleepers. In this case the manufacturer of the sleepers has to specify that warranty covers all elements of the sleeper.</p>
5.	<p>Is it valid if the concrete sleepers are intended for both 1.435 mm and 1.668 mm track gauge? As you know in Spain we have both gauges and most of the sleepers are designed for both track gauges, simultaneous or not.</p>	<p>Procurement Commission notes if the manufacturer has provided supplies of reinforced concrete sleepers which are intended simultaneously for 1435 mm gauge and 1668 mm gauge and were certified by NoBo according to TSI, this experience shall be considered as compliant.</p>
6.	<p>The 500.000 units have to be for both the sleeper and the under sleeper pads together? Or is it possible that the manufacturer of the sleepers complies with the supply for the sleepers, and the subcontractor for the under sleeper pads complies with the supply of 500.000 units (but not for the same sleepers)?</p>	<p>According to current version of Section 4.4.2. of Regulation 500 000 pcs of sleepers had to be equipped with rail fastenings and under sleeper pads. In addition, please be aware that Procurement Commission in recent time has received several questions from another interested supplier and also regarding requirements set in Section 4.4.2 of Regulation as well. Questions received from suppliers and answers provided by the Procurement Commission are available on web:  <a href="https://www.railbaltica.org/tenders/consolidated-supply-of-track-sleepers-with-rail-fastenings-and-under-sleeper-pads-for-construction-of-rail-baltica-railway-line/">https://www.railbaltica.org/tenders/consolidated-supply-of-track-sleepers-with-rail-fastenings-and-under-sleeper-pads-for-construction-of-rail-baltica-railway-line/</a>.  Procurement Commission kindly asks to get acquainted with all the questions and answers provided by the Procurement Commission.</p>
7.	<p>Section 4.4.2 Technical and professional ability requires:  <i>„Within the last 5 (five) years before the date of submission of the Application (2020, 2019, 2018, 2017, 2016 and 2021 until the submission of the Application) in any continuous 12 months period the Candidate has performed at least 1 (one) or several supply contract /-s/ supply/-s of reinforced concrete track sleepers equipped with rail fastenings and under sleeper pads intended for 1435 mm track gauge (certified by NoBo according to TSI standards) for the total volume at least 500 000 pcs.“</i>  Due to its specific properties, the flexible under sleeper pad is used in special conditions close to dense residential buildings and public buildings, and therefore it is not commonly found. Its share in the volume of built-in sleepers in individual European countries is marginal, which means that the vast majority of railway sleepers produced and used are sleepers without under sleeper pads. No producer in European countries can demonstrate the desired volume of sold prestressed concrete sleepers with an elastic support. Therefore, we propose a new wording of the requirement: "the manufacturer of prestressed railway sleepers should demonstrate, within 12 months, the implementation of at least one or more orders for prestressed concrete sleepers with under sleeper pads and sleepers without under sleeper pads for tracks with a track gauge 1435 mm in total in the number of at least 500,000 pcs".</p>	<p>Procurement Commission informs you that your request for amendments in Section 4.4.2. of Regulation has been noted and justification for amendments will be considered. Please, be aware, if any amendments in Regulation will follow, new version (with amendments) of Regulation will be published in E-Tenders system  <a href="https://www.eis.gov.lv/EKEIS/Procurement/Edit/58574">https://www.eis.gov.lv/EKEIS/Procurement/Edit/58574</a> and on RB Rail AS webpage:  <a href="https://www.railbaltica.org/tenders/consolidated-supply-of-track-sleepers-with-rail-fastenings-and-under-sleeper-pads-for-construction-of-rail-baltica-railway-line/">https://www.railbaltica.org/tenders/consolidated-supply-of-track-sleepers-with-rail-fastenings-and-under-sleeper-pads-for-construction-of-rail-baltica-railway-line/</a>.</p>

		Please follow up to the latest info published in E-Tender's system and on RB Rail AS webpage.
8.	In Annex 2 in the section on parameters of the railway sleeper it is indicated that: „Maximum height at rail seat (hp) ≤ 220 mm.” Question: Is this dimension together with the under sleeper pad (USP)?	According to the standard EN13230-1:2016 dimension (hp) is height (depth) of concrete element without under sleeper pad.
9.	In Annex 2 it is indicated that: „Three different type sleepers with fastening system and USP to be procured: 1. Complete fastening system integrated with sleepers category D for straight sections and curves with radius R>400 m including elastic fasteners, rail pads, rail shoulders. 2. Complete fastening system integrated with sleepers category D for curves with radius R≤400 m including elastic fasteners, rail pads, rail shoulders. ....” Please explain: where can I find the information for the C and D sleepers category?	Categories of fastening systems can be found in the standard EN 13481-2 and TSI INF.
10.	In Annex 2 in the section on parameters of the railway sleeper it is indicated that: „Minimum bottom width (b1) ≥ 300 mm.” Question: Since the sleeper has different bottom widths in its length, to which part of the sleeper does the indicated dimension refer?	Position of dimension (b1) is shown in the standard EN13230-1:2016.
11.	In Annex 2 in the section on parameters of the railway sleeper it is indicated that: „Minimum top width (b2) 170 mm.” Railway sleepers and sleepers with a smaller width b2 (up to 150 mm) are commonly used in European countries, including for high-speed railways, eg DB mounts the vast majority of the B70 sleeper with a width of 160 ± 5 mm. This dimension does not affect the quality of the manufactured sleepers. Question: Is it possible to propose railway sleepers at the 2nd stage with a minimum size of b2 155 mm, provided that all other parameters confirmed by the certificate are met?	Technical details will be provided in 2 <sup>nd</sup> stage of this competition.
12.	In Annex 2 in the section 2.2 it is indicated that: „Elastoplastic Under Sleeper Pads (USP) embedded onto the sleepers during the production phase, covering the entire bottom (base) area of the sleeper” Question: due to the dimensional tolerances of the lower part of the sleeper and the elastic support, USP is practically used with dimensions 10-20 mm smaller on the circumference in relation to the sleeper to prevent the disadvantageous situation of the elastic support protruding beyond the surface of the sleeper. Does the Contracting Authority allow the use of elastic supports of this size?	Technical details will be specified at 2 <sup>nd</sup> stage of this competition.
13.	Please provide information about the frequency of laying sleepers - the number of sleepers per 1 km of track.	Information will be provided in 2 <sup>nd</sup> stage of this competition.
14.	In Annex 2 in the section 2.2 it is indicated that: „Elastoplastic Under Sleeper Pads (USP) embedded onto the sleepers during the production phase, covering the entire bottom (base) area of the sleeper.” Currently, under sleeper pads (USP) are used all over the world, they are made of elastoplastic (foamed polyurethane, polypropylene EVA) and elastomer, which give similar and sufficient quality properties. Is it possible to propose Under Sleeper Pads (USP) also made of elastomer at the second stage?	Technical details will be specified in 2 <sup>nd</sup> stage of this competition.
15.	In Annex 2 in the section 2.2 it is indicated that: „Sleepers which are to be installed on viaducts longer than 30m shall be additionally equipped with provisions and fastening system for guard rails installation” Please specify whether these are additional rails mounted on a sleeper in order to protect against derailment of the rolling stock?	Guard rails are used to limit transverse movements of rolling stock in case of derailment.

Procurement Commission Vice-Chairman

A.Smuškova

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