

*Procurement commission of the competitive procedure with negotiation "Software supply, implementation and maintenance for Rail Baltica BIM system",
decision made on 28/11/2018, session minutes No 1*

*Procurement Commission's
decision, dated 4 January 2019,
session minutes No 3 (Regulations with amendments No 1)*

CANDIDATE SELECTION REGULATION

for Competitive Procedure with Negotiation

Software supply, implementation and maintenance for Rail Baltica BIM system

(identification No: RBR 2018/26)



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

TABLE OF CONTENTS

1. GENERAL INFORMATION	3
2. INFORMATION ABOUT THE SECOND STAGE OF THE COMPETITION AND THE CONTRACT	4
3. CANDIDATE	5
4. SELECTION CRITERIA FOR CANDIDATES	5
5. RELIANCE ON THE CAPABILITIES OF OTHER PERSONS	16
6. SUBCONTRACTING.....	17
7. THE RIGHTS OF THE CANDIDATE	18
8. CONTENTS AND FORM OF THE APPLICATION	18
9. ENCRYPTION OF THE APPLICATION INFORMATION	20
10. SUBMISSION OF THE APPLICATION	20
11. OPENING OF APPLICATIONS	20
12. VERIFICATION OF APPLICATIONS	21
13. DECISION MAKING, ANNOUNCEMENT OF RESULTS	22
14. THE RIGHTS OF THE PROCUREMENT COMMISSION	22
15. THE OBLIGATIONS OF THE PROCUREMENT COMMISSION	23
16. ANNEXES:	24
APPLICATION FOR PARTICIPATION IN THE CANDIDATE SELECTION IN THE PROCUREMENT.....	25
GENERAL DESCRIPTION OF THE SUBJECT – MATTER OF THE PROCUREMENT PROCEDURE.....	27
EXPERIENCE OF THE CANDIDATE	31
EXPERIENCE OF THE KEY EXPERT OF THE CANDIDATE.....	32
CONFIRMATION OF CANDIDATES FINANCIAL STANDING.....	34

REGULATION

1. GENERAL INFORMATION

- 1.1. The subject-matter of the Competition is to supply, implement and maintain software for Rail Baltica BIM system. 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. The period for software supply and implementation (including training services) shall not exceed 16 (sixteen) weeks after conclusion of the procurement contract, the total period of contract (including software maintenance period) shall be 60 (sixty) months after conclusion of the contract. General description of the scope of the supply and related 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 description of the subject - matter for the software supply and related 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 the 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 March/April of 2019). The detailed information on the scope of the software supply and related 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 2018/26 (hereinafter – **Competition or competitive procedure with negotiation**).
- 1.5. The applicable CPV codes are: 48000000-8 (Software package and information systems), 72253000-3 (Helpdesk and support services), 80500000-9 (Training services).
- 1.6. The contracting entity is RB Rail AS, legal address: Kr. Valdemāra iela 8 - 7, Riga LV-1010, Latvia (hereinafter – **Contracting Authority**).
- 1.7. The Competition is co - financed by the Connecting Europe Facility (CEF).

- 1.8. The Competition requires negotiations since the Contracting Authority isn't able to provide sufficiently precise specifications referring to standards, European technical assessment, common technical specifications or technical references as provided under Article 8(6)4 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 persons of the Contracting authority for this open competition:
 - 1.12.1. In administrative aspects of the open competition: Procurement specialist, Jānis Lukševics, telephone: +371 29188156, e-mail address: janis.luksevics@railbaltica.org;
 - 1.12.2. In aspects concerning subject-matter of Procurement: BIM Manager, Raitis Bušmanis, e-mail address: raitis.busmanis@railbaltica.org.
- 1.13. 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. 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.
- 2.2. The Second stage includes any negotiation that may be relevant to be undertaken as specified by the Contracting Authority, although Contracting Authority may perform evaluation of the proposals submitted by the Tenders without any negotiation and award rights to conclude contract to Tenderer with the most economically advantageous proposal according to the evaluation methodology to be described in the Second Stage of the Competition.
- 2.3. The successful Tenderer shall be obliged to ensure that its participation in the implementation of the Contract would not create any conflicts of interests.

- 2.4. 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.
- 2.5. Data storage accessibility and security requirements shall be stipulated in more detail in the Second Stage documentation.
- 2.6. 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.
- 2.7. 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

No	Requirement	Documents to be submitted
1.	<p>The Candidate within the previous 5 (five) years (2014, 2015, 2016, 2017, 2018 and including 2019 until the date of submission of the Proposal) has provided complex BIM (Building information modelling) management software supply (including software implementation, deployment, configuration and maintenance) for large scale linear infrastructure project (e.g. railways or metros, or roads) management (design or construction) purposes for at least 3 (three) clients with at least 100 software end-users, where total value of each of supply provided is at least 300 000,00 EUR (three hundred thousand <i>euro</i>) without VAT for each client.</p>	<p>Filled in and signed Annex No 3</p>
2.	<p>The Candidate is able to involve for the provision of the software supply and implementation a Project manager - experienced in implementation of BIM software solution's projects, who meets at least the following minimum experience, gained within the previous 5 (five) years (2014, 2015, 2016, 2017 and 2018, including 2019 until the date of submission of the Application):</p> <ol style="list-style-type: none"> a) Practical experience in leading and supervising at least 2 (two) projects related to the deployment, implementation and configuration of BIM software for design or construction project management for at least two clients where value of each of contracts/ projects delivered is at least 300 000,00 (three hundred thousand euro) EUR without VAT for each client; b) Bachelor's degree (or equivalent¹); c) Very good (at least B2 Level) verbal, written and presentation English language skills – (based on Common European Framework of Reference for Languages²) in communication, presentation, negotiation and report writing, particularly in the specific areas of his expertise. 	<ul style="list-style-type: none"> - Filled in and signed Annex No 4. - A copy of a diploma proving relevant level of education.

¹With the assignment of Bachelor's degree there is understood: at least Level 6 of European Qualifications Framework (please see here: <https://ec.europa.eu/ploteus/en/content/descriptors-page>);

² Refer to <http://europass.cedefop.europa.eu/resources/european-language-levels-cefr>.

4.2. **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 requires registration of natural or legal persons.</p>	<ul style="list-style-type: none"> - 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. - 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. - 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. - 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. - If the application or any other document, including any agreement, is not signed by the legal representative of the

No	Requirement	Documents to be submitted
		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.

4.3. Economic and financial standing

No	Requirement	Documents to be submitted
1.	<p>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 last 3 (three) years (2015, 2016, 2017) is not less than 1 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>	<ul style="list-style-type: none"> - Filled in and signed Annex No 5. - Audited or self-approved by a Candidate (only in case when the audited yearly report is not required by the law of the 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 it's 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 it's 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.
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 it's financial and economic performance</p>	<ul style="list-style-type: none"> - For a limited partnership (within the meaning of Latvian Commercial Law, Chapter X) an additional document evidencing the amount of the

No	Requirement	Documents to be submitted
	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 liquidity ratio (current assets divided by short-term liabilities) shall be equal to or exceed 1 and shall have positive equity.	<p>investment by the limited liability partner (the partnership agreement or a document with a similarly binding legal effect).</p> <ul style="list-style-type: none"> - 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 it's 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 4.2.

4.4. 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 ³
1.	Within previous 3 (three) years before submission of the application the Candidate 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	<ul style="list-style-type: none"> - 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 in Latvia, the Contracting Authority shall verify the information itself in publicly available databases. - 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

³ 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 ³
	<p>and may not be challenged and appealed:</p> <p>a) establishment, management of, involvement in a criminal organization or in an organized group included in the criminal organization or other criminal formation, or participation in criminal offences committed by such an organization,</p> <p>b) bribe-taking, bribery, bribe misappropriation, intermediation in bribery, unauthorized participation in property transactions, taking of prohibited benefit, commercial bribing, unlawful claiming of benefits, accepting or 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 or training a person in performance of acts of terrorism,</p> <p>e) human trafficking,</p> <p>f) evasion from payment of taxes or similar payments.</p>	<p>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.</p>
<p>2.</p>	<p>It has been detected that <u>on the last day of the term for submitting applications (1st stage) or on the day when a decision has been made</u> on possible granting of rights to conclude the procurement contract (2nd stage), 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"> - For a Candidate registered or residing in Latvia, the Contracting Authority shall verify the information itself in publicly available databases. - 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>3.</p>	<p>Candidate's insolvency proceedings have been announced, the Candidate's</p>	<ul style="list-style-type: none"> - For a Candidate registered or residing in Latvia, the Contracting Authority

No	Requirement	Documents to be submitted ³
	<p>business activities have been suspended, the Candidate is under liquidation.</p>	<p>shall verify the information itself in publicly available databases.</p> <ul style="list-style-type: none"> - 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>4.</p>	<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>No obligation to submit documents, unless specifically requested by the procurement commission.</p>

No	Requirement	Documents to be submitted ³
	<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 commission member or expert is related to a member of a partnership in any of the above-mentioned ways.</p>	
5.	<p>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.</p>	<p>No obligation to submit documents, unless specifically requested by the procurement commission.</p>
6.	<p>Within the previous 12 (twelve) months before last day of the term for submitting applications (1st 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 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.</p>	<ul style="list-style-type: none"> - For a Candidate registered or residing in Latvia, the Contracting Authority shall verify the information itself in publicly available databases. - 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).

No	Requirement	Documents to be submitted ³
7.	Within the previous 3 (three) years before last day of the term for submitting applications (1 st 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 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"> - For a Candidate registered or residing in Latvia, the Contracting Authority shall verify the information itself in publicly available databases. - 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.
8.	Within the previous 12 (twelve) months before last day of the term for submitting applications (1 st 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 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.	<ul style="list-style-type: none"> - For a Candidate registered or residing in Latvia, the Contracting Authority shall verify the information itself from publicly available databases. - 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.
9.	The Candidate has provided false information to prove its compliance with provisions of this Section or qualification criteria, or has not provided the required information at all.	No obligation to submit documents, unless specifically requested by the procurement commission.
10.	The Candidate is a registered offshore ⁴ company (legal person) or offshore association of persons.	<ul style="list-style-type: none"> - For a Candidate which is registered in Latvia the Contracting Authority

⁴ **Offshore:** low tax or tax-free country or territory in accordance with Corporate income tax law of the Republic of Latvia except Member States of EEA (European Economic Area) or its territories, Member States of the World Trade Organization Agreement on State Treaties

No	Requirement	Documents to be submitted ³
		<p>shall verify the information itself in publicly available databases.</p> <ul style="list-style-type: none"> - For the Candidate and each member of the partnership (if Candidate is a unregistered partnership) which is a legal person registered 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
<p>11.</p>	<p>The owner or shareholder (with more than 25% of share capital) of the Candidate which is registered in Republic of Latvia, is a registered offshore company (legal person) or offshore association of persons.</p>	<ul style="list-style-type: none"> - For a Candidate which is registered in Latvia: <ul style="list-style-type: none"> • the Contracting Authority shall verify the information itself in publicly available databases; • if such information by publicly available data bases isn't provided, Candidate shall submit self – declaration which approves fact that there are no registered owners or shareholders of the Candidate (with more than 25% of share capital) which are registered offshore.
<p>12.</p>	<p>The subcontractors indicated by the Tenderer whose share of work is equal to or exceeds 10% of the Contract price or person on whose capabilities Candidate is relying, is a registered offshore company (legal person) or offshore association of persons.</p>	<ul style="list-style-type: none"> - For entities which are registered in Latvia: <ul style="list-style-type: none"> • For a subcontractor whose share of work is equal to or exceeds 10% of the Contract price or person, on whose capabilities Candidate is relying, which is registered in Latvia, the Contracting Authority shall verify the information itself in publicly available databases;

or territories and such countries and territories with which European Union and Republic of Latvia has international agreements for open market in public procurement area.

No	Requirement	Documents to be submitted ³
		<ul style="list-style-type: none"> • if such information by publicly available data bases isn't provided, a subcontractor whose share of work is equal to or exceeds 10% of the Contract price or person, on whose capabilities Candidate is relying, shall submit self – declaration which approves fact that person isn't registered offshore company. - For a subcontractor or person on whose capabilities Candidate is relying, 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.
13.	<p>International or national sanctions or substantial sanctions by the European Union (EU) or the North Atlantic Treaty Organization (NATO) Member State affecting the interests of the financial and capital market has been imposed to the:</p> <p>a) Candidate or a person who is the Candidate's board or council 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,</p> <p>b) subcontractors indicated by the Tenderer whose share of work is equal to or exceeds 10% of the Contract price,</p> <p>c) person on whose capabilities Candidate is relying,</p>	<p>No obligation to submit documents, unless specifically requested by the procurement commission.</p>

No	Requirement	Documents to be submitted ³
	and such sanctions can affect the execution of the procurement contract.	

- 4.5. Exclusion grounds will be verified in accordance with the regulation stipulated in Article 42 of the Public Procurement Law and Article 11.1 of the Law On International Sanctions and National Sanctions of the Republic of Latvia. If the Candidate complies with any of the exclusion grounds mentioned in Section 4.4.4.1 (except Section 4.4.(2), 4.4.(9) – 4.4.(13)), the Candidate indicates this fact in Annex No 1.
- 4.6. 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.
- 4.7. If the documents, with which a Candidate registered or permanently residing abroad (outside Latvia) can certify its compliance with the requirements of Section 4.4., 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).
- 4.8. 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 shall require joint and several liability for the execution of the Contract between the:
- (a) Candidate and a person on whose capabilities 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;
 - (b) each member of the partnership (if the Candidate is a partnership) on whose capabilities partnership is relying and who will be financially and economically responsible for fulfilment of the procurement contract.
- 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 according to Section 4.4.(1) to 4.4.(8) and 4.4.(12) to 4.4.(13). In case such person will comply with any of the exclusion grounds which are mentioned in Section 4.4.(1) to 4.(8) and 4.4. (12) to 4.4.(13), 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 open 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 4.4. (2) to 4.4.(8) and 4.4.(12) to 4.4.(13), the Contracting authority shall request the Tenderer to change such subcontractor. If the Tenderer shall not submit documents about another subcontractor which complies with the

selection criteria within 10 (ten) business days from the date when the request was issued or sent to the Tender, the Contracting authority shall exclude such Tenderer from further participation in the Competition.

- 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 applications. 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 seal or with an electronic signature provided by the Electronic Procurement System. The Candidate can use a secure electronic signature and time seal 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 (including documents, but not limited to, according to Section 4.1. – 4.3.), confirming compliance of the Candidate with the selection criteria for the candidates, or the corresponding ESPD;
 - 8.3.3. Information and documents relating to the entities on whose capabilities the Candidate is relying (according to Section 5), 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

21.01.2019 before 15:00 o'clock (Riga time). *(With amendments No 1 made by Procurement Commission, dated: 4 January 2019)*

- 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 **21.01.2019 at 15:00 o'clock (Riga time)** during the open meeting. It is possible to follow the opening of submitted Applications online in the E-Tenders system. *(With amendments No 1 made by Procurement Commission, dated: 4 January 2019)*

- 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 Candidate complies with the Candidate selection requirements specified in Section 4.1. – 4.3. of the Regulation.
 - 12.2.2. Verifies whether the exclusion grounds mentioned in Section 4.4. (Article 42.(1) of the Public Procurement Law and Article 11.¹ of the Law On International Sanctions and National Sanctions of the Republic of Latvia) are applicable to the Candidate.
- 12.3. In the event the Candidate or partnership member (if the Candidate is a partnership) fails to comply with requirements stipulated in 4.4. (except Section 4.4. (2), 4.4.(9) – 4.4.(13)) 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 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 2 (two) pages;
2. General description of the subject - matter on 4 (four) pages;
3. Table "Experience of Candidate" on 1 (one) page;
4. Table "CV of the proposed Project manager" on 2 (two) pages;
5. Confirmation of Candidates Financial and Economic standing on 1 (one) page.

Chairman of the procurement commission

J. Lukševics

Annex No 1

to the Regulation
for competitive procedure with negotiation No RBR 2018/26
"Software supply, implementation and maintenance for Rail Baltica BIM system"

[letterhead of the Candidate's company]

2018.____. _____
No _____

APPLICATION FOR PARTICIPATION IN THE CANDIDATE SELECTION IN THE PROCUREMENT

"Software supply, implementation and maintenance for Rail Baltica BIM system"

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 "Software supply, implementation and maintenance for Rail Baltica BIM system" No RBR 2018/26;
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 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.

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

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

a small medium other

sized enterprise⁵ as defined in the Article 2 of the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprise.⁶

(Signature)

Address of the Candidate

telephone (fax) number, e-mail address.

Contact person, Name, Surname, phone number, e-mail address for direct communication and correspondence]

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

⁵ 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.

⁶ 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.

Annex No 2
to the Regulation
for competitive procedure with negotiation No RBR 2018/26
“Software supply, implementation and maintenance for Rail Baltica BIM system”

**GENERAL DESCRIPTION OF THE SUBJECT – MATTER OF THE PROCUREMENT
PROCEDURE**

1. Introduction

The Baltic countries Estonia, Latvia and Lithuania have historically been linked to the east-west railway transport axis using the 1520mm gauge railway system. Because of the existing historical and technical constraints, the existing rail system is incompatible with mainland European standards, thus there is a consensus that Estonia, Latvia and Lithuania need to be fully integrated into the wider European rail transport system. Currently there is no efficient 1435 mm railway connection along the Warsaw-Kaunas-Riga-Tallinn axis, i.e. there are missing links or significant bottlenecks. Thus, there are no direct passenger or freight services along the railway axis as the existing infrastructure does not allow for competitive services compared to alternative modes of transport. Thus, the clear majority of the North-South freight is being transported by road transport and the overall accessibility in the region is low.

The ambitions of the Rail Baltica Global project (Global Project) are:

- to become a powerful catalyst for sustainable economic growth in the Baltic States;
- to set a new standard of passenger and freight mobility;
- to ensure a new economic corridor will emerge;
- sustainable employment and educational opportunities;
- an environmentally sustainable infrastructure;
- new opportunities for multimodal freight logistics development;
- new intermodal transport solutions for passengers;
- safety and performance improvements;
- a new value platform for digitalization and innovation;
- completion of Baltic integration in the European Union transport ecosystem.

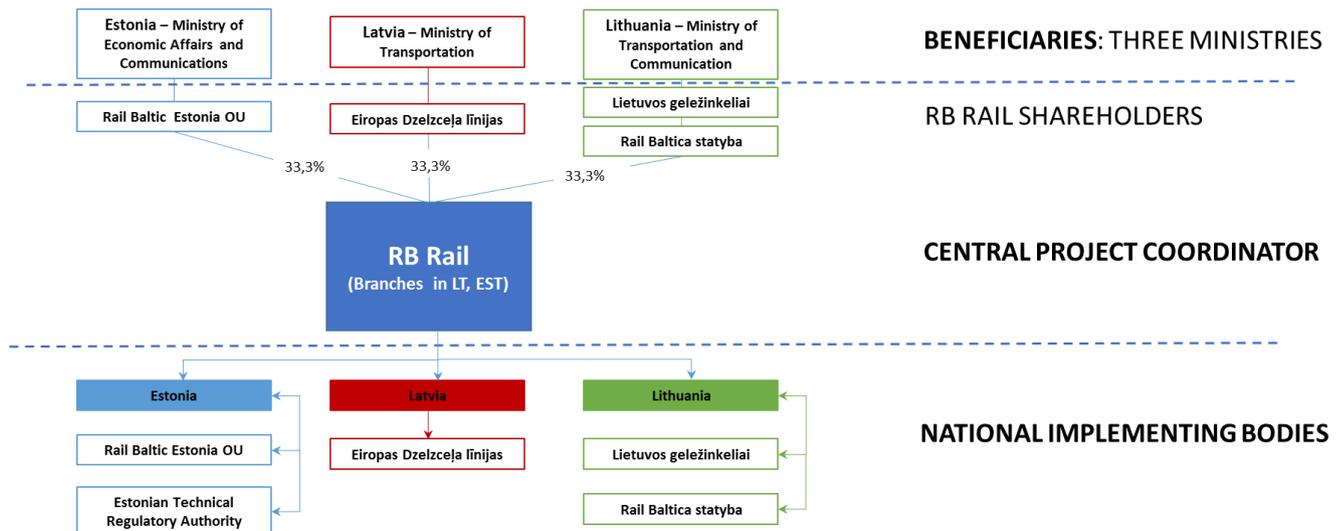
Rail Baltica is already designed to become a part of the EU TEN-T North Sea – Baltic Core Network Corridor, which links Europe’s largest ports of Rotterdam, Hamburg and Antwerp – through the

Netherlands, Belgium, Germany and Poland – with the three Baltic States, further connecting to Finland via the Gulf of Finland short sea shipping connections with a future fixed link possibility between Tallinn and Helsinki. Further northbound extension of this corridor shall pave the way for future connectivity also with the emerging Arctic corridor, especially in light of the lucrative prospects of the alternative Northern Circle maritime route development between Europe and Asia. Furthermore, the North Sea – Baltic Corridor crosses with the Baltic-Adriatic Corridor in Warsaw, paving the way for new supply chain development between the Baltic and Adriatic seas, connecting the Baltics with the hitherto inadequately accessible Southern European markets. In a similar fashion, Rail Baltica shall strengthen the synergies between North-South and West-East freight flows, creating new trans-shipment and logistics development opportunities along the Europe and Asia overland trade routes. The new Rail Baltica infrastructure would, therefore, not only put the Baltics firmly on the European rail logistics map, but also create massive opportunities for value creation along this infrastructure with such secondary economic benefits as commercial property development, revitalization of dilapidated urban areas, private spin-off investment, new business formation, technology transfer and innovation, tourism development and other catalytic effects. Rail Baltica aims to promote these effects from the early stages of the Global Project, learning from the key global success stories and benchmarks in this regard.

The contracting authority RB Rail AS (RBR) was established by the Republics of Estonia, Latvia and Lithuania, via state-owned holding companies, to coordinate the development and construction of the fast-conventional standard gauge railway line on the North Sea – Baltic TEN-T Core Network Corridor (Rail Baltica II) linking three Baltic states with Poland and the rest of the EU. The main technical parameters shall correspond to traffic code P2-F1 as per INF TSI (Commission Regulation 1299/2014/EU) and they are detailed in Design Guidelines. The key design criteria to follow are (non-exhaustive list):

- double track, mixed passenger and freight traffic line, design speed on the main track 249 km/h;
- axle load 25 t;
- distance between track centres at least 4.50 m on the main tracks;
- all pedestrian, road and 1520mm rail crossings only as above or below grade crossings (segregated grade crossings), fencing and noise barriers where needed;
- ERTMS Level 2;
- electrification 2x25 kV AC;
maximum train length – 1050m for freight trains and 400m for passenger trains
- height of passenger platforms 550mm.

The diagram below illustrates the shareholder and project governance structure of the Rail Baltica project.



RBR together with governments of Estonia, Latvia and Lithuania (represented by the ministries in charge of transport policy) have applied for the CEF co-financing in 2015, 2016 and 2017 (three applications in total). The first three applications have been successful and INEA grants are available for Rail Baltica project implementation with total approved eligible cost of 823 EUR million, with up to 85% of co-financing rate.

Rail Baltica is a joint project of three EU Member States – Estonia, Latvia and Lithuania – and concerns the building of a fast conventional double track 1435 mm gauge electrified railway line on the route from Tallinn through Pärnu (EE), Riga (LV), Panevėžys (LT), Kaunas (LT) to the Lithuania/Poland state border (including connection Kaunas - Vilnius). In the longer term, the railway line could potentially be extended to include a fixed link between Helsinki and Tallinn, as well as integrate the railway link to Warsaw and beyond.

The expected core outcome of the Global Rail Baltica Project is a European gauge (1435mm) double-track railway line of almost 900 km in length meant for both passenger and freight transport and the required additional infrastructure (to ensure full operability of the railway). It will be interoperable with the TEN-T Network in the rest of Europe and competitive in terms of quality with other modes of transport in the region. The indicative timeline and phasing of the project implementation can be found here: <http://www.railbaltica.org/about-rail-baltica/project-timeline/>.

2. Procurement subject description

RB Rail is implementing a BIM Strategy and is building an ecosystem of software solutions, that will form a Common Data Environment (CDE). **With this procurement RB Rails' target is to procure a Data, model and drawing management system which is one part of the larger CDE system.**

The aim of this procurement is to deploy, configure and implement a software solution, that will serve as a data repository interface for BIM and CAD models, drawings and other documents, enable BIM and CAD Quality Check and Quality Assurance according to defined standards, manage workflows between involved users, enable further solution integration using open API SDK tools with other parts of the CDE ecosystem in the future (e.g. Geographic Information System (GIS) module, Asset Information Management (AIM) module, Scheduling and Project Planning module and others).

As Rail Baltica is an infrastructure project, the data security and integrity shall be the highest priority of any implemented software and database solution.

The procurement subject consists of three parts:

- Software procurement, implementation and configuration according to Technical Specification (TS).
 - The TS will define (full TS will be provided to selected candidates for the 2nd stage of this procurement):
 - Systems Functional Requirements;
 - Systems Non-functional Requirements.
- Training of RB Rail's selected employees and preparation and handover of the Training material according to the Technical Specification.
 - The TS will define:
 - Training scope;
 - Training.
- Software maintenance (including bug fixes and development) and technical support during the maintenance period.

Annex No 3

to the Regulation
for competitive procedure with negotiation No RBR 2018/26
"Software supply, implementation and maintenance for Rail Baltica BIM system"

Experience of the Candidate

Within the previous 5 years (year 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	Contracting Authority	Description of the responsibilities according to contract, which characterize the experience, mentioned in respective subsection of Section Error! Reference source not found.	Contract price (EUR*, excl. VAT)	Contact information for references
4.1. (1) The Candidate within the previous 5 (five) years (2014, 2015, 2016, 2017, 2018 and including 2019 until the date of submission of the Proposal) has provided complex BIM (Building information modelling) management software supply (including software implementation and setup, configuration, training services and maintenance) for large scale linear infrastructure project (e.g. railways or metros, or roads) management (design or construction) purposes for at least 3 (three) clients, where total value of each of supply provided is at least 300 000,00 (three hundred thousand euro) without VAT) EUR for each client						
1.						
2.						
3.						
...						

Annex No 4

to the Regulation
for competitive procedure with negotiation No RBR 2018/26
“Software supply, implementation and maintenance for Rail Baltica BIM system”

Experience of the Key expert of the Candidate

No	_____		_____	
	Key expert's role in team (according Section 4.1. (2.) of Regulation)		Name, Surname	
Education:				
1.	Education (Educational institution)	Period of studies (month/year – month/year)	Obtained degree (-s)	
1.1.				
...				
Professional experience:				
1.	Employer, Project, Contracting authority	Period of employment or participation in the project (month/year – month/year)	Description of the responsibilities (role in the implementation process of the project) and experience gained in the project to	Description of the BIM software implementation project (implementation period, contract/ project value, name of client, client's profile (design or construction) etc.); Contact information for references*

			comply with respective criteria in Section 4.1. (2.) for respective key expert	
1.1.				

* If the value of the contract is in another currency than euro, for the purposes of this proposal it should be recalculated in euro in accordance with the currency exchange rate published by the European Central Bank on the date of signing of this document

English language skills⁷:

Understanding		Speaking		Writing
Listening	Reading	Spoken interaction	Spoken production	
<i>Enter level</i>				

Levels: A1/A2 - Basic user; B1/B2 - Independent user; C1/C2 - Proficient user.

I confirm that I have consented that my candidature is proposed in the open competition "Software supply, implementation and maintenance for Rail Baltica BIM system", No RBR 2018/26. I confirm that in case the Candidate [*name of the candidate or members of the partnership*] will conclude the contract as the result of the open competition, I will participate in the execution of the contract.

Date: [*date of signing*]
Name: [*name of the expert*]

⁷ Language skill level is based on Common European Framework of Reference for Languages (see <http://europass.cedefop.europa.eu/resources/european-language-levels-cefr>)

Annex No 5

to the Regulation
for competitive procedure with negotiation No RBR 2018/26
"Software supply, implementation and maintenance for Rail Baltica BIM system"

Confirmation of Candidates Financial Standing

1. (4.3.(1.)) The Candidate's or all members of the partnership together (if the Candidate is a partnership), average financial turnover within last 3 (three) financial years (2015, 2016, 2017) is not less than 1 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. (4.3.(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

$$\text{liquidity ratio} = \frac{\text{current assets}}{\text{short - term liabilities}} = \text{_____}$$

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