

APPROVED
at the Procurement Commission meeting of
SIA "Eiropas dzelzceļa līnijas"
of 20 November 2018
(Minutes No. 2)

SIA „Eiropas dzelzceļa līnijas”

OPEN TENDER

**„ENGINEERING CONSULTANT, CONSTRUCTION SUPERVISION AND DETAILED
TECHNICAL DESIGN EXPERT-EXAMINATION SERVICES IN THE PROJECT “RAIL
BALTICA RIGA RAILWAY BRIDGE, EMBANKMENT AND RIGA CENTRAL
PASSENGER STATION COMPLEX CONSTRUCTION””**

Procurement identification No. EDZL 2018/4 CEF

REGULATIONS



Co-financed by the European Union
Connecting Europe Facility

Riga,
2018

1. GENERAL INFORMATION

- 1.1. Procurement procedure:** Open tender in accordance with Article 8(1) Clause 1 of the Public Procurement Law (hereinafter – the Tender).
- 1.2. Procurement identification number:** EDZL 2018/4 CEF.
- 1.3. Contracting Authority**
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| Name of the Contracting Authority: | Limited liability company “Eiropas dzelzceļa līnijas” (hereinafter also – the Contracting Authority) |
| Legal address: | Gogoļa Street 3, Riga, LV-1050 |
| Office address: | Maskavas Street 12, Riga, LV-1050 |
| Registration number: | 40103836785 |
| Phone: | +371 66954242 |
- 1.4. Tenderer** – a supplier, who is registered in the Electronic Procurement System www.eis.gov.lv (hereinafter also – EPS), and has submitted its offer in the subsystem of EPS E-tenders.
- 1.5. Procurement commission**
- The tender is carried out by the procurement commission of the Contracting Authority, which is established according to the decree No EDZL-03-1/54 of 14 June 2018 (hereinafter also – the Commission).
- 1.6. Funding**
- The tender is co-funded from the Connecting Europe Facility (CEF) project “Development of 1435 mm European standard gauge railway line in *Rail Baltica* corridor through Estonia, Latvia, and Lithuania”, No. 2014-EU-TMC-0560-M, funds and the financial resources of the State budget of Latvia.
- 1.7. Contact person of the Contracting Authority**
- Mrs. Anita Rūdule - Jansone, project manager at the Project Implementation Department of SIA „Eiropas dzelzceļa līnijas”, address: 12 Maskavas Street, Riga, LV-1050, ph. +371 66954246 (e-mail: anita.rudule-jansone@edzl.lv, edzl@edzl.lv).
- 1.8. Information about the procurement subject**
- 1.8.1. The subject of the procurement is the provision of engineering consultant, construction supervision and detailed technical design expert-examination services within the framework of the project “*Rail Baltica* Riga railway bridge, embankment and Riga Central passenger station complex construction” according to the requirements of Annex 2 “Technical Specification” herein (hereinafter also – the Technical Specification) and Annex 13 “Draft procurement contract” herein.
- 1.8.2. Subject of the procurement has not been divided into parts.
- 1.8.3. The Tenderer may not submit versions of the tender. If the Tenderer submits several versions of the tender, all of them shall be declared unfit.
- 1.8.4. CPV code of the procurement subject: 71000000-8 (*Architectural, construction, engineering and inspection services*).
- 1.8.5. The fields “Administration of the FIDIC Contract”, “Taking over and defect notification period” of section “The main tasks of the consultant” of Annex 2

“Technical Specification” have to be performed by the Tenderer himself, therefore these tasks, functions and duties cannot be assigned to the sub-contractor.

1.9. Time and place of contract execution

1.9.1. Validity of the procurement contract: the procurement contract enters into force upon its signing and shall be valid until the mutual fulfilment of all the obligations.

1.9.2. The expected duration of the contract is 119 (one hundred nineteen) calendar months from the date of entry into force of the contract.

1.9.3. The performance of the engineering consultant, construction supervision and detailed technical design expert-examination services shall be provided for all design works and construction works necessary for the implementation of the Project, by complying with the Work stages and the deadlines thereof specified in Clause 10.1 of Annex 15 “Work’s contract” (hereinafter – Work’s Contract):

a) The First stage of the work must be performed and completed by the Contractor not later than within 21 (twenty one) months from the date of entering into the Work’s Contract.

b) The Second stage of the work must be performed and completed by the Contractor not later than until 31 December 2022.

c) The Third stage of the work must be performed and completed by the Contractor not later than within 27 (twenty seven) months from the date the certificate on the performance of the Third stage is issued by the Contracting Authority.

d) The Fourth stage of the work must be performed and completed by the Contractor not later than within 18 (eighteen) months from the date the certificate on the performance of the Fourth stage is issued by the Contracting Authority.

e) Works during the defect notification period of the Second, Third and Fourth stage 60 (sixty) months from the date of completion of the relevant Stage.

1.9.4. Place of performance of the procurement contract: Riga, Latvia.

1.10. Inspection of the object

1.10.1. Prior to submission of the tender the interested supplier is advised to perform inspection of the object (site).

1.10.2. The Contracting Authority shall organize inspection of the object after receiving the written request from the interested supplier, in which the interested supplier has indicated the name, surname, position and company name of the representatives designated for the inspection of the object. The interested supplier shall submit an application on organising the inspection of the object to the Contracting Authority in writing to the postal or e-mail address specified in Clause 1.7 of the Tender regulations at least 5 (five) working days before the interested supplier’s planned inspection date of the object indicated in the application.

1.10.3. No additional information or explanations regarding the procurement subject of the Tender or the Call shall be provided to the Suppliers during the inspection of the object. Any additional information (answers to the questions asked during the visit of the object) shall be sent to all Suppliers as soon as possible from the moment the questions are received.

1.11. Availability of Tender documents

1.11.1. A direct and free electronic access is provided for the Tender documentation in the section of the present Tender in the EPS www.eis.gov.lv E-tender subsystem.

- 1.11.2. The interested supplier may register itself in the section of the present Tender in the EPS E-tender subsystem as the recipient of the regulations if it is registered in EPS as a supplier¹.
- 1.11.3. The Contracting Authority shall provide the interested suppliers with access to the Tender documentation on spot at SIA „Eiropas dzelzceļa līnijas”, 12 Maskavas Street, Riga, LV-1050, subject to prior announcement of the visit to the contact person specified under Clause 1.7 herein.
- 1.11.4. Where the interested supplier requests the Tender documentation in paper, the Contracting Authority shall present it to the interested supplier within *three* (3) business days after the respective request has been received, provided that the request has been submitted prior to the bid submission deadline.
- 1.11.5. The Annexes to Annex 13 “Draft procurement contract”, to Annex 11 “Technical Specification of Work’s Contract” are not attached to the Tender regulations and shall not be issued to the suppliers during the tender as the content of those documents does not affect the content and volume of the Services, nor is it necessary to calculate the bid price. We inform that part of the annexes to Annex 13 “Draft procurement contract”, to Annex 11 “Technical Specification of Work’s Contract” contains restricted access information (in accordance with Article 22.² of the Law on National Security), which shall be issued to a supplier with which a procurement contract shall be concluded.
- 1.11.6. The translation of the Tender documentation in English shall be provided to interested suppliers for information purposes on the Contracting Authority's website www.edzl.lv in the section "Procurement" at the respective Tender.

1.12. Procedure for requesting additional information

- 1.12.1. The interested supplier may request additional information in Latvian by submitting a request per post, e-mail or via EPS E-tender subsystem by indicating in the request also the name of the Tender and the identification number.
- 1.12.2. Any additional information provided in relation to the Tender shall be published in the section of the present Tender in the EPS www.eis.gov.lv E-tender subsystem. The interested supplier is obliged to check the information published. The Contracting Authority shall not be liable in case any interested supplier is not familiar with the information provided via direct and free electronic access.
- 1.12.3. Where the interested supplier requests additional information on the requirements contained within the Tender documentation regarding the drafting and submission of bid or the Tenderers' selection in due time, the additional information shall be provided within *five* (5) business days, but no later than *six* (6) days before the bid submission deadline.
- 1.12.4. The additional information shall be sent to the interested supplier, who posted the question, as well as also published in the section of the present Tender in the EPS E-tender subsystem by indicating also the question posted.

1.13. Procedure for submission and opening of tenders

- 1.13.1. The bids have to be submitted by **29 January 2019 at 14:00** in the EPS E-tender subsystem.

¹ Information on how the interested supplier may register itself as the recipient of the regulations to be found under: <https://www.eis.gov.lv/EIS/Publications/PublicationView.aspx?PublicationId=883>.

- 1.13.2. **The bids submitted outside the EPS E-tender subsystem shall be considered as not corresponding to the requirements of the Tender regulations.**
- 1.13.3. The Tenderer's bids received outside the EPS E-tender subsystem shall not be opened and shall be sent back unopened to the submitter.
- 1.13.4. The submitted bids shall be electronically opened immediately after the deadline for submission of bids on **29 January 2019 at 14:00** in the EPS E-tender subsystem.
- 1.13.5. The opening of the bids shall be performed by using EPS tools available for electronic receipt of applications.
- 1.13.6. **The opening process of the submitted bids may be followed online in the EPS E-tender subsystem.**

1.14. Requirements for drafting of tenders

- 1.14.1. The bid is to be submitted electronically in the EPS E-tender subsystem in one of the formats listed below. The format of each document to be submitted may vary, but the following possible types must be respected:
 - 1.14.1.1. By using the tools offered by EPS E-tender subsystem, by filling in templates available in the section of the present Tender in the EPS E-tender subsystem;
 - 1.14.1.2. by preparing the documents to be prepared electronically outside the EPS E-tender subsystem and uploading filled in PDF templates to the relevant system sites, including the files integrated within the template (in this case the Tenderer shall assume responsibility for compliance of the templates to be filled in with the requirements regarding documentation and sample templates, as well as opening and reading capabilities of the document);
 - 1.14.1.3. encrypting an electronically generated bid outside the EPS E-tender subsystem with third-party data protection tools and protecting it with an electronic key and password (in this case the Tenderer shall assume responsibility for compliance of the templates to be filled in with the requirements regarding documentation and sample templates, as well as opening and reading capabilities of the document).
- 1.14.2. The bid documents of the Tenderer shall be submitted in the EPS E-tender system and signed by an authorised signatory of the Tenderer. When the bid documents are submitted in the EPS E-tender system and signed by an authorised person of the Tenderer, the original or the copy of the respective power of attorney certified in accordance with the Cabinet of Ministers Regulations No.558 „Procedures for drafting and finishing documents” of 4 September 2018 shall be attached to the bid documents. The power of attorney has to clearly indicate the amount of rights and obligations assigned to the authorized person.
- 1.14.3. If the Tenderer or the provider of the tender security is a foreign person, and the bid or any of the bid documents, including the tender security, is signed with a secure electronic signature, the Tenderer must indicate the website (link) where it is possible to verify (check) the signature for free and without the installation of a special program on the computer.
- 1.14.4. The Tenderer shall fill in the application template, the technical and the financial offer only electronically in a separate electronic document, in a format compatible with *Microsoft Office 2010* (or a later software version) tools and shall attach in the section of the present Tender foreseen thereof.
- 1.14.5. The Tenderer, when drawing up the bid, shall comply with the requirements established by the Electronic Documents Law and the Cabinet of Ministers Regulation No. 473 „Procedures for the Preparation, Drawing Up, Storage and Circulation of Electronic Documents in State and Local Government Institutions, and the Procedures by which Electronic Documents are Circulated between State and Local Government Institutions, or Between These Institutions

and Natural Persons and Legal Persons” regarding drawing up of electronic documents, as well as of copies of electronic documents in a printed form and their legal force. The Tenderer has the right to approve all copies and translations of the bid by submitting a single approval that relates to all copies and translations (incl. by observing the Article 38 (8) of the Public Procurement Law

- 1.14.6. The tender shall be drawn up in Latvian. Tender documents prepared in foreign language shall be annexed a translation into Latvian signed by the translator of the document pursuant to the Cabinet Regulations No. 291 of 22 August 2000 “Procedure for the Certification of Document Translations in the Official Language”. The Tenderer shall be responsible for compliance of the translated document with the original.
- 1.14.7. If the Tenderer has submitted a copy of any document, it shall be approved in accordance with the procedure established by Cabinet of Ministers Regulations No.558 „Procedures for drafting and finishing documents” of 4 September 2018. Should the copy of a document is not approved in accordance with the requirements of the regulations specified herein, the commission if it doubts the authenticity of a submitted document copy, can, subject to the Article 41(5) of the Public procurement Law, require the Tenderer to present the original document or to submit a certified copy of the document.
- 1.14.8. If any of the documents submitted by the Tenderer has been issued by a competent authority of the Member State of Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents, it must be accompanied by an *Apostille*. Documents issued by the competent authorities of other countries require legalisation in the country of origin and in the Republic of Latvia. The requirement regarding legalization or certification (*Apostille*) of a public document issued abroad shall not apply to public document issued in the European Union, the European Economic Area country or the Swiss Confederation.
- 1.14.9. By submitting the bid the Tenderer confirms that he fully agrees with all the requirements established by the Tender regulations (including its annexes and templates available in the section of the present Tender in the EPS E-tender subsystem). It shall be considered that by submitting the bid the Tenderer is familiar with all regulatory enactments in force in the Republic of Latvia that in any way may affect or may apply to the activities specified in the contract or related thereto.
- 1.14.10. The bid shall be prepared in a manner which does not present any threat to functioning of the EPS E-tender subsystem and does not restrict access to the information contained in the bid, including that the bid may not contain any computer viruses and other malware or its generators, or, if the bid is encrypted, the Tenderer shall within the time period specified (not later than within fifteen (15) minutes from commencing the opening of the bids) submit a valid electronic key and password for opening the encrypted document.
- 1.14.11. If the bid shall contain any of the risks specified under Clause 1.14.10 herein, the commission shall not review the bid.
- 1.14.12. The Tenderer may amend or withdraw the submitted bid by the bid submission deadline by indicating accordingly “*Amendments*” or “*Withdrawal*”.

1.15. Tender application

- 1.15.1. The general conditions for the Tenderer to participate in the Tender (including the documents to be submitted) are available under the section of the present Tender in the EPS E-tender subsystem.
- 1.15.2. To confirm the participation in the Tender, the Tenderer shall submit the Tender application according to the template published in the section of the present Tender in the EPS E-tender subsystem (Annex 1 of the Tender regulations).

- 1.15.3. According to the clarification provided by the Procurement Monitoring Bureau² and the European Commission Recommendation of 6 May 2003 concerning the definition of small and medium sized enterprises (OV L124, 20.5.2003.) it has to be indicated in the application to which status the Tenderer complies to - **small or medium** company³. In case where the Tenderer does not correspond to the status of a small or medium company, the Tenderer shall provide that information in the application.
- 1.15.4. The Tenderer shall, at his choice, sign the application with a secure electronic signature and the time stamp or with the electronic signature offered by the EPS. The application shall be signed by an authorised signatory of the Tenderer or an authorised person by him. If the application is signed by an authorized person, a power of attorney (a scanned original or a copy in *PDF* format certified according to the Cabinet of Ministers Regulations No. 558 „Procedures for drafting and finishing documents” of 4 September 2018) issued by an authorized signatory of the Tenderer shall be submitted. The power of attorney has to clearly indicate the amount of rights and obligations assigned to the authorized person.
- 1.15.5. Where the Tenderer is an association of persons, the application must contain information concerning all members of the association of persons.
- 1.15.6. Where the Tenderer is a partnership and the partnership contract does not foresee the representation rights, the application shall be signed by the authorized signatory of each entity, which is part of the partnership.
- 1.15.7. The Commission requests information from the Register of Enterprises in order to obtain assurance on the representation rights and the amount of representation of the Tenderer (including members of the partnership of suppliers, members of a general partnership, involved subcontractors and entrepreneurs to which the Tenderer relies to in the execution of a procurement contract). Regarding the representation rights and the amount of representation of the Tenderer who is registered or permanently residing abroad (including members of the partnership of suppliers, members of a general partnership, involved subcontractors and entrepreneurs to which the Tenderer relies to in the execution of a procurement contract), the Tenderer shall submit a statement/-s issued by a competent institution of the country of registration or permanent residence.
- 1.15.8. **If the application is not signed by the Tenderer’s authorized signatory, the bid of the respective Tenderer shall be rejected.**

1.16. Other information

- 1.16.1. The Tenderer shall cover all costs connected with preparation and submission of the Tender.
- 1.16.2. Language of the Tender and exchange of information is Latvian. When providing services in the framework of the procurement contract, the Tenderer shall ensure communication with the Contracting Authority in conformity with the conditions specified in Clause 1.4 of the Particular conditions of the Contract (Annex 13 of the Tender regulations).
- 1.16.3. The processing and storage of personal data obtained shall be ensured in conformity with the requirements of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the

² Clarification available under https://www.iub.gov.lv/sites/default/files/upload/skaidrojums_mazajie_videnje_uzn.pdf

³ **Small enterprise** is an enterprise employing less than 50 persons and the total annual turnover and/or annual balance sheet of which does not exceed 10 million *euro*.

Medium enterprise is an enterprise other than small enterprise employing less than 250 persons, the total annual turnover of which does not exceed 50 million *euro* and/or annual balance sheet of which does not exceed 43 million *euro*.

processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), other regulatory enactments and procurement contract provisions.

2. TENDER SECURITY

- 2.1. The Tenderer shall submit a tender security for the total sum of 180 000.00 EUR (*one hundred eighty thousand euro and 00 cents*).
- 2.2. **The Tenderer must submit in the section of the present Tender in the EPS E-tender subsystem the original of the tender security issued electronically and signed by the provider of the security with the secure electronic signature.**
- 2.3. The Tenderer shall have the rights to submit the tender security as a bank guarantee or an insurer's bond insurance policy issued by a bank or insurance company registered in the European Union or the European Economic Area, or a member state of the World Trade Organization in compliance with the form in Annex 14 to the Tender regulations.
- 2.4. Form of the tender security may differ from the form in Annex 14 to the Tender regulations, but the tender security may not contain additional provisions and/or terms limiting payout of the guarantee sum different from the content of tender security in Annex 14 to the Tender regulations.
- 2.5. The tender security shall be in effect not later than from the deadline for submission of tenders until the shortest of the following terms:
 - 2.5.1. the validity period of the tender security – for 6 (*six*) months from the day of opening of the tenders (taking into account the maximum term of tender security established by Section 50, Paragraph three of the Public Procurement Law);
 - 2.5.2. until submission of the contract (obligations) performance security – for the Tenderer whose tender has been selected in accordance with the tender selection criterion established by the Tender regulations and who submits contract (obligations) performance security according to the procedure laid down by the Tender regulations and the contract after entering into the contract;
 - 2.5.3. until the entering into the contract – for the Tenderers whose tender has not been selected in accordance with the tender selection criterion.
- 2.6. The tender security shall contain the following conditions:
 - 2.6.1. The issuer of the tender security shall pay the tender security to the Contracting Authority following first demand to the Contracting Authority's bank account, requesting no further evidence or explanations, if at least one of the following cases has occurred:
 - 2.6.1.1. the Tenderer withdraws its tender, while the tender security is still valid;
 - 2.6.1.2. the Tenderer who has been granted the rights to enter into the procurement contract has failed to submit to the Contracting Authority within the deadline established thereof the performance security required by the Tender documents and the procurement contract;
 - 2.6.1.3. the Tenderer who has been awarded the contract does not sign the procurement contract within the term stipulated by the Contracting Authority.
- 2.7. The tender security is irrevocable.
- 2.8. The Contracting Authority shall not be required to request the tender security amount from the Tenderer before filing a claim to the issuer of the tender security and shall not

be required to get an approval from the Tenderer in order to file the claim for payment of tender security.

- 2.9. The tender security shall be paid no less than within 5 (*five*) working days after the claim submission day.
- 2.10. The tender security and the related legal relations shall be subject to the law of the Republic of Latvia. Any disputes arising between the Tenderer and the Contracting Authority regarding the present tender security shall be resolved by a court of the Republic of Latvia (provided an insurer's security insurance is submitted).
- 2.11. The tender security shall be subject to the International Chamber of Commerce Uniform Rules for Demand Guarantees (ICC Publication No. 758), and cases not covered therein – to the law of the Republic of Latvia. Any disputes arising regarding the present tender security shall be resolved by a court of the Republic of Latvia (provided a bank security is submitted).
- 2.12. If the Tenderer submits an insurance policy, the insurance premium shall be paid by the moment of submission of the tender as proved by a document confirming payment included in the tender.
- 2.13. If the Tenderer is an association of persons or a partnership, the tender security shall be executed so that it applies to all members of the association of persons or to members of the partnership.
- 2.14. If the Tenderer fails to submit a tender security corresponding to the requirements set out in Section 2 of the Tender regulations, the Tenderer shall be excluded from the further participation in the Tender.

3. CONDITIONS FOR THE EXCLUSION OF TENDERERS

- 3.1. The Contracting Authority shall exclude the Tenderer from further participation in the Tender, as well as shall not review the Tenderer's bid in any of the following events:
 - 3.1.1. A Tenderer or a person, who is a member of the board of directors or council, authorized signatory or procurator of a Tenderer, or a person having the right to represent the Tenderer in activities related to a subsidiary, has been found guilty or it has been applied coercive measures in any of the following criminal offences by a such punishment prescription of prosecutor or a judgement of a court that has entered into effect and is non-disputable and not subject to appeal:
 - a) Establishment, management, or involvement in the activities of a criminal organisation or part of an organised group thereof, or in any other illegal formation, or participation in the criminal offences of such organisation,
 - b) Bribe taking, bribery, bribe misappropriation, intermediation in bribery, taking of prohibited benefit or commercial bribing, requesting, taking and giving illegal benefit, trading for impact,
 - c) Fraud, misappropriation, or laundering,
 - d) Terrorism, financing of terrorism, invitation to terrorism, terrorism threats or recruiting and training of a person for performance of terror acts,
 - e) Human trafficking,
 - f) Evading payment of taxes and payments equivalent thereto;
 - 3.1.2. It has been established that on the last day of bid submission the Tenderer or on the day a decision is made to grant the contract conclusion rights the Tenderer has tax debts in

Latvia and a country where it is registered or permanently residing, including debts of mandatory State social insurance contributions in total exceeding 150 *euro* in each country. In respect to Tenderers registered or permanently residing in Latvia, the Contracting Authority shall take into account the information, which is published on the last date of update on the public tax debtors' database of State Revenue Service and Real estate tax administration system, which is an information system determined by the Cabinet of Ministers;

- 3.1.3. Insolvency proceedings have been declared for the Tenderer, the economic activity of the Tenderer has been suspended, the Tenderer is wound up;
- 3.1.4. Considering Article 25(1) and Article 25(2) of the Public Procurement Law, the individual, who has drafted the procurement documentation (an official or employee of the Contracting Authority), a member or expert of the procurement commission is related to or interested in the selection of a particular Tenderer, and the Contracting Authority cannot avert the situation by measures restricting the Tenderer to a smaller degree;
- 3.1.5. The Tenderer has competitive advantages in the procurement procedure, because it itself or an affiliated legal entity has been involved in the preparation of the Tender according to Article 18(4) of the Public Procurement Law and it cannot be averted with less limiting measures and the Tenderer cannot prove, that the participation of it or its affiliated legal entity in the preparation of the procurement procedure does not limit the competition;
- 3.1.6. A Tenderer, by such a decision of a competent authority or a judgement of a court which has entered into effect and has become non-disputable and not subject to appeal, has been found guilty of infringement of competition rights manifested as horizontal cartel agreement, except for the case when the relevant authority, upon determining infringement of competition rights, has released the Tenderer from a fine or reduced fine within the framework of the co-operation leniency programme;
- 3.1.7. A Tenderer, by such a decision of a competent authority or a judgement of a court which has entered into effect and has become non-disputable and not subject to appeal, has been found guilty of an infringement, which means:
 - a) employment of such one or more persons, who do not hold the respective work permit or if they reside in the territory of the European Union Member States illegally,
 - b) employment of a person without entering into a written employment contract, not submitting an informative declaration regarding employees in respect of such person within a time period laid down in the tax laws and regulations, which is to be submitted regarding persons who commence work;
- 3.1.8. A Tenderer has provided false information to certify the conformity with the provisions of Section 3 of the Tender regulations or in accordance with the qualification requirements of Tenderers established by the Public Procurement Law, or has not provided the requested information at all;
- 3.1.9. The member of a general partnership, where the Tenderer is a general partnership, shall be subject to requirements of Clause 3.1.1-3.1.7 herein;
- 3.1.10. The sub-contractor of the Tenderer, where the value of the subcontracted services to be provided is at least 10 per cent of the total public service contract value, shall be subject to requirements of Clause 3.1.2-3.1.7 herein;
- 3.1.11. The person, on whose capabilities the Tenderer relies to prove its qualification meets the requirements set in the contract notice or in the tender documents, is subject to requirements of Clause 3.1.1-3.1.7 herein;

- 3.1.12. The Tenderer is a legal entity or a partnership of suppliers registered in an offshore zone⁴;
- 3.1.13. The shareholder or holder of more than 25 percent of the shares of the Tenderer registered in Latvia is an offshore legal entity or a partnership of suppliers;
- 3.1.14. Any of the subcontractors indicated by the Tenderer, where the value of the subcontracted services to be provided is at least 10 per cent of the total public service contract value, or any of the persons, on whose capabilities the Tenderer relies to, is an offshore legal entity or a partnership of suppliers.
- 3.2. The Contracting Authority shall not exclude a Tenderer from the participation in the Tender if:
- 1) three years have passed from the day when the judgement of a court, the punishment prescription of a prosecutor or a decision taken by another competent authority on infringements referred to in Clause 3.1.1 and Clause 3.1.7 “a” herein became non-disputable and not subject to appeal till the day when the application or tender was submitted;
 - 2) 12 months have passed from the day when the judgement of a court or a decision taken by another competent authority on infringements referred to in Clause 3.1.6 and Clause 3.1.7 “b” herein became non-disputable and not subject to appeal till the day when the application or tender was submitted.
- 3.3. If the Contracting Authority has established that in the information system specified by the Cabinet of Ministers according to the latest information update in the public database of the State Revenue Service or Real estate tax administration system, on the last day for submitting the bids or on the day, when the decision on the possible awarding of contract has been taken, the Tenderer, the person referred to in Clause 3.1.9, 3.1.10 and 3.1.11 of the Tender regulations has tax debts, including debts of mandatory State social insurance contributions in total exceeding 150 *euro*, the Contracting Authority shall determine the deadline - 10 working days following the day of issue or sending of the information - for the submission of the statement that on the last day for submitting the bids or on the day, when the decision on the possible awarding of contract has been taken, the Tenderer did not have tax debts, including debts of mandatory State social insurance contributions in total exceeding 150 *euro*. If the Tenderer does not submit the referred-to statement within the laid down deadline, the Contracting Authority shall exclude the Tenderer from the participation in the Tender. If the Contracting Authority has established that in the information system specified by the Cabinet of Ministers according to the latest information update in the public database of the State Revenue Service or Real estate tax administration system, on the last day for submitting the bids or on the day, when the decision on the possible awarding of contract has been taken, the Tenderer, the person referred to in Clause 3.1.9, 3.1.10 and 3.1.11 of the Tender regulations has no tax debts, including debts of mandatory State social insurance contributions in total exceeding 150 *euro*, the Contracting Authority shall not request the statement.
- 3.4. The Tenderer to certify that it, as well as the person referred to in Clause 3.1.9, 3.1.10 and 3.1.11 of the Tender regulations had no tax debts, including debts of mandatory State social insurance contributions in total in Latvia exceeding 150 *euro*, shall within a deadline referred to in Clause 3.3 of the Tender regulations submit:

⁴ **offshore** — low tax or tax-free country or territory within the meaning of the Corporate Income Tax Law, with the exception of the European Economic Area Member States or the territories thereof, Member States or territories of the World Trade Organization Agreement on Government Procurement and such countries or territories with which the European Union or Latvia has concluded international agreements for market opening in the field of public procurement.

- 1) A printout certified by the respective person or his or her representative accordingly from the electronic declaration system of the State Revenue Service or the statement of the State Revenue Service that the respective person had no tax debts, including debts of mandatory State social insurance contributions;
 - 2) A statement issued by the local government that the respective person did not have debts of real estate tax;
 - 3) A copy of the decision issued by the State Revenue Service or the competent authority of the local government regarding the extension or deferral of the term for tax payment or other objective evidence regarding the absence of tax debts.
- 3.5. The Contracting Authority shall request the Tenderer to replace the sub-contractor, whose subcontracted service value is at least 10 per cent of the total public service contract value, if it meets the exclusion cases as mentioned by Clause 3.1.2-3.1.7 or 3.1.14 herein, or the person, on whose capabilities the Tenderer relies to approve that its qualification meets the requirements as set out in the notice on contract or tender regulations, if it meets the exclusion cases as mentioned by Clause 3.1.1-3.1.7 or 3.1.14 herein. Where the Tenderer within 10 business days after it has been provided or sent a request fails to submit documents about a new sub-contractor or a person meeting the requirements as set out in the notice on contract or the tender regulations, on whose capabilities the Tenderer relies to approve that its qualification meets the requirements as set out in the notice on contract or the tender regulations, the Contracting Authority shall exclude the Tenderer from participation in the Tender.
- 3.6. In order to verify, whether a Tenderer is to be excluded from the participation in the Tender due to the criminal offences and infringements referred to in Clause 3.1.1, 3.1.6 and 3.1.7 of the Tender regulations for which the relevant person referred to in Clause 3.1 of the Tender regulations has been punished or has a coercive measures in Latvia applied to, the Contracting authority, as well as the Tenderer for himself, shall, by using the information system specified by the Cabinet of Ministers with regard to a person registered or permanently residing in Latvia in accordance with the procedures specified by the Cabinet of Ministers, acquire information:
- 1) On the infringements and criminal offences referred to in Clause 3.1.1, 3.1.6 and 3.1.7 of the Tender regulations – from the Information Centre of the Ministry of Interior (Punishment Register). The Contracting authority is entitled to receive the referred-to information from the Information Centre of the Ministry of Interior (Punishment Register) without requesting any consent from the Tenderer and other persons mentioned in Clause 3.1 of the Tender regulations;
 - 2) On the facts mentioned in Clause 3.1.2 of the Tender regulations – from the State Revenue Service and local governments of Latvia. The Contracting authority is entitled to receive the referred-to information from the State Revenue Service and local governments of Latvia without requesting any consent from the Tenderer and other persons mentioned in Clause 3.1 of the Tender regulations;
 - 3) On the person referred to in Clause 3.1.1 of the Tender regulations (a person who is the Tenderer's member of the board of directors or council, authorized signatory, procurator, or a person having the right to represent the Tenderer in activities related to a subsidiary) and on facts mentioned in Clause 3.1.3 of the Tender regulations – from the Enterprise Register.
- 3.7. In order to verify, whether a Tenderer is to be excluded from the participation in the Tender due to the conditions referred to in Clause 3.1.12, 3.1.13 and 3.1.14 of the Tender regulations, the Contracting authority, as well as the Tenderer for himself, shall, by using the information system specified by the Cabinet of Ministers in regard to a person registered in Latvia, acquire information in the Enterprise Register. If data is

not available in the information system specified by the Cabinet of Ministers regarding the case referred to in Clause 3.1.13 of the Tender regulations, when the Tenderer is to be excluded from participation in the Tender, the Contracting Authority shall request a statement that this provision does not apply to the Tenderer. The Contracting Authority shall request the Tenderer registered abroad to submit a document certifying the state of registration.

- 3.8. In order to check, whether or not the member of the board of directors or council, authorized signatory or procurator, who is registered in Latvia, or a person having the right to represent the Tenderer in activities related to a subsidiary and who is registered or permanently resides abroad, or a Tenderer, who is registered or resides permanently abroad, or a person according to Clause 3.1.9, 3.1.10 and 3.1.11 of the Tender regulations, who is registered or resides permanently abroad, does not meet the exclusion provisions according to Clause 3.1 herein, the Contracting Authority, except for cases stipulated by Article 42(11) of the Public Procurement Law, shall request that the Tenderer submits a certificate by the respective competent authority proving that the member of the board of directors or council, authorized signatory or procurator, who is registered in Latvia, or a person having the right to represent the tenderer in activities related to a subsidiary and who is registered or permanently resides abroad, or a Tenderer, or a person according to Clause 3.1.9, 3.1.10 and 3.1.11 of the Tender regulations, does not meet the cases according to Clause 3.1 herein. If according to the laws and regulations of the country of registration of the Tenderer or a person under Clause 3.1.9 and 3.1.10 of the Tender regulations, a person to whom the relevant exclusion provisions specified under Clause 3.1 herein are applicable cannot be a member of the board of directors or council, authorized signatory or procurator, or a person having the right to represent the Tenderer in activities related to a subsidiary, the Tenderer shall be entitled to submit the relevant explanation instead of a certificate. The deadline for the submission of the certificate or an explanation is set to at least 10 business days from the day the request was provided or sent. If the respective Tenderer does not submit the referred-to explanation or statement within the laid down deadline, the Contracting Authority shall exclude it from participation in the Tender. If the Contracting Authority does not obtain from the explanation the assurance that the relevant exclusion provisions under Clause 3.1 of the Tender regulations are not applicable to the persons concerned, it shall be entitled to request submission of certificates from the competent authorities on the persons concerned.
- 3.9. If such documents, by which the Tenderer registered or permanently residing in a foreign country may certify that the conditions indicated in Clause 3.1 herein do not apply to him or her, are not issued or they are not sufficient to certify that the conditions indicated in Clause 3.1 herein do not apply to the tenderer, the referred-to documents may be replaced with an oath or, if laws and regulations of the relevant country do not provide for giving of an oath, - with a certification of the tenderer itself or the person referred to in Clause 3.1 of the Tender regulations to the competent executive authority or judicial authority, a sworn notary or a competent organisation in the relevant sector in the country of registration (permanent residence) thereof.
- 3.10. Where the Tenderer or a member of the general partnership, if the Tenderer is a general partnership, meets the exclusion case according to Clause 3.1.1, 3.1.3-3.1.7 of the Tender regulations, the Tenderer indicates this in the bid and, if it is deemed as the one, which should be granted contract conclusion rights, it shall submit an explanation and proof of the loss compensation or a concluded agreement on the loss compensation, cooperation with investigation authorities and undertaken technical, organisational, or human resource management measures to prove its reliability and prevent the occurrence of the same or similar cases in future.

- 3.11. Where the Tenderer fails to submit an explanation and proof, the Contracting Authority shall exclude the Tenderer from the Tender, since it meets the exclusion case according to Clause 3.1.1, 3.1.3-3.1.7 of the Tender regulations.
- 3.12. The Contracting Authority shall assess the measures and their proof by the Tenderer or a member of the general partnership, where the Tenderer is a general partnership, considering the severity of the crime or offence and the particular circumstances. The Contracting Authority is entitled to request the competent authorities of the respective crime or offence to provide a statement regarding the adequacy of measures undertaken by the Tenderer to restore the reliability and to prevent such and similar cases in future. A statement shall not be required if the Contracting Authority has available or the Tenderer has submitted a statement of the competent authorities of the respective crime or offence regarding the adequacy of measures undertaken by the Tenderer to restore the reliability and to prevent such and similar cases in future.
- 3.13. Where the Contracting Authority is of the opinion that the measures undertaken are sufficient to restore the reliability and to prevent such and similar cases in future, it makes a decision not to exclude the Tenderer from the procurement procedure. If the measures undertaken are not sufficient, the Contracting Authority makes a decision to exclude the Tenderer from the procurement procedure.
- 3.14. The Contracting Authority shall exclude the Tenderer from the further participation in the Tender, if the Tenderer (and the persons referred to in the respective Article) meets the exclusion conditions established by Article 11.¹ (1) and (2) of the Law on International Sanctions and National Sanctions of the Republic of Latvia.

4. TENDERERS' QUALIFICATION REQUIREMENTS AND DOCUMENTS TO BE SUBMITTED BY THE TENDERER

- 4.1. The Tenderer shall meet the following qualification requirements as to its compatibility to undertake the professional activity, economic and financial condition, or technical and professional skills and shall submit following documents to certify its qualification compliance (all qualification requirements of the Tenderer (including all the documents to be submitted) are available in the section of the present Tender in the EPS E-tender subsystem):

No.	Qualification requirement	Documents to be submitted
	Requirements for Tenderer's compliance with professional activities	
4.1.1.	Tenderer is a natural person or a legal person or an association of such persons in any combination thereof, which accordingly offers provision of services compliant with the requirements of the Tender Regulations.	<ul style="list-style-type: none"> - Tenderer's application for participation in the Tender, prepared in accordance with the requirements specified in Clause 1.15 of the Tender Regulations and Annex 1 of the Tender Regulations. - If the Tenderer is an association of persons, the offer shall be accompanied by a memorandum of agreement of the members, signed by persons representing

		<p>the parties with the right of representation, indicating the responsible member of the association and the representative authorized to submit the offer, represent the association of persons in the Tender, sign documents on behalf of the members of the association (indicating what type of documents), sign the procurement contract if the association of persons is awarded the Tender, indicating what services and in what amount each member of the association will provide.</p> <ul style="list-style-type: none"> - If the Tenderer is an association of persons, the offer shall be accompanied by a statement signed by persons representing the parties with the right of representation, confirming that, if the association of persons is awarded the contract, the members of the association of persons will, within 15 (<i>fifteen</i>) days after expiry of the waiting deadline specified in Section 60, Paragraphs six and seven of the Public Procurement Law, enter into a partnership contract according to the procedure established by Sections 2241-2280 of the Civil Law (submitting one copy of the contract (original or a copy if the original is presented) to the Employer) or will register a partnership in the Commercial Register of the Register of Enterprises of the Republic of Latvia or equal register abroad in cases specified by the regulatory enactments, submitting a copy of the registration document to the Employer.
4.1.2.	<p>For the purposes of commercial activity, the Tenderer is registered in the Register of Enterprises of the Republic of Latvia in the cases and according to the procedure established by the regulatory enactments or equal authority registering commercial activities abroad in accordance with the regulatory enactments of the accordant country.</p> <p>The requirement also applies to partnership and all members of the partnership (if the offer is submitted by a partnership) and to all members of an association of persons (if the offer is submitted by an association</p>	<ul style="list-style-type: none"> - Regarding Tenderers registered in the Republic of Latvia – the Employer will obtain information on whether the Tenderer is registered in accordance with the requirements of the regulatory enactments in publicly available databases. - Tenderers registered or permanently residing abroad, partnership and all members of the partnership (if the offer is submitted by a partnership) or all members of an association of persons (if the offer is submitted by an association of persons), as well as subcontractors (if the Tenderer intends to attract subcontractors) and persons the capacities of which the Tenderer relies on to fulfil the qualification requirements established for the Tenderer by the Tender

	<p>of persons), as well as subcontractors (if the Tenderer intends to attract subcontractors) and persons the capacities of which the Tenderer relies on to fulfil the qualification requirements established for the Tenderer by the Tender Regulations (if the Tenderer intends to attract such persons).</p>	<p>Regulations (if the Tenderer intends to attract such persons) shall submit copies of registration certificates issued abroad by authorities registering commercial activities (if the regulatory enactments of the accordant country envisage issuing of registration documents) or information that the regulatory enactments of the accordant country do not envisage such registration (if the regulatory enactments of the country of registration do not envisage issuing of registration documents).</p> <ul style="list-style-type: none"> - If the Tenderer (or member of an association of persons, a person the capacities of which the Tenderer relies on to fulfil the qualification requirements established for the Tenderer by the Tender Regulations, or a subcontractor attracted by the Tenderer) is a natural person, the Tenderer shall submit a copy of passport or identity card of the accordant person. - A foreign Tenderer shall additionally submit certificates (copies) issued by competent institutions of the accordant country regarding officials (composition of the board, council) of the Tenderer, its indicated subcontractors, value of the services to be provided by which is at least 10 percent of the total contract price, and persons the capacities of which the Tenderer relies on to fulfil the qualification requirements established for the Tenderer by the Tender Regulations, as well as statements (original copies) of the Tenderer and the accordant subcontractors and persons that the information contained in the extracts about their officials is still relevant.
4.1.3.	<p>The Tenderer is registered in the Register of Construction Merchants or in accordant registration authority of professional activity abroad, in the cases and according to the procedure established by the regulatory enactments of the accordant country.</p> <p>The requirement also applies to partnership and all members of the partnership (if the offer is submitted by a partnership) and to all members of an association of suppliers (if the offer is submitted by an association</p>	<ul style="list-style-type: none"> - The Employer will verify whether the Tenderer and the persons specified in Clause 4.1.3 of the Tender Regulations have registered in the Register of Construction Merchants of the Republic of Latvia in publicly available databases. - Tenderers (and persons specified in Clause 4.1.3 of the Tender Regulations) registered abroad shall submit a document issued by a competent authority of the foreign country confirming, in accordance with the regulatory enactments of the accordant country, the rights of the

	<p>of persons), as well as subcontractors (if the Tenderer intends to attract subcontractors) and persons the capacities of which the Tenderer relies on to fulfil the qualification requirements established for the Tenderer by the Tender Regulations (if the Tenderer intends to attract such persons) who will provide such services within the frameworks of the procurement contract provision of which requires registration in the Register of Construction Merchants or in accordant registration authority of professional activity abroad, in the cases and according to the procedure established by the regulatory enactments of the accordant country.</p>	<p>Tenderer (and the person specified in Clause 4.1.3 of the Tender Regulations) to provide the services specified in the Tender Regulations (if the regulatory enactments of the accordant foreign country envisage issuing of such document) or information that the regulatory enactments of the accordant country do not envisage such registration (if the regulatory enactments of the country of registration do not envisage issuing of registration documents).</p> <ul style="list-style-type: none"> - If the Tenderer (or the persons specified in Clause 4.1.3 of the Tender Regulations) is not registered in the Register of Construction Merchants of the Republic of Latvia, it shall submit a certification that, if it is awarded the contract, it will register with the Register of Construction Merchants of the Republic of Latvia within one (1) month after expiry of the waiting deadline specified in Section 60, Paragraphs six and seven of the Public Procurement Law. The Employer shall have the right to prolong the deadline specified above for objective reasons.
	<p>Requirements for economic and financial standing of the Tenderer</p>	
<p>4.1.4.</p>	<p>Annual financial turnover (net) of the Tenderer for the last 3 (<i>three</i>) financial years (i.e. 2015, 2016 and 2017) is at least 18,000,000.00 EUR (<i>eighteen million euros, 00 cents</i>) in the field of engineering supervision of construction contracts⁵ and/or in the field of expert examination of detailed technical designs and/or construction supervision.</p> <p>If the Tenderer is an association of persons, then total annual net</p>	<ul style="list-style-type: none"> - Confirmation of the Tenderer regarding compliance of the Tenderer's annual financial turnover (net) with the requirements specified in Clause 4.1.4 of the Tender Regulations, prepared in accordance with the template published in EIS e-tenders subsystem in the section of this Tender (Annex 4 to the Tender Regulations). - The Tenderer or member of an association of persons whose duration of activity is less than 3 (<i>three</i>) years shall indicate in the

⁵ engineering supervision of construction work contracts within the frameworks of the qualification requirements of this regulation are services within the frameworks of which the tenderer as an engineer-consultant in the construction work contract performs at least the following tasks on behalf of the customer: administration of the construction work contract, control of the costs incurred by the contractor; determination of the beginning of performance of the contractor's work; coordination (acceptance or rejection) of work programs developed and submitted by the contractor; verification of the results of work performed by the contractor; participation in testing of materials and equipment supplied at the work site; issuing of orders for amendments in works of the contractor; approval of payments due to the contractor; verification and acceptance of the detailed technical design developed by the contractor; assessment of contractor's claims raised on the basis of the construction work contract, and their satisfaction or rejection, conformity control of construction works with the requirements of the detailed technical design and quality requirements.

	<p>financial turnover of all members of the association of persons in the last 3 (three) years (2015, 2016 and 2017) must be at least EUR 18,000,000.00 (eighteen million <i>euros</i> and 00 cents) in the field of engineering supervision of construction contracts and/or in the field of expert examination of detailed technical designs and/or construction supervision.</p> <p>If the Tenderer (also a member of an association of persons) was established later, then the financial turnover shall meet the above requirement during the accordant period of activity.</p>	<p>certification financial turnover (net) for the accordant period of activity.</p> <ul style="list-style-type: none"> - The Tenderer shall accompany the certification with: <ul style="list-style-type: none"> a) a certified copy of profit and loss statement for the accordant years; b) a list of construction objects where the Tenderer or a member of an association of persons (if the offer is submitted by an association of persons) has provided engineering supervision services of construction contracts and/or expert examination of detailed technical designs and/or construction supervision services, indicating sums of the provided services (EUR, VAT excluded) in the accordant years.
4.1.5.	<p>The Tenderer or each member of an association of persons (if the Tenderer is an association of persons) the capacities of which the Tenderer relies on to fulfil the qualification requirements regarding financial and economic standing of the Tenderer, as well as person the capacities of which the Tenderer relies on to fulfil the qualification requirements regarding the financial and economic standing of the Tenderer have positive equity in 2017 and the liquidity ratio (current assets/short-term liabilities) as at 31 December 2017 is at least 1.00.</p>	<ul style="list-style-type: none"> - A statement of the Tenderer (or each member of an association of persons or the accordant person) including a calculation that the Tenderer (or each member of an association of persons or the accordant person) has positive equity in 2017 and the liquidity ratio (current assets - stocks/short-term debts) as at 31 December 2017 is at least 1.00, prepared in accordance with the template published in EIS e-tenders subsystem in the section of this Tender (Annex 5 to the Tender Regulations). - If the Tenderer is an association of persons, the Tenderer shall indicate the member of the association of persons the capacities of which the Tenderer relies on to fulfil the qualification requirements regarding financial and economic standing of the Tenderer. - A certified copy of the balance sheet of the Tenderer for 2017 or of each member of the association of persons the capacities of which the Tenderer relies on to fulfil the qualification requirements regarding financial and economic standing of the Tenderer (if the Tenderer is an association of persons) or the persons the capacities of which the Tenderer relies on to fulfil the qualification requirements regarding financial and economic standing of the Tenderer.

<p>4.1.6.</p>	<p>To fulfil the qualification requirements regarding financial and economic standing, the Tenderer shall have the right to rely on capacities of other persons, irrespective of legal nature of their relationships.</p> <p>If the Tenderer relies on the financial capacities or economic standing of another person, the Tenderer and the person concerned shall assume joint responsibility for execution of entire procurement contract.</p>	<ul style="list-style-type: none"> - If the Tenderer relies on capacities of other persons to fulfil qualification requirements regarding financial and economic standing of the Tenderer, the Tenderer shall indicate all persons the capacities of which it relies on to prove its qualification in the offer (Annex 11 to the Tender Regulations). - If the Tenderer relies on the capacities of other persons to fulfil the qualification requirements regarding financial and economic standing, the offer shall be accompanied by documents proving that, upon conclusion of the procurement contract, the persons the capacities of which the Tenderer relies on, together with the Tenderer will assume joint responsibility for execution of the contract by submitting, for example, a statement of each person concerned or an agreement on cooperation in execution of the specific contract, specifying scope, field and distribution of cooperation and responsibility, so that the Employer obtained objective assurance of readiness and possibility of the third person to transfer specific financial and economic capacities to the Tenderer, to assume joint responsibility for execution of the entire procurement contract. - If the Tenderer relies on the capacities of a person in which the Tenderer has participation or which has participation in the Tenderer, this person shall also submit the certification referred to in this paragraph. - If the person signing the certification does not have representation rights (according to the information of the Register of Enterprises of the Republic of Latvia or, if the Tenderer or the accordant person is registered abroad, - in accordance with a document issued by a competent institution of the accordant country), the offer shall be accompanied by a document confirming the right of representation of this person.
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	Requirements for technical and professional capacities of the Tenderer⁶	
4.1.7.	<p>Previous experience of the Tenderer in provision of services shall meet at least the following requirements:</p> <p>1) during the last 5 (<i>five</i>) years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of offers), experience in engineering supervision of at least 1 (<i>one</i>) construction contract of railway infrastructure object where total cost of construction works is at least 250,000,000.00 EUR (<i>two hundred and fifty million euros, 00 cents</i>), VAT excluded;</p> <p>2) during the last 5 (<i>five</i>) years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of offers), experience in engineering supervision of at least 1 (<i>one</i>) construction contract of a public building where total cost of construction works of the building is at least 50,000,000.00 EUR (<i>fifty million euros, 00 cents</i>), VAT excluded;</p> <p>3) during the last 5 (<i>five</i>) years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of offers), experience in engineering supervision of at least 1 (<i>one</i>) construction contract of a bridge where total cost of construction works of the bridge is at least 50,000,000.00 EUR (<i>fifty million euros, 00 cents</i>), VAT excluded;</p> <p>4) during the last 5 (<i>five</i>) years (2014, 2015, 2016, 2017, 2018 and 2019 up</p>	<ul style="list-style-type: none"> - The Tenderer fills in and submits the template published in the EIS e-tenders subsystem in the section of this Tender (Annex 6 to the Tender Regulations), specifying the information upon evaluation of which the Employer can objectively assess compliance of the services previously provided by the Tenderer with all requirements specified in Clause 4.1.7 of the Tender Regulations. - The Tenderer shall submit a written reference of the customer of the accordant services for each service provided by the Tenderer, in accordance with the experience of the Tenderer specified in Clause 4.1.7 of the Tender Regulations, including description of the services provided by the Tenderer, the date of execution of the services, as well as information on construction costs of each object.

⁶ engineering supervision of construction work contracts within the frameworks of the qualification requirements of this regulation are services within the frameworks of which the tenderer as an engineer-consultant in the construction work contract performs at least the following tasks on behalf of the customer: administration of the construction work contract, control of the costs incurred by the contractor; determination of the beginning of performance of the contractor's work; coordination (acceptance or rejection) of work programs developed and submitted by the contractor; verification of the results of work performed by the contractor; participation in testing of materials and equipment supplied at the work site; issuing of orders for amendments in works of the contractor; approval of payments due to the contractor; verification and acceptance of the detailed technical design developed by the contractor; assessment of contractor's claims raised on the basis of the construction work contract, and their satisfaction or rejection, conformity control of construction works with the requirements of the detailed technical design and quality requirements.

<p>to the deadline for submission of offers), experience in engineering supervision of at least 1 (<i>one</i>) design&build contract of a public transport infrastructure building where total cost of construction works of the building is at least 200,000,000.00 EUR (<i>two hundred million euros, 00 cents</i>), VAT excluded.</p> <p>The abovementioned experience in provision of services may be obtained through one or more contracts. All services must have been provided and fully completed within the deadlines and procedures specified in the contract.</p> <p>If the Tenderer is an association of persons, then members of the association of persons shall jointly fulfill the requirements specified in this clause.</p>	
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<p>4.1.8.</p>	<p>The Tenderer shall ensure at least the following experts in execution of the procurement contract⁷ (<i>the Tenderer has no right to offer one person to perform several positions (roles) of experts specified in the Tender Regulations</i>):</p> <p>4.1.8.1. The project and construction director with the following experience: during the last five years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders) has performed management of engineering supervision of at least 1 (one) design & build contract of a public infrastructure building or railway infrastructure object with total monetary volume at least EUR 250,000,000.00, VAT excluded.</p> <p>4.1.8.2. The Deputy project and construction director with the following experience: during the last five years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders) has performed management of engineering supervision of at least 1 (one) design&build contract of a public infrastructure building or railway infrastructure object with total monetary volume at least EUR 100,000,000.00, VAT excluded.</p> <p>4.1.8.3. Certified railway track's detailed technical design expert, who can also perform the examination of railway signalling systems' detailed technical design with the following experience: during the last five years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders) has performed expert examination of</p>	<p>The Tenderer shall submit documents confirming competence of the experts attracted by the Tenderer to participate in implementation of the procurement subject of the Tender:</p> <ul style="list-style-type: none"> - Completed and signed form "Information about education, qualification and experience of the employees offered for the service" in Annex 7 to the Tender Regulations. - Completed and signed form "Curriculum vitae and statement of availability" in Annex 8 to the Tender Regulations. - Copies of documents attesting experience of the experts attracted by the Tenderer, such as references of customers, copies of expert opinion regarding construction projects, works acceptance-delivery protocols or other documents attesting experience of the experts requested in this regulation. - Foreign experts shall accompany the "Curriculum vitae and statement of availability" with copies of documents attesting the acquired education. - Regarding certified experts, information about the certificates of construction experts of Latvia will be verified at www.bis.gov.lv. <p>If home country and the country of provision of services of the said construction expert is a Member State of the European Union or a Member State of the European Free Trade Association and it does not have a valid certificate of a construction expert issued by competent authorities of the Republic of Latvia, a certification that a declaration on temporary provision of professional services in profession regulated in the Republic of Latvia will be submitted to the recognition authority according to the procedure established by the effective regulatory enactments of the Republic of Latvia and a corresponding certificate of construction expert will be received (in the accordant</p>
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⁷ Experts referred to in Clauses 4.1.8.1 and 4.1.8.2 must have second level professional higher education in civil engineering or architecture study program, while experts referred to in Clauses 4.1.8.3 - 4.1.8.24 of this Regulation must have education in accordance with Chapter III „Requirements for acquisition of certificate of construction expert” of the Construction Law. The requirements established by the Construction Law are detailed by the Cabinet of Ministers Regulations No. 169 „Regulations regarding assessment of the competence of construction experts and supervision of independent practice” as of 20.03.2018. The experts referred to in Clauses 4.1.8.25 and 4.1.8.26 of this Regulation must have second level professional higher education in civil engineering study program.

<p>at least 1 (one) detailed technical design of railway tracks or railway signalling systems (the volume of construction works of the designed railway tracks or railway signalling systems at least EUR 10,000,000.00, VAT excluded);</p> <p>4.1.8.4. Certified railway contact line network’s designer, who during the last five years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders) has performed supervision of at least 1 (one) detailed technical design of railway catenaries (the volume of construction works of the designed railway catenaries at least EUR 25,000,000.00, VAT excluded);</p> <p>4.1.8.5. certified expert of detailed technical designs of electronic communication systems and networks, who during the last five years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders) has performed expert examination of at least 1 (one) detailed technical design of electronic communication systems and networks (the volume of construction works of the designed electronic communication systems and networks at least EUR 25,000,000.00, VAT excluded);</p> <p>4.1.8.6. certified expert on detailed technical designs of electric appliances, who during the last five years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders) has performed expert examination of at least 1 (one) detailed technical design of electric facilities (the volume of construction works of the designed electric facilities at least EUR 20,000,000.00, VAT excluded);</p> <p>4.1.8.7. certified expert of detailed technical designs of heating supply, ventilation systems and air conditioning systems, who during</p>	<p>field of construction practice) for the accordant construction expert within 3 (<i>three</i>) months from the date of entry of the procurement contract into force.</p> <p>If home country and the country of provision of services of the said construction expert is not a Member State of the European Union or a Member State of the European Free Trade Association and it does not have a valid certificate of a construction expert issued by competent authorities of the Republic of Latvia, a certification that recognition of professional qualification in profession regulated in the Republic of Latvia will be performed according to the procedure established by the effective regulatory enactments of the Republic of Latvia and a corresponding certificate of construction expert will be received (in the accordant field of construction practice) for the accordant construction expert within 4 (<i>four</i>) months from the date of entry of the procurement contract into force.</p>
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the last five years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders) has performed expert examination of at least 1 (one) detailed technical design of heat supply, ventilation systems and air conditioning systems (the volume of construction works of the designed heat supply and ventilation and air conditioning systems at least EUR 10,000,000.00, VAT excluded);

4.1.8.8. certified expert of detailed technical designs of water supply and sewage systems, including fire-fighting systems, who during the last five years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders) has performed expert examination of at least 1 (one) detailed technical design of water supply and sewage systems, including fire-fighting systems (the volume of construction works of the designed water supply and sewage systems at least EUR 10,000,000.00, VAT excluded);

4.1.8.9. certified expert on the architectural solutions of detailed technical designs architecture solutions, who during the last five years (2013, 2014, 2015, 2016, 2017 and 2018 up to the deadline for submission of tenders) has performed expert examination of at least 1 (one) detailed technical design of architecture solutions (the volume of construction works of the designed object at least EUR 50,000,000.00, VAT excluded);

4.1.8.10. certified expert of detailed technical designs of building structures, who during the last five years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders) has performed expert examination of at least 1 (one) detailed technical design of structures of public building (the volume of construction works of the

designed object at least EUR 50,000,000.00, VAT excluded);

4.1.8.11. certified expert on detailed technical designs of bridges, who during the last five years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders) has performed expert examination of at least 1 (one) detailed technical design of bridge (the volume of construction works of the designed bridge at least EUR 50,000,000.00, VAT excluded);

4.1.8.12. certified expert on detailed technical designs of roads, who during the last five years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders) has performed expert examination of at least 1 (one) detailed technical design of road (the volume of construction works of the designed road at least EUR 10,000,000.00, VAT excluded);

4.1.8.13. certified construction supervisor for the construction of buildings, who during the last five years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders) has performed construction supervision of a public building within at least 1 (one) object that has been commissioned and where the volume of public building construction works has been at least EUR 50,000,000.00, VAT excluded);

4.1.8.14. certified construction supervisor of rail tracks' construction works, who during the last five years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders) has performed construction supervision of tracks in at least 1 (one) object that has been commissioned and where at least 15 km of tracks were built in an urban environment;

4.1.8.15. certified construction supervisor of railway contact line

networks' construction works, who during the last five years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders) has performed construction supervision of railway catenaries in at least 1 (one) object that has been commissioned and where the volume of construction works of railway catenaries is at least EUR 25,000,000.00, VAT excluded;

4.1.8.16. certified construction supervisor of railway signalling systems' construction works, who during the last five years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders) has performed construction supervision of railway signalling systems in at least 1 (one) object that has been commissioned and where the volume of construction works of the signalling systems is at least EUR 10,000,000.00, VAT excluded;

4.1.8.17. certified construction supervisor of construction works of electronic communication systems and networks, who during the last five years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders) has performed construction supervision of electronic communication systems and networks in at least 1 (one) object that has been commissioned and where the volume of construction works of the electronic communication systems and networks is at least EUR 25,000,000.00, VAT excluded;

4.1.8.18. certified construction supervisor for the installation of electric appliances, who during the last five years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders) has performed supervision of installation of electric facilities in at least 1 (one) object that has been commissioned and where the value of

installation works of electric facilities is at least EUR 20,000,000.00, VAT excluded;

4.1.8.19. certified construction supervisor for the construction works of heating supply, ventilation and air conditioning systems, who during the last five years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders) has performed construction supervision of heat supply, ventilation and air conditioning systems in at least 1 (one) object that has been commissioned and where the value of construction works of heat supply, ventilation and air conditioning systems is at least EUR 10,000,000.00, VAT excluded;

4.1.8.20. certified construction supervisor for the construction works of water supply and sewerage systems, including fire-fighting systems, who during the last five years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders) has performed construction supervision of water supply and sewerage systems in at least 1 (one) object that has been commissioned and where the value of construction works of water supply and sewerage systems is at least EUR 10,000,000.00, VAT excluded;

4.1.8.21. certified construction supervisor for the construction of bridges, who during the last five years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders) has performed construction supervision of bridge in at least 1 (one) object that has been commissioned and where the value of construction works of bridge is at least EUR 50,000,000.00, VAT excluded;

4.1.8.22. certified construction supervisor for the construction of roads, who during the last five years

(2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders) has performed construction supervision of roads in at least 1 (one) object that has been commissioned and where the volume of construction works of roads is at least EUR 10,000,000.00, VAT excluded;

4.1.8.23. BIM expert, who during the last five years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders) has performed the duties of BIM manager of the contractor and BIM manager of the customer in execution/supervision of design&build contract among which is:

a) at least 1 (one) project of comprehensive and functioning railway infrastructure (including the bearing overpass constructions, sub-structure and superstructure of tracks, engineering communications and equipment);

b) at least 1 (one) project where total costs of the contract are at least EUR 100,000,000.00, VAT excluded.

The BIM level of development of the indicated performed or supervised projects should comply with *BIM Level 2 or equal* established by the PAS 1192 standard series, i.e. project information management should be organized digitally centralized using Unified data environment (including merging and coordinating information models) and BIM information should be developed, structured and transferred to the customer according to further infrastructure management needs.

The experience of provided services indicated above may be obtained through one or more contracts.

4.1.8.24. construction quality management manager, who during the last five years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders)

	<p>has performed quality management of construction works in at least 1 (one) object that has been commissioned and where the value of construction works is at least 100,000,000.00 EUR, VAT excluded;</p> <p>4.1.8.25. work volume (cost estimates) engineer with second level higher education in civil engineering study program who during the last five years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders) has performed the duties of the chief work volume (estimate) engineer in execution of at least 2 (two) construction contracts where the price of each contract is at least 100,000,000.00 EUR, VAT excluded;</p>	
	<p>4.1.8.26. Object (project) progress engineer with second level higher education in civil engineering study program who has performed preparation of progress reports and reviews of the contractor's project during the last five years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders) in at least 1 (one) construction contract with contract price at least EUR 100,000,000.00, VAT excluded.</p>	
	<p>4.1.8.2.7. lawyer who:</p> <ul style="list-style-type: none"> - has at least second level higher education in law obtained in study program in which civil law, civil procedure, administrative rights and administrative proceedings of the Republic of Latvia are acquired; and - during the last five years (2014, 2015, 2016, 2017, 2018 and 2019 up to the deadline for submission of tenders) has experience in providing legal services or legal assistance (preparation of claims, representation in pre-trial disputes, advising on obligations of the parties of construction contract) for any party 	<ul style="list-style-type: none"> - Completed and signed form “<i>Curriculum vitae</i> and statement of availability” in Annex 8 to the Tender Regulations - Copy(ies) of document(s) attesting the obtained education or, if a sworn advocate with the right to practice in Latvia has been attracted, then the tenderer is entitled to submit a certified copy of the certificate of admission among lawyers. - In order to attest experience in providing legal services or legal assistance to one of parties to construction contract, written references from customers shall

	of a construction contract (customer or the main contractor) subject to the legislation of the Republic of Latvia in execution of at least 1 (one) construction contract in which the engineer has performed engineering supervision ⁸ on behalf of the customer and with construction volume at least EUR 50,000,000.00, VAT excluded	be submitted indicating the content of the services provided.
	4.1.8.2.8. Arbitrator from the FIDIC⁹ President's list of arbitrators ¹⁰	- Written consent of the accordant arbitrator that he/she will provide advice to the Employer at the request of the Employer throughout the procurement contract.
4.1.9.	<p>To fulfil the qualification requirements regarding technical and professional abilities, the Tenderer shall have the right to rely on the capacities of other persons, regardless of legal nature of their relationships, taking into account that the services specified in Sub-Clause 1.8.5 of this Regulation must be performed personally by the Tenderer or the member of the association of persons, therefore the person on whose experience reference is made in order to fulfil the requirements established by Clause 4.1.7 of this Regulation must be a member of a partnership or a member of an association of persons.</p> <p>To attest professional experience, the Tenderer shall have the right to rely on the capacities of other persons only if these persons provide services for which the accordant capacities are required.</p>	<p>- If the Tenderer relies on the capacities of other persons to fulfil the qualification requirements regarding technical and professional abilities, the Tenderer shall indicate all persons in the offer on the capacities of which it relies on to attest its qualification (Annex 11 to the Tender Regulations).</p> <p>- If the Tenderer relies on the capacities of other persons to fulfil the qualification requirements regarding technical and professional abilities, the Tenderer shall submit a confirmation or agreement of the person the capacities of which it relies on regarding transfer of the necessary resources to the Tenderer, indicating that:</p> <ol style="list-style-type: none"> 1) it will have the necessary resources on which the Tenderer has relied on when submitting the offer and, 2) these resources will be available to the Tenderer throughout the procurement contract, and that the person will transfer the resources necessary for execution of the contract to the Tenderer (indicating specific services to be performed during

⁸ engineering supervision of construction contracts within the frameworks of the qualification requirements of this regulation are services within the frameworks of which the tenderer as an engineer-consultant in the construction contract performs at least the following tasks on behalf of the customer: administration of the construction contract, control of the costs incurred by the contractor; determination of the beginning of performance of the contractor's work; coordination (acceptance or rejection) of work programs developed and submitted by the contractor; verification of the results of work performed by the contractor; participation in testing of materials and equipment supplied at the work site; issuing of orders for amendments in works of the contractor; approval of payments due to the contractor; verification and acceptance of the construction project developed by the contractor; assessment of contractor's claims raised on the basis of the construction contract, and their satisfaction or rejection.

⁹ FIDIC is abbreviation of the „International Federation of Consulting Engineers” (Federation Internationale des Ingenieurs-Conseils) in French.

¹⁰ <http://fidic.org/president-list>

		<p>execution of the contract) if the Tenderer is awarded the procurement contract.</p> <ul style="list-style-type: none"> - If the Tenderer relies on the capacities of a person in which the Tenderer has participation or which has participation in the Tenderer, the person shall also submit the certification referred to in this clause. - If the person signing the certification does not have representation rights (according to the information of the Register of Enterprises of the Republic of Latvia or, if the Tenderer or the accordant person is registered abroad, - in accordance with a document issued by a competent authority of the accordant country), a document shall be attached to the offer confirming the right of representation of the person.
4.1.10.	<p>The Tenderer has the rights to attract subcontractors for execution of the procurement contract observing the provisions specified in Clause 4.1.9 of this Regulation.</p>	<ul style="list-style-type: none"> - If the Tenderer intends to attract subcontractors for execution of the procurement contract, the Tenderer shall submit a list of <u>subcontractors and subcontractors of the subcontractor</u>, the value of the services to be provided by which is at least 10 percent of the total contract price, prepared in accordance with the template published in EIS e-tenders subsystem in the section of this Tender (Annex 9 to the Tender Regulations). For each subcontractor, please, indicate: <ol style="list-style-type: none"> 1) name, registration number, address of each subcontractor, contact person and telephone number thereof, description and percentage of the contract to be transferred and a financial calculation indicating percentage of the part of the contract to be transferred. The Tenderer shall indicate whether the subcontractor meets the status of a small or medium company; 2) confirmation of each subcontractor regarding readiness to perform the part of the contract to be transferred to it (Annex 10 to the Tender Regulations). Value of the services provided by the subcontractor shall be determined taking into account the value of the services to be provided by the subcontractor and all its affiliated companies within the frameworks of the Tender. An affiliated company is a capital company in which, in accordance with the

		<p>Group of Companies Law, a subcontractor has a decisive influence or that has a decisive influence in the subcontractor, or a capital company in which another capital company has a decisive influence, which simultaneously has a decisive influence in the accordant subcontractor.</p> <p>3) Regarding a foreign subcontractor, the Tenderer shall submit an original or a copy of a document issued by a competent foreign authority certifying that the official of the subcontractor that has signed the certification or has issued the authorization to sign the certification has signatory (representation) rights. If the certification is signed by a person who does not have signatory (representation) rights, the Tenderer shall submit an authorization issued by an official of the subcontractor with signatory rights for another person to sign the certification if it will be signed by this authorized person.</p>
4.1.11.	<p>The Tenderer must be able to provide a performance security of the procurement contract issued by a credit institution or insurance company in the amount of at least 50% (<i>fifty percent</i>) of the Contract price offered by the Tenderer if the Tenderer is awarded the procurement contract and the procurement contract is concluded.</p>	<ul style="list-style-type: none"> - A written confirmation by a credit institution or insurance company in the form of an electronic document that, if the Tenderer is awarded the procurement contract and the procurement contract is concluded, the credit institution or the insurance company will issue to the Tenderer a performance security of the procurement contract in the amount of at least 50% (<i>fifty percent</i>) of the Contract price offered by the Tenderer. - If such written confirmation of a credit institution or an insurance company is not issued to the Tenderer, the Tenderer shall submit a certification that, if the Tenderer is awarded the procurement contract and the procurement contract is concluded, it will be able to provide a performance security of the procurement contract issued by a credit institution or insurance company in the amount of at least 50% (<i>fifty percent</i>) of the Contract price offered by the Tenderer. <p>In such case, the Tenderer shall also submit a written confirmation from a credit institution or insurance company that it</p>

		does not envisage issuing of the certification referred to in Clause 4.1.11.
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4.2. If applicable, the Tenderer shall add to the bid information provided for in Article 43(2) of the Public Procurement Law.

4.3. Acceptance of the European Single Procurement Document:

4.3.1. The Contracting Authority shall accept the European Single Procurement Document (Annex 2 of the [European Commission Implementing Regulation \(EU\) No.2016/7 of 5 January 2016](#) has to be filled in) as the initial evidence of compliance with the qualification requirements of Tenderers established by the notification on contract or Tender documents (available for filling in on the website of the [European Commission https://ec.europa.eu/tools/espdc](#); has to be filled in and attached to the bid). If the Tenderer has chosen to submit the European Single Procurement Document to confirm its compliance with the qualification requirements established by the notification on contract or the Tender documents, the Tenderer shall submit this document also for each person whose capabilities the Tenderer relies on to certify that the qualification thereof conforms to the requirements specified in the notification on contract or Tender documents and for the sub-contractor indicated by the Tenderer the value of the services to be provided by which is at least 10 per cent of the total value of the procurement contract. The partnership of suppliers shall submit a separate European Single Procurement Document for each its member.

4.3.2. The Tenderer may submit to the Contracting Authority the European Single Procurement Document that has been submitted for another procurement procedure if it confirms that the information included therein is correct.

4.3.3. If the Tenderer who within the Tender shall be awarded with a procurement contract has submitted the European Single Procurement Document as the initial evidence of compliance with the qualification requirements of Tenderers established by the Tender regulations, the Commission, before taking a decision on the award of the procurement contract, shall require to submit the documents attesting the Tenderer's eligibility to the Tenderer selection requirements.

4.3.4. The Contracting Authority shall at any stage of the Tender be entitled to request that the Tenderer submits all or part of the documents confirming compliance with the Tenderer's selection requirements specified in the Tender documents. The Contracting Authority does not require such documents and information that is at its disposal or is available in the public databases.

4.4. The Commission shall accept and acknowledge the statements and other documents issued by competent institutions in cases established by the Public Procurement Law if they have been issued not earlier than 1 (*one*) month before the date of submission and the statements and other documents issued by the foreign competent institutions shall be accepted and acknowledged by the Commission if they have been issued not earlier than 6 (*six*) months before the date of submission if the issuer of the statement or the document has not specified a shorter term of validity.

5. TECHNICAL OFFER

5.1. The Tenderer shall prepare and submit the technical offer according to the template provided in the section of the present Tender in the EPS E-tender subsystem by filling out the respective *Microsoft Word* template (Annex 3 of the Tender regulations) and by taking into

account the requirements of the Tender regulations, including the requirements of Annex 2 “Technical Specifications” herein and Annex 15 “Work’s contract” herein.

- 5.2. The Tenderer may submit only one alternative of the technical offer.
- 5.3. The Tenderer is not entitled to interpret, modify or narrow the Contracting Authority's minimum requirements defined in Annex 2 “Technical Specification” herein.

6. FINANCIAL OFFER

- 6.1. The financial offer shall be prepared and submitted according to the template provided in the section of the present Tender in the EPS E-tender subsystem by filling out the respective *Microsoft Excel* template (Annex 12 of the Tender regulations).
- 6.2. All prices in the financial offer shall be indicated in *euro* (EUR) with two decimal places.
- 6.3. The Tenderer shall include all expenses in the financial offer necessary and sufficient to ensure provision of high quality services pursuant to all provisions of the technical specifications and procurement contract, requirements established by the Contracting Authority and the deadlines.
- 6.4. The Tenderer may submit only one alternative of the financial offer.
- 6.5. The procurement contract fee shall not be reviewed if, upon conclusion of the procurement contract or during the procurement contract, it turns out that the Tenderer has not included in the fee any of the costs for the execution of a high-quality contract, or due to any reasons a fee increase arises.
- 6.6. The Tenderer may not make changes in the structure of the template published in the section of the present Tender in the EPS E-tender subsystem, including deleting or adding rows or columns.

7. BID ASSESSMENT PROCEDURE AND BID SELECTION CRITERIA

7.1. Verification of the bid design

- 7.1.1. The commission checks the compatibility of the bid design of the Tenderer with the requirements under Clause 1.14 herein.
- 7.1.2. Where the commission establishes non-compatibility with any of the bid design requirements, the commission shall decide on passing the bid to next bid assessment steps.

7.2. Verification of the Tenderer’s qualification compatibility

- 7.2.1. The commission checks the qualification compatibility with the requirements under Section 4 herein.
- 7.2.2. The commission verifies, whether the Tenderer has submitted all documents required by the Tender regulations for confirming its qualification, and whether the documents submitted contain the information requested by the Tender regulations.
- 7.2.3. The commission shall be entitled to carry out the verification of the Tenderer’s qualification compliance only of the Tenderer who would be awarded the procurement contract.

7.3. Verification of compatibility of technical and financial offer

- 7.3.1. The commission checks the compatibility of the Tenderer's Technical offer with the requirements of the Tender regulations.

- 7.3.2. Where the commission establishes non-compatibility of the Tenderer's Technical offer with the requirements of the Tender regulations, the commission shall decide on passing the bid to next bid assessment steps.
- 7.3.3. The commission checks the compatibility of the Tenderer's financial offer with the requirements of the Tender regulations.
- 7.3.4. The commission checks, whether there are no mathematical errors in the Tenderer's financial offer.
- 7.3.5. Where the commission establishes mathematical errors, it shall re-calculate the sums and apply the corrected sums in the next steps of bid assessment. Any corrections made due to mathematical errors shall be notified by the commission to the Tenderer.
- 7.3.6. The commission shall check according to the procedure established by Article 53 of the Public Procurement Law, whether the offer submitted by the Tenderer, which should be granted procurement contract conclusion rights, is not below a justifiable minimum threshold.
- 7.3.7. Where the commission establishes that the offer is below a justifiable minimum threshold, before rejecting it, it shall request to the Tenderer in writing a detailed explanation on the key offer provisions.

7.4. Verification of provisions for exclusion of tenderers laid down in Article 42 of the Public Procurement Law and Article 11.¹ (1) and (2) of the Law on International Sanctions and National Sanctions of the Republic of Latvia

- 7.4.1. The commission verifies the existence of the exclusion provisions specified in Article 42(1) of the Public Procurement Law in respect to each Tenderer who, in accordance with other requirements specified in the contract notice and in the Tender documents, and the chosen bid selection criteria, would be awarded the contract.
- 7.4.2. The commission verifies the exclusion provisions specified in Article 42(1) of the Public Procurement Law in accordance with the procedure specified in Article 42(9), (10), (11), (12) and (13) of the Public Procurement Law.
- 7.4.3. The commission performs verification according to Article 11.¹ (1) and (2) of the Law on International Sanctions and National Sanctions of the Republic of Latvia in regard of the Tenderer (and the persons referred to in the first and second paragraphs of the above Article) who should be granted the rights to enter into the procurement contract.

7.5. Selection of a bid according to the bid selection criterion

- 7.5.1. Economically most advantageous bid **with the lowest price** shall serve as the bid selection criterion.
- 7.5.2. If the commission, before taking a decision on the award of a procurement contract, establishes that the contract fees offered by at least two of the Tenderers are the same, the commission chooses the bid submitted by the Tenderer who is a member of the national level employer's organization and has entered into a collective agreement with a trade union who is a member of the national level trade union (if the bid is submitted by a general partnership or a partnership of suppliers, the collective agreement must be concluded with each member of the general partnership or each member of the partnership of suppliers). If there is no one among the Tenderers who meets the above criterion, or if there are several Tenderers for this criterion, the commission shall draw a lottery between the Tenderers by inviting them to attend it face-to-face.

8. MAKING DECISION ON GRANTING OF THE RIGHTS TO ENTER INTO THE PROCUREMENT CONTRACT AND THE PROCUREMENT CONTRACT

- 8.1. The Commission shall make the decision on granting the rights to enter into the procurement contract to the Tenderer who complies with all requirements of the Tender regulations and whose submitted bid is recognized as economically most advantageous with the lowest price, as well as to which the provisions for exclusion of tenderers laid down in Article 42(1) of the Public Procurement Law and Article 11.¹ (1) and (2) of the Law On International Sanctions and National Sanctions of the Republic of Latvia do not apply.
- 8.2. Entering into procurement contract:
- 8.2.1. The Contracting Authority shall enter into the procurement contract with the Tenderer who has been granted the rights to enter into the procurement contract as a result of the Tender in compliance with the bid of the Tenderer who has been granted the rights to enter into the procurement contract and pursuant to the draft procurement contract (Annex 13 to the Tender regulations) – contract conditions in accordance with FIDIC „Client/Consultant Model Services Agreement, fourth edition 2006, issued by International Federation of Consulting Engineers (*Federation internationale des Ingenieurs-Conseils*) („White book”, translation into Latvian 2006), including contract’s Particular conditions containing amendments and annexes of the Contract’s General conditions.
- 8.2.2. The procurement contract shall be entered into no sooner than on the next day following the end of the waiting period established by Section 60, Paragraph six of the Public Procurement Law (observing provisions of Paragraph seven of the said section) if no complaints regarding infringements of procurement procedure have been submitted to the Procurement Monitoring Bureau in accordance with the procedures laid down in Section 68 of the Public Procurement Law.
- 8.2.3. If the rights to enter into the procurement contract are granted to a partnership of suppliers, the members of the partnership of suppliers shall have the duty to within 15 (*fifteen*) days following the end of the waiting period established by Article 60(6) of the Public Procurement Law conclude a partnership contract according to the Article 2241-2280 of the Civil Law (one of the samples of the contract (an original or a copy, if the original is being presented) has to be submitted to the Contracting Authority) or to register a general partnership by submitting a copy of a registration document to the Contracting Authority.
- 8.2.4. Where the successful Tenderer refuses to conclude the procurement contract with the Contracting Authority without a substantive reason within 10 (ten) business days after the invitation to conclude the procurement contract has been sent, or where the partnership of suppliers do not conclude a partnership contract according to the Article 2241-2280 of the Civil Law or do not register their entity as a general partnership within 15 (fifteen) business days after the expiry of the waiting term under Article 60(6) of the Public Procurement Law, the commission shall be entitled to opt for the Tenderer with the next most economically advantageous bid with the lowest price.
- 8.2.5. Prior to making the decision on entering into contract with the next Tenderer whose tender was acknowledged as economically most advantageous tender with the lowest price, the Contracting Authority shall assess whether it is not considered one market participant with the initially selected Tenderer who refused to enter into the procurement contract with the Contracting Authority. If necessary, the Contracting Authority shall request from the next Tenderer a confirmation and evidence that it is not to be considered one market participant together with the initially selected Tenderer.
- 8.2.6. If the next Tenderer whose tender has been acknowledged as economically most advantageous tender with the lowest price is to be considered one market participant

together with the initially selected Tenderer or the next Tenderer refuses to enter into the procurement contract, the Contracting Authority shall make a decision to terminate the Tender without selecting any tender.

- 8.2.7. Amendments to the procurement contract shall be made in compliance with the Public Procurement Law and the draft procurement contract.

9. CHANGE OF SUB-CONTRACTORS, PERSONNEL, AND INVOLVING OF NEW SUB-CONTRACTORS, PERSONNEL IN PERFORMANCE OF THE PROCUREMENT CONTRACT

- 9.1. For the provision of services, the Tenderer shall involve personnel and sub-contractors indicated in his bid. The Tenderer shall be liable for the compliance of the services provided by the involved personnel and sub-contractors with the requirements of the procurement contract.
- 9.2. After granting the rights to enter into the procurement contract and not later than upon commencement of the procurement contract, the Tenderer shall submit a list of sub-contractors involved in the provision of the services (if such are planned to be involved), which indicates the name of the sub-contractor, contact information and authorized representatives, to the extent that the information is known. The sub-contractors of the sub-contractors of the Tenderer shall also be listed. During the execution of the contract, the Tenderer shall notify the Contracting Authority on any changes to this information, as well as shall supplement the list with the information about the sub-contractor who is being later involved in the provision of the services in accordance with the requirements of Clause 3.5.4 of the Particular conditions of the draft procurement contract (Annex 13 of the Tender regulations).
- 9.3. After entering into the procurement contract, the Tenderer shall have the right to change the sub-contractors whose capabilities the Tenderer has relied on to certify that the qualification thereof conforms to the requirements specified in the Tender and the personnel that it has involved in performance of the contract, regarding whom it has provided information to the Contracting Authority and the conformity of qualification of which with the qualification requirements the Contracting Authority has assessed by observing the provisions established by the Public Procurement Law.
- 9.4. The Tenderer selected in the Tender (party of the procurement contract) shall have no right to change the personnel and sub-contractors indicated in the tender, nor involve additional sub-contractors in performance of the procurement contract without coordinating it with the Contracting Authority. The Contracting Authority shall have the right to request the opinion of the personnel or the sub-contractor about the reasons for the change. The Contracting Authority shall have the right to envisage in the procurement contract that the Tenderer selected in the Tender (party of the procurement contract) shall have the duty to coordinate involving of additional personnel in performance of the procurement contract with the Contracting Authority.
- 9.5. Change of the personnel specified in the tender shall be permitted only according to the procedure and in cases specified in the procurement contract. The Contracting Authority shall not agree to change of the personnel indicated in the tender in cases specified in the procurement contract and when the offered personnel does not comply with the requirements established for personnel by the Tender documents, or it does not have at least equal qualification and experience as the personnel that was assessed when determining economically most advantageous tender.

- 9.6. The Contracting Authority shall not agree to change of the sub-contractor indicated in the tender if any of the following conditions exists:
- 9.6.1. the offered sub-contractor does not comply with the requirements established for sub-contractors by the Tender documents;
 - 9.6.2. a sub-contractor is changed whose capabilities the Tenderer selected in the Tender has relied on to certify that the qualification thereof conforms to the requirements specified in the notification on the contract and the Tender documents, and the offered sub-contractor does not have at least equal qualification that the Tenderer selected in the Tender has referred to when confirming its compliance with the requirements established by the Tender, or it conforms to the cases for exclusion of tenderers specified in Section 42, Paragraph one of the Public Procurement Law;
 - 9.6.3. the offered sub-contractor the value of the construction works to be performed or the services to be provided by which is at least 10 per cent of the total value of the procurement contract conforms to the cases for exclusion of tenderers specified in Section 42, Paragraph one of the Public Procurement Law;
 - 9.6.4. as a result of the change of the sub-contractor, amendments to the Tenderer's tender would be made that would have affected selection of the tender in accordance with the tender assessment criteria established by the Tender documents if had been initially included in the tender.
- 9.7. The Contracting Authority shall not agree to attraction of a new sub-contractor when such change, if made in the initial tender, would have affected selection of the tender in accordance with the tender assessment criteria established by the Tender documents.
- 9.8. When verifying compliance of the new sub-contractor, the Contracting Authority shall apply the provisions of Section 42, Paragraph one on the Public Procurement Law. Time limits specified in Section 42, Paragraph three of the Public Procurement Law shall be calculated from the day when the request on change of the sub-contractor was submitted to the Contracting Authority.
- 9.9. The Contracting Authority shall make the decision to allow or refuse change of personnel or sub-contractor of the Tenderer selected in the Tender (party of the procurement contract) or involving of new sub-contractors in performance of the procurement contract within the shortest period possible, but not later than within 5 (*five*) working days after it has received all information and documents necessary to make the decision in compliance with the provisions of Section 9 of the Tender regulations.

10. SECURITIES TO BE SUBMITTED BY THE TENDERER AND INSURANCE

- 10.1. The Tenderer with whom the procurement contract shall be entered into shall have to submit the following securities:
- 10.1.1. a contract performance security in the amount of not less than 50% (fifty percent) of the amount of the procurement contract issued in accordance with the conditions specified in Sub-clause 5.12 of the Particular conditions of the draft procurement contract (Annex 13 to the Tender regulations);
 - 10.1.2. an advance payment security in the amount of the advance payment paid to the Tenderer, if the Tenderer has provided for the advance payment, issued in accordance with the conditions specified in Sub-clause 5.12 of the Particular conditions of the draft procurement contract (Annex 13 to the Tender regulations).
 - 10.1.3. a retention money guarantee for the Third part of the retention money, which is paid in accordance with Sub-clause 5.12.5 of the Contract's Particular Conditions, issued in

accordance with the requirements of Sub-clause 5.12 of the Particular Conditions of the procurement contract (Annex 13 to Tender regulations).

- 10.2. The Tenderer shall submit the securities provided for in the procurement contract in accordance with the requirements of the Special conditions of the procurement contract (Annex 13 to the Tender regulations) and security forms included in the annexes of the procurement contract.
- 10.3. The Tenderer with whom the procurement contract shall be entered into according to the provisions of Section 7 of the procurement contract (Annex 13 to the Tender regulations) shall have to ensure the following insurance:
 - 10.3.1. Compulsory civil liability insurance of the performers of detailed technical design expert-examination;
 - 10.3.2. Professional civil liability insurance of the construction supervision;
 - 10.3.3. Civil liability insurance of the consultant (engineer).
- 10.4. The conditions for the insurance to be carried out by the Tenderer are included in Section 7 of the Particular conditions of the procurement contract (Annex 13 to the Tender regulations).
- 10.5. The Tenderer shall cover all costs for securities to be submitted and for insurance at its own expense.

11. RIGHTS AND DUTIES OF THE COMMISSION

11.1. Rights of the Commission:

- 11.1.1. to attract independent experts for provision of opinion;
- 11.1.2. to verify the necessary information at a competent institution, in public databases or other public sources if necessary to verify compliance of the tenders, assessment and comparison of the tenders;
- 11.1.3. to request from the Tenderer to specify information about its tender if it is necessary to verify execution of the tenders, to verify compliance of the tenders, and to assess and compare the tenders;
- 11.1.4. to make a decision pursuant to the procedure established by the regulatory enactments on termination of the Tender if objective justification exists or on discontinuation thereof;
- 11.1.5. during assessment of the tenders, the Commission shall have the rights to request that information included in the tender is explained;
- 11.1.6. to take other actions arising from the Tender regulations and the regulatory enactments existing in the Republic of Latvia governing the public procurement procedure.

11.2. Duties of the Commission:

- 11.2.1. to ensure course and documentation of the Tender;
- 11.2.2. to ensure free competition of the tenderers, as well as equal and fair treatment thereof;
- 11.2.3. to assess the tenderers and the tenders submitted thereby in accordance with the regulatory enactments existing and the Tender regulations;
- 11.2.4. to simultaneously inform all tenderers about the decision made regarding granting of the rights to enter into the procurement contract according to the procedure and time limits established by the Public Procurement Law.

12. RIGHTS AND DUTIES OF THE TENDERER

12.1. Rights of the Tenderer:

- 12.1.1. to amend or withdraw the submitted tender before the deadline for the submission of tenders;
- 12.1.2. to submit a complaint regarding infringement of the procurement procedure according to the procedure established by Section 68 of the Public Procurement Law;
- 12.1.3. other rights of the tenderer in compliance with the Public Procurement Law, Tender regulations and the regulatory enactments effective in the Republic of Latvia.

12.2. Duties of the Tenderer:

- 12.2.1. to submit the tender in compliance with the requirements of the Tender regulations;
- 12.2.2. to provide true information;
- 12.2.3. to provide answers to the requests of the Commission regarding additional information necessary for verification of compliance and selection of tenders;
- 12.2.4. to cover all and any costs connected with preparation and submission of the tender regardless of the results of the Tender;
- 12.2.5. other duties of the Tenderer in compliance with the Public Procurement Law, the Tender regulations and the regulatory enactments effective in the Republic of Latvia.

13. ANNEXES

- 13.1. Annexes published in the section of the present tender in the EPS E-tender subsystem are integral part of the present regulations:

Annex 1	- Application for the participation in the Tender
Annex 2	- Technical specification
Annex 3	- Technical offer
Annex 4	- Statement on the Tenderer's financial turnover
Annex 5	- Statement of liquidity ratio and equity
Annex 6	- Table stating the experience of the Tenderer
Annex 7	- Information on the education, qualification and experience of specialists offered to provide the service
Annex 8	- CV of the personnel and availability statement
Annex 9	- List of sub-contractors attracted by the tenderer
Annex 10	- Sub-contractor's confirmation form
Annex 11	- Persons, on whose capabilities the Tenderer relies to prove the qualification
Annex 12	- Form of Financial offer
Annex 13	- Draft procurement contract
Annex 14	- Tender security form
Annex 15	- Work's contract

APPLICATION FOR THE PARTICIPATION IN THE TENDER

[Note: the Tenderer has to fill in the blank spaces in this template.]

To: **SIA „Eiropas dzelzceļa līnijas”**

Procurement procedure: **open tender „Engineering consultant, construction supervision and detailed technical design expert-examination services in the project “Rail Baltica Riga railway bridge, embankment and Riga central passenger station complex construction”” (identification No. EDZL 2018/4 CEF)**

1. Hereby we, the undersigned, confirm submission of our tender for the Tender. We confirm that we have read the Tender regulations, including the draft procurement contract, and agree to all its provisions, they are clear and understandable, and we do not have any objections against them.
2. We hereby confirm that this bid consists of the attached documents.
3. We hereby confirm that the tender has been prepared individually and has not been coordinated with competitors.
4. We hereby confirm that we do not have advantages restricting competition in the Tender, and we, as well as any legal person related to us were not involved in preparation of the Tender according to Article 18(4) of the Public Procurement Law.
5. If the Tenderer is a partnership of suppliers:
 - 5.1. entity representing the partnership of suppliers in the Tender: _____
 - 5.2. scope of responsibility of each entity: _____
6. Information about the Tenderer or the entity representing the partnership of suppliers:
 - 6.1. Name of the Tenderer: _____
 - 6.2. Registered: _____
 - 6.3. with No. _____
 - 6.4. Registered address:
 - 6.5. Office address: _____
 - 6.6. Contact person: _____
(Name, surname, position)
 - 6.7. Phone: _____
 - 6.8. Fax: _____
 - 6.9. E-mail address: _____
 - 6.10. Tax payer registration No.: _____

6.11. Bank: _____

6.12. SWIFT: _____

6.13. Account: _____

Tenderer's company complies with the status of a **small**¹¹ / **medium**¹² company (*indicate the appropriate, also for each member of a partnership of suppliers (if the tenderer is a partnership of suppliers).*)

We hereby undertake full responsibility for the set of submitted tender documents, information covered by them, execution of the documents and compliance with the requirements of the Tender regulations. The information and data provided in the tender are correct.

Signature: _____

Name, surname: _____

Position: _____

The application is drafted and signed on _____ 201_____

¹¹**Small enterprise** is an enterprise employing less than 50 persons and the total annual turnover and/or annual balance sheet of which does not exceed 10 million euro.

¹²**Medium enterprise** is an enterprise other than small enterprise employing less than 250 persons, the total annual turnover of which does not exceed 50 million euro and/or annual balance sheet of which does not exceed 43 million euro.

TECHNICAL SPECIFICATION

Attached as a separate file in MS Excel format.

TECHNICAL OFFER

[Note: the Tenderer has to fill in the blank spaces in this template.]

For the open tender „Engineering consultant, construction supervision and detailed technical design expert-examination services in the project “*Rail Baltica* Riga railway bridge, embankment and Riga central passenger station complex construction”” (id.No. EDZL 2018/4 CEF)

We, _____ <Name of the Tenderer> confirm that:

The Tenderer _____ <name of the Tenderer> has read the Technical specification of the Tender regulations (Annex 2 to the Tender regulations) and Work’s Contract (Annex 15 to the Tender regulations), has completely understood it and agrees to the provisions thereof, and if the Tenderer _____ <name of the Tenderer> is granted the rights to enter into the procurement contract, we hereby undertake to provide all services specified in the Technical specification in full amount.

Signature of the official or authorised person:

Name, surname and position of the signatory:

Name of the Tenderer:

STATEMENT ON THE TENDERER'S FINANCIAL TURNOVER

[Note: the Tenderer has to fill in the blank spaces in this template.]

For the open tender „Engineering consultant, construction supervision and detailed technical design expert-examination services in the project “Rail Baltica Riga railway bridge, embankment and Riga central passenger station complex construction”” (id.No. EDZL 2018/4 CEF)

We, _____ <Name of the Tenderer> confirm that:

The Tenderer's net financial turnover in the field of engineering supervision of construction contracts and/or in the field of design expert-examination and/or construction supervision is:

Year	Turnover (net), EUR
2015	
2016	
2017	

Attached:

1. Calculation of profit or loss for each financial year indicated (certified copies), in total on _____ pages;
2. List with the construction objects in accordance with the template attached below, in total on _____ pages.

List with construction objects to certify the compliance with the requirements of Clause 4.1.4 of the regulations:

Name of the object, name of the client, registration No., and the contact information thereof	Description of the rendered services (detailed technical design expert-examination, construction supervision and/or construction contract engineering supervision)	Service execution period (from...to)	Contract amount of the rendered services EUR VAT excluded by indicating the turnover in the respective years
[..]	[..]	[..]	[..]

Signature of the official or authorised person: _____

Name, surname and position of the signatory: _____

Name of the Tenderer: _____

STATEMENT OF LIQUIDITY RATIO AND EQUITY

[Note: the Tenderer has to fill in the blank spaces in this template.]

For the open tender „Engineering consultant, construction supervision and detailed technical design expert-examination services in the project “Rail Baltica Riga railway bridge, embankment and Riga central passenger station complex construction”” (id.No. EDZL 2018/4 CEF)

We, _____ <Name of the Tenderer> confirm that:

- 1) The Tenderer's liquidity ratio (current assets — stocks/short-term debt) on 31 December 2017 is _____;

- 2) The Tenderer holds positive equity in 2017.

Attached: certified copy of the balance sheet for 2017 on _____pages.

Signature of the official or authorised person: _____

Name, surname and position of the signatory: _____

Name of the Tenderer: _____

TABLE STATING THE EXPERIENCE OF THE TENDERER

No.	Client (name, registration number, address, contact person and phone, e-mail address)	Short description and scope of the services rendered in accordance with the requirements of sub-clauses of Clause 4.1.7 of the Tender regulations (by indicating the requirement of which clause of the Tender regulations is being fulfilled)	The role of the Tenderer in rendering services (by indicating whether the service was provided being the general contractor or the sub-contractor)	Period of rendering services (from ... to ...)
1.				
2.				
3.				
...				

Note: The Tenderer indicates in the table the experience, which confirms the fulfilment of the requirements specified in Clause 4.1.7 of the Tender regulations.

Signature of the official or authorised person: _____

Name, surname and position of the signatory: _____

Name of the Tenderer: _____

**INFORMATION ON THE EDUCATION, QUALIFICATION AND
EXPERIENCE OF SPECIALISTS OFFERED TO PROVIDE THE SERVICE**

No.	Name, surname	Name of position in performance of contract	Diploma No., speciality acquired	Certificate No., certified type of work	Professional experience (name of position and years)
Construction supervision:					
1.					
2.					
3.					
...					
Detailed technical design expert-examination:					
1.					
2.					
3.					
...					
Engineering services:					
1.					
2.					
3.					
...					

Signature of the official or authorised person:

Name, surname and position of the signatory:

Name of the Tenderer:

CV OF THE PERSONNEL AND AVAILABILITY STATEMENT

Responsibility in the project:

1. Surname:
2. Name:
3. Date of birth:
4. Contact information of the specialist (e-mail, phone):
5. Education:

Educational establishment, education period (from ...to ...)	Degree or qualification obtained

6. Certificates (or equivalent), *if necessary*:
7. Other skills:
8. Existing position:
9. Work experience:

Time (from ... to...)	Employer	Position and description of the main duties

10. Information reflecting the experience required by Clause 4.1.8 of the Tender regulations for the proposed position (*in regard of a lawyer, the information shall be completed in accordance with paragraph 11*):

No.	Name of the detailed technical design / construction object	Client, contact person, phone number	Completion date of the elaboration of the detailed technical design/or completion date (commissioning) of the construction object (month, year)	Short description of the rendered services (in accordance with the requirements of Clause 4.1.8 of the Tender regulations):
1.				
(...)				

11. Information reflecting the experience required by Clause 4.1.8.27 of the Tender regulations for the position of a lawyer: *Experience in providing legal services/assistance to the contracting authority or the building contractor in relation to the performance of the construction contract:*

No.	Client, contact person, phone number	Duration of legal services/assistance;	Short description of the rendered services (in accordance with the requirements of Clause 4.1.8.27 of the Tender regulations):
1.			
(...)			

I, the undersigned, certify that the abovementioned correctly reflects my education, qualification and work experience.

I hereby undertake in accordance with the bid of the tenderer [*Name, registration number and address of the Tenderer*] submitted in the open tender „Engineering consultant, construction supervision and detailed technical design expert-examination services in the project “*Rail Baltica Riga railway bridge, embankment and Riga central passenger station complex construction*”” (id.No. EDZL 2018/4 CEF)” organised by SIA „Eiropas dzelzceļa līnijas” to render [*description of services to be rendered*] as [*_____ – field of activity*], in case the tenderer is awarded with rights to conclude the procurement contract and the procurement contract is concluded.

Name, surname	< <i>Name, surname of the specialist</i> >
Signature	

LIST OF SUB-CONTRACTORS ATTRACTED BY THE TENDERER

<i>Name, registration number, address, contact person, phone number of the sub-contractor</i>	<i>Description of services to be provided</i>	<i>Amount of services to be provided in % (of the total amount of the procurement contract)¹³</i>	<i>Amount of services to be provided in EUR, VAT excluded</i>	<i>The attracted sub-contractor complies with the status of a small¹⁴ / medium¹⁵ company</i>

(position)

(signature, name, surname)

- All those sub-contractors and sub-contractors of sub-contractors the value of the services or construction works provided by which is at least 10 percent of the total value of the procurement contract or more shall be indicated in the table.
- The amount and type of works to be allocated to sub-contractors and sub-contractors of sub-contractors shall be indicated in the table.
- **Confirmation of each sub-contractor regarding its readiness to perform the part of the contract to be transferred to it** in accordance to the form attached in Annex 10 to the regulations shall be attached to the tender.
- Regarding foreign sub-contractors, the Tenderer shall submit the original or the copy of a document issued by a competent institution of the accordant country certifying that the **official of the sub-contractor who has signed the confirmation or issued a letter of attorney to sign the confirmation has signatory (representation) rights**. If the confirmation is signed by a person with no signatory (representation) rights, the Tenderer shall submit **a letter of attorney signed by an official of the sub-contractor with signatory rights for another person to sign the confirmation** if it will be signed by this person.

¹³ The Tenderer shall annex a financial calculation specifying the percentage of the part to be transferred within the contract. Value of the services to be provided by a sub-contractor shall be determined taking into account the value of the construction works or services to be provided by the sub-contractor and all companies related to it within the Tender. A capital company, in which in accordance with the Group of Companies Law the sub-contractor has a decisive influence or which has a decisive influence in the sub-contractor, or a capital company, in which another capital company has a decisive influence, which concurrently has a decisive influence in the relevant sub-contractor, shall be considered as the related undertaking.

¹⁴**Small enterprise** is an enterprise employing less than 50 persons and the total annual turnover and/or annual balance sheet of which does not exceed 10 million euro.

¹⁵**Medium enterprise** is an enterprise other than small enterprise employing less than 250 persons, the total annual turnover of which does not exceed 50 million euro and/or annual balance sheet of which does not exceed 43 million euro.

SUB-CONTRACTOR'S CONFIRMATION FORM

<to be completed by a sub-contractor or a sub-contractor of a sub-contractor the value of the services or construction works provided by which is at least 10 percent of the total value of the procurement contract or more>

<Drafting place of the confirmation>

<Drafting date of the confirmation>

Hereby *<Name of the sub-contractor or name and surname (if the sub-contractor is a natural person), registration number or personal code (if the sub-contractor is a natural person) and address>* confirms that:

1. agree to participate in the open tender „Engineering consultant, construction supervision and detailed technical design expert-examination services in the project “*Rail Baltica Riga railway bridge, embankment and Riga central passenger station complex construction*”” (id.No. EDZL 2018/4 CEF) as the sub-contractor of *<Name of the Tenderer, registration number and address>* (hereinafter – the Tenderer);
2. in the event the procurement contract is concluded with the Tenderer, shall undertake:

- to perform such services:

<short description of the services to be provided complying with the information indicated in the list of sub-contractors attracted by the Tenderer>;

- to transfer at the disposal of the Tenderer following resources:

<short description of the resources, labour resources, technical and financial resources to be transferred at the disposal of the Tenderer>;

3. all the information provided in the confirmation is true.

Name, surname	<i><Name, surname of the sub-contractor or the authorized person thereof ></i>
Position	
Signature	

**PERSONS, ON WHOSE CAPABILITIES THE TENDERER RELIES TO
PROVE THE QUALIFICATION**

<i>Name, registration number, address, contact person, phone number of the person, on whose capabilities the Tenderer relies</i>	<i>Qualification requirement for which the person is involved</i>	<i>Description of resources to be transferred</i>

The bid shall be accompanied by an agreement with each person on whose capabilities the Tenderer relies to prove the qualification for the participation in the performance of the contract and the readiness to transfer his or her resources, should the contract be awarded to the Tenderer.

Signature of the official or authorised person:

Name, surname and position of the signatory:

Name of the Tenderer:

FORM OF FINANCIAL OFFER

Attached as a separate file in MS Excel format.

DRAFT PROCUREMENT CONTRACT

Attached as a separate file in MS Word format.

TENDER SECURITY FORM

1. Herewith we, _____ [*name of the bank or the insurance company, registration number and registered address*] (hereinafter – the Company) – are informed that our client - _____ [*name of the tenderer, registration number and registered address*] (hereinafter – the Tenderer) – has been invited and shall submit its tender in Your – Eiropas dzelzceļa līnijas SIA [*registration number and registered address of the Contracting Authority*] (hereinafter – the Contracting Authority) open tender „**Engineering consultant, construction supervision and detailed technical design expert-examination services in the project “Rail Baltica Riga railway bridge, embankment and Riga central passenger station complex construction”**”, procurement identification No. EDZL 2018/4 CEF (hereinafter – the Tender). In accordance with the documents of the respective procurement procedure the Tenderer has to submit to the Contracting Authority a tender security.
2. By considering the abovementioned we herewith irrevocably at first demand by the Contracting Authority undertake the obligation to pay to the Contracting Authority EUR _____ [*the amount of the tender security in numbers and words*] (hereinafter – the Tender Security), if, in observance of the requirements specified in this Tender Security, the Company is provided with an appropriate document signed by the Contracting Authority (hereinafter – the Claim), whereby the Contracting Authority requires the Company to effect payment on the basis of this Tender Security and which notes that at least one of the following conditions specified under Clause 4 of the Tender Security applies.
3. The Tender Security in accordance with this document is binding to the Company, its legal successors.
4. The Company shall effect payment of the Tender Security to the Contracting Authority if:
 - 1) The Tenderer withdraws its Tender within the validity term of the Tender security;
 - 2) The Tenderer, its Tender having been selected in accordance with the Tender selection criterion, fails to sign the contract within the deadline established by the Contracting Authority;
 - 3) The Tenderer, its Tender having been selected in accordance with the Tender selection criterion, signs the contract but fails to submit the contract performance guarantee specified in the contract within 28 (twenty eight) business days after the signing of the contract.
5. The Claim shall be submitted either as a paper document or electronically. Electronic submissions shall be performed by means of an authenticated SWIFT message (*in case of a bank guarantee*).
6. This Tender Security shall be valid until _____ (hereinafter – the Termination Date). The Claim must be received by the Company no later than the Termination Date, either at the Company (address: _____) or – if the Claim is submitted electronically – at _____ (the Bank’s SWIFT address) (*in case of a bank guarantee*).
7. This Tender Security and the legal relations thereof are subject to the law of the Republic of Latvia. All and any disputes between the Company and the Contracting Authority in relation to the present Tender Security shall be settled by a court of the Republic of Latvia (*in case of insurance*).
8. This Tender Security is subject to the International Chamber of Commerce Uniform Rules for Demand Guarantees (ICC Publication No. 758), and cases not covered therein – to the law of the Republic of Latvia. All and any disputes in relation to the present Tender Security shall be settled by a court of the Republic of Latvia (*in case of a bank guarantee*).

[*place, date*]

On behalf of the Company:

[*position, name, surname, signature*]

WORK'S CONTRACT

Attached as a separate file in MS Word format.