



No. 1, date 31-08-2000

Relevant questions and answers

1. Question

I would like to ask, regarding the question A5 of the request for qualification, what is the level of details required in the answer to this question, and especially if the contents of the answer has to be according to an internal agreement committing the different parties of such a consortium or if the purpose is to get an informative outline of the type of involvement of each party.

Answer

An informative outline will be sufficient at this stage in the tender procedure. Please note you are only required to give the intended percentages, but by including a party in this list they commit to a minimum percentage not lower than 5%. We do, however need to know who will be the leading party in the consortium.

2. Question

In the list of the registered parties you can find the name of a subsidiary of our parent company.

In order to qualify for most of the criteria our registered company (which is the company responsible for the long distance traffic) has to build an intern consortium with other subsidiaries. In this case the consortium would have a very complicated structure and much administrative work would probably be initiated.

The other possibility is that in the registration list the subsidiary is replaced by the parent company.

So we need a decision which is the right alternative.

Answer

See section 4, paragraph 8 of the Qualification Document: The Applicant has to demonstrate that it can utilise the relevant attributes, skills, resources or experience. This can be done for instance by a written statement to that effect from your parent company.

3. Question

Our finance department asks if there are any other requirements for the letter of comfort as mentioned in Appendix D on page 8. They need information about fixed elements or special phrases which the letter of comfort should consist of.

Answer

There are no other requirements for the letter of comfort.

4. Question

Appendix D: page 8/10, item d: 50 million euro initial investment.
What is included in this figure? Please give us a break-down.

Answer

The number given is not an investment that the State requires you to make, but for qualification we will only allow parties capable of such an investment. As we believe that even if rolling stock is leased, such an amount may be needed for other investments and pre-operating costs.



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5. Question

What exactly are "the requirements" with regard to the Level Playing Field which the relevant Incumbent Railway Companies" have to comply with?

Answer

The requirements intend to create more equal conditions for all bidding parties in the tender procedure. These conditions concern access to market-data, essential facilities. Paragraph 3.2 of the Invitation to Registered Parties describes these conditions for incumbent railway companies.

6. Question:

Qualification and selection criteria

- a. Do you consider the turnover of a subsidiary company offering taxi transport relevant with regard to the qualification criterion b (---one other type of passenger transport services")? If not, perhaps you would indicate why not?
- b. What types of relationship are required to qualify a party as a "related company" to an "Applicant"?
- c. Can a parent company use the experience of its subsidiary to comply with the selection criterion g ("experience with operating high-speed rail services...")?

Answer

- a. Yes, if the parent company can demonstrate that it can utilise relevant experience of the subsidiary.
- b. An Applicant can use the experience of related companies if it can demonstrate that it can utilise the relevant attributes, skills, resources and/or experience of a related company. A related company can be a parent company, a subsidiary or any other company within the same Industrial Group (for a definition of Industrial Group: please see Qualification Document, Appendix A) as well as the consortium partners.
- c. Yes, an Applicant can use the experience of related companies if it can demonstrate that it can utilise the relevant attributes, skills, resources and/or experience of a related company.

7. Question:

On which criteria will you judge the 'highest ranked Applicant' (p. 8, 4th paragraph)?

Answer

The selection criteria are described in section 3, page 11.

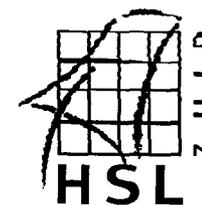
8. Question:

Which criteria will you apply if a consortium requests a change in its consortium parties after the submission of the "Request for Qualification"?

Answer

In the event that a consortium needs to change its composition after qualification, it will need approval from the State. For this approval the State will apply the following criteria:

- There have to be important reasons for changing the consortium;
- The new consortium has to meet the pre-qualification criteria as set out in the Qualification Document;
- The partner that is being taken out must be replaced by a party that brings in at least the same or similar attributes, skills, resources and/or experience.



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9. Question

Could you give us more information about the rolling stock process because the facts given in the Qualification Document are not sufficient for us. Especially we are interested which suppliers will receive an invitation to consult.

Answer

The State will start the procurement process for rolling stock as described in the Qualification Document. On 3 August 2000 the State has announced this process in the Official Journal of the European Communities. Following this announcement any rolling stock manufacturer may apply to receive a Qualification Document (which will be made available in the Data Room for the qualified consortia for the transport tender). We envisage that all legitimate and competent applicants will qualify and receive an Invitation to Consult.

10. Question

In the Qualification Document we found an expression which is not totally clear to us. It is on page 11 under f:

“Experience with operating rail services in a multi-operator setting, with an independent allocation of railway capacity over several passenger train operating companies.”

Would you please describe this criterion in other words?

Answer

This criterion means that an Applicant should have experience with operating rail services in a setting where more than one company operates trains on the network. Within that setting there should be a separate organisation (independent from the train operating companies) which allocates railway capacity between the different train operating companies.

11. Question

Would you please give us a brief description of the ranking method described in a manual used by the State and its advisors?

Answer

Per selection criterion, our review team will compare each of the Applicants against the other Applicants. The comparison will be based solely on the information provided in your Request for Qualification. Each member of the review team will make his comparison independently of the other reviewers. The assessments of the various reviewers will be combined to make a ranking of the Applicants per criterion. To arrive at an overall ranking the scores per selection criterion will be added up per Applicant, with all criteria receiving equal weight.

12. Question

- a. As a ‘future consortium partner’ as mentioned in the Qualification Document and as in question A2, the percentage holding could be the ‘intended’ one, does that mean that a consortium could include a further partner during the bidding phase?
- b. In particular, does the exclusion of any rolling stock manufacturer as part of a consortium (compulsory rule for this qualification phase) mean that, for the final offer and after the separate tender procedure handled by the State, a consortium will not be allowed to include such a partner?
- c. In case of a consortium, is question A1 understood to be named the leading party in the consortium, or should A1 be answered for all the participants?

Answer

- a. For the change of a consortium: see the answer to question 8.
- b. This will be decided after the consultation of the rolling stock manufacturers.
- c. A1 should be answered by all the consortium partners.



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13. Question

Referring to your answer 2c we would like to know whether we could use the experience of a legal entity (not being a parent, sister or subsidiary company) which we intend to use as sub-contractor, if we can demonstrate, for instance by a memorandum of understanding or letter of intent, that we can use the relevant attributes, skills, resources and/or experience of such entity for the purpose of execution of the HSL project?

Answer

No, see answer to question 6b.

14. Question

In connection with the minimum requirements (especially II sub c on page 9) and with the fact that the Thalys Partners are all Registered Parties: may an Applicant use any relevant attributes, skills, resources and/or experience of Thalys International? If yes, what kind of use? And what would the minimum legal requirements for an Applicant be in order to demonstrate he can use (one or several of) the relevant attributes. Skills, resources and/or experience of Thalys International?

Answer

No, the participation of Thalys International would combine several of the incumbent operators on the service Amsterdam – Paris and is therefore excluded.

15. Question

Would it make any difference for your response under question above whether an Applicant has a shareholder relationship with Thalys International or a commercial/contractual relationship?

Answer

Not relevant, as Thalys International is excluded from bidding or participating in any consortium.

16. Question

Your answer 3, dated 17 August 2000, on our question regarding the selection criteria refers to section 3 page 11. We want to request you to outline in more detail, in particular by making reference to objective criteria, the essentials in order of importance of the ranking method as described in your internal memorandum. In particular we would like to be informed on weighing factors, if any, maximum and minimum scores some more information regarding the system to be used by you in ranking the various parties.

Answer

See answer to question 11.