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RB Rail AS
procurement commission
Meeting of 27 April 2020
(Session minutes No 1)

With amendments No 1,
Approved by
RB Rail AS procurement commission
on 28 May 2020
(Session minutes No 2)

Candidate selection regulation for restricted competition is translated into English just for informative purposes using machine translator. If there are any differences between English version and Latvian version of the candidate selection regulation, Latvian version prevails in any case

RESTRICTED COMPETITION

"ENVIRONMENTAL IMPACT ASSESSMENT FOR RAIL BALTICA ALIGNMENT ADJUSTMENTS IN LATVIA"

(IDENTIFICATION NUMBER RBR 2020/4)

RULES OF SELECTION OF CANDIDATES



**Līdzfinansē Eiropas Savienības Eiropas
infrastruktūras savienošanas instruments**

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1.GENERAL INFORMATION AND TERMS

1.1. Tender identification number

RBR 2020/4.

1.2. The Employer:

1.1.1. The customer is RB Rail AS, reg. No. 40103845025, legal address: Kr. Valdemara iela 8-7, Riga, LV-1010, Latvia;

1.1.2. The procurement is carried out for the needs of the Ministry of Transport of the Republic of Latvia in accordance with the authorization. Payment of the services specified in the contract will be made by the Ministry of Transport of the Republic of Latvia, reg. No. 90000088687, address: Gogoļa iela 3, Riga, LV-1743.

1.1.3. The procurement is carried out in accordance with Order No 1.9-10 issued by the A. Driksna, Chairman of the Management Board of Rail AS and I. Degutis, Member of the Management Board, 24 April 2020 (hereinafter referred to as the Procurement Commission).

1.2. Type of tender procedure:

A restricted competition where all suppliers can request the right to participate, but only selected Candidates invited by the Contracting authority, may submit bids.

Restricted competition is in two stages:

1) First stage - Candidate selection for participation in a restricted competition, as a result of which the Contracting authority will invite selected Candidates to participate in the second phase of the restricted competition procedure;

2) Second stage: the evaluation of the tenders submitted by the invited Candidates and the award of the contract.

1.3. Supplier

A natural or legal person, an association of such persons in any combination of them which offers services to the market.

1.4. Candidate

The supplier who takes part in a restricted competition until the submission of tenders within the EIS e-competition subsystem.

1.5. Tenderer

The Tenderer shall be a supplier who has submitted an offer in the second phase of a restricted competition.

1.6. Application

Candidate's application for the restricted competition "EIA for Rail Baltica alignment adjustments in Latvia", procurement identification No. RBR 2020/4 (hereinafter referred to as the Competition) in the first stage.

1.7. Proposal

The proposal submitted by the tenderer at the second stage of the tendering procedure.

1.8. Purchaser profile

On the Internet, Contracting authorities website (<https://www.eis.gov.lv/EKEIS/Supplier/Organizer/3001>) in the State Electronic Information System shall be publicly available for the receipt of tenders and applications, in which the Employer shall insert information regarding subsequent calls for tenders and tenders, regarding planned purchases, contracts concluded, terminated procedures, as well as other information regarding procurements specified in regulatory enactments.

1.9. Exchange of information

The exchange of information between the Contracting authority/Procurement Commission and suppliers or Candidates shall be in written, in Latvian language, by means of electronic mail or an electronic procurement system (EIS) e-tender subsystem (<https://www.eis.gov.lv/EKEIS/Supplier/>).

1.10. Possibilities to get acquainted with and receive the candidate selection regulation (hereinafter – regulation)

1.10.1. The tender rules, amendments thereto, as well as answers given by the Procurement Commission to the questions asked by the interested suppliers in electronic form are available on the website of the Contracting authority on the Internet site: <https://www.eis.gov.lv/EKEIS/Supplier/Organizer/3001> and Contracting authorities website: <http://www.railbaltica.org/tenders/>.

1.10.2. All interested suppliers are deemed to have received additional information at the time it was published on the buyer's profile: on the website of the <https://www.eis.gov.lv/EKEIS/Supplier/Organizer/3001> or on the Contracting authority's website: <http://www.railbaltica.org/tenders/>.

1.10.3. An interested supplier in the electronic tender system e-tender for the subsystem of the Electronic Procurement System may register in the section of this Competition as the recipient of the regulation if it is registered in the Electronic Procurement System as a supplier¹.

1.10.4. If a conflict with the requirements of the regulatory enactments regulating public procurement is discovered, the provisions of the regulatory enactments regulating public procurement shall be applied.

1.10.5. If an interested supplier requests to issue the tender documents in printed form, the Contracting authority shall issue them within 3 (three) working days after receipt of the request for these documents, provided that the request for documents has been submitted in time before the deadline for submission of applications.

1.11. Place, date, time and procedure for submitting an application

1.11.1. Applications must be submitted in the EIS e-tender for the subsystem, but not later than **19 June 2020 at 11.00.** *(With amendments No 1, dated 28 May 2020)*

1.11.2. The applications submitted outside the EIS e-competition will be considered incompatible with the requirements of the Regulation and will be returned to the applicants.

1.11.3. The applicant shall present the Application in accordance with the requirements specified in Section 4 of this Regulation in accordance with the procedures laid down in Sub-paragraph 1.11.1 of the Regulation.

1.12. Place, date, time and procedure for opening applications

1.12.1. The opening of applications will take place on **19 June 2020 at 11.00** Rail AS, Kr. Valdemara iela 8-7, Riga, LV-1010. *(With amendments No 1, dated 28 May 2020)*

1.12.2. The process of opening up the submitted applications may also be followed by online tools in the EIS e-competition subsystem.

1.12.3. If the Candidate has used the application encryption for the data protection of the Application (according to section 4.1.1.3 of the Regulation), the Candidate shall submit a electronic key with password for the opening of the encrypted document no later than 15 (fifteen) minutes after the end of the deadline for submission of the Application.

¹Information on how the Vendor can register for the beneficiary of the nomination.
<https://www.eis.gov.lv/EIS/Publications/PublicationView.aspx?PublicationId=883>

- 1.12.4. During the opening of applications, the Procurement Commission shall open the applications in the order of submission, by publishing a Candidate on the buyer's profile, the date and time of the submission of the application.
- 1.12.5. The minutes of the application for opening of the application shall be sent to interested parties by the procurement commission within 3 (three) business days following the receipt of the request.

1.13. Procurement Commission Contact

- 1.13.1. The contact person specified by the procurement commission:
Procurement specialist
Jānis Lukševics,
phone number: +371 29188156.
e-mail: janis.luksevics@railbaltica.org.
- 1.13.2. If the supplier concerned requests further information in writing on the Regulation, the procurement commission shall provide it within 5 (five) days, but not later than 6 (six) days before the end of the deadline for submission of the application referred to in Sub-paragraph 1.11.1.

2. INFORMATION ON THE SUBJECT MATTER OF THE TENDER

2.1. Details of the subject matter of the tender:

- 2.1.1. The objective of the tender is the EIA for Rail Baltica alignment adjustments in Latvia. General information regarding the work task to be performed is indicated in Annex 5 (*Description of the purchase object*) of the Regulation.
- 2.1.2. CPV (*Common Procurement Vocabulary*) codes:
 - 71313440-1 (EIA services for construction).

2.2. Time and place of execution of the procurement contract:

- 2.2.1. Total (maximum) duration of contract: 36 months. The detailed deadlines for the execution of the work tasks specified in Annex 5 of the Regulation will be determined in stage 2 of this Competition.
- 2.2.2. External factors affecting the duration of the contract: Schedule of the construction contracts signed by RB Rail AS and decisions of the Regional Environment Administration and Environmental Monitoring Bureau.
- 2.2.3. The place of execution of the contract will be specified in the second stage rules of the Competition.

2.3. Financing

The acquisition of the tender for the procurement of the tender is co-financed by the first round of financing of the Connecting Europe Facility (CEF) under the first Nr.IN of financing agreement EA/CEF/TRAN/M2014/1045990 and under the third-Nr.IN financing agreement EG/CEF/TRAN/M2016/1360716 and further financing agreements.

3. INFORMATION REGARDING THE SECOND STAGE OF THE COMPETITION AND THE PROCUREMENT CONTRACT

- 3.1. A candidate who will be invited to submit a Tender at the second stage of the Competition will have to submit a Bid security in the amount of 4 000.00 EUR (four thousand euros, 00 cents) with the bid.
- 3.2. The selection criterion is the economically most advantageous tender considering the only evaluation criterion, the lowest offered contract price.
- 3.3. The Contracting authority shall have the right to reduce or change the amount of Project activity specified in the Schedule of the Procurement Design (Annex 5 to the Regulation) during the second stage of the competition.
- 3.4. The Contracting authority has the right to unilaterally withdraw from the Agreement, if international or national sanctions or sanctions that substantially affect the interests of the financial and capital markets of the European Union or the North Atlantic Treaty Organisation, should enter into force and would hinder the implementation of the Agreement.
- 3.5. The language of the exchange of contract information shall be the Latvian language. When providing services in the framework of the purchase agreement, all operational communication with the Customer's executor must be provided in Latvian or, if necessary, in English (if it is necessary for the Contractor to provide a translation regarding his or her own resources), the deliverables, reports and protocols shall be submitted in Latvian language. The summary of the impact on the environment should be presented in English. If there is a contradiction between the text of those documents in Latvian language and in English, the priority shall be given in Latvian language.
- 3.6. In addition to the main specialists referred to in Section 6.4 of the regulation, **THE** Contractor will have to attract the following specialists:
 - 3.6.1. GIS expert;
 - 3.6.2. Flora and fauna experts;
 - 3.6.3. Noise and vibration experts;
 - 3.6.4. Other experts for the full impact assessment procedure.
- 3.7. The Contracting authority elaborating the detailed Technical Specification for the second stage of this Competition, will include requirements for the experts, mentioned in Section 3.6 of this Regulation.

4. REQUIREMENTS FOR PREPARATION AND SUBMISSION OF SUFFICIENT INFORMATION

- 4.1. **Application requirements:**
 - 4.1.1. Submission of the Application:
 - 4.1.1.1. The application shall be submitted electronically in the EIS e-tender subsystem, taking into account the following options:
 - 4.1.1.1.1. using the tools offered by the EIS e-competition sub-system, filling in the forms placed in this procurement section in this procurement section;
 - 4.1.1.1.2. electronically completed documents by electronic means of the EIS e-tender subsystems and uploading PDF forms completed on the relevant sites of the system, including format integrated files (in this case the Applicant is responsible for the compliance of the

- completed forms with the documentation requirements and forms samples);
- 4.1.1.1.3. electronic (form of PDF form), by encrypting from e-tender subsystems with data protection tools provided by third parties and protecting with an electronic key and password (in this case the Applicant is responsible for the compliance of the completed forms with the requirements and format of the documentation, as well as for the opening and reading capabilities of the document).
- 4.1.2. When preparing a Application, the Candidate shall note that:
- 4.1.2.1. The Application Form should be completed only electronically, in a separate electronic document with Microsoft Office 2010 (or later) tools in a readable format.
- 4.1.2.2. When submitting a recommendation, the Candidate shall sign it with a secure electronic signature and time stamp or by electronic signature provided by the Electronic Procurement System. **The application (parts of it if signed separately) shall be signed by the person entitled to represent the Candidate, together with a representation document (e.g. a power as a scanned document in PDF format);**
- 4.1.2.3. If the application will not be signed by person with a Candidate's representation rights, Application shall be rejected.
- 4.1.2.4. The application must be written in Latvian language. If a document in the Application and/or other information items included in the Application is in a foreign language, it must be accompanied by a translation into Latvian language approved by the representative of the Applicant or authorized person (appended mandate).
- 4.1.2.5. If a Candidate has submitted a copy of a document, it shall be demonstrated in accordance with the procedures laid down in Cabinet regulation No. 558 "Procedure for Development and Design of Documents". If a copy of the document has not been certified in conformity with the requirements of the regulatory enactments referred to in this Sub-paragraph, the Procurement Commission, if it has doubts regarding the authenticity of the copy of the submitted document, may require the Candidate to present the original or a certified copy of the document in accordance with the procedures of Section 41, Paragraph five of the Public Procurement Law.
- 4.1.2.6. By submitting an Application, the Candidate shall fully recognize all the conditions for the selection of the candidates (including its annexes and forms which are placed in the Electronic Procurement System in the field of the e-competition subsystem in this procurement section).
- 4.1.2.7. The application must be prepared in such a way that the operation of the EIS e-tender subsystem is not jeopardized and access to the information contained in the application is not restricted, including the Application must not contain computer viruses and other harmful software or their generators, or, if the Application is encrypted, a valid electronic key and password for the opening of the encrypted document shall be submitted within a time limit of 15 minutes after the end of the deadline for submission of the application.
- 4.1.2.8. The application documents must be clearly legible, without correction, additions, erasures, or mathematical errors. The scanned documents must display all the information contained in the original document. Before adding a scanned document to the EIS e-competition section in the Insert section, the Candidate verifies that the document is readable and depicts all the information contained in the original document.
- 4.1.2.9. The application must include (the following documents are also available for the EIS e-competition subsystem in respective procurement section):
- 4.1.2.9.1. *Candidates' selection documents (see 6.1 – 6.6) or ESPD (see paragraph 6.9).*

5. EXCLUSION RULES FOR CANDIDATES

- 5.1. Any person or group of persons may participate in a procurement procedure in any combination which satisfies the requirements laid down in the Regulation. The Contracting authority will exclude the Candidate from further participation in the procurement procedure, if the Candidate, a member of the partnership, if the Candidate is a partnership, the person to which the Candidate is relying in order to confirm that its qualification meets the requirements specified in the Regulation, is applicable to the conditions of Section 42, Paragraph one of the Public Procurement Law, except in the cases provided for in Section 42, Paragraph three of the Public Procurement Law, or to the subcontractor (subcontractor is a person assigned to the Candidate or subcontractor, which provides the service required for the execution of the Contractor's Agreement, regardless of whether that person provides the services for the Candidate or another subcontractor), the terms of Section 42, Paragraph one, Clauses 2 to 7 or 14 of the Public Procurement Law, except the cases provided for in Section 42, Paragraph one, Clauses 2 to 7 or 14 of Public Procurement Law, are applicable to the subcontractor (subcontractor).

6. QUALIFICATION REQUIREMENTS FOR APPLICANTS

Candidates must meet the following minimum requirements of the Candidate for the eligibility of the Candidate for the performance of the professional activity, economic and financial situation or technical and professional abilities and submit the following documents:

No.	QUALIFICATION REQUIREMENTS FOR APPLICANTS	DOCUMENTS TO BE SUBMITTED
6.1.	REQUIREMENTS FOR THE ACTIVITY OF A CANDIDATE FOR THE PERFORMANCE OF PROFESSIONAL ACTIVITY	
6.1.1.	<p>A candidate shall be registered in the Enterprise Register or in an equivalent register in the cases specified in the law and in accordance with the procedures laid down in the law. The Candidate has legal personality and legal capacity.</p> <p>The requirement shall also apply to the partnership and all members of the partnership (if the Application is submitted by a partnership) or to all participants in the Supplier association (if the Application is submitted by the Supplier's association), as well as to persons to whom the Candidate is relying in order to fulfil the qualification requirements regarding the eligibility of the Candidate for the performance of the professional activity, economic and financial situation or technical and professional abilities (if the Candidate intends to attract persons to which the Candidate is relying).</p>	<p>A Candidate, a partnership established in a foreign state or a foreign country residing in a foreign state (if the application is submitted by a partnership), or all participants in the supplier association (if the application is submitted by a creditor of the suppliers), as well as persons on which the Candidate is relying in order to prove its compliance with the qualification requirements laid down in the Regulation, shall be accompanied by copies of registration certificates issued by the company registering the commercial activity, confirming that the Candidate and the other superior persons have been registered in conformity with the requirements of regulatory enactments, if the laws and prescriptions of the relevant State provide for the issuing of registration documents.</p> <p>Where national law does not provide for such registration, the Candidate shall include in the application information that the laws and prescriptions of that State do not impose such registration.</p> <p>The Contracting authority will verify the information confirming the registration in the Commercial Register of the previously mentioned persons registered in the Republic of Latvia on the web site of the Enterprise Register www.ur.gov.lv.</p>
6.1.2.	<p>The applicant shall be aware and understand the provisions contained in the Rules of Procedure and the person of the Candidate who has signed the documents contained in the Application shall be entitled to have signatory (representation) rights.</p> <p>The requirement shall also apply to a partnership and to all members of a partnership (if the Application is submitted by a partnership) or to all participants in an association of suppliers (if the Application is submitted by the association of suppliers), as well as persons to whom the Candidate is relying in order to fulfil the qualification requirements regarding the conformity of the Candidate with the performance of the professional activity, economic and</p>	<p>In order to certify its participation in the Competition, a Candidate shall complete and sign a Application, which has been prepared in accordance with the form specified in Annex 1 to the Competition Law, by adding a representation document (a statement from the commercial register or authority if the application is signed by the authorised person).</p> <p>In case the Application is submitted by an association of suppliers, all participants in the Application must be listed in the Application.</p> <p>The application shall be signed by the person entitled to represent the Candidate, together with a representation document (a statement from the commercial register or authority if the application is signed by a person authorised by the person entitled to represent the Candidate).</p>

No.	QUALIFICATION REQUIREMENTS FOR APPLICANTS	DOCUMENTS TO BE SUBMITTED
	financial situation or technical and professional abilities.	<p>If the Applicant is an association of suppliers, an application shall be accompanied in addition by a statement signed by the persons representing the participants, with the right of representation, and confirming that, if a contract has been awarded to the supplier association, the participants of the supplier association within 15 (fifteen) days after expiry of the standstill period referred to in Section 60, Paragraphs six and seven of the Public Procurement Law will conclude the partnership's agreement in accordance with the procedures laid down in Section 2241 to 2280 of the Civil Procurement Law (one copy of the contract (original or copy if the original is presented) by submitting the Contracting authority) or registration the partnership in the Commercial Register of the Enterprise Register of the Republic of Latvia or an equivalent register, in the cases specified in regulatory enactments, submitting a copy of the registration document to the Contracting authority.</p> <p>Contracting authority will verify in public access databases that the Candidate official who has signed the documents of application has signature (representative) rights.</p> <p>The foreign Candidates must add a copy of a document issued by the competent national authority, certifying that the representative of the Candidate who has signed the documents of the Application or has issued the power of attorney to another person to sign the documents of the Application has signatory (representation) rights.</p>
6.2.	REQUIREMENTS FOR THE ECONOMIC AND FINANCIAL STANDING OF THE CANDIDATE	
6.2.1.	The total annual financial turnover of a candidate or of an association of all suppliers (if the Candidate is an association of suppliers) over the previous three financial statements, in so far as the information on the last 3 years of financial statements that has been approved or audited (if required by the laws and regulations) is available at least EUR 160 000,00 (excluding VAT). For Candidates and suppliers of suppliers that have started their activities on the market subsequently, the average annual financial turnover for	In order to demonstrate compliance with the requirement, the applicant shall accompany the application with: complete the proof of the financial position of the Candidate set out in Annex 2 to the regulation, to which the audited (if required by regulatory enactments) or the corresponding sections of the approved annual report (copies), which provide information regarding the annual financial turnover of the Candidate in the previous 3 (three) financial statements years, is attached in the Annex. The last three years of the financial statements, for which the annual

No.	QUALIFICATION REQUIREMENTS FOR APPLICANTS	DOCUMENTS TO BE SUBMITTED
	the period actually worked is at least EUR 160 000,00 (excluding VAT).	report has been prepared and validated or audited (if required by the laws and prescriptions), shall determine as far as this information is available to the Candidate. For Candidates who have started their activity subsequently on the market, the documents relating to the average annual financial turnover are to be reported for the period worked (broken down by year) as far as this information is available. If an application is submitted by an association of suppliers (including a personal company), the documents referred to in this Sub-paragraph shall be submitted to each supplier (in the partnership) of each supplier, whose financial and economic capabilities are based on the association of suppliers (persons) and which will be financially responsible for the execution of the procurement contract.
6.3.	REQUIREMENTS FOR THE TECHNICAL AND PROFESSIONAL ABILITIES OF THE CANDIDATE	
6.3.1.	<p>The candidate within previous 7 (seven) years (2013, 2014, 2015, 2016, 2017, 2018 and 2019) until the end of the submission of the Application has fulfilled at least two agreements where EIA procedure was carried out for linear construction object or transport construction object including preparation of report, organization and management of the public consultations and receipt of opinion of the State Environmental Service.</p> <p><i>In order to prove the conformity of the candidate's experience with the requirements set out in the Regulation, the Candidate shall indicate the projects that have been fully executed (completed) in the terms and procedures specified in the contract.</i></p>	<p>In order to demonstrate compliance with the requirement, the candidate shall accompany the application with:</p> <p>(a) completed "Candidate experience table" set out in Annex 3 to the Regulation, which shall indicate the experience in accordance with the requirements set out in Section 6.3.1 of the Regulation.</p> <p>By completing the form of Annex 3 to the Regulation, the Candidate shall ensure that all information confirming the minimum experience required in Section 6.3.1 of the Regulation is included.</p> <p>(b) the customer's written positive feedback on each contract/project specified in the Application Form 3 form. Each of the feedback must be an indication of how Candidate is involved in project development (the activities that are performed).</p>
6.4.	REQUIREMENTS FOR CANDIDATE'S STAFF	
	<p>Candidates must provide the following key (basic) specialists in the execution of the procurement contract:</p> <p>6.4.1. A project manager who has a second-level professional higher education or a university degree or an appropriate ECI level 6 education and in the last 7 (seven) years (2013, 2014, 2015, 2016, 2017, 2018 and 2019 and 2020 until the end of the submission of applications) has acquired experience as a project</p>	<p>In order to demonstrate compliance of staff with the requirements, the Candidate shall add to the Application for each specific case:</p> <p>(a) complete and sign the "CV (Curriculum vitae) of the leading personnel involved in the execution of the Agreement with an attestation of the competence of the staff involved in the execution of the Agreement, in order to demonstrate compliance with the requirements for qualification as set out in section 6.4 of this Law;</p>

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	<p>manager by implementing at least 2 (two) projects where EIA procedure was carried out and opinion of the State Environmental Service for the planned operation was received.</p> <p>6.4.2. An environmental management specialist/expert who has a second-level professional higher education or a university degree or an appropriate ECI level 6 education in natural or environmental sciences, and which during the last 7 (seven) years (2013, 2014, 2015, 2016, 2017, 2018 and 2019 and 2020 until the end of the submission of application) has acquired experience in at least 1 (one) linear engineering or transport building project, where was responsible for carrying out the assessment of the planned construction impact on the environment, the preparation of the report, the organisation and management of the public consultations, and receipt of the opinion of the State Environmental Service regarding performed activities. <i>(With amendments No 1, dated 28 May 2020)</i></p> <p>6.4.3. A communication specialists who has a second-level professional higher education or an academic pharmaceutical degree or an appropriate ECI level 6 education in social sciences and which has acquired experience during the last 7 (seven) years (2013, 2014, 2015, 2016, 2017, 2018 and 2019) until the end of the deadline for submission of the application by at least 2 (two) public or public consultations in organisation and management.</p> <p><i>Only the roles of the experts referred to in points 6.4.1 and 6.4.2 of the Regulation may also be performed by the same person if it satisfies the qualification requirements of those subparagraphs.</i></p> <p><i>In order to demonstrate the conformity of the key (basic) staff experience with the requirements set out in the Candidate Regulation, the Candidate shall indicate in its staff experience projects that are fully completed in the terms and conditions set out in the contract, unless otherwise specified for any expert.</i></p>	<p>(b) copies of the educational documents obtained.</p>

No.	QUALIFICATION REQUIREMENTS FOR APPLICANTS	DOCUMENTS TO BE SUBMITTED

- 6.5. In order to demonstrate compliance with the requirements set out in Sections 6.2 to 6.4 of the Regulation, the Candidate may rely on the possibilities of other persons, irrespective of the legal nature of the relationship, but in accordance with the requirements set out in Section 6.6 of the Regulation regarding the obligation of the Candidate to provide the Contracting authority with sufficient evidence regarding cooperation and transfer of resources and competences to persons to whom it is relying in order to demonstrate the Candidate's ability to fulfil the procurement contract, as well as the fact that, throughout the duration of the contract, the Candidate will actually use the resources and competences of the person on which it is relying to proof its proficiency.
- 6.6. If the Candidate, in order to demonstrate compliance with the qualification requirements set out in Sub-paragraphs 6.2 to 6.4 of this Regulation, is relying on the possibilities of other persons, regardless of the legal nature of the mutual relations, the Candidate shall take into account the following requirements when preparing the application:
- 6.6.1. The Candidate shall indicate in the application all the companies to which it is relying for the proof of its qualification, and prove to the Contracting authority that it will have the necessary resources, by submitting the attestation signed by these entrepreneurs and by the Candidate, or by agreeing on the transfer of resources at the disposal of the Candidate for the execution of the specific contract. Evidence and agreements concerning cooperation and transfer of resources and competences to the Candidate may be replaced by any other document with which the Candidate can demonstrate that the necessary resources and competencies for the Candidate will be available and will be used at the time of the contract, depending on the type of resources and competences transferred;
- 6.6.2. documents submitted regarding cooperation and transfer of resources and competences shall be sufficient to prove the Candidate's ability to fulfil the procurement contract, as well as the fact that throughout the duration of the contract the Candidate will actually use the resources and competences of the person on which it is relying to demonstrate its proficiency.
- 6.7. The requirements set out in Section 6.1 of the Regulation apply to Candidate, to each member of the partnership, the person to which the Candidate is relying and to each subcontractor individually.
- 6.8. If the Candidate is a association of suppliers, all members of the association as a whole shall comply with the requirements set out in Sections 6.2 to 6.4 of the Regulation.
- 6.9. **Adoption of the European single procedure document:**
- 6.9.1. The Contracting authority will adopt the European Single Procurement Document as an initial evidence of compliance with the Candidate Selection Requirements for the procurement documents. If the Candidate chooses to submit a single European tender document to confirm that it satisfies the selection requirements for Candidates as defined in the Regulation, the Candidate must submit this document also for each person to whom the Candidate is relying in order to confirm that its qualification meets the requirements laid down in the procurement documents. If the Candidate is a

Supplier association, the Candidate must submit a separate European Single Procurement Document for each of its members;

- 6.9.2. A candidate may submit to the Contracting authority a European Single Procurement Document which has been submitted in another tender procedure, if it proves that the information contained therein is correct;
- 6.9.3. The Contracting authority shall have the right to ask the Candidate to submit all or part of the documents certifying compliance with the Candidate Selection Requirements set out in the procurement documents at any stage of the procurement procedure. The Contracting authority shall not request documents and information which it has at its disposal or is available in public databases.
- 6.9.4. The model of the European Commission Implementing Regulation 2016/7 of 5 January 2016 laying down the standard form for the Single European Procurement Procedure document and available at the [same](#) time shall be adopted by the European Commission Implementing Regulation 2016/7.

7. PROCESSING OF PERSONAL DATA

- 7.1. The commissioning authority shall process personal data submitted within the Competition, store documents related to this competition, information, in the cases specified in the Public Procurement Law, transfer the personal data to the Procurement Monitoring Bureau and/or the Administrative District Court in accordance with the requirements specified in the Public Procurement Law and other regulatory enactments, in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and the free movement of such data and repealing Directive 95/46 EC (General Data Protection Regulation).

8. METHODOLOGY FOR ASSESSING APPLICATIONS, SELECTION OF CANDIDATES AND DECISION MAKING ON CANDIDATES 'INVITATIONS TO TENDER

8.1. Verification of applications layout and content

- 8.1.1. The procurement commission shall verify whether all information regarding Candidate and its Application required by the Regulation is submitted in the EIS e-tender subsystem,.
- 8.1.2. Where the Commission finds that the application and the documents annexed thereto do not comply with one of the requirements for presentation, the Commission shall decide on the further evaluation of the application for a Candidate.

8.2. Verification of the qualification of candidates and their staff

- 8.2.1. After verification of the layout and content of the applications, the Commission shall carry out an verification of the conformity of the Candidates and its staff with the qualification requirements laid down in the Regulations.
- 8.2.2. The requirements for the qualification of the candidates and its staff are mandatory for all Candidates wishing to acquire the right to participate in the 2 nd Round of Competition and to qualify for a contract award.
- 8.2.3. The candidate is excluded from further participation in the Competition and its application is not further assessed if the Commission finds that:
 - 8.2.3.1. A candidate does not meet one of the requirements set out in section 6 of the Regulation;
 - 8.2.3.2. The applicant has submitted false information for the assessment of its qualification or has not submitted and does not submit the requested information upon request.

8.3. Verification of the exclusion grounds

- 8.3.1. After verification of the qualification of the Candidate and its personnel, the Commission in accordance with the procedures laid down in Section 42 of the Public Procurement Law shall make verification regarding non – existence of exclusion grounds stipulated in Section 5 of the Regulation.

8.4. Application assessment methodology and selection of the candidates

- 8.4.1. If the Candidate meets all the qualification requirements set out in Section 6 of the Regulation and the Candidate does not qualify for the Candidate exclusion grounds laid down in Section 42, Paragraph one of the Public Procurement Law, the Commission shall take a decision regarding the direction of each Candidate for the participation in the second stage.
- 8.4.2. The Procurement Commission shall at the same time inform all Candidates regarding the decision taken regarding the results of the selection of Candidates in accordance with the procedures laid down in Section 37 of the Public Procurement Law within three working days following the taking of the decision.

9. ORDER FOR SENDING INVITATION FOR PARTICIPATION IN THE SECOND STAGE OF THE COMPETITION

- 9.1. The Contracting authority the invitation for the Stage 2 via the EIS e-tender subsystem will send to all Candidates, which Applications has been recognised as compliant with the qualification

requirements set out in the Candidate selection Regulation, providing electronic submission of bids in the EIS e-competition subsystem and defining the deadline for submission of bids.

- 9.2. The invitation will set out the requirements for the 2. stage of the tender procedure and for the submission of bids, determining the criteria and procedures for the evaluation of the bids. The invitation will be accompanied by a detailed technical specification for the procurement entity and by the draft contract, as well as by any other information relevant to the Candidates, which should be taken into account when preparing the bid.

10. RIGHTS AND OBLIGATIONS OF THE COMMISSION

10.1. Commission rights:

- 10.1.1. to invite independent experts to deliver an opinion;
- 10.1.2. verify the necessary information in the competent authority, in the public databases or in other publicly available sources, where required for the conformity assessment of the applications, for assessing and comparing the applications;
- 10.1.3. request that the Candidate provide details of its application, when required for the layout and content verification of the Application, for the verification of the relevance of the application, as well as for the evaluation and comparison of the applications;
- 10.1.4. in accordance with the procedures laid down in regulatory enactments, to take a decision regarding the termination of the Competition if it has an objective justification or termination;
- 10.1.5. In the course of the evaluation of applications, the Commission has the right to require an explanation of the information contained in the Application;
- 10.1.6. to take other activities arising from the regulatory enactments regulating the competition regulation and the regulatory enactments regulating public procurement.

10.2. The Commission's duties are:

- 10.2.1. ensure the course and documentation of the Competition;
- 10.2.2. ensuring free competition between suppliers/Candidates and equal and equitable treatment of them;
- 10.2.3. to evaluate the Candidates and the applications submitted by them in accordance with the regulatory enactments and the Regulation;
- 10.2.4. at the same time, inform all Candidates regarding the decision taken in accordance with the procedures and deadlines laid down in the Public Procurement Law.

11. RIGHTS AND OBLIGATIONS OF THE APPLICANT

11.1. Applicant's rights:

- 11.1.1. modify or revoke the submitted application before the end of the deadline for submission of the application;
- 11.1.2. submit an application regarding procurement procedures violations in accordance with the procedures laid down in Section 68 of the Public Procurement Law;
- 11.1.3. other rights of the Candidate in accordance with the Public Procurement Law, Regulation and the regulatory enactments in force in the Republic of Latvia.

11.2. Applicant's duties:

- 11.2.1. to submit an Application in accordance with the requirements of the Regulation;
- 11.2.2. to provide real information;
- 11.2.3. provide answers to requests from the Commission for additional information needed for verification and selection of the application;
- 11.2.4. cover all costs and any costs related to the preparation and submission of the Application, irrespective of the outcome of the Competent;
- 11.2.5. other duties of Candidate in accordance with the Public Procurement Law, Regulation and the regulatory enactments in force in the Republic of Latvia.

12. ANNEXES

12.1. In the context of the EIS e-competition subsystem, the annexes published in this section are an integral part of the Competition Law:

- 12.1.1. Annex 1 - Application for participation in the Competition form;
- 12.1.2. Annex 2 — Financial turnover of the Candidate, for the liquidity factor and equity form;
- 12.1.3. Annex 3 — Candidate experience table form;
- 12.1.4. Annex 4 — CV (Curriculum vitae) of the key experts involved in the execution of the Agreement with an attestation of the competence of the expert;
- 12.1.5. Annex 5 — Description of the subject matter of the Competition.

Procurement Commission chairman

J. Lukševics

**Application for participation in a restricted competition (*form*)
"EIA for Rail Baltica alignment adjustments in Latvia"
(procurement identification number RBR 2020/4)
1 st stage — Selection of candidates**

Candidate,

_____ ²

_____ Name of applicant

Registration

No.

_____ the given name _____, surname of the authorised person,

in person with the submission of this application:

1. Applies for the tender "EIA for Rail Baltica alignment adjustments in Latvia)" (procurement identification No. RBR 2020/4);
2. undertakes to respect the requirements of the selection procedure for the selection of restricted competition;
3. recognises the validity of its application until the award by the procurement commission is made, but, if it is declared a winner, until the conclusion of the contract;
4. certify that all the information provided is true;
5. We are telling you that in order to qualify for the Competition, we are relying on the capabilities of the following persons (if applicable):

No.	Name, registration number and legal address of the company	The ability to which the Candidate is relying
1.		
....		

Signature³: _____

Authorised representative of the Candidate

Name: _____

Title: _____

Address of Candidate: _____

Candidates's telephone number, number, e-mail: _____

Candidate is in compliance with the definition of MUV company
(required to be left)⁴: Y/N

²The application must be completed in printed letters.

³The application for participation in the procurement must be signed by the driver of the Candidate or by his authorised person (in such case, a mandate must be attached to the Candidate's application).

⁴**The small enterprise** is a company employing less than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million. **The average enterprise** is a non-small enterprise and employs less than 250 persons and has an annual turnover of less than EUR 50 million and/or whose annual balance sheet total does not exceed EUR 43 million.

Statement of the financial condition of the applicant

(6.2.1.) The total annual financial turnover of a candidate or of an association of all suppliers (if the Candidate is a supplier of suppliers) over the previous three financial reporting years, in so far as the information on the last 3 years of financial statements that has been approved or audited (if required by the laws and prescriptions) is available at least EUR 160 000,00 (excluding VAT). For Candidates and suppliers of suppliers that have started their activities on the market subsequently, the average annual financial turnover for the period actually worked is at least EUR 160 000,00 (excluding VAT).

No	Year	Total turnover in EUR *	Remarks
Candidate or member of an association of persons (if the candidate is an association of persons)			
1			
2			
3			
Average of the last 3 (three) financial years			
<i>If the candidate is a person association, please continue and give details of each member and group of persons as a whole:</i>			
1			
2			
3			
...			

Name of candidate/supplier of suppliers

** Please provide details of each member of the person's association (if the application is submitted by the person association) and each person with whom the Candidate is based.*

Applicant's experience table form

(6.3.1.) For the previous 7 years (2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020 until the date of application), the Candidate has obtained the following experience:

No. s. k	The object of the service contract ¹	Date of contract completion ²	Contracting Entity (Employer)	Description of tasks performed according to the contract describing the experience referred to in Article 6.3.1 of the Regulation	Contact information for feedback
The candidate within previous 7 (seven) years (2013, 2014, 2015, 2016, 2017, 2018 and 2019) until the end of the submission of the Application has fulfilled at least two agreements where EIA procedure was carried out for linear construction object or transport construction object including preparation of report, organization and management of the public consultations and receipt of opinion of the State Environmental Service.					
1.					
2.					

¹Any written comments made by the Contracting authorities on each contract indicated shall be included in the Annex. Each of the feedback must be written about the actions taken by the Candidate during the contract's execution (the activities that are performed).

²In order to demonstrate the conformity of the Candidate's experience with the requirements set out in the Candidate Regulation, the Candidate shall indicate the executed contracts that are fully completed (completed) in the terms and conditions set out in the contract.

**(6.4.) Cv (*curriculum vitae*) OF THE KEY EXPERTS INVOLVED IN THE EXECUTION OF THE CONTRACT with an
attestation of the competence of the expert**

Of	<div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> Role of the leading expert (according to section 6.4 of the lesson) Name, Nickname			
I Vocational experience:				
	Contract/project name, customer, customer contact information for feedback	Period of experience (mm.yyyy – mmyyy)	Develop a description of the lessons/tasks performed/tasks in order to demonstrate experience with the requirements set out in point 6.4 of the Statute	<u>Contract/project description resulting in the relevant experience</u>
1.				
n				
...				
LEVEL II Education level:				

In case of candidate _____ (*Candidate name*) _____ will be announced as a winner of a restricted competition "Environmental impact assessment for Rail Baltica alignment adjustments in Latvia" (procurement identification No. RBR 2020/4) by awarding the procurement contract, I certify my availability throughout the duration of the contract on the execution of the tasks assigned to me under the contract, in accordance with my role and qualifications.

Signature of the expert: _____

Description of the subject matter

1. INTRODUCTION AND RECOGNITION

1.1. Generic information on rail project Rail Baltica

The Baltic States – Estonia, Latvia and Lithuania – have historically been connected to the east-west rail network with a track gauge of 1520 mm. Due to existing historical and technical constraints, the existing rail system is not compatible with continental European standards. This is the basis for the unified view that Estonia, Latvia and Lithuania have to fully integrate into the wider European rail transport system. Currently, the Warsaw-Kaunas-Rīga-Tallinn route is not effective in a 1435 mm track gauge, i.e. stopping sections or having significant bottlenecks. This means that there are no direct passenger or freight services on this route as the existing infrastructure does not allow competitive services in comparison with alternative modes of transport. Consequently, the bulk of the northern-south direction is transported by road and the overall accessibility in the region is low.

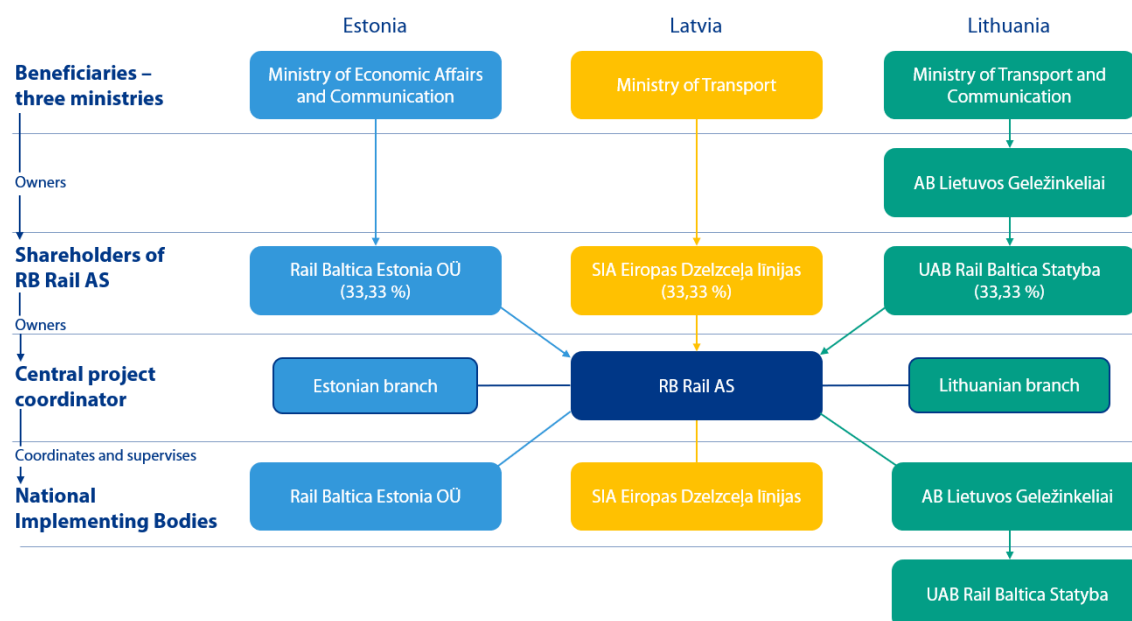
The objectives of the Rail Baltica Global Project are:

- becoming a powerful catalyst for economic growth in the Baltic States;
- identify a new standard for passenger and freight mobility;
- ensuring the establishment of a new economic corridor;
- sustainable employment and education opportunities;
- being environmentally friendly infrastructure;
- create new opportunities for the development of multimodal freight logistics;
- encourage new types of passenger transport;
- improve safety and system performance;
- being a new value platform for digitisation and innovation;
- Baltic integration in the ecosystem of the European Union.

Rail Baltica is designed as part of the European Union North Sea - Baltic Core Network Corridor. It brings together the largest ports through the Netherlands, Belgium, Germany and Poland in Rotterdam, Hamburg and Antwerpen with three Baltic States and beyond, across the Gulf of Finland, with a short sea shipping, possibly via a fixed connection between Tallin and Helsinki, with Finland. Extending this corridor further to North will enable further connectivity also with the future Arctic Corridor, especially in view of the potential economic return of the Alternative Polo Loka Sea link between Europe and Asia. In addition, the North Sea-Baltic corridor in Warsaw crosses the Baltic-Adriatic region corridor, creating an opportunity for the development of a new supply chain between the Baltic and the Adriatic Sea, connecting the Baltic region to the most unavailable South-European markets. Similarly, *rail Baltica* will strengthen the synergies between the north-south and west-east traffic flows, creating new opportunities for transshipment and logistics in Europe and Asia's land transport routes. This is why the new *Rail Baltica* infrastructure will not just consolidate the Baltic Sea logistics map, but also create huge opportunities with economic benefits such as commercial property development, revival of half-life urban areas, additional private investments, building new businesses, technology transfer and innovation, tourism development and other major deliveries. *The aim of Rail Baltica is to facilitate this impact from the start-up phase of the project, learning from the most important global success stories and experience.*

The contracting authority (RBR) was established by Estonia, Latvia and Lithuania through state-owned joint-stock companies to coordinate the design and construction of the high-speed standard gauge for the North Sea - Baltic TEN-T Core Network Corridor (*Rail Baltica Global Project*), connecting three Baltic States with Poland and the rest of the European Union. The main technical parameters of the infrastructure must be in accordance with the traffic code P2-F1 in accordance with INF TSI (Commission Regulation 1299/2014/EU) and are detailed in the construction design guidelines.

Figure 1 shows the shareholder structure of RBR.



THE RBR, together with the governments of Estonia, Latvia and Lithuania (represented by the Ministry of Transport Policy), are applying for co-financing of the CEF in 2015, 2016, 2017 and 2020 (total four applications). The first three applications were successfully completed and the INEA funding for the financing of the Rail Baltica project up to 85% of the cost of activity was available. The three financing agreements concluded in total provide EUR 824 million. The fourth application is currently under consideration.

The main objective of Rail Baltica is the development of a European gauge (1435 mm) rail line with two railway tracks, with a length of almost 900 km, dedicated to both passenger and freight transport as well as the additional infrastructure necessary to ensure the full operation of the railway. It will be in line with the TEN-T network in Europe and its quality will be competitive with other modes of transport in the region. The preliminary timetable and implementation stages for the project can be found here: <http://www.railbaltica.org/about-rail-baltica/project-timeline/project-timeline/>.

For more information, see <http://www.railbaltica.org/>.

Abbreviations and terms

Opinion No 5 — Opinion No 5 of the National Environmental Service Bureau of 3 May 2016 on the assessment report on the impact of the construction of a European standard for public use of rail infrastructure on the rail infrastructure line Rail Baltica

Building design guidelines — predefined and standardised technically and economically substantiated engineering and design solutions for *the* needs of Rail Baltica, applicable to railway design, construction and operation phases. The building design guidelines are mandatory for all parties involved in the design and construction of the railways.

CD - date of entering into the Agreement.

CPTD - Consolidation of initial technical solutions - final results of the screening, evaluation and optimisation of initial technical solutions. CPTD solutions, derived from interoperability, user and railway business, optimal operating time, efficient, sustainable and environmentally friendly rail operation and the prospects for *the Rail Baltica* Global Project. CPTD covers a set of required changes and improvements to be assessed in detail during construction design. Identified improvements could result in change to railway location.

I – the European Union.

EIA – Environmental Impact Assessment.

EIA Report: Impact on the environment assessment report for the construction of a European standard network for the construction of rail infrastructure line Rail Baltica.

Law on EIA – Law on Environmental Impact Assessment

Services – services for the establishment of an EIA procedure for *Rail Baltica* railway location accuracies in Latvia and Salaspils for the freight transshipment terminal.

PD – initial technical solutions of the Rail Baltica railway line, which have completed the pre-planning stage, including completed research for spatial planning and environmental impact assessment in relation to *Rail Baltica* railroad, in accordance with the State Construction Law and have been approved by the Cabinet of Ministers.

Rail Baltica project: new, high-speed, conventional, electrified and ERTMS-equipped line with two tracks, maximum design speed 249 km/h and European standard gauge (1435 mm) on route from Tallinn through Pärnu (EE), Rīga (LV), Pānevee (LT), Kaunas (LT) to Lithuania – Poland border, including connection to Kaunas – Vilnius.

RVP — Regional Environmental Authority

Technical specification - this document, which is part of a restricted competition procedure and Agreement according to procurement procedures;

VPVB — National Monitoring Bureau

The value engineering (VE) — an analysis of the various technical options from the Global Project, to enhance functionality and thereby also to the value of the infrastructure and to ensure the most cost-effective and efficient ways of achieving the required final result, without endangering safety, quality and overall integrity.

1.2. Basic information on the possible Rail Baltica line location clarifications

THE EIA procedure for the Rail Baltica railway line PD has been fully completed in Latvia. THE vPvB has issued Opinion No 5, and the Cabinet of Ministers has issued two orders:

- Cabinet Order No. 467 of 24 August 2016 entitled "Accepted for the construction of a European standard for the construction of a European standard for the construction of rail infrastructure line Rail Baltica";
- Cabinet Decree No. 468 of 24 August 2016 entitled "Determination of the status of an object of national interest for the public use of the European standard gauge for rail infrastructure Rail Baltica".

Since the publication of Opinion No. 5 in the framework of the Rail Baltica project, basic line building design contracts have been signed for four planning stages:

- Vangai-Salaspils-Misa;
- Upesley-Riga-Misa;
- Estonian/Latvian border – Vangai;
- Mission – Latvia/Lithuanian border.

One of the tasks in the design contracts is to undertake the development of the planned Rail Baltica Rail Freight Corridor (DG) and to assess the recommendations of the CPTD developed by RB Rail AS. CPTD was developed to verify the compatibility of TSIs with Rail Baltica Construction Design Guidelines from the Global Design Point by providing solutions that meet the technical characteristics of the high-speed line and to optimise the initial solution for the Rail Baltica rail line CAPEX, taking into account future OPEX costs, providing the opportunity to realise all the potential assessed in the Rail Baltica rail project cost-benefit analysis. As a result of the CPTD, it was found that there may be a need to clarify the location of the Rail Baltica line in several areas.

Point 3.1.3 of its opinion No 5 states that the GPMB, in its Opinion No 5, takes note of the fact that the parameters of the line and its infrastructure in the EIA report are based on common standardized solutions, and the quantified values are calculated as far as the current research stage allows, which are mostly indicative and can be accurately defined during future designs.

THE EIA report states that, within the EIA, a 300 m wide corridor is assessed, with the exception of Riga, where a 50 m wide corridor is evaluated, the width of which at individual locations (crossings with roads, gas wires, power lines, oil cables, required areas for the construction of the maintenance terminal, wagon depots and intermodal terminal) is expanded to allow the development of optimal technical solutions for both the crossing of the infrastructure (with road network, power supply and gas main lines), both for the deployment of individual railway infrastructure elements and for the provision of access.

Each of the possible clarifications for the Rail Baltica line can be divided into two categories depending on how the location of these accuracies is different from that of the PD:

- The Rail Baltica line clarification is within the approved EIA methodology within a range of 300 m in the corridor;
- The Rail Baltica line clarification is outside the approved EIA methodology at the 300 m corridor boundaries.

In the context of the analysis of the situation, it has been found that this implementation of the Rail Baltica railway line should be accompanied by an additional full EIA procedure for the specified stages, provided that their amount would comply with the conditions set out in Annex 1 to the EIA Act, and that the application of the EIA will be decided by the Regional Environment Authority and the National Monitoring Bureau.

1.3. Documents, studies and information to be taken into account

1.3.1. The Contractor shall examine the list of such documents, IVN reports and technical project documents (the list is not exhaustive):

Os.	Document name, date of issue, web link
1	EIA Message http://www.railbaltica.org/about-rail-baltica/documentation/
2	Rail Baltica railway line location clarification in the building drawings projects (Serial 2 Documentation)

3	Documentation of the construction of the Salaspils freight transshipment terminal (will provide version 2 of the Competition)
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- 1.3.2. After the conclusion of the contract, the Employer will issue precise authorised technical drawings, noise modelling results, other environmental studies.
- 1.3.3. The Contractor should consider all relevant information and documents directly or indirectly related to the development of the EIA or to obtain general information.
- 1.3.4. The Contractor is bound by all relevant national and EU legislation governing the EIA process.

2. GENERAL FRAMEWORK AND CONTENT OF SERVICE

2.1. The main purpose of the service is to carry out the full EIA procedure for the possible clarifications of *Rail Baltica* railway arrangement in Latvia, as well as the Salaspils freight handling terminal.

2.2. THE EIA procedures shall be carried out in accordance with the Law on EIA, Cabinet Regulation No. 18 of 13 January 2015 regarding the assessment of the effect of the planned operation on the environment and accepts the proposed operation" and any other legislation related to EIA, which also includes the following activities:

- 2.2.1. consultations with the Employer during the full EIA procedures;
- 2.2.2. the public awareness and the organisation of an initial public consultation with at least one public consultation in each administrative area affected by the clarification of *the Rail Baltica* railway line and at each stage of the full EIA stage;
- 2.2.3. performing all necessary research and preparing and improving the report in accordance with the conditions received and/or the EIA programme;
- 2.2.4. the suggestions and proposals of the public and institutions for receiving and responding to proposals;
- 2.2.5. preparing the complete version of the EIA report after public consultation and the results of opinions, proposals and proposals received;
- 2.2.6. the receipt of the economic activity approval in the cases provided for in the legislation.

2.3. The full EIA should answer questions of public interest by gathering questions and answers in writing.

2.4. The Contractor must evaluate the materials prepared by the planner and, on the basis of them, must prepare for the EIA procedure according to visually unambiguous drawings, cartographic materials, and 3D visualization public consultation meetings. Materials prepared for public consultation meetings must include as much information as possible regarding the forfeiture or creation of new parcels, the demolition of buildings and access to each affected immovable property. Such information shall be prepared in both the form of a cartograph and a list. Drawings and cartograph information should reflect the estimated impact of *the Rail Baltica* railway line on the surrounding areas and show the essential solutions of *the Rail Baltica* line.

2.5. The Contractor shall ensure the widest possible involvement of the public and participation in the full EIA development process.

2.6. The Contractor must obtain information and cooperate with *Rail Baltica* design phase, as well as the designers of Salaspils freight handling terminal.

2.7. The scope of the work does not include the preparation of the application for an EIA procedure as well as the preparation of initial technical input data for the EIA procedures. In case of application of the full EIA procedure, all necessary decisions shall be accepted and the preliminary technical data shall be provided by the Employer.

3. SERVICE CONTRACT MANAGEMENT

3.1. Operator's obligations

- 3.1.1. When providing services, the Contractor shall be fully responsible for the performance of its services during and after provision of the service. Any additional expenditure incurred as a result of the correction of unacceptable results shall be borne by the Contractor only. The Employer

- reserves the right to require the Contractor to adjust the results of his services independently of whether it is necessary during or after the provision of the service.
- 3.1.2. The Contractor shall provide the necessary involvement, resources, resources and personnel for the successful provision of services.
 - 3.1.3. The Contractor is responsible for ensuring that the experts included in the service contract are available throughout the service.
 - 3.1.4. The operator must keep records and draw up other supporting documents (originals of the attestation documents) as proof that the Contract is correctly executed and the expenditure actually incurred. Such documents shall be available for treatment at the Employer's request.
 - 3.1.5. The Contractor himself provides office equipment, personal computers and other equipment to ensure the proper operation of the service and compliance with the standard security standard.
 - 3.1.6. The Contractor shall ensure that the participants (experts, etc.) involved in the service delivery receive the necessary support and have the necessary equipment. In particular, the Contractor shall ensure that there are sufficient administrative, secretarial and translation facilities so that team members can focus on the performance of their mission. The contractor must also transfer the necessary resources to support the operation deriving from the Treaty and ensure that his staff receives regular and timely payment. The offer includes expenses regarding the administration of a service contract and the operation of the office, including telecommunication expenses.
 - 3.1.7. The Contractor will ensure official coordination and decision-making in relation to project changes and establish an appropriate internal management structure. Progress meetings with the Employer will be held at least every two weeks (2 times a month). Emergency and weekly meetings, which can be initiated both by the Contractor and by the Employer, may be organised if necessary.
 - 3.1.8. The Employer is the main coordinator for the communication between the Contractor, the parties involved and other third parties. The Contractor is responsible for timely provision of information, meetings, seminars, presentation and participation in them, to ensure communication with the parties involved and other third parties within the Service. Direct communication between the Contractor, the parties involved and other third parties without the Employer's permission is not allowed.

3.2. Provision of services

- 3.2.1. The Contractor must comply with the Agreement in accordance with its provisions and all legal obligations laid down in applicable EU, international and national law, accomplishing it within the established deadlines and in accordance with the highest standards of professional, care and ethics.
- 3.2.2. The Contractor must prepare a detailed Service Programme and Schedule (including planned meetings, public events, etc.). The service programme shall show graphically the intermediate objectives and the time limits for the core study as set out in the Technical Specification. The service programme should address possible risks to the implementation of the services and measures to reduce such risks in order to complete the service within the specified time limits. The aim of the Services Programme is to reflect the Contractor's in-depth understanding of the objectives, scale and intermediate objectives of the service and to reflect the Contractor's commitment to cover all necessary issues and to provide high-quality professional Consulting services in a timely manner.
- 3.2.3. The Contractor shall undertake tasks, prepare and submit all documents, reports, meeting protocols and any other information material required for the operation of the services.
- 3.2.4. During the provision of services the Contractor shall identify at an early stage potential risks and propose mitigation measures to successfully provide services within specified time.
- 3.2.5. Within the framework of services, the Contractor must prepare comprehensive and understandable informative materials, providing clear and complete guidance on sources of information (output information, evidence, etc.) used for analysis and provision of services.
- 3.2.6. The Employer has no influence on the Contractor's performance (messages, summary, advice, decisions, etc.). However, the Contractor shall take into account the Employer's justifiable considerations concerning the outgoing information and analytical methods used by the Contractor to obtain the results of the service. The implementation of such considerations depends on whether the service has been approved by the Service.

3.3. Operator team

3.3.1. The Contractor shall offer an optimum structure of its team based on the Technical Specification rules and, if possible, propose a core command with interfunctional tasks.

3.3.2. For the supply of services the Contractor shall ensure availability of the following crew members:

(a) Key experts posts

Number	Function
1.	Project manager
2.	EIA expert
3.	Communication expert

(b) Secondary experts and other staff covering the areas of such expertise.

Number	Function
1.	GIS expert
2.	Flora/fauna experts
3.	Noise and vibration expert
4.	Other, if necessary

3.4. Confidentiality, independence and absence of conflict of interest

3.4.1. The Contractor must ensure that its contractual and professional obligations, in particular as regards confidentiality, independence and absence of conflicts of interest, are properly understood and enforced throughout and after the Service.

3.4.2. During the provision of services the Contractor shall ensure independent opinions based on their knowledge, education and experience. The Contractor may not provide or specify any point of view related to a particular supplier, company, organisation, entity. Throughout the Service, the Contractor shall not represent any region, country or personal interests.

3.5. Miscellaneous

3.5.1. Communication in accordance with the Agreement (e.g. information, requests, submissions, official notices, etc.) shall be carried out in English and in Latvian language.

3.5.2. Communication within the Agreement with the public authorities and the involved parties shall be carried out in Latvian language. All meeting protocols shall be prepared in Latvian language by the Contractor.

3.5.3. All written materials, including all deliverables, shall comply with the highest standards of knowledge of Latvian and technical terminology. If the Employer so requests, the Contractor shall use commercially corrective services on his own invoice, including if necessary a translation into English.

3.5.4. The Employer is considered an administrative instance and is responsible for the adoption of the main decisions. The Employer will be responsible for dealing with operational and professional issues.

3.6. Deliverables and time limits

3.6.1. The services provided by the Contractor are distributed in the following directions:

No.	Deliverability	General scope and content of the award
1	Start Report	Programme and timetable of services (including planned meetings, public activities, etc.)

		Draft public participation and communication plan, including an initial public consultation plan for full EIA development, Draft EIA methodology
2	Intermediate report	Updated EIA methodology based on the issued EIA programme
3	Draft final report	Complete EIA message
4	Final message	Confirmed by the VPVB opinion on the EIA report

- 3.6.2. Total (maximum) duration of contract: 36 months. The detailed deadlines for the execution of the work tasks specified in Annex 5 of the Competition Law will be determined in section 2 of the Competition Law.
- 3.6.3. The Contractor shall ensure sufficient time for the Employer's representatives and other involved parties to examine the deliverables.
- 3.6.4. The Contractor shall submit to the Employer the original documentation of the EIA documentation and the compilation of all documents in electronic form (editable PDF file).