

CANDIDATE SELECTION REGULATION

for Competitive Procedure with Negotiations

“Shadow operator services for Rail Baltica Global Project”

(identification No: RBR 2020/14)

With extension of proposal submission from 23.09.2020



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REGULATION

1. GENERAL INFORMATION

- 1.1. The contracting entity is joint stock company RB Rail AS, registration number 40103845025, legal address: **Kr. Valdemāra iela 8 - 7**, Riga LV-1010, Latvia (**hereinafter – Contracting Authority**). The Contracting Authority conducts this procurement for the benefit of the Ministry of Transport of the Republic of Latvia and Ministry of Economic Affairs and Communications of the Republic of Estonia.
- 1.2. The subject-matter of this competitive procedure with negotiations (hereinafter – Competition) is to procure **Shadow operator services for Rail Baltica Global Project (hereinafter – Shadow operator services)**. 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.
- 1.3. The identification number of this competitive procedure with negotiations is RBR 2020/14.
- 1.4. The applicable Common procurement vocabulary (CPV) code is 71000000-8 (Architectural, construction, engineering and inspection services).
- 1.5. Competition is organised in accordance with the Public Procurement Law of the Republic of Latvia in effect on the date of publishing the contract notice. The Competition consists of two stages:
 - 1.5.1. 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 to be procured is provided in Annex No 2;
 - 1.5.2. 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 the February 2021). The detailed information on the scope of the Shadow operator 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**).
- 1.6. The period for starting provision of Shadow operator services shall be immediately after the Contract commencement date. The total period of Contract shall be until the start of regular operation on the Rail Baltica railway line. Currently it is estimated that the implementation of Rail Baltica Global project will take until end of Year 2026, or longer, if project implementation will be prolonged and the funding for the whole scope of services is approved.
- 1.7. Shadow operator services are subject to co-financing by the Connecting Europe Facility (CEF) grants. Currently the financing for the whole scope of Shadow operator services is not secured. For the first phase of Shadow operator services, covering all services to be provided until end of Year 2023, INEA¹ has approved CEF co-financing grant and for further phases of Shadow operator services applications will be submitted to INEA accordingly.
- 1.8. The Competition requires negotiations since the procurement contract cannot be awarded without prior negotiations because of specific circumstances related to the nature, the complexity or the legal and financial make-up of the procurement, or because of the risks attaching to them as provided under Section 8, Paragraph 6, Clause 3 of the Public Procurement Law of the Republic of Latvia.
- 1.9. This competitive procedure with negotiations 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

¹ Innovation and Networks Executive Agency

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/Procurement/43323> 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/Procurement/43323> and the Contracting Authority's Internet site <http://www.railbaltica.org/tenders/>. **It is the Candidate's responsibility to constantly follow the information published on the webpage and to take it into consideration in its Bid.**
- 1.12. Contact person of the Contracting Authority for this procurement is Procurement Manager, Aiga Benfelde, telephone: +371 26360325, e-mail address: aiga.benfelde@railbaltica.org.
- 1.13. Requests for information or additional explanations must be submitted in writing via the E-Tenders system or (in case the Supplier does not yet have access to the system) by sending it to the contact person electronically via e-mail. Answers to questions or explanations from the Contracting Authority are also provided through the E-Tenders system and e-mail (in case the Supplier does not yet have access to the 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 negotiations that may be relevant to be undertaken as specified by the Contracting Authority, although Contracting Authority may perform evaluation of the Bids submitted by the Tenderers without any negotiations and award rights to conclude contract to Tenderer with the most economically advantageous tender according to the evaluation methodology to be described in the Second Stage of the Competition.
- 2.3. The successful Tenderer is expected to ensure that its contractual and professional obligations in particular with regard to confidentiality, independence and absence of conflict of interests are well understood and upheld throughout and after Shadow operator services provision. During the provision of Shadow operator services, the successful Tenderer shall provide independent view based on its expertise, education and experience. The successful Tenderer cannot show nor indicate any opinion linked to a particular supplier, company, organisation, institution whatsoever. No representation of any region, country, personal interests shall be shown by the successful Tenderer throughout the Shadow operator service provision period.
- 2.4. 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.

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 (hereinafter – Candidate, partnership) that complies with the selection criteria for Candidates:
 - (a) A group of suppliers who have formed a partnership for this Competition. In this case all the members of the partnership shall be listed in Annex No 1 "Application

for participation in the candidate selection in the procurement”. 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 (until the date of submission of the application) for at least 2 (two) years has performed the duties of a Railway Infrastructure Manager under the European Union regulatory framework² on a network with the following minimum parameters:</p> <ul style="list-style-type: none"> a) At least 100 km with design speed at least 200km/h and operated under ERTMS b) At least 100 km with mixed freight and passenger traffic operation c) Operates or is connected to rail based multimodal freight facilities including container and rail-road operations, with the following minimum service parameters: <ul style="list-style-type: none"> a. Average at least 1 500 000 t (one million five hundred thousand tonnes) of freight per year b. Average at least 50 000 (fifty thousand) TEU per year d) Operates or is connected to rail based passenger terminal providing multimodal connections with the following minimum service parameters: <ul style="list-style-type: none"> a. At least 10 passenger platform tracks at station b. Average at least 15 000 000 (fifteen million) passengers per year. 	<ul style="list-style-type: none"> - Filled in Annex No 3; - Description of performed duties (not more than 2 pages).
2.	<p>The Candidate within the previous 5 (five) years (until the date of submission of the application) for at least 2 (two) years has performed the duties</p>	<ul style="list-style-type: none"> - Filled in Annex No 4; - Description of performed duties (not more than 2 pages).

² According to DIRECTIVE 2012/34/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 November 2012 establishing a single European railway area

No	Requirement	Documents to be submitted
	<p>of a Railway Undertaking (passenger) under the European Union regulatory framework³ with the following minimum service parameters:</p> <p>a) Operational speed at least 200km/h b) Average at least 2 000 000 000 (two billion) passenger kilometres per year.</p>	
3.	<p>The Candidate within the previous 5 (five) years (until the date of submission of the application) for at least 2 (two) years has performed the duties of a Railway Undertaking (freight) under the European Union regulatory framework⁴ with the following minimum service parameters:</p> <p>a) Average at least 2 000 000 000 (two billion) ton-km per year b) At least 2 (two) years’ experience managing and organizing regular international multimodal (including railway mode) freight shipments.</p>	<ul style="list-style-type: none"> - Filled in Annex No 5; - Description of performed duties (not more than 2 pages).
4.	<p>To comply with Section 4.1.1. – 4.1.3. of the Regulations any of the performed duties, i.e., Railway Infrastructure Manager, Railway Undertaking (passenger) and Railway Undertaking (freight), in any combination must be performed in at least 2 (two) different countries.⁵</p>	
5.	<p>The Candidate within the previous 15 (fifteen) years (until the date of submission of the application) has provided shadow operator services or similar advisory services in railway project⁶ with the project investment value of at least 50 000 000,00 EUR (fifty million euro zero cents) and the services covered at least:</p> <p>a) design review b) project documentation review</p>	<ul style="list-style-type: none"> - Filled in Annex No 6; - Description of the reference project and provided services (not more than 2 pages).

³ Ibid.

⁴ Ibid.

⁵ **Candidate doesn’t comply with the requirement** in case, Candidate has performed Railway Infrastructure Manager, Railway Undertaking (passenger) and Railway Undertaking (freight) in the same country. Candidate comply with the requirement in case:

- Candidate has performed Railway Infrastructure Manager (RIM) and Railway Undertaking (passenger) (RUP) in one country and Railway Undertaking (freight) (RUF) in another country (2 different countries);
- Candidate has performed RIM in one country and RUP and RUF in another country (2 different countries);
- Candidate has performed RIM and RUF in one country and RUP in another country (2 different countries);
- Candidate has performed RIM in one country, RUP in other country and RUF in another country (3 different countries).

⁶ Currently ongoing project could be mentioned as a reference project as well.

No	Requirement	Documents to be submitted
	c) support of operation and maintenance strategy development.	
6.	The Candidate has introduced and applies quality management system that complies with ISO 9001:2015 certification (or newer version) or equivalent.	<ul style="list-style-type: none"> - A copy of certificate issued by certification body; - If the Candidate doesn't have ISO 9001:2015 (or newer version) certificate, then self-declaration and description of the quality equivalent management system.

4.2. Legal standing and suitability to pursue the professional activity

No	Requirement	Documents to be submitted
1.	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.	<ul style="list-style-type: none"> - For a Candidate which is a legal person (or a member of a partnership, a person on whose capacities 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 capacities a Candidate relies) – a copy of an identification card or passport. - For a Candidate (or a member of a partnership, a person on whose capacities 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 Candidate, members of the partnership, person on whose capacities

No	Requirement	Documents to be submitted
		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 capacities 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.	The Candidate or each member of the partnership (if the Candidate is a partnership) on whose capacities the Candidate is relying has to certify its financial and economic performance and who will be financially and economically responsible for fulfilment of the procurement contract and entity on whose abilities the Candidate is relying to certify its financial and economic performance and who will be financially and economically responsible for fulfilment of the procurement contract, shall have stable financial and economic performance, namely, in the last financial year (2019) liquidity ratio shall be equal to or exceed 1 and shall have positive equity.	<ul style="list-style-type: none"> - Filled in and signed Annex No 7. - 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 Candidate) annual report for financial year 2019 showing the financial information of the Candidate and each member of the partnership on whose abilities the Candidate is relying to certify its financial and economic performance and who will be financially responsible for the execution of the Contract (if the Candidate is a partnership) and a company on whose capacities the Candidate is relying to certify its financial and economic performance. - If the previous reporting year of the Candidate differ from the year specified in this Section (2019), the financial information necessary must be indicated for the Candidate's previous reporting year. - For a limited partnership (within the meaning of Commercial Law of the Republic of Latvia, Chapter X) - an additional document evidencing the amount of the investment by the limited liability partner (the partnership agreement or a document with a similarly binding legal effect). - If an application is submitted by a partnership, the Candidate shall indicate the member of the partnership on whose capacities the Candidate is relying to certify its financial and economic performance and who will be financially and economically responsible for fulfilment of the Contract including this information in the agreement of cooperation (or letter of intention to enter into agreement) stipulated in Section 4.2. of the Regulations.

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 ⁷
1.	<p>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 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, creation or organization of a terrorist group, traveling for terrorist purposes, justification of terrorism, 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>	<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 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.
2.	<p>It has been detected that <u>on the last day of the term for submitting applications</u> (1st</p>	<ul style="list-style-type: none"> - For a Candidate registered or residing in Latvia, the Contracting Authority shall verify the

⁷ 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 ⁷
	<p>stage) or <u>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>	<p>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>3.</p>	<p>Candidate's insolvency proceedings have been announced, the Candidate's business activities have been suspended, the Candidate is under liquidation.</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>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 ⁷
	<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).
7.	<p>Within the previous 3 (three) years before last day of the term for submitting applications (1st stage) by such a decision of a competent authority, a court judgment or a public prosecutor's order which has entered into force and may not be challenged and appealed, the Candidate has been found guilty and is punished for 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</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.

No	Requirement	Documents to be submitted ⁷
	reside in a Member State of the European Union.	
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, a court judgment or a public prosecutor's order which has entered into force and may not be challenged and appealed, the Candidate has been found guilty and is punished for 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 4.4. 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 ⁸ 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 shall verify the information itself in publicly available databases. - For the Candidate and each member of the partnership (if Candidate is an 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.
11.	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.	<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

⁸ **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 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 ⁷
		than 25% of share capital) which are registered offshore.
12.	The subcontractors indicated by the Tenderer whose share of services is equal to or exceeds 10% of the Contract price or person on whose capacities Candidate is relying, is a registered offshore company (legal person) or offshore association of persons.	<ul style="list-style-type: none"> - For a subcontractor whose share of services is equal to or exceeds 10% of the Contract price or person, on whose capacities Candidate is relying, which is registered in Latvia, the Contracting Authority shall verify the information itself in publicly available databases; - For a subcontractor or person on whose capacities 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 management board or supervisory board member, beneficial owner, 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) member of the partnership or a person who is the partnership's management board or supervisory board member, beneficial owner, person with representation rights or a procura holder (if the Candidate is a partnership),</p> <p>and such sanctions can affect the execution of the Procurement contract.</p>	<ul style="list-style-type: none"> - For a Candidate registered or residing in Latvia Contracting authority shall verify the information itself from the Register of Enterprises of the Republic of Latvia. - For a Candidate registered or residing outside of Latvia Candidate shall submit an appropriate statement from the competent authority of the country of registration or residence with all the information necessary for the examination regarding the Candidate or a member of the partnership if the Candidate is a partnership), including but not limited, information about beneficial owner or the fact that there is no possibility to find out the beneficial owner.

4.5. Exclusion grounds will be verified in accordance with the regulation stipulated in Section 42 of the Public Procurement Law of the Republic of Latvia and Section 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. (except Section 4.4.(2), 4.4.(9) – 4.4.(13)) of the Regulations, 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. of the Regulations, 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 Candidates representative 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 (ESPD) as initial proof. This document must be submitted for the Candidate and for each person upon whose capacities 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 <http://espd.eis.gov.lv/>.

5. RELIANCE ON THE CAPACITIES 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 capacity (including regarding the team of key experts), the Candidate may rely upon the capacities 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 capacities 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 capacities 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 capacities 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 capacities 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 capacities 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) of the Regulations. In case such person will comply with any of the exclusion grounds which are mentioned in Section 4.4.(1) to 4.4.(8) and 4.4.(12) to 4.4.(13) of the Regulations, the Contracting Authority shall request the Candidate to change such person. If the Candidate shall not submit documents about another person which complies with the selection criteria within 10 (ten) business days from the date when the request was issued or sent to the

Candidate, the Contracting Authority shall exclude such Candidate from further participation in the Competition.

6. SUBCONTRACTING

- 6.1. Candidates will be required to provide information about their subcontractors during the Second stage of the Competition.
- 6.2. During the Second stage of the Competition the Contracting Authority shall evaluate subcontractors, whose share of work is equal to or exceeds 10% of the Contract price, of the Tenderer to whom the rights to conclude the Contract should be assigned. In case such subcontractors will comply with any of the exclusion grounds which are mentioned in Sections 4.4.(2) to 4.4.(8) and 4.4.(12) to 4.4.(13) of the Regulations, 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 the Republic 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 Regulations.

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/ProcurementProposals/43323>), 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 capacities 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. All forms (Annex No 1, Annex No 3 - No 7) 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;
 - 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 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 documents.
- 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. of the Regulations and Annex No 3 – Annex No 7), 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 capacities the Candidate is relying (according to Section 5 of the Regulations), or the corresponding ESPD.
- 8.4. The Application must be submitted in a written form, in accordance with this Regulations, in English or Latvian language (if submitted in Latvian, translation in English of the Application must be provided together with the Application). If the Application is submitted in English language, then upon a request by the procurement commission the Candidate shall provide a translation in Latvian **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 documents.
- 9.2. If the Candidate applied additional encryption to the information in the documents (according to Section 9.1 of the Regulations), **the Candidate has to provide the Contracting Authority's** procurement commission representative listed in Section 1.12 of the Regulations with electronic key with the password to unlock the information not later than the deadline of the document submission.

10. SUBMISSION OF THE APPLICATION

- 10.1. Application (documents referred to in the Section 8 of the Regulations) shall be submitted electronically using the tools offered by the E-Tenders system available at <https://www.eis.gov.lv/EKEIS/Supplier/ProcurementProposals/43323> by **13 October 2020 before 15:00 o'clock (Riga time)**.
- 10.2. The Candidate may recall or amend its submitted Application before the expiry of the deadline for the submission of Applications by using the tools provided in the E-Tenders system.
- 10.3. Only Applications submitted to the E-Tenders system will be accepted and evaluated for participation in the procurement procedure. Any Application submitted outside the E-Tenders system will be declared as submitted in a non-compliant manner and will not participate in the procurement procedure.

11. OPENING OF APPLICATIONS

- 11.1. The opening of Applications will be held in the E-Tenders system on **13 October 2020 at 15:00 o'clock (Riga time)** during the opening session. It is possible to follow the opening of submitted Applications online in the E-Tenders system.
- 11.2. The Applications are opened by using the tools offered by the E-Tenders system, the public information of the Applications shall be published in the E-Tenders system.
- 11.3. The information regarding the Candidate, the time of Application submission and other information that characterises the Application is generated at the opening of the Applications by the E-Tenders system and written down in the Application opening sheet, which shall be published in the **E-Tenders system and the Contracting Authority's webpage**.

12. VERIFICATION OF APPLICATIONS

- 12.1. The **Contracting Authority's** procurement commission verifies whether the submitted Applications comply with the requirements of this Regulations. If the Application does not comply with some of the requirements of this Regulations, 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 Regulations;
 - 12.2.2. Verifies whether the exclusion grounds mentioned in Section 4.4. of the Regulations, Section 42, Paragraph 1 of the Public Procurement Law of the Republic of Latvia and Section 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 Section 4.4. (except Section 4.4. (2), 4.4.(9) – 4.4.(13)) of the

Regulations 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.

13. DECISION MAKING, ANNOUNCEMENT OF RESULTS

- 13.1. 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 excluded/rejected Candidate the reasons for refusing it 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.
- 13.2. If only 1 (one) Candidate complies with all the Candidate selection requirements, the procurement commission makes the decision to terminate the public procurement procedure.
- 13.3. 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.
- 13.4. 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 Public Procurement Law of the Republic of Latvia. The procurement commission and the supplier exchange information in writing in English or Latvian (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 is appropriately documented.
- 15.2. The procurement commission ensures free and direct electronic access to the Competition documents in the E-Tenders system available at <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/43323> 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 Applications. The Contracting Authority publishes this information on the E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/43323> and on the Contracting Authority's Internet webpage <http://railbaltica.org/tenders/>, under the section of the respective procurement procedure, indicating the question asked.
- 15.4. If the Contracting Authority has amended the Competition documents, it publishes this information on the E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/43323> and on the Contracting Authority's Internet webpage <http://railbaltica.org/tenders/>, where Competition 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 Application 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 Public Procurement Law of the Republic of Latvia, this Regulations 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 capacities 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.

ANNEXES:

1. Application for participation in the candidate selection in the procurement on 2 (two) pages;
2. General description of the subject - matter on 3 (three) pages;
3. Description of the Candidates experience according to Section 4.1.1. of the Regulations on 2 (two) pages;
4. Description of the Candidates experience according to Section 4.1.2. of the Regulations on 1 (one) page;
5. Description of the Candidates experience according to Section 4.1.3. of the Regulations on 1 (one) page;
6. Description of the Candidates experience according to Section 4.1.5. of the Regulations on 1 (one) page;
7. Confirmation of Candidates Financial and Economic standing on 1 (one) page.

Annex No 1
to the Regulations
for competitive procedure with negotiations No RBR 2020/14
"Shadow operator services for Rail Baltica Global Project"

[letterhead of the Candidate's company]

2020. ____ . ____
No. _____

**APPLICATION FOR PARTICIPATION IN THE CANDIDATE SELECTION IN THE PROCUREMENT
"Shadow operator services for Rail Baltica Global Project"**

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 "Shadow operator services for Rail Baltica Global Project" No RBR 2020/14;**
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. (If applicable): We declare that for the purposes of qualifying for the Competition we rely on the capacities of the following entities:

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

4. We confirm that the Regulations 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 Regulations.

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 enterprise⁹ as defined in the Article 2 of the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprise.¹⁰

(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

⁹ 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.

¹⁰ 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.

GENERAL DESCRIPTION OF THE SUBJECT – MATTER

1. Introduction to Rail Baltica project

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 and ERTMS equipped railway line **with overall length of 890 km on the route from Tallinn through Pärnu (EE), Riga (LV), Panevėžys (LT), Kaunas (LT) to the Lithuania/Poland state border (including a Kaunas – Vilnius spur)** with a design speed of 249km/h.

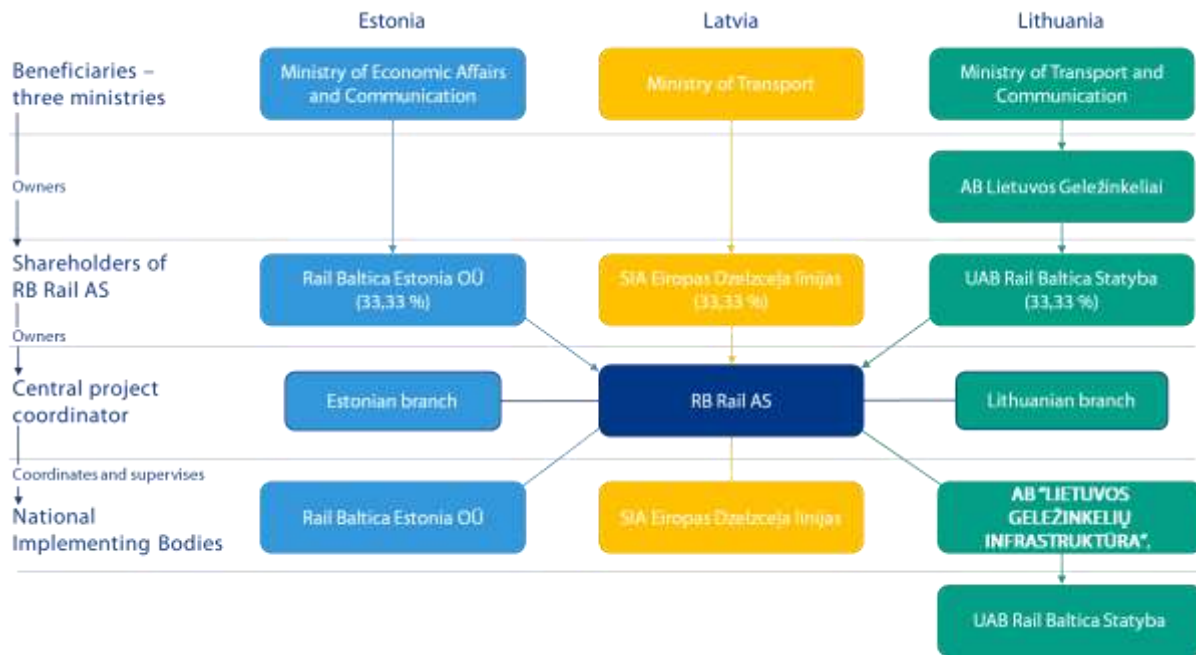
Railway line for both passenger and freight transport shall be interoperable with the TEN-T Network in the rest of Europe and competitive in terms of quality with other modes of transport in the region.

Rail Baltica is 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.

The contracting authority RB Rail AS (hereinafter - 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 are in full compliance with TSI INF (COMMISSION REGULATION (EU) No 1299/2014) 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;
- Rolling stock gauge according SEc (Sweden);
- all pedestrian, road and 1520mm rail crossings only as above or below grade crossings (segregated grade crossings), fencing and noise barriers where needed;
- **ETCS L2 B3 R2 without trackside signalling with possible update to the newest version of TSI-CCS;**
- 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.



The expected core outcome of the Rail Baltica Global Project is a European gauge (1435mm) double-track railway line 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

The Shadow Operator (SO) shall provide its Operation and Maintenance (O&M) experience and expertise in the railway industry to support the Rail Baltica Global Project (Project) in representing the future O&M companies during the design, construction, testing and commissioning phases. SO shall define the O&M requirements for the construction, ensure they are considered, support in preparation of various tender documents and initiate a regulatory framework in order for the future operators and maintainers to operate the required services with the required performances.

All services provided by the SO must be aligned with the principles established by the European Commission (such as the directives 2012/34/EU, 2016/797, 2016/798).

SO shall support RB Rail AS and National Implementing bodies during Project implementation phase also by contributing best practice know-how, providing reviews including compliance reviews, advising on further development of Operational Plan¹¹, contributing to the state-of-the-art transport model development, proposing organisational models and advises on technical strategy definition, technical plan development and implementation.

The exact scope for the SO service will be provided in the second stage of the Competition. It is expected that this scope will cover at least the following services:

- Advisory services *from an O&M perspective* for the Project's design, construction, testing and commissioning (including verification and validation) phases, such as:
 - Reviewing design deliverables (track layouts, facilities etc.), including issuing recommendations and providing support for integrating these requirements in designs

¹¹ Can be found on <https://www.railbaltica.org/about-rail-baltica/documentation/>

- Participate in Energy and Control Command and Signalling subsystems design and deployment
 - Provide information to estimate operation and maintenance costs
 - Review and update infrastructure, rolling stock and timetable models (RailSys is the software used by RBR) according to project development progress
 - Review, update and supplement of the Operational Plan in link with transport demand updates
 - Develop maintenance plan for infrastructure components, equipment and rolling stock, including asset management strategy
 - Provide O&M requirements in accordance with EN 50126 standard and ensure the realization of these requirements at all stages of the **Project’s** studies
 - Identifying and support managing both risks and opportunities at all Project implementation stages and overseeing the risk management process
 - Support RBR in the identification and development of any possible business related to the management of infrastructure, the railway operation and all related activities
 - Review implementation schedules for critical phases of design, construction, testing and commissioning on railway sections.
- O&M procedure development for Infrastructure Manager(-s) (IM) and Railway Undertaking(-s) (RU), such as:
 - Advising and issuing recommendations for the development of the O&M policies, strategies, performance plans, Standard Operating Plans & Procedures (SOPP), asset handover procedures
 - Participate in the definition of the organizational model and business plan to align the incentives between the IM(s) and RUs
 - Develop O&M capability within the Clients organization.
- Support for preparation of the preparatory and revenue O&M phases, such as:
 - Developing commercialization plan (fare policy, commercial policies) to maximize third party revenues
 - Developing a Key Performance Indicator system for the O&M phase
 - Develop strategy on freight complementarity and synergy with the transportation solutions (for example, “**piggybacking**” services)
 - Developing passenger service standards and customer service strategy in the aim of a client orientated service.

DESCRIPTION OF CANDIDATES EXPERIENCE

According to Section 4.1.1. of the Regulations

Railway Infrastructure Manager experience

Title of the reference railway network _____

No	Duration (In years) of performance	Period (from MM/YYYY– to MM/YYYY) of performance	Requirements in accordance with Section 4.1.1. of the Regulations	Contracting Authority	Country	Contact information for references
1.			Requirement:	Please indicate following description:		
			a) Duties has been performed Under European Union regulatory framework.	<i>Description of regulatory framework under which the duties has been performed</i>		
			b) At least 100 km railway network with design speed at least 200km/h and operated under ERTMS.	<i>Description of requested railway network parameters</i>		
			c) At least 100 km railway network with mixed freight and passenger traffic operation.	<i>Description of requested railway network parameters</i>		
			d) Operates or is connected to rail based multimodal freight facilities including container and rail-road operations, with	<i>Description of requested parameters</i>		

			<p>the following minimum service parameters:</p> <ul style="list-style-type: none"> o Average at least 1 500 000 t (one million five hundred thousand tonnes) of freight per year o Average at least 50 000 (fifty thousand) TEU per year 			
			<p>e) Operates or is connected to rail based passenger terminal providing multimodal connections with the following minimum service parameters:</p> <ul style="list-style-type: none"> o At least 10 passenger platform tracks at station o Average at least 15 000 000 (fifteen million) passengers per year. 	<p><i>Description of requested parameters</i></p>		

Annex: Description of performed duties (not more than 2 pages).

DESCRIPTION OF CANDIDATES EXPERIENCE

According to Section 4.1.2. of the Regulations

Railway Undertaking (passenger) experience

Title of the reference railway network _____

No	Duration (In years) of performance	Period (from MM/YYYY– to MM/YYYY) of performance	Requirements in accordance with Section 4.1.2. of the Regulations	Contracting Authority	Country	Contact information for references
1.			Requirement:	Please indicate following description:		
			a) Duties has been performed Under European Union regulatory framework.	<i>Description of regulatory framework under which the duties has been performed</i>		
			b) Operational speed at least 200 km/h.	<i>Description of requested service parameters</i>		
			c) Average at least 2 000 000 000 (two billion) passenger kilometres per year.	<i>Description of requested service parameters</i>		

Annex: Description of performed duties (not more than 2 pages).

DESCRIPTION OF CANDIDATES EXPERIENCE

According to Section 4.1.3. of the Regulations

Railway Undertaking (freight) experience

Title of the reference railway network _____

No	Duration (In years) of performance	Period (from MM/YYYY– to MM/YYYY) of performance	Requirements in accordance with Section 4.1.3. of the Regulations	Contracting Authority	Country	Contact information for references
1.			Requirement:	Please indicate following description:		
			a) Duties has been performed Under European Union regulatory framework.	<i>Description of regulatory framework under which the duties has been performed</i>		
			b) Average at least 2 000 000 000 (two billion) ton-km per year.	<i>Description of requested service parameters</i>		
			c) At least 2 (two) years' experience managing and organizing regular international multimodal (including railway mode) freight shipments.	<i>Description of requested service parameters</i>		

Annex: Description of performed duties (not more than 2 pages).

DESCRIPTION OF CANDIDATES EXPERIENCE

According to Section 4.1.5. of the Regulations

Shadow operator or similar advisory service provision experience

Title of the reference railway project _____

Information regarding candidates provided service contract:				Contracting Authority	Contact Information for references
No	Start and finish (if finished) dates	Project investment value (at least 50 000 000,00 EUR)	Requirements in accordance with Section 4.1.5. of the Regulations		
1.			Required service	Please indicate following description:	
			a) Design review	<i>Description of required activity</i>	
			b) Project documentation review	<i>Description of required activity</i>	
			c) Support of operation and maintenance strategy development.	<i>Description of required activity</i>	

Annex: Description of the reference project and provided services (not more than 2 pages).

Confirmation of Candidates Financial Standing

(4.3.1.) 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 (2019) the liquidity ratio shall be equal to or exceed 1 and shall have positive equity.

Financial information from Candidates financial statement used to calculate liquidity ratio and equity*	Year 2019**
Current assets	
Total assets	
Short term - liabilities	
Total liabilities	

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

$$equity = total\ assets - total\ liabilities = \underline{\hspace{2cm}}$$

Name of the Candidate/member of partnership/entity *

** Please continue and provide information regarding each entity to which this requirement applies. If value of assets or liabilities have been calculated from different parts of Candidates financial statement, Candidate must provide explanation how the calculations have been made.*

*** If the previous reporting year of the Candidate differ from the year specified in Section 4.3.1. of the Regulations (2019), the financial information necessary must be indicated for the Candidate's previous reporting year.*