

## **CANDIDATE SELECTION REGULATION**

for Competitive Procedure with Negotiation

**Design and design supervision services for the construction of the new line from Pärnu to the  
Estonian-Latvian border**

(identification No: RBR 2018/28)



**Co-financed by the European Union**  
Connecting Europe Facility

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## REGULATION

### 1. GENERAL INFORMATION

- 1.1. The subject-matter of the Competition is to provide building design and design supervision services for the construction of railway track substructure, superstructure as well as related civil structures on the new standard gauge (1435 mm) high speed double track electrified railway Rail Baltica line section from Pärnu to Estonian-Latvian border. A general description of the subject-matter of the Competition is included in the Annex No 2 of this Regulation. Detailed description of the subject-matter of the Competition will be disclosed to the Candidates who will be selected for submitting a proposal (hereinafter – **Bid**) during the Second stage of the Competition.
- 1.2. Design service period shall be 27 (twenty-seven) months, design supervision service period lasts until the full acceptance of construction works. General scope of the services to be procured is provided in Annex No 2.
- 1.3. This Competition is a competitive procedure with negotiation organised in accordance with the Latvian Public Procurement Law in effect on the date of publishing the contract notice. The Competition consists of two stages:
  - 1.3.1. The first stage of the Competition – qualification stage - selection of Candidates who will be invited to submit a Bid in the Second stage of the Competition. General scope of the services to be procured is provided in Annex No 2;
  - 1.3.2. The Second stage of the Competition – proposal stage - evaluation of the Bids submitted by Candidates which were invited to submit a Bid (hereinafter – **Tenderers**) and award of rights to conclude a contract (hereinafter – **Contract**). The Second stage includes any negotiations that may be relevant to be undertaken as specified by the Contracting Authority and would likely take place in Riga, Latvia (currently anticipated in the summer of 2019). The detailed information on the scope of the services to be procured and details pertaining to the application of negotiations shall be provided to the Tenderers qualified in the first stage of the Competition (hereinafter – **Second Stage**).
- 1.4. The identification number of this competitive procedure with negotiation is No RBR 2018/28 (hereinafter – **Competition or competitive procedure with negotiation**).
- 1.5. The applicable CPV code is: 71000000-8 (Architectural, construction, engineering and inspection services).
- 1.6. The contracting entity is RB Rail AS, legal address: Kr. Valdemāra iela 8 - 7, Riga LV-1010, Latvia (hereinafter – **Contracting Authority**). The Contracting Authority conducts this procurement for the benefit of the Ministry for Economic Affairs and Communications of the Republic of Estonia.
- 1.7. The Competition is co - financed by the Connecting Europe Facility (CEF).
- 1.8. The Competition requires negotiations since the Contracting Authority is purchasing design services as provided for under Article 8(6)2 of the Latvian Public Procurement Law.
- 1.9. This competitive procedure with negotiation is carried out using E-Tenders system which is a subsystem of the Electronic Procurement System (<https://www.eis.gov.lv/EKEIS/Supplier>). Suppliers apply for the Electronic Procurement System (if the Candidate is not registered in Electronic Procurement System) in State

Regional Development Agency (please see information here <http://www.railbaltica.org/procurement/e-procurementsystem/>).

- 1.10. This Regulation and all its annexes are freely available in the Contracting Authority's profile in the E-Tenders system on the webpage <https://www.eis.gov.lv/EKEIS/Supplier> and the Internet site of the Contracting Authority <http://railbaltica.org/tenders/>.
- 1.11. Amendments to this Regulation and answers to Candidates' questions shall be published on the E-Tenders system webpage <https://www.eis.gov.lv/EKEIS/Supplier> and the Contracting Authority's Internet site <http://www.railbaltica.org/tenders/>. It is the Candidate's responsibility to constantly follow the information published on the webpage and to take it into consideration in its Bid.
- 1.12. Contact person of the Contracting Authority for this Competition: Lead Procurement Specialist Juri Saija, telephone No. +372 5344 4351, e-mail address: [juri.saija@railbaltica.org](mailto:juri.saija@railbaltica.org). Requests for information or additional explanations must be submitted solely through the E-Tenders system. Answers to questions or explanations from the Contracting Authority are also provided through the E-Tenders system.

## **2. INFORMATION ABOUT THE SECOND STAGE OF THE COMPETITION AND THE CONTRACT**

- 2.1. Tenderers shall submit a Bid security, in an amount set in the second stage of the Competition but not more than 100 000 EUR (one hundred thousand *euro*). The validity period of the Bid security shall be 120 (one hundred twenty) days from the date of Bid opening, with the conditions to be specified in the Second Stage of the Competition.
- 2.2. The Contract shall be based on the contractual framework adopted by the International Federation of Consulting Engineers (FIDIC) and the Particular Conditions prepared by the Contracting Authority.
- 2.3. The Contract shall require the Candidate with whom the Contracting Authority signs the Contract (hereinafter – **Contractor**), to submit the following securities as specified therein:
  - 2.3.1. Professional liability (indemnity) insurance for 25 million EUR shall be provided by the Contractor), with the conditions to be specified in the Second stage of the Competition.
  - 2.3.2. Performance security guarantee shall be provided upon signing of the contract for the value and with the conditions to be specified in the Second Stage of the Competition.
- 2.4. The Bid selection criterion is the most economically advantageous tender, according to the evaluation methodology to be described in the Second Stage of the Competition.
- 2.5. The successful Tenderer shall be obliged to ensure that its participation in the implementation of the Contract would not create any conflicts of interests.
- 2.6. The Contract price shall be paid to the Contractor according to the payment schedule presented in the draft contract in the Second Stage of the Competition. Payments for due and proper services rendered under the Contract shall be made within 60 (sixty) days.
- 2.7. Intellectual property rights related requirements shall be stipulated in more detail in the Second Stage documentation.
- 2.8. The liability of the parties shall be determined pursuant to the applicable laws of the respective country and the Contract. The parties shall properly fulfil their obligations undertaken under the Contract and shall refrain from any actions that may lead to damage to each other or that could impede the other party's fulfilment of the obligations undertaken.

- 2.9. The Contracting Authority shall be entitled to unilaterally withdraw from the Contract should international or national sanctions or sanctions significantly affecting the interests of the financial and capital markets of the European Union or a Member State of the North Atlantic Treaty Organisation, should enter into force and would hinder execution of the Contract.

### 3. CANDIDATE

3.1. The application can be submitted by:

3.1.1. A supplier, who is a legal or natural person and who complies with the selection criteria for Candidates;

3.1.2. A group of suppliers that complies with the selection criteria for Candidates:

(a) A group of suppliers who have formed a partnership for this particular Competition. In this case all the members of the partnership shall be listed in Annex 1 “Application form”. If it will be decided to award contracting rights to such partnership, then prior to concluding the Contract the partnership shall at its discretion either enter into a partnership agreement (within the meaning of Civil Law of the Republic of Latvia, Sections 2241 till 2280) and shall submit one copy of this agreement to the Contracting Authority or establish a general or limited partnership (within the meaning of Commercial Law of the Republic of Latvia, Chapter IX and X) and notify the Contracting Authority in writing.

(b) An established and registered partnership (a general partnership or a limited partnership, within the meaning of Commercial Law of the Republic of Latvia, Chapter IX and X) which complies with the selection criteria for Candidates.

### 4. SELECTION CRITERIA FOR CANDIDATES

4.1. **Technical and professional ability<sup>1</sup>**

No	Requirement	Documents to be submitted
1.	<p>Within the previous 7 years (year 2012, 2013, 2014, 2015, 2016, 2017, 2018 and 2019 till the date of the submission of the application), the Candidate has gained the following experience:</p> <p>1) as a main contractor of at least 2 (two) completed designs<sup>2</sup>, where the value of each contract is not less than 7 million EUR, and each covers the design of 1435 mm gauge TSI verified railway track with the speed above 200 km/h.</p> <p>- 1 (one) of the 2 (two) completed designs to be done with a part in urban environment.</p>	<p>Filled in and signed Annex No 3 with attached written and signed references from the clients.</p>

<sup>1</sup> If a Candidate is a partnership, members of the partnership together shall comply with the above requirements.

<sup>2</sup> Completed design shall be considered the one which has been approved according to national legislation. Should the relevant legislation not regulate the approval or delivery of designs, please provide other proof of having delivered the design (reference, deed of conveyance or another document).

No	Requirement	Documents to be submitted
	<p>2) as a main contractor in the completion of 1 (one) design service contract covering at least 50 km length 1435 mm gauge TSI verified railway track with the speed above 200 km/h.</p> <p>3) in the completed design for 1 (one) railway bridge with the speed up to 160 km/h and with the total length of bridge at least 150 m.</p>	

#### 4.2. Team of Key experts

No.	Requirement	Documents to be submitted
1.	<p>The Candidate shall ensure sufficient human resources capacity (detailed minimum requirements to be included in the Second stage of the Competition) covering the expertise areas dedicated for the key experts listed in Annex No 2. The Candidate shall ensure the experience (qualification) of every key expert, covering at least the following:</p> <p>1) experience in completion of at least 1 (one) design project in a field of his/her particular expertise;</p> <p>2) proficiency of English language at least at B2 level<sup>3</sup>.</p>	<p>Filled in and signed Annex No 1.</p> <p>(no other evidences regarding experience of the key expert is required at this stage)</p>
2.	<p>The Candidate shall ensure that <i>Design Manager, Railway track designer, Railway bridge designer</i> listed as key experts in Annex No 2 each have experience as lead designer<sup>4</sup> in a completed railway design project, covering 1435 mm gauge and TSI verified railway with the speed above 200 km/h.</p>	

4.3. The experience of key experts (in the field of subject-matter) will be evaluated during the Second stage of the Competition as one among several criteria which will be evaluated in order to select the winning Bid.

#### 4.4. Legal standing and suitability to pursue the professional activity

No	Requirement	Documents to be submitted
1.	<p>The Candidate or all members of the partnership (if the Candidate is a partnership) must be registered in the Registry of Enterprises or Registry of Inhabitants, or an equivalent register in their country of residence, if the legislation of the respective country</p>	<p>- For a Candidate which is a legal person (or a member of a partnership, a person on whose capabilities a Candidate relies,) registered in Latvia, the Contracting Authority shall verify the information itself in publicly available databases.</p>

<sup>3</sup> According to the Common European Framework.

<sup>4</sup> The experience under definition "lead designer" covers full responsibility in accordance to a national legislation in a specific design field. If there are no express provisions in the legislation of the delivery of the design, then the contracting authority shall deem sufficient (i) an explanation of the supplier regarding the applicable laws in the place of the delivery of the qualifying design and (ii) informing the Contracting Authority of the relevance of the lead designer's experience.

No	Requirement	Documents to be submitted
	requires registration of natural or legal persons.	<ul style="list-style-type: none"> <li>- For a Candidate which is a natural person (or a member of a partnership, a person on whose capabilities a Candidate relies,) – a copy of an identification card or passport.</li> <li>- For a Candidate (or a member of a partnership, a person on whose capabilities a Candidate relies,) which is a legal person registered abroad (with its permanent place of residence abroad) – a copy of a valid registration certificate or a similar document issued by a foreign authority in charge of the registration of legal persons in the country of their residence wherefrom at least the fact of registration, shareholders, officials and procura holders (if any) can be determined.</li> <li>- If an application is submitted by a partnership, the application shall include an agreement (or letter of intention to enter into agreement) signed by all members on the participation in the Competition, which lists responsibilities of each and every partnership member and a joint commitment to fulfil the Contract, and which authorises one key member to sign the application and other documents, to receive and issue orders on behalf of the partnership members, and with whom all payments will be made.</li> <li>- If the application or any other document, including any agreement, is not signed by the legal representative of the Candidate, members of the partnership, person on whose capabilities the Candidate relies, then a document certifying the rights of the persons who have signed the application or any other documents, to represent the Candidate, a member of the partnership, a person on whose capabilities the Candidate is relying, (powers of attorney, authorisation agreements etc.) must be included.</li> </ul>

#### 4.5. Economic and financial standing

No	Requirement	Documents to be submitted
1.	The Candidate's or all members of the partnership together (if the Candidate is a partnership), average financial turnover regarding railway design services within the	<ul style="list-style-type: none"> <li>- Filled in and signed Annex No 4.</li> <li>- Audited or self-approved by a Candidate (only in case when the audited yearly report is not required by the law of the</li> </ul>

No	Requirement	Documents to be submitted
	<p>last 3 (three) years (2015, 2016, 2017) is not less than 10.2 million EUR.</p> <p>In the event the average financial turnover of a limited liability member of a limited partnership (within the meaning of Latvian Commercial Law, Chapter X) exceeds its investment in the limited partnership, the average financial turnover shall be recognised in the amount of the investment in the limited partnership.</p> <p>In the event the Candidate or a member of a partnership (if the Candidate is a partnership) has operated in the market for less than 3 (three) years, the requirement shall be met during the Candidate's actual operation period.</p>	<p>country of residence of the supplier) yearly reports for financial years 2015, 2016, 2017 showing the turnover of the Candidate and each member of the partnership on whose abilities the Candidate is relying to certify its financial and economic performance and who will be financially responsible for the execution of the Contract (if the Candidate is a partnership) and a company on whose abilities the Candidate is relying to certify its financial and economic performance. If yearly report for financial year 2017 is not available yet, Candidate has to submit other documents showing the annual financial turnover of the Candidate for financial year 2017.</p>
2.	<p>The Candidate or each member of the partnership (if the Candidate is a partnership) on whose abilities the Candidate is relying has to certify its financial and economic performance and who will be financially and economically responsible for fulfilment of the procurement contract and entity on whose abilities the Candidate is relying to certify its financial and economic performance and who will be financially and economically responsible for fulfilment of the procurement contract, shall have stable financial and economic performance, namely, in the last audited financial year liquidity ratio (current assets divided by short-term liabilities) shall be equal to or exceed 1 and shall have positive equity.</p>	<ul style="list-style-type: none"> <li>- For a limited partnership (within the meaning of Latvian Commercial Law, Chapter X) an additional document evidencing the amount of the investment by the limited liability partner (the partnership agreement or a document with a similarly binding legal effect).</li> <li>- If an application is submitted by a partnership, the Candidate shall indicate the member of the partnership on whose abilities the Candidate is relying to certify its financial and economic performance and who will be financially and economically responsible for fulfilment of the Contract including this information in the agreement of cooperation (or letter of intention to enter into agreement) stipulated in Section 6.1.1.</li> </ul>

#### 4.6. Exclusion grounds

The Contracting Authority shall exclude the Candidate from further participation in the Competition in any of the following circumstances:

No	Requirement	Documents to be submitted <sup>5</sup>
1.	<p>Within previous 3 (three) years before submission of the application the Candidate</p>	<ul style="list-style-type: none"> <li>- For a Candidate and a person who is the Candidate's management board or</li> </ul>

<sup>5</sup> If the Candidate submits the European Single Procurement Document as the initial proof, there is no obligation to submit other documents, unless specifically requested by the procurement commission.

No	Requirement	Documents to be submitted <sup>5</sup>
	<p>or a person who is the Candidate's management board or supervisory board member, person with representation rights or a procura holder, or a person who is authorised to represent the Candidate in operations in relation to a branch, has been found guilty of or has been subjected to coercive measures for committing any of the following criminal offences by such a public prosecutor's order regarding punishment or a court judgement that has entered into force and may not be challenged and appealed:</p> <p>a) establishment, management of, involvement in a criminal organisation or in an organised group included in the criminal organisation or other criminal formation, or participation in criminal offences committed by such an organisation,</p> <p>b) bribe-taking, bribery, bribe misappropriation, intermediation in bribery, unauthorised participation in property transactions, taking of prohibited benefit, commercial bribing, unlawful claiming of benefits, accepting and providing of benefits, trading influences,</p> <p>c) fraud, misappropriation or money-laundering,</p> <p>d) terrorism, terrorism funding, calling to terrorism, terrorism threats or recruiting and training a person in performance of acts of terrorism,</p> <p>e) human trafficking,</p> <p>f) evasion of taxes and similar payments.</p>	<p>supervisory board member, person with representation rights or a procura holder, or a person who is authorised to represent the Candidate in operations in relation to a branch, which are registered or residing in Latvia, the Contracting Authority shall verify the information itself in publicly available databases.</p> <ul style="list-style-type: none"> <li>- For a Candidate and a person who is the Candidate's management board or supervisory board member, person with representation rights or a procura holder, or a person who is authorised to represent the Candidate in operations in relation to a branch, which are registered or residing outside of Latvia the Candidate shall submit an appropriate statement from the competent authority of the country of registration or residence.</li> </ul>
2.	<p>It has been detected that on the last day of the term for submitting applications (1<sup>st</sup> stage) and bids (2<sup>nd</sup> stage) or on the day when a decision has been made on possible granting of rights to conclude the procurement contract, the Candidate has tax debts in Latvia or a country where it has been incorporated or is permanently residing, including debts of mandatory state social insurance contributions exceeding 150 euro in total in any of the countries.</p>	<ul style="list-style-type: none"> <li>- For a Candidate registered or residing in Latvia, the Contracting Authority shall verify the information itself in publicly available databases.</li> <li>- For a Candidate registered or residing outside of Latvia the Candidate shall submit an appropriate statement from the competent authority of the country of registration or residence.</li> </ul>

No	Requirement	Documents to be submitted <sup>5</sup>
3.	Candidate's insolvency proceedings have been announced, the Candidate's business activities have been suspended, the Candidate is under liquidation.	<ul style="list-style-type: none"> <li>- For a Candidate registered or residing in Latvia, the Contracting Authority shall verify the information itself in publicly available databases.</li> <li>- For a Candidate registered or residing outside of Latvia the Candidate shall submit an appropriate statement from the competent authority of the country of registration or residence.</li> </ul>
4.	<p>A person who drafted the procurement procedure documents (Contracting Authority's official or employee), procurement commission member or expert is related to the Candidate, or is interested in selection of some Candidate, and the Contracting Authority cannot prevent this situation by measures that cause less restrictions on Candidates. A person who drafted the procurement procedure documents (Contracting Authority's official or employee), procurement commission member or expert is presumed to be related to the Candidate in any of the following cases:</p> <p>a) If he or she is a current and/or an ex-employee, official, shareholder, procura holder or member of a Candidate or a subcontractor which are legal persons and if such relationship with the legal person was terminated within the last 24 months.</p> <p>b) If he or she is the father, mother, grandmother, grandfather, child, grandchild, adoptee, adopter, brother, sister, half-brother, half-sister or spouse (hereinafter – relative) of a Candidate's or subcontractor's, which is a legal person, shareholder who owns at least 10% of the shares in a joint-stock company, shareholder in a limited liability company, procure holder or an official.</p> <p>c) If he or she is a relative of a Candidate or a subcontractor which is a natural person.</p> <p>If the Candidate is a partnership, consisting of natural or legal persons, a relation to the Candidate is presumed also if a person who drafted the procurement procedure documents (Contracting Authority's official or employee), procurement</p>	No obligation to submit documents, unless specifically requested by the procurement commission.

No	Requirement	Documents to be submitted <sup>5</sup>
	commission member or expert is related to a member of a partnership in any of the above-mentioned ways.	
5.	The Candidate has an advantage that limits competition in the procurement procedure if it or its related legal person consulted the Contracting Authority or otherwise was involved in preparing the Competition, and the advantage cannot be prevented by less restrictive measures, and the Candidate cannot prove that its or its related legal person's participation in preparing the procurement procedure documents does not restrict competition.	No obligation to submit documents, unless specifically requested by the procurement commission.
6.	Within the previous 12 (twelve) months before last day of the term for submitting applications (1 <sup>st</sup> stage) and bids (2 <sup>nd</sup> stage), by such a decision of a competent authority or a court judgment which has entered into force and may not be challenged and appealed, the Candidate or the Tenderer has been found guilty of violating competition laws manifested as a horizontal cartel agreement, except for the case when the relevant authority, upon detecting violation of competition laws, has released the Candidate from a fine or has decreased the fine for cooperation within a leniency program.	<ul style="list-style-type: none"> <li>- For a Candidate registered or residing in Latvia, the Contracting Authority shall verify the information itself in publicly available databases.</li> <li>- For a Candidate registered or residing outside of Latvia, the Candidate shall submit an appropriate statement from the competent authority of the country of registration or residence or other objective proof of good standing. For example, a link to the database of the competent authority's public database (website) listing all its decisions and validity thereof (provided that access to any such database/website is free of charge to the Contracting Authority).</li> </ul>
7.	Within the previous 3 (three) years before last day of the term for submitting applications (1 <sup>st</sup> stage) and bids (2 <sup>nd</sup> stage) by such a decision of a competent authority or a court judgment which has entered into force and may not be challenged and appealed, the Candidate or the Tenderer has been found guilty of a violation manifested as employment of one or more persons who do not possess the required employment permit or if it is illegal for such persons to reside in a Member State of the European Union.	<ul style="list-style-type: none"> <li>- For a Candidate registered or residing in Latvia, the Contracting Authority shall verify the information itself in publicly available databases.</li> <li>- For a Candidate registered or residing outside of Latvia the Candidate shall submit an appropriate statement from the competent authority of the country of registration or residence.</li> </ul>
8.	Within the previous 12 (twelve) months before last day of the term for submitting applications (1 <sup>st</sup> stage) and bids (2 <sup>nd</sup> stage) by such a decision of a competent authority	<ul style="list-style-type: none"> <li>- For a Candidate registered or residing in Latvia, the Contracting Authority shall verify the information itself from publicly available databases.</li> </ul>

No	Requirement	Documents to be submitted <sup>5</sup>
	<p>or a court judgment which has entered into force and may not be challenged and appealed, the Candidate or the Tenderer has been found guilty of a violation manifested as employment of a person without a written employment contract, by failing within the term specified in regulatory enactments to submit an informative employee declaration regarding this person, which must be submitted about persons, who start working.</p>	<p>- For a Candidate registered or residing outside of Latvia the Candidate shall submit an appropriate statement from the competent authority of the country of registration or residence.</p>
<p><b>9.</b></p>	<p>Within the previous 12 (twelve) months before the last day of the term for submitting applications (1<sup>st</sup> stage) and bids (2<sup>nd</sup> stage) the Contracting Authority has used a right provided for in the procurement contract or a framework agreement or concession agreement to withdraw unilaterally therefrom, due to the failure of the Candidate or the Tenderer (as a contracting party or a participant or a member of the contracting party, if the contracting party was a group of suppliers or a partnership), the participant or the member of the Candidate or the Tenderer (if the Candidate or the Tenderer is a group of suppliers or a partnership) to perform the public contract, framework agreement or concession agreement concluded with the Contracting Authority.</p> <p>The Contracting Authority is entitled not to exclude a Candidate or the Tenderer from further participation in the Competition on the basis of this requirement by envisaging additional contract performance security or such contract provisions which make non-performance of essential provisions of the procurement contract or framework agreement economically unprofitable for a Candidate or the Tenderer.</p>	<p>No obligation to submit documents, unless specifically requested by the procurement commission.</p>
<p><b>10.</b></p>	<p>Within the previous 12 (twelve) months before the last day of the term for submitting applications (1<sup>st</sup> stage) and bids (2<sup>nd</sup> stage) the Contracting Authority has used a right provided for in the procurement contract or the framework agreement or concession agreement to withdraw unilaterally therefrom, due to the failure of the Candidate's or Tenderer's subcontractor</p>	

No	Requirement	Documents to be submitted <sup>5</sup>
	<p>executing at least 10% of the works or a person on whose capabilities the Candidate relies (as a contracting party or a participant or a member of the contracting party, if the contracting party was a group of suppliers or a partnership), to perform the public contract, framework agreement or concession agreement concluded with the Contracting Authority.</p> <p>The Contracting Authority is entitled not to exclude a Candidate or Tenderer from further participation in the Competition on the basis of this requirement by envisaging additional contract performance security or such contract provisions which make non-performance of essential provisions of the procurement contract or framework agreement economically unprofitable for a Candidate or the Tenderer.</p>	
11.	The Candidate has provided false information to prove its compliance with provisions of this Section or has not provided the required information at all.	No obligation to submit documents, unless specifically requested by the procurement commission.
12.	The Candidate or a consortium thereof is registered in an offshore jurisdiction. An offshore company or consortium is a company registered in a jurisdiction listed in the last column of the list published at <a href="https://www.iub.gov.lv/sites/default/files/upload/arzona_20180601_0.pdf">https://www.iub.gov.lv/sites/default/files/upload/arzona_20180601_0.pdf</a> .	No obligation to submit documents, unless specifically requested by the procurement commission.
13.	The shareholder of a Candidate registered in Latvia owning or holding at least 25% of shares is an offshore company or a consortium thereof registered in an offshore jurisdiction. An offshore company or consortium is a company registered in a jurisdiction listed in the last column of the list published at <a href="https://www.iub.gov.lv/sites/default/files/upload/arzona_20180601_0.pdf">https://www.iub.gov.lv/sites/default/files/upload/arzona_20180601_0.pdf</a> .	No obligation to submit documents, unless specifically requested by the procurement commission.
14.	A Candidate's subcontractor expected to execute at least 10% of the works, or a person, on whose capabilities a Candidate relies, is an offshore company or a consortium thereof registered in an offshore jurisdiction. An offshore company or	- For a Candidate who is a legal person (or a member of a partnership, a person on whose capabilities a Candidate relies,) registered in Latvia the Contracting Authority shall verify the information itself in publicly available databases.

No	Requirement	Documents to be submitted <sup>5</sup>
	<p>consortium is a company registered in a jurisdiction listed in the last column of the list published at <a href="https://www.iub.gov.lv/sites/default/files/upload/arzona_20180601_0.pdf">https://www.iub.gov.lv/sites/default/files/upload/arzona_20180601_0.pdf</a>.</p>	<ul style="list-style-type: none"> <li>- For a Candidate who is a natural person (or a member of a partnership, a person on whose capabilities a Candidate relies,) – a copy of an identification card or passport.</li> <li>- For a Candidate (or a member of a partnership, a person on whose capabilities a Candidate relies,) who is a legal person registered abroad (with its permanent place of residence outside Latvia) – a copy of a valid registration certificate or a similar document issued by a foreign authority in charge of the registration of legal persons in the country of their residence wherefrom at least the fact of registration, shareholders, officials and procura holders of the subcontractor or a person, on whose capabilities the Candidate relies, (if any) can be determined.</li> </ul>
<p><b>15.</b></p>	<p>It has been detected that on the last day of the term for submitting applications (1<sup>st</sup> stage) and bids (2<sup>nd</sup> stage) Candidate or Tenderer a person who is the management board or supervisory board member thereof, person with representation rights or a procura holder thereof, or a person who is authorised to represent the Candidate in operations in relation to a branch, are subject to international or national sanctions or sanctions significantly affecting the interests of the financial and capital markets of the European Union or a member state of the North Atlantic Treaty Organisation, which would hinder execution of the procurement agreement.</p>	<p>No obligation to submit documents other than under Section 4.4.1, unless specifically requested by the procurement commission.</p>
<p><b>16.</b></p>	<p>It has been detected that on the last day of the term for submitting applications (1<sup>st</sup> stage) and bids (2<sup>nd</sup> stage) a Candidate's subcontractor expected to execute at least 10% of the works, or a person, on whose capabilities a Candidate or the Tenderer relies, are subject to international or national sanctions or sanctions significantly affecting the interests of the financial and capital markets of the European Union or a member state of the North Atlantic Treaty Organisation, which would hinder execution of the procurement agreement and the Candidate or the Tenderer has not</p>	<p>No obligation to submit documents, unless specifically requested by the procurement commission.</p>

No	Requirement	Documents to be submitted <sup>5</sup>
	replaced them in 10 (ten) business days upon Contracting Authority's request.	

- 4.7. Exclusion grounds will be verified in accordance with the regulation stipulated in Article 42 of the Public Procurement Law. If the Candidate is subject to any of the exclusion grounds under Section 4.6 (except tax debts), the Candidate indicates this fact in Annex No 1.
- 4.8. Notices and other documents, which are issued by Latvian competent institutions, are accepted and recognised by the procurement commission, if they are issued no earlier than 1 (one) month prior to submission thereof or if the notice contains a shorter validity term. Notices and other documents, which are issued by foreign competent institutions, are accepted and recognized by the procurement commission, if they are issued no earlier than 6 (six) months prior to submission thereof or if the notice contains a shorter validity term. The Candidate must verify the latter. This rule does not apply to expert's diploma providing relevant level of education, fact of registration supporting documents, copies of ID cards, passports, marriage certificates or documents certifying economic standing of the Candidate.
- 4.9. If the documents, with which a Candidate registered or permanently residing abroad (outside Latvia) can certify its compliance with the requirements of Section 4, are not issued or these documents are insufficient, such documents can be replaced with an oath or, if the regulatory enactments of the country in question do not allow for an oath, - with a certification by the Candidate or by another person mentioned in Section 4 before a competent executive governmental or judicial institution, a sworn notary or a competent organisation of a corresponding industry in their country of registration (permanent residence).
- 4.10. The Candidate, in order to certify that it complies with the selection criteria for Candidates, may submit the European Single Procurement Document (hereinafter - **ESPD**) as initial proof. This document must be submitted for the Candidate and for each person upon whose capabilities the Candidate relies, but if the Candidate is a partnership – for each member thereof. The Candidate may fill in the European single procurement document at the Internet webpage <https://ec.europa.eu/tools/espd/filter?lang=en>.

## 5. RELIANCE ON THE CAPABILITIES OF OTHER PERSONS

- 5.1. For the fulfilment of the specific Contract, in order to comply with the selection requirements for the Candidates relating to the economic and financial standing and technical and professional ability (including regarding the team of key experts), the Candidate may rely upon the capabilities of other persons, regardless of the legal nature of their mutual relationship. In this case:
- 5.1.1. The Candidate indicates in the application all persons upon whose capabilities it relies by filling in the table which is attached as Annex No 1, fills necessary information in E-Tenders system and proves to the Contracting Authority that the Candidate shall have available all the necessary resources for the fulfilment of the Contract, by submitting a signed confirmation or agreement on cooperation and/or passing of resources to the Candidate between such persons and the Candidate. The confirmations and agreements on cooperation and passing of resources can be replaced by the Candidate with any other type of documents with which the Candidate is able to prove that the necessary resources will be available to the Candidate and will be used during the term of fulfilment of the Contract.
- 5.1.2. Documents on cooperation and passing of resources have to be sufficient to prove to the Contracting Authority that the Candidate will have the ability to fulfil the Contract, as well

as that during the validity of the Contract the Candidate will in fact use the resources of such person upon whose capabilities the Candidate relies.

- 5.1.3. The Contracting Authority may require joint and several liability for the execution of the Contract between the Candidate and a person on whose capabilities the Candidate is relying or members of a partnership.
- 5.2. The Contracting Authority shall evaluate the person, on whose capabilities the Candidate to whom the rights to conclude the Contract should be assigned is relying. In case such person will comply with any of the exclusion grounds which are mentioned in Sections 4.6.2 to 4.6.8 and 4.6.14 and 4.6.16 the Contracting Authority shall request the Candidate to change such person. If the Candidate shall not submit documents about another person which complies with the selection criteria within 10 (ten) business days from the date when the request was issued or sent to the Candidate, the Contracting Authority shall exclude such Candidate from further participation in the Competition.

## **6. SUBCONTRACTING**

- 6.1. Candidates will be required to provide information about their subcontractors during the Second stage of the Competition.
- 6.2. During the Second stage of the Competition the Contracting Authority shall evaluate subcontractors, whose share of work is equal to or exceeds 10% of the Contract price, of the Tenderer to whom the rights to conclude the Contract should be assigned. In case such subcontractors will comply with any of the exclusion grounds which are mentioned in Sections 4.6.2 to 4.6.8 and 4.6.14 and 4.6.16 the Contracting Authority shall request the Tenderer to change such subcontractor.
- 6.3. Contracting Authority reserves the right to request the Tenderer to identify all the subcontractors involved in delivery of services irrespective of the amount of participation in the provision of services upon signing the Contract.

## **7. THE RIGHTS OF THE CANDIDATE**

- 7.1. The supplier can request additional information regarding the Regulations. Additional information can be requested in writing, by sending it to the procurement commission electronically using the E-Tenders system. Additional information must be requested in a timely fashion, so that the procurement commission can provide a response no later than 6 (six) days prior to the deadline for submitting Bids. The procurement commission shall provide a response within 5 (five) business days from the day of receipt of the request.
- 7.2. If the Contracting Authority receives the necessary information about the Candidate directly from a competent institution, through data bases or other sources and the Candidate's submitted information differs from the information obtained by the Contracting Authority, the Candidate in question has the right to submit evidence to prove the correctness of the information the Candidate has submitted, if the information obtained by the Contracting Authority does not conform to the factual situation.
- 7.3. If a Candidate believes that its rights have been violated or such violation is possible due to possible violation of the laws of the European Union or other laws, the Candidate has the right to submit a complaint to the Procurement Monitoring Bureau according to the procedure stipulated in the Public Procurement Law of Latvia regarding the Candidate selection requirements, technical specifications or other requirements relating to this Competition, or relating to the activities of the Contracting Authority or the procurement commission during the Competition.

- 7.4. The supplier covers all expenses, which are related to the preparation of an application and its submission to the Contracting Authority. The submitted applications are not returned to the Candidate, unless specifically envisaged in the Regulation.

## 8. CONTENTS AND FORM OF THE APPLICATION

- 8.1. Application must be submitted electronically in E-Tenders subsystem of the Electronic Procurement System (<https://www.eis.gov.lv/EKEIS/Supplier>), in accordance with the following options for the Candidate:
- 8.1.1. by using the available tools of E-Tender subsystem, filling the attached forms of the E-Tender subsystem for this procurement procedure;
  - 8.1.2. by preparing and filling the necessary electronic documents outside the E-Tenders subsystem and attaching them to the relevant requirements (in this situation, the Candidate takes responsibility for the correctness and compliance of the forms to requirements of documentation and form samples);
  - 8.1.3. by encrypting electronically prepared application outside subsystem of E-Tenders with data protection tools, provided by third parties, and protection with electronic key and password (in this situation, the Candidate takes responsibility for the correctness and compliance of the forms to the requirements of such documentation and form samples as well as ensuring the capability for the Contracting Authority to open and read the document).
- 8.2. During preparation of the application, the Candidate respects the following:
- 8.2.1. Application form must be filled in a separate electronic document, in line with the forms attached to the procurement process of the E-Tenders subsystem in a Microsoft Office 2010 (or later) format and attached to the designated part of the procurement procedure;
  - 8.2.2. Upon submission, the Candidate signs the application with a secure electronic signature and time-stamp or with an electronic signature provided by the Electronic Procurement System. The Candidate can use a secure electronic signature and time-stamp and sign their application form separately. The Application (its parts, if signed separately) are signed by an authorised person, including their authorisation document (e.g. power of attorney) *expressis verbis* stating the authorisations to sign, submit and otherwise manage the bid.
- 8.3. The following documents shall be included in the application (hereinafter – **Application**):
- 8.3.1. Filled application form in accordance with Annex No 1.
  - 8.3.2. Information and documents confirming the compliance of the Candidate with the selection criteria for the Candidates (Section 4), or the corresponding ESPD.
  - 8.3.3. Information regarding Candidate's experience as required by Section 4 in accordance with Annex No 3.
  - 8.3.4. Information and documents relating to the entities on whose capabilities the Candidate is relying, or the corresponding ESPD.
- 8.4. The Application must be submitted in a written form, in accordance with this Regulation, in English or Latvian language. If the application is submitted in Latvian language, then upon a request by the procurement commission the Candidate shall provide a translation in English language within the deadline requested by the Contracting Authority's procurement commission. If the application is submitted in English language, upon a request by the

procurement commission the Candidate shall provide a translation in Latvian language within the deadline requested by the Contracting Authority's procurement commission.

- 8.5. The application may contain original documents or their derivatives (e.g. copies). In the Application or in the reply to a request of the procurement commission the Candidate shall submit only such original documents which have legal force. For the document to gain legal force it has to be issued and formatted in accordance with the Law on Legal Force of Documents and Law on Electronic Documents of the Republic of Latvia, but public documents issued abroad shall be formatted and legalised in accordance with the requirements of the Document Legalization Law. When submitting the Application, the Candidate has the right to certify the correctness of all submitted documents' derivatives and translations with one certification.
- 8.6. The Application must be signed using an electronic signature according to regulatory acts on the status of electronic documents and electronic signature or tools provided by the E-Tender system or using a signature tool which provides confirmation of the identity of the document's signer by a person who is legally representing the Candidate or is authorised to represent the Candidate in this Competition procedure.
- 8.7. Applications submitted after the expiry of the deadline for the submission of Applications shall not be reviewed.

## **9. ENCRYPTION OF THE APPLICATION INFORMATION**

- 9.1. The E-Tender system which is a subsystem of the Electronic Procurement System, ensures the first level encryption of the information provided in the Bid documents.
- 9.2. If the Candidate applied additional encryption to the information in the Bid (according to Section 9.1), the Candidate has to provide the Contracting Authority's procurement commission representative listed in Section 1.12 with electronic key with the password to unlock the information not later than the deadline of the Bid submission.

## **10. SUBMISSION OF THE APPLICATION**

- 10.1. Application (documents referred to in the Section 8) shall be submitted electronically using the tools offered by the E-Tenders system available at <https://www.eis.gov.lv/EKEIS/Supplier> by

**14.01.2019 before 16:00 o'clock (Riga time).**

- 10.2. The Candidate may recall or amend its submitted Application before the expiry of the deadline for the submission of Applications by using the tools provided in the E-Tenders system.
- 10.3. Only Applications submitted to the E-Tenders system will be accepted and evaluated for participation in the procurement procedure. Any Application submitted outside the E-Tenders system will be declared as submitted in a non-compliant manner and will not participate in the procurement procedure.

## **11. OPENING OF APPLICATIONS**

- 11.1. The opening of Applications will be held in the E-Tenders system on 14.01.2019 at 16:00 o'clock (Riga time) during the open meeting. It is possible to follow the opening of submitted Applications online in the E-Tenders system.

- 11.2. The Applications are opened by using the tools offered by the E-Tenders system, the public information of the Applications shall be published in the E-Tenders system.
- 11.3. The information regarding the Candidate, the time of Application submission and other information that characterises the Application is generated at the opening of the Applications by the E-Tenders system and written down in the Application opening sheet, which shall be published in the E-Tenders system and the Contracting Authority's webpage.

## **12. VERIFICATION OF APPLICATIONS**

- 12.1. The Contracting Authority's procurement commission verifies whether the submitted Applications comply with the requirements of this Regulation. If the Application does not comply with some of the requirements of this Regulation, the procurement commission decides on the possibility of further evaluation of the Application.
- 12.2. The Contracting Authority's procurement commission:
  - 12.2.1. Verifies whether the exclusion grounds mentioned in Section (Article 42.(1) and 42.(2) of the Public Procurement Law) are applicable to the Candidate;
  - 12.2.2. Verifies whether the Candidate complies with the Candidate selection requirements specified in Section 4.6 of the Regulation.
- 12.3. In the event the Candidate or partnership member (if the Candidate is a partnership) fails to comply with requirements stipulated in Section 4.6 and has indicated this in the Application, upon request by the procurement commission it submits an explanation about the implemented measures in order to restore reliability and prevent occurrences of the same or similar violations in the future, as well as attaches any relevant evidence which proves the implemented measures, such as but not limited to the evidence about compensating damages, on cooperation with investigating authorities, implemented technical, organisational or personnel measures, an assessment of a competent authority regarding the sufficiency of the implemented measures etc. The procurement commission assesses such information. If the procurement commission deems the measures taken to be sufficient for the restoration of reliability and the prevention of similar cases in the future, it makes the decision not to exclude the Candidate from participation in the Competition. If the measures taken are insufficient, the procurement commission makes the decision to exclude the Candidate from further participation in the Competition. If the Candidate, within the indicated time, does not submit the requested information, the procurement commission excludes the Candidate from the participation in the Competition.
- 12.4. If the Candidate has failed to submit some of the documents which shall be submitted according to the Regulation or the contents of the submitted documents do not comply with the Regulation, the procurement commission decides to exclude the Candidate from further participation in the Competition.
- 12.5. Only those Candidates who have been qualified, will be invited to submit a Bid in the Second Stage of the Competition.

## **13. DECISION MAKING, ANNOUNCEMENT OF RESULTS**

- 13.1. The Contracting Authority's procurement commission selects the Candidates in accordance with the set selection criteria for Candidates, verifies the compliance of the Applications with the requirements stipulated in the Regulation.
- 13.2. Within 3 (three) business days from the date of the decision about the selection of the Candidates, the procurement commission informs all Candidates (to the refused Candidate the reasons for refusing its Application as well) about the decision made by sending the

information electronically and keeping the evidence of the date and mode of sending the information, as well as about the deadline by which the Candidate may submit a complaint to the Procurement Monitoring Bureau regarding any perceived violations of the public procurement procedure.

- 13.3. If only 1 (one) Candidate complies with all the Candidate selection requirements, the procurement commission makes the decision to terminate the public procurement procedure.
- 13.4. If the public procurement procedure is terminated, then within 3 (three) business days of the termination, the procurement commission simultaneously informs all the Candidates of all the reasons why the Competition procedure was terminated and informs about the deadline within which a Candidate may submit an application to the Procurement Monitoring Bureau on any perceived violations of the public procurement procedure.
- 13.5. When informing of the results, the procurement commission has the right not to disclose specific information if it may infringe upon public interests or if the Candidate's legal commercial interests or the conditions of competition would be violated.

#### **14. THE RIGHTS OF THE PROCUREMENT COMMISSION**

- 14.1. For the purpose of undertaking the procurement exercise, the Contracting Authority establishes a procurement commission, in accordance with its applicable procurement policy and the applicable Latvian Public Procurement Law. The procurement commission and the supplier exchange information in writing in English or Latvian language (accompanied by a translation in English), using E-Tenders system. For the avoidance of doubt, unless specifically stated otherwise, all laws, acts and regulations under which this procurement exercise is undertaken, belong to the jurisdiction of the Republic of Latvia.
- 14.2. The procurement commission has the right to demand at any stage of the Competition that the Candidate submits all or part of the documents which certify the Candidate's compliance to the requirements for the selection of Candidates. The procurement commission does not demand such documents or information which are already at its disposal or is publicly available free of charge. At the request of the procurement commission, the Candidate must specify the address and method of access to the public database.
- 14.3. If the Candidate submits document derivatives (e.g. copies) and the authenticity of the submitted document derivation is in doubt, the procurement commission can demand that the Candidate shows the original documents.
- 14.4. During the qualitative selection of Candidates the procurement commission has the right to demand that information included in the application to participate in Competition is clarified.

#### **15. THE OBLIGATIONS OF THE PROCUREMENT COMMISSION**

- 15.1. The procurement commission ensures that the the process of the Competition procedure is appropriately documented.
- 15.2. The procurement commission ensures free and direct electronic access to the Competition procedure documents in the E-Tenders system available at <https://www.eis.gov.lv/EKEIS/Supplier> and at the Internet webpage of the Joint-Stock Company RB Rail AS <http://railbaltica.org/tenders/>.
- 15.3. If an interested supplier has requested additional information via the E-Tender system, the procurement commission provides a response via the E-Tender system within 5 (five) business days, but not later than 6 (six) days before the deadline for submitting Bids. The Contracting Authority publishes this information on the E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier> and on the Contracting Authority's Internet

webpage <http://railbaltica.org/tenders/>, under the section of the respective Competition procedure, indicating the question asked.

- 15.4. If the Contracting Authority has amended the Competition procedure documents, it publishes this information on the E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier> and on the Contracting Authority's Internet webpage <http://railbaltica.org/tenders/>, where Competition procedure documents are available, no later than 1 (one) day after the notification regarding the amendments have been submitted to the Procurement Monitoring Bureau for publication.
- 15.5. The exchange and storage of information in the E-Tenders system is carried out in such a way that all data included in the applications is protected and the Contracting Authority can check the content of the Applications only after the expiration of the deadline for their submission. During the time period between the day of the submission of Applications until the moment of opening thereof the Contracting Authority does not disclose any information regarding the existence of other applications. During the period of Candidate assessment until the moment of the announcement of the results of the Candidate selection the Contracting Authority does not disclose information regarding the assessment process.
- 15.6. The procurement commission assesses the Candidates and their submitted applications based on the Latvian Public Procurement Law, this Regulation on competitive procedure with negotiations, as well as any other applicable regulatory enactments.
- 15.7. If the procurement commission determines that the information included in the submitted documents about the Candidate, its subcontractors and persons upon whose capabilities the Candidate is relying is unclear or incomplete, the procurement commission demands that the Candidate or a competent institution clarifies or expands the information included in the Application. The deadline for the submission of the necessary information is determined proportionally to the time which is required to prepare and submit such information. If the procurement commission has demanded to clarify or expand upon the submitted documents, but the Candidate has not done this in accordance with the requirements stipulated by the procurement commission, the procurement commission is under no obligation to repeatedly demand that the information included in these documents be clarified or expanded upon and the Contracting Authority's procurement commission evaluates Applications based on the information available in the such Applications.
- 15.8. The procurement commission prepares the invitation to the Second stage of the Competition consisting of the Regulations of the Second Stage of the competitive procedure with negotiations, the Technical Specification and the draft Contract and sends it to the selected Candidates that have been qualified for the second stage of the competitive procedure with negotiations.

## **16. ANNEXES:**

1. Application Form on 1 (one) page;
2. General terms and the scope of building design in Estonia on 3 (three) pages;
3. Table "Experience of Candidate" on 1 (one) page;
4. Confirmation of Candidates Financial and Economic standing on 1 (one) page.

Chairman of the procurement commission

Juri Saija



**Annex No 1**  
to the Regulation  
for competitive procurement procedure with negotiation No RBR 2018/28  
*“Design and design supervision services for the  
construction of the new line from Pärnu to Estonian-Latvian border”*

[letterhead of the Candidate’s company]

2019. \_\_\_\_ . \_\_\_\_  
No \_\_\_\_\_

**APPLICATION FOR PARTICIPATION IN THE CANDIDATE SELECTION IN THE  
PROCUREMENT**

“Design and design supervision services for the construction of the new line from Pärnu to Estonian-Latvian border”

Candidate \_\_\_\_\_, reg. No. \_\_\_\_\_,  
(Name of the Candidate or names of the members of a group of suppliers)

represented by \_\_\_\_\_  
(Name, surname and position of the manager or an authorised person)

by submitting this application:

1. We confirm participation in the Competition organised by the RB Rail AS “Design and design supervision services for the construction of the new line from Pärnu to Estonian-Latvian border” No RBR 2018/28;
2. (If applicable): We inform that the following persons are subject to the following exclusion grounds:

Name of the entity (person)	Exclusion ground and brief description of the violation
[●]	
[●]	
[●]	

3. We declare that for the purposes of qualifying for the Competition we rely on the capabilities of the following entities:

No	Name, registration number and registered address of the entity	Capabilities on which the Candidate relies
1.		
2.		
3.		
4.		
5.		

4. We confirm sufficient human resources capacity complying with the requirements specified in Section 4.2 of the Regulation applicable for the key experts listed in Annex No 2.
5. We confirm that the Regulation for the Competition is clear and understandable, we do not have any

objections and complaints and in the case of granting the right to enter into the Second Stage of the Competition as well as granting rights to enter into a contract we shall undertake to fulfil all conditions of this Regulation.

6. We confirm the period of validity of our application for 120 (one hundred twenty) days from the day of opening of the application.

7. We meet the criteria of (please mark):

a small                       medium                       other

sized enterprise<sup>6</sup> as defined in the Article 2 of the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprise.<sup>7</sup>

(Signature)

\_\_\_\_\_  
Address of the Candidate

\_\_\_\_\_  
telephone (fax) number, e-mail address.

\_\_\_\_\_  
Position, name and surname of the manager or the authorized person of the Candidate

<sup>6</sup> The information on the size of the Candidate is used solely for statistical purposes and are not in any way whatsoever used in the evaluation of the Candidates and their requests to participate.

<sup>7</sup> Available here - [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2003.124.01.0036.01.ENG&toc=OJ:L:2003:124:TOC](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2003.124.01.0036.01.ENG&toc=OJ:L:2003:124:TOC).

**Annex No 2**  
to the Regulation  
for competitive procurement procedure with negotiation No RBR 2018/28  
*“Design and design supervision services for the  
construction of the new line from Pärnu to Estonian-  
Latvian border”*

**General terms and the scope of building design in Estonia for the procurement of “Design and design supervision services for the construction of the new line from Pärnu to Estonian-Latvian border”**

No.	Title	Description
1.	<b>Services being procured</b>	Design, design author’s supervision
1.1.	<b>Contract period, deadline of the Activity</b>	Design (up to 27 months <sup>8</sup> ), design supervision (until the full acceptance of construction works and the end of defects notification period)
1.2.	<b>Applicable procurement law</b>	Latvian
1.3.	<b>Contracting Authority</b>	RB Rail AS
1.4.	<b>Source information</b>	County Plans, SEA report, preliminary design, Consolidated Preliminary Technical Design by RB Rail AS
2.	<b>Applicable construction law</b>	Estonian
3.	<b>Scope</b>	
3.1.	<b>General scope of the contract</b>	<ul style="list-style-type: none"> <li>a) Master design,</li> <li>b) Surveys</li> <li>c) Value engineering studies,</li> <li>d) Design solutions presentation and relevant approval,</li> <li>e) Spatial planning solutions development (if necessary),</li> <li>f) Public consultation,</li> <li>g) Detailed technical design,</li> <li>h) Author supervision by Designer.</li> </ul>
3.2.	<b>Key milestones of design process</b>	<ul style="list-style-type: none"> <li>a) Site surveys (including geological investigation; topographical layout);</li> <li>b) Application for design specifications from competent authorities and technical conditions from utility owners;</li> <li>c) Design proposal (Master Design), including necessary technical surveys and alternatives;</li> <li>d) Approval of Basic design (Master Design in current contract);</li> </ul>

<sup>8</sup> Design of priority objects shall be shorter. The priority objects shall be defined at the second stage of procurement

		<ul style="list-style-type: none"> <li>e) Basic Design expertise (to be procured separately by Contracting Authority);</li> <li>f) Building permit acquired;</li> <li>g) Approval of Working design (Detailed Technical Design in current contract);</li> <li>h) NoBo inspection report (to be procured separately).</li> </ul>
<b>4.</b>	<b>Key milestones of design author's supervision</b>	<ul style="list-style-type: none"> <li>a) Construction practical completion act signed</li> <li>b) As-built documentation accepted</li> <li>c) NoBo inspection report completed</li> </ul>
<b>5.</b>	<b>Indicative design scope</b>	
<b>5.1.</b>	<b>Section</b>	<p><b>Pärnu - Estonian-Latvian border section (approx. 93,5 km of railway line)</b></p> 
<b>5.2.</b>	<b>Indicative amounts (based on EIA studies / spatial planning design / preliminary design)</b>	<p><b>Length of the section approx. 93,5 km (double track)</b></p> <p><b>Amounts:</b></p> <ul style="list-style-type: none"> <li>Number of bridges: 9</li> <li>Number of road viaducts: 15</li> <li>Number of railway viaducts: 7</li> <li>Number of eco-ducts: 11</li> <li>Number of pedestrian tunnels: 2</li> </ul>

		<p>Number of culverts: 148</p> <p>Number of stations (with passing loops): 3 (Häädemeeste, Pärnu passenger, Pärnu freight)</p>
<b>6.</b>	<b>Required contractor's personnel</b>	
<b>6.1.</b>	<b>Key experts:</b>	<p>Project manager</p> <p>Design manager</p> <p>Railway track designer</p> <p>Structural designer</p> <p>Road designer</p> <p>Railway bridge designer</p> <p>Highway bridge designer</p> <p>Geotechnical expert</p> <p>Environment expert</p>
<b>6.2.</b>	<b>Additional experts (non-exhaustive list)</b>	<p>Spatial planning expert</p> <p>Public relations coordinator</p> <p>Construction planning expert</p> <p>BIM co-ordinator</p> <p>Architect</p> <p>Quantity Surveyor / Civils Cost Consultant</p> <p>Design Quality Control Engineer</p> <p>Hydraulic Structures Engineer</p> <p>Power networks designer</p> <p>Railway signalling expert</p> <p>Railway catenary expert</p> <p>Technical translator (from/to Estonian-English language)</p>
<b>7.</b>	<b>Stakeholder management process</b>	Alignment of design process and solutions with related stakeholders.
<b>8.</b>	<b>Relevant regulations and studies mandatory to be considered during building design implementation (non-exhaustive list)</b>	<p>a) Design guidelines;</p> <p>b) BIM strategy;</p> <p>c) Operational plan;</p> <p>d) Infrastructure management study;</p> <p>e) Climate change impact assessment study;</p> <p>f) Visual, architectural and landscaping guidelines stud;</p> <p>g) Mineral materials supply study;</p>

		h) Related Studies carried out by National Implementing Bodies (archaeology investigations, freight terminals, maintenance depots, etc.).
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## Annex No 3

to the Regulation

for competitive procurement procedure with negotiation No RBR 2018/28

*“Design and design supervision services for the construction of the new line from Pärnu to Estonian-Latvian border”*

### Experience of the Candidate

Within the previous 7 years (year 2012, 2013, 2014, 2015, 2016, 2017, 2018 and 2019 till the date of the submission of the application), the Candidate has gained the following experience:

No	Name of project	Date of completion of the contract <sup>9</sup>	Contracting Authority	Description of the responsibilities according to contract, which characterize the experience, mentioned in respective subsection of Section 4.2 <sup>10</sup>	Contract price (EUR*, excl. VAT)	Contact information for references
7.4. 1) as a main contractor of at least 2 (two) completed designs, where the value of each design contract is not less than 7 million EUR, and each covers the design of 1435 mm gauge TSI verified railway track with the speed above 200 km/h; 1 (one) of the two completed designs to be done with a part in urban environment.						
1.						
2.						
...						
7.4. 2) as a main contractor of 1 (one) completed design covering at least 50 km length 1435 mm gauge TSI verified railway track with the speed above 200 km/h;						
1.						
2.						
...						

<sup>9</sup> If the design is a part of the contract where all works/ services have not been completed, then please specify date of approval of the design according to national legislation. Should the relevant legislation not regulate the approval or delivery of designs, please provide other proof of having delivered the design (reference, deed of conveyance or other proof).

<sup>10</sup> Please note the responsibilities of the company which performed the works/services by stating the role (i.e. main contractor; responsible for design, etc.) in the contract and description of the subject matter of the contract with respect to details required for particular criteria.

7.4. 3) in the completed design for 1 (one) railway bridge with the speed up to 160 km/h and with the total length of bridge at least 150 m.						
1.						
2.						
...						

**Annex No 4**  
to the Regulation  
for competitive procurement procedure with negotiation No RBR 2018/28  
“Design and design supervision services for the  
construction of the new line from Pärnu to  
Estonian-Latvian border”

**Confirmation of Candidates Financial Standing**

1. (7.3.1) The Candidate’s or all members of the partnership together (if the Candidate is a partnership), average financial turnover regarding railway building design services within last 3 (three) financial years (2015, 2016, 2017) is not less than 10.2 million EUR.

No	Year	Total Turnover in EUR	Turnover regarding railway building design services in EUR	Notes
Candidate or member of the partnership (if the Candidate is a partnership)				
1				
2				
3				
Average within last 3 (three) financial years				
<i>If the Candidate is partnership, please continue and provide info regarding each member and partnership in total.</i>				
1				
2				
3				
...				

2. (7.3.2) The Candidate or each member of the partnership (if the Candidate is a partnership) on whose abilities the Candidate is relying has to certify it’s financial and economic performance and who will be financially and economically responsible for fulfilment of the procurement contract and entity on whose abilities the Candidate is relying to certify it’s financial and economic performance and who will be financially and economically responsible for fulfilment of the procurement contract, shall have stable financial and economic performance, namely, in the last audited financial year the liquidity ratio (current assets divided by short-term liabilities) shall be equal to or exceed 1 and shall have positive equity.

\_\_\_\_\_  
Name of the Candidate/member of partnership/entity

$$\text{liquidity ratio} = \frac{\text{current assets}}{\text{short – term liabilities}} = \underline{\hspace{2cm}}$$

*\*Please continue and provide information regarding each entity to which this requirement applies.*