CONFIRMED

RB Rail AS

procurement commission

Meeting of 1 December 2020

(Protocol 1).

*Regulation for procurement is translated into english just for informative purposes using mashine translator. If there are any differences between English version and Latvian version of the Regulations, Latvian version prevails in any case.*

PROCUREMENT

“Purchase of fuel and other road transport goods and services at refuelling stations”

(identification No: RBR 2020/17)

Statute



**Riga, 2020**

# **PURCHASE AND PURCHASE IDENTIFICATION NUMBER:**

* 1. The purchase is carried out in accordance with Section 9 of the Public Procurement Law.
	2. Procurement title: Purchase of fuel and other road transport goods and services at refuelling stations.
	3. Tender identification number: **RBR 2020/17.**

# **THE EMPLOYER:**

|  |  |
| --- | --- |
| Customer name: | RB Rail AS (hereinafter – Employer) |
| Legal address: | Kr. Valdemara Street 8-7, Riga, LV-1013 |
| Address of the office: | Kr. Valdemara Street 8-7, Riga, LV-1013 |
| Uniform registration number: | 40103845025 |
| Phone number: | +371 66967171 |
| Electronic mail address: | info@railbaltica.org |
| Web site: | [www.railbaltica.org](http://www.railbaltica.org) |
| Customer buyer profile: | Electronic procurement system (hereinafter - EIS) for the e-competition subsystem:<https://www.eis.gov.lv/EKEIS/Supplier/Organizer/3001> |

1. **CUSTOMER CONTACTS:**
	1. Contact person on procurement rules and procurement procedures - purchase of RB Rail AS purchase department procurement specialist Janis Lukševics, phone
	 number +371 29188156, e-mail: janis.luksevics@railbaltica.org.
	2. Contact person on the technical specification for procurement — RB Rail AS Administrative Manager Laura Buivida, e-mail: laura.buivida@railbaltica.org.
	3. You can only provide organizational information during the contact's purchase.

# **THE OBJECT OF THE TENDER AND THE ESTIMATED CONTRACT PRICE:**

* 1. The object of procurement is the purchase of fuel and other road transportation goods and services in the fuel filling stations RB Rail AS for road transport, in accordance with the requirements of Annex 2 “Technical Specification” of the procurement notice (hereinafter – Technical Specification).
	2. Main CPV code of the procurement entity: 09134220-5 (diesel fuel EN 590), additional CPV code: 50112300-6 (Car washing and similar services).
	3. The applicant may not submit variants of the tender. If the applicant submits several variants of the tender, they will all be declared invalid.
	4. Estimated contract price of the procurement entity — EUR 41 999,00 (forty-one thousand nine hundred and ninety-nine *euros,* 00 cents);
	5. The procurement and procurement object is financed through the co-financing of the Connecting Europe Facility (CEF) (Connecting Europe Facility).

# **DURATION AND PLACE OF CONTRACT**

* 1. Duration of the contract: 24 (*twenty-four*) calendar months from the date of entry into force of the contract or to the use of the amount set out in point 4.5 of the Regulation (whichever is the first).
	2. Place of execution of the contract: Latvia, Lithuania, Estonia.
1. **PROCEDURES FOR THE EXCHANGE OF INFORMATION AND RECEIPT OF A PROCUREMENT COMMISSION**
	1. The Employer, based on Section 9, Paragraph six of the Public Procurement Law, shall publish in the publication management system a notice regarding the planned contract, which shall be found on the Web site of the Procurement Monitoring Bureau: [www.iub.gov.lv](http://www.iub.gov.lv/).
	2. Additional information regarding the requirements contained in the tender documents may be requested by the supplier by sending a request by post, by electronic mail or by means of an EIS e-tender for the section of this procurement : [*https://www.eis.gov.lv/EKEIS/Procurement/48997*](https://www.eis.gov.lv/EKEIS/Procurement/48997)*,* including the purchase name and the identification number in the request.
	3. Suppliers shall provide communication with the Employer in Latvian language. The main operating language of the procurement, information exchange and procurement contract shall be the Latvian language.
	4. All relevant information regarding procurement, including the procurement regulations with annexes, answers to stakeholders' questions, will be published and will be freely available in the EIS e-competition sub-system in this procurement section: [*https://www.eis.gov.lv/EKEIS/Procurement/48997*](https://www.eis.gov.lv/EKEIS/Procurement/48997).
	5. If the supplier has requested additional information in due time regarding the requirements contained in the procurement regulations, the Employer shall submit it within 3 (three) business days, but not later than 4 (four) days before the end of the deadline for submission of tenders.
	6. Further information will be sent to the vendor who has asked the question and will be placed at the same time in the EIS e-invitation subsystems in this procurement section: [*https://www.eis.gov.lv/EKEIS/Procurement/48997*](https://www.eis.gov.lv/EKEIS/Procurement/48997), including the question referred for.
	7. In order to receive notification of amendments to the tender documentation, to the explanations provided by the procurement commission or to the replies to the suppliers, the supplier may register in the EIS e-competition subsystem as the [*https://www.eis.gov.lv/EKEIS/Procurement/48997*](%20https%3A//www.eis.gov.lv/EKEIS/Procurement/48997%20) of the contract if it is registered in the EIS as a supplier.
	8. The supplier concerned is obliged to monitor the published information. The customer is not responsible for it if the supplier concerned has not met the information that has been provided with the free and direct electronic access.
2. **TENDER SUBMISSION ORDER**

# **Procedures for the submission and opening of tenders:**

* + 1. Applicants may submit bids only by electronic means to the EIS e-competition subsystem in this iepirkuma section: *https://www.eis.gov.lv/EKEIS/ProcurementProposals/48997* by **18 December 2020 at the latest. 11:00**.
		2. Offers from applicants who will be received outside the EIS e-competition sub-system of this procurement section: [*https://www.eis.gov.lv/EKEIS/ProcurementProposals/31454*](https://www.eis.gov.lv/EKEIS/ProcurementProposals/31454)*,* will be declared incompatible with the requirements of the procurement contract and will not be opened back to the submitter.
		3. Tenders submitted will be opened electronically in the EIS e-competition subsystem immediately after the expiry of the deadline for submission of tenders. The process of opening up tenders may be followed by online developments in the EIS e-competition subsystems in this procurement section: [*https://www.eis.gov.lv/EKEIS/Procurement/48997*](https://www.eis.gov.lv/EKEIS/Procurement/31454)*.*
		4. If the applicant has used additional encryption for the request for data protection, the tenderer 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 tender.
		5. The applicant must fully cover the cost of the supply and submission of the tender. The Employer will not assume any commitment to these costs in a non-discriminatory manner from the procurement results.

# **TENDER DESIGN REQUIREMENTS**

* + 1. The general conditions for the applicant's participation in the procurement (including the required documents) are available in the EIS e-competition subsystem in this procurement section: [*https://www.eis.gov.lv/EKEIS/Supplier/Procurement/48997*](https://www.eis.gov.lv/EKEIS/Supplier/Procurement/48997)*.*
		2. When preparing an offer, the applicant shall observe that the application, the technical specification-technical offer, the financial tender, the list of persons on which the applicant is based, the list of the subsuppliers involved, the evidence of the applicant's financial performance in accordance with the EIS e-competition sub-system, the documents form attached to the [*https://www.eis.gov.lv/EKEIS/Supplier/Procurement/48997*](https://www.eis.gov.lv/EKEIS/Supplier/Procurement/48997) of this procurement section shall be completed only electronically, each in a separate electronic document with standard office tools in a format to be read, such as Microsoft Office 2010 or later/earlier versions of software versions or pdf format.
		3. Where an offer is submitted by an association of persons who has not legally established its cooperation in accordance with the Commercial Law at the moment of submission of the tender, it shall submit a copy of the contract signed by all participants in the group of persons (a protocol, agreement, other document), which includes the condition that each participant in the association separately and together is responsible for the execution of the procurement contract, and which demonstrates that, if a contract has been awarded to an association of persons, the association of the parties will conclude a public contract or establish the full company in accordance with the procedures laid down in regulatory enactments before concluding the procurement contract. The applicant will have to provide the Employer with a copy of the company's contract (original or copy if the original is presented) or a copy of the relevant full company registration document. If the public contract does not have a representative right, the offer must be signed by a representative of each person included in the association of persons with the right of representation.
		4. If the tender is submitted by a private company, it shall be submitted, in order to be recognised as an applicant in this purchase, a copy of the partnership contract or a copy of the contract, or a copy of another document (protocol, agreement) confirming the competence and division of responsibilities of the members of each individual company, if it is not included in a partnership contract or in an extract thereof.
		5. When submitting an offer, the applicant shall sign the tender or parts thereof, if it is signed separately, with a secure electronic signature and time stamp or with the signature of the system offered by the EIS e-competition. When the applicant considers the application, technical specification-technical tender, financial tender, persons on which the applicant is based, the list of the subsuppliers involved, the statement of the applicant's financial performance can be signed as separate documents or sign the entire tender documentation.
		6. The tender or parts thereof, if it is signed separately, shall be signed on behalf of the applicant by the person who has the right to represent the applicant or the person authorised by the applicant in accordance with the requirements of regulatory enactments, together with a representation document (for example, a mandate). The mandate should specify precisely the scope of the rights and obligations conferred on the person entitled.
		7. When submitting an offer, the applicant shall fully recognize all the terms and conditions of the procurement tender and its additions.
		8. The procurement commission shall obtain the information in publicly available databases in order to obtain assurance as to the rights of the applicant (including members of an association of persons, members of the partnership, associated subcontractors, and operators to which the applicant is based in the performance of the procurement contract) and the amount of representation. With regard to the right of representation of a foreign-resident or resident applicant (including members of an association of persons, members of the partnership, associated subcontractors and operators to which the applicant is based in the performance of the procurement contract). With regard to the right of representation of a foreign-resident or resident applicant (including members of an association of persons, members of the partnership, associated subcontractors and operators to which the applicant is based in the performance of the procurement contract), the applicant shall submit the statement (s) issued by the authority in the country of registration or habitual residence.
		9. If the offer is not signed by a person with the right of representative of the applicant, the offer of the tenderer concerned shall be rejected.
		10. The tender shall be submitted in Latvian language. The tender documents drawn up in another language must be accompanied by a translation of the applicant's certified translation into the Latvian language, which, in accordance with Cabinet Regulation No. 291 of 22 August 2000, “Order in which translations of documents in the official language” have been signed by a document interpreter. The applicant shall be responsible for the correlation with the original.
		11. The tender documents shall be clearly legible, without correction, additions, erasures, or mathematically errors. The scanned documents must display all the information contained in the original document. Before connecting a scanned document to an EIS e-tender, in the section of this procurement https://www.eis.gov.lv/EKEIS/ProcurementProposals/48997*,* the applicant shall verify that the document is readable and depicts all the information contained in the original document.
		12. If an applicant has submitted a copy of any document, this shall be demonstrated in accordance with the law of the Document of Legal Force. If the Employer has doubts regarding the authenticity of the submitted document, the Employer may require the applicant to present the original or provide a certified copy of the document.
		13. If any of the documents provided by the Applicant has been issued by a Member State authority in the Hague Convention on the Revocation of a Foreign Public Documents Act of 5 October 1961, it must be annexed to the Apostille declaration. Documents issued by the other national authorities must be legalised in the country of origin and in the Republic of Latvia. Consular legalisation and legalisation of documents by the Apostille under the Instrument for Laundering of Documents shall not be affected
		14. The tender shall be prepared in such a way that the operation of the EIS e-tender subsystem is not jeopardised and access to the information contained in the offer is not restricted, including the supply of computer viruses and other harmful software or generators. If the offer contains any of the risks referred to in this paragraph, it will not be considered.
		15. If the applicant is a foreign person and a tender or any of the tender documents is signed with a secure electronic signature, the applicant must specify a site (link) where it is possible for free and without a special program to verify (verify) the authenticity of the signature on the computer. In addition to a foreign-resident or permanently resident applicant (including the members of an association of persons, members of the partnership, associated subcontractors and operators upon which the applicant is based in the performance of the procurement contract), the offer shall be accompanied by a statement/s issued by the competent authority in the country of registration or habitual residence, which shall contain information on the rights of representation and the extent of the representation.
		16. The applicant shall comply with the Electronic Documents Law and Cabinet regulation No. 473 of 28 June 2005 on the procedures for the development, format, storage and circulation of electronic documents in the State and local government institutions, and procedures regarding the movement of electronic documents between the State and local government institutions, or between these authorities and legal persons, regarding the electronic document, as well as the drawing up of electronic copies of printed form documents and their legal power. The applicant shall be entitled to certify all the derived documents and translations in the offer by submitting a single attestation covering all secondary documents and translations.
		17. The applicant shall be responsible for timely submission of the proposal to the EIS e-competition subsystems in this procurement section [*https://www.eis.gov.lv/EKEIS/ProcurementProposals/48997*](https://www.eis.gov.lv/EKEIS/ProcurementProposals/48997)*.*

# **AMENDMENT AND WITHDRAWAL OF THE OFFER**

* 1. The applicant may withdraw its offer by the end of the deadline for submission of tenders by means of the withdrawal operation of the tender in the subsystems EIS e-competition in the “Submission” class.
	2. The applicant may modify its tender by the end of the deadline for submission of tenders by uploading the tender or part of the tender in the EIS e-tender into the subsystem and by signing the amendments with a secure electronic signature and time stamp or by electronic signature provided by the EES.

# **OTHER INFORMATION**

* 1. Tendering securities have not been requested in the course of procurement.
	2. The Employer will process personal data submitted in the procurement process, procuring the procurement documents in the right and the cases specified in the Public Procurement Law, transfer the personal data to the Procurement Monitoring Bureau and/or the Administrative District Court in atbilstoš with requirements.

# **DOCUMENTS TO BE INCLUDED IN THE OFFER**

* 1. **The applicant's application for participation in the tender**. The applicant shall complete the application for participation in the procurement by using the form in Annex 1 “Application for participation in the procurement” of the procurement document. In its application, according to the explanation provided by the Procurement Monitoring Bureau (2) and the European Commission Recommendation of 6 May 2003 on the definition of small and medium-sized enterprises (OJ L 124, 20.5.2003), the status of the applicant, small or medium-sized enterprise (3), is to be stated. If the applicant does not meet the status of a small and medium-sized enterprise, the applicant shall indicate that information in its application. If an applicant is an association of persons, the application must include information on all members of the grouping of persons.

# If an applicant intends to involve subcontractors in the execution of a procurement contract, the applicant shall include in the application, in addition to the requirements specified in Paragraph 10 of the procurement notice, the requested information regarding the applicant's subcontractors.

* 1. In addition to what is indicated in Paragraph 10 of the procurement notice, the applicant shall include in a tender in the form of a free form of each subcontractor the attestation thereof regarding its readiness to perform the part of the contract to be placed in service.
	2. If the applicant is based on the capacity of other persons to fulfil the qualification requirements set out in the procurement rules, the applicant shall include in the tender each person on whose basis the applicant is based on a signed attestation or agreement on participation in the procurement and involvement in the execution of the procurement contract, if the applicant is awarded a contract, and the resources which will be put at the disposal of the applicant.
1. **Financial supply.** The applicant shall complete a financial tender using the form in Annex 3 “Financial Supply” of the procurement notice. The applicant shall note that the financial offer:
	1. all prices must be set *in EUR* with two decimal places;
	2. the purchase of road supplies must include the applicable discount (%);
	3. the applicant may not make any changes to the content of the financial quote form, including delete or add rows or columns.
2. **Technical solution**. The applicant shall include in the tender a complete Annex 2 to the tender document “Technical specification - technical offer”.

# **Requirements and documentation to be supplied to the applicant and applicant's staff:**

* 1. Legal status and conformity of the applicant to carry out the professional activity:

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| --- | --- | --- |
| **No.** | **Qualification requirements** | **Documents to be supplied** |
| 13.1.1. | An applicant shall be registered in the Enterprise Register of the Republic of Latvia or in an equivalent register in the cases specified in the law and in accordance with the procedures laid down in law, the applicant has legal capacity and legal capacity. The requirement shall also apply to a local company and to all members of a personal company (if the offer is submitted by a personal company) or to all members of the supplier of suppliers (if the offer is submitted by a creditor of the suppliers), as well as persons on which the applicant is based **in** order to fulfil the qualification requirements regarding the conformity of the applicant with the performance of professional activity (if the applicant intends to attract the persons to which the applicant is based). | * A foreign-resident or foreign-resident applicant, a staff undertaking and all members of the staff undertaking (if the offer is submitted by a private company), or all participants in a group of persons (if the offer is submitted by an association of persons), as well as persons on which the applicant is based, in order to prove his or her compliance with the qualification requirements laid down in the procurement rules (if the applicant intends to attract such persons), shall append copies of registration certificates issued by the company registering a commercial activity, confirming that the applicant and 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.

If national laws or regulations do not provide for such registration, the applicant shall include information in the tender that the laws and prescriptions of the relevant State do not provide for such registration.Information regarding the registration of previously mentioned persons registered in the Republic of Latvia in the Commercial Register, shall be checked by the Employer on the website of the Enterprise Register of the Republic of [*www.ur.gov.lv*](http://www.ur.gov.lv/)*.* |
| 13.1.2. | Applicant is licensed to carry out retail trade of fuel in the Republic of Latvia | Information regarding the licence issued in the Republic of Latvia for retail sale of petroleum products shall be checked by the Employer on the State Revenue Service web site [*https://www6.vid.gov.lv/AP*](https://www6.vid.gov.lv/AP). |

* 1. **REQUIREMENTS FOR THE ECONOMIC AND FINANCIAL SITUATION OF THE APPLICANT**

|  |  |  |
| --- | --- | --- |
| **No.** | **Qualification requirements** | **Documents to be supplied** |
| 13.2.1. | The average annual financial performance of the applicant (net) over the previous 3 (three) financial years (2017, 2018, 2019) shall be at least 40 000.00 EUR (forty thousand euros, 00 cents).If an applicant is a group of persons, the average annual financial turnover (net) of all participants in the group of persons during the previous 3 (three) financial years (2017, 2018, 2019) should be at least 40 000.00 EUR (forty thousand euros, 00 cents).If an applicant (also an actor of an association of persons) is established subsequently, the financial performance shall meet the above requirement for the period of activity concerned. | In order to demonstrate compliance with the requirement, the applicant shall add to the tender:1. proof of compliance of the applicant's annual financial turnover (net) with the requirement laid down in Section 13.2.1 of the Purchase Regulation drawn up in accordance with the Procurement “Contract's financial performance” form (Annex 6).
2. copies of **the profit** and loss calculation for the years concerned.

An applicant or an actor of an association of persons with a duration of less than 3 (three) years shall state in the proof of financial turnover (net) for the operating time concerned. |
| 13.2.2. | The applicant shall have positive own funds after the last completed financial year report data. | * Last completed financial reference year (2019) balance.
 |
| 13.2.3. | The applicant's short-term liquidity ratio after the last completed financial year shall be at least 1 (the balance sheet line “Current assets together” divided by the balance sheet line “Short-term creditors together”). |

1. If the documents included in the tender for the qualification of the applicant do not comply with the requirements set out in the procurement regulations or the applicant has not included the documents referred to in the procuring tender in accordance with Paragraph 13 and/or has not included the requested information, the applicant shall be excluded from further participation in the procurement.

# **EXCLUSION RULES**

* 1. The Employer shall exclude the applicant who would be granted the procurement contract from a participation in procurement in any of the cases specified in Section 9, Paragraph eight, Clauses 1, 2, 3, 4 or 5 of the Public Procurement Law, if:
		1. the insolvency proceedings of an applicant have been declared (unless the insolvency proceedings apply a set of measures aimed at restoring the debtor's solvency), the economic activity or the applicant being disposed of;
		2. it has been established that, on the last day of the deadline for submission of tenders or at the date of the decision to award a contract, the applicant in Latvia or in the State in which it is established or in which it is domiciled shall have a tax debts, including debts in the form of compulsory State social security contributions totalling in a total of *EUR* 150. The commissioning authority shall take into account, in relation to the applicants registered and permanently residing in Latvia, the information that has been placed in the information system specified by the Cabinet in the information system of the State Revenue Service regarding the database of the public tax debtor's database and the last data update of the Immovable Property Tax Administration;
		3. the compiler of the procurement document (Employer's official or employee), a member of procurement commission or an expert, is related to the tenderer within the meaning of Section 25, Paragraph one or two of the Public Procurement Law or is interested in choosing any applicant, and the commissioning party is not able to prevent this situation with less restrictive measures of applicants;
		4. the person specified by the applicant in relation to which the applicant is based in order to confirm that his qualification meets the requirements set out in the notice of the planned contract or in the procurement contract, as well as on the member of the partnership, if the applicant is a personal company, shall be subject to the conditions of point 15.1.1, 15.1.2 or 15.1.3 of the tender procedure;
		5. An applicant is a legal entity or an association of persons registered in a foreign area.
1. The applicant shall be excluded from further participation in the procurement, if the applicant and to the International and Latvian Republic's National Sanctions Law 11. The persons referred to in Paragraphs one and two of this Section are applicable to the International and Latvian Republic National Sanction Law 11. The conditions for exclusion set out in the first and second subparagraphs of this Article.
2. **TENDER EVALUATION TERMS**
	1. The procurement commission shall carry out the evaluation of tenders in closed meetings in accordance with the requirements of the Public Procurement Law. The procurement commission shall only evaluate tenders which have been submitted in accordance with the procedures and time limits laid down in the Regulations.
	2. The procurement commission shall evaluate the conformity of the submission of the tender of the applicant with the requirements of the procuring tender. Offers not compliant with tender design requirements, when assessing the proportionality of the non-compliance, may be excluded from future participation in the purchase.
	3. The procurement commission shall evaluate the compliance of the documents contained in the applicant's offer with the requirements of the procuring tender. If the procurement commission determines the failure of the applicant or tender in the evaluation process in any of the assessment stages, the applicant shall be excluded from further participation in the procurement.
	4. In order to verify whether the applicant is not excluded from participation in procurement in accordance with Section 9, Paragraph eight, Clauses 1, 2, 3, 4 or 5 of the Public Procurement Law, the Employer shall perform an inspection in accordance with the regulations of Section 9, Paragraph nine, Paragraphs 11 and 12 of the Public Procurement Law. If an applicant who would be granted a contract is in accordance with the circumstances referred to in Section 9, Paragraph eight of the Public Procurement Law, the procurement commission shall reject the tender.
	5. To verify that the applicant is not excluded from participation in procurement in the International and Latvian Republic National Sanctions Law 11. Due to the circumstances referred to in Paragraphs one and two of this Section, the Employer shall obtain information on the Web site [*www.sankcijas.kd.gov.lv*](http://www.sankcijas.kd.gov.lv/)*.*
	6. In the context of the evaluation of tenders, the procurement commission shall verify that the tender is not unduly cheap and there is no arithmetic error in the tender.
	7. The procurement commission shall, within 3 (*three*) working days after taking of the decision, inform all applicants regarding the applicant selected in the procurement, sending the decision taken by the applicants or the information indicated in the decision referred to in Section 9, Paragraph thirteenth of the Public Procurement Law, as well as ensuring free and direct electronic access to the decision referred to in Section 9, Paragraph thirteenth of the Public Procurement Law for the EIS e-competition subsystems in this procurement section: [*https://www.eis.gov.lv/EKEIS/ProcurementProposals/48997*](https://www.eis.gov.lv/EKEIS/ProcurementProposals/48997)*.*

# **TENDER CHOICE CRITERION**

* 1. An applicant, whose tender complies with all the requirements set out in the procurement rules and is the most economically viable, will be deemed to be a procurement tender.
	2. The most economically advantageous tender will be based on the following ranking criteria and their numerical values:

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| --- | --- | --- | --- |
| **No.** | **Criteria to be assessed** | **Maximum score** | **Evaluation methodology** |
| 1. | **Price with diesel discount (A)** | **80** | The lowest price with the discount, determined according to the following formula:$$A= \frac{A (min)}{A (p)} x 80$$whereA (min) = the lowest offered price with a discount of all offers;A (p) = the price offered by the applicant under assessment with a discount. |
| 2. | **Number of funds in Riga administrative territory (B)** | **10** | The maximum number of points shall be received by the applicant indicating the highest number of additional refuelling stations. For other applicants, the clauses are awarded according to the following formula:$$B= \frac{B (p)}{B (max)} x 10$$whereB (max) = the highest number of additional DUS offered;B (p) = the number of the DUS offered by the applicant under assessment. |
| 3. | **Number of TSIs in Latvia outside Riga city administrative territory (C)** | **5** | The maximum number of points shall be received by the applicant indicating the highest number of additional refuelling stations. For other applicants, the clauses are awarded according to the following formula:$$C= \frac{C (p)}{C (max)} x 5$$whereC max = the highest number of additional DUS offered;C P = the number of the DUS offered by the applicant under assessment. |
| 4. | **Automatic automatics in DUS Latvia (D)** | **10** | The maximum number of points shall be received by the applicant who has specified the lowest price with a discount of 1 (one) for automatic automatics.$$D= \frac{D (min)}{D (p)} x 5$$whereD min = the lowest offered price with a discount of all offers;D P = the price offered by the applicant with the discount. |
| 5. | **Vehicle operating materials (E)** | **5** | The maximum number of points shall be received by the applicant who has specified the highest discount for the purchase of the car's materials.$$E= \frac{E (p)}{E (max)} x 5$$whereE max = the highest bid discount of all offers;E P = the discount offered by the applicant under assessment. |
| **Total (F):** | **110** | **F = A + B + C + D + E** |

* 1. The Commission shall assess each tender separately. The tender, which has received the highest number of points (G), is regarded as economically most advantageous. The total of points is calculated according to the formula: G = A + B + C + D + E
	2. As part of the evaluation of tenders, each member of the procurement commission shall evaluate the tender individually after all the evaluation criteria specified in the tender documents. The procurement commission shall evaluate the tender of the applicant by counting the items allocated to the specific offer of each member of the procurement commission and by dividing them by the number of procurement commission members. The value of points to be allocated to offers is calculated in whole numbers with 2 (two) decimal places.
	3. A tender which has obtained the highest number of points will be regarded as the most economically viable tender.
	4. If two tenderers have obtained the same number of growth points, then the winner shall be selected for the tenderer whose tender has obtained the highest number of points for the evaluation criterion (A).

# **CONTRACT CLOSING**

* 1. The procurement commission shall, within 3 (three) working days after taking of the decision, inform all applicants regarding the tenderer selected in the procurement, by sending the decision taken by the applicants or the information specified in Section 9, Paragraph thirteenth of the Public Procurement Law, as well as ensuring free and direct electronic access to the decision referred to in Section 9, Paragraph thirteenth of the Public Procurement Law for the EIS e-competition subsystems in the section of this procurement https://www.eis.gov.lv/EKEIS/Supplier/Procurement/48997*.*
	2. With an applicant, whose tender complies with all the requirements set out in the tender regulations and has obtained the highest number of points and has been declared as the economically most advantageous tender, the Employer shall conclude a procurement contract in accordance with the provisions of Annex 5 “Project Contract Design” of the procurement notice.
	3. The procurement tender shall sign the contract within 10 (ten) business days of the invitation sent by the Employer to sign the contract for the sending of the contracts. If the winner does not sign a contract within the specified time period, it is considered to be a refusal to close the procurement contract and the procurement commission acts in accordance with the Regulations of the Public Procurement Law.
	4. If the selected applicant refuses to contract a procurement contract with the Employer, the procurement commission shall select a tender that has received the highest number of the most advantageous assessment criteria for the most advantageous tender.
	5. If necessary, amendments to the concluded agreement shall be made in accordance with the provisions of the Agreement and Section 61 of the Public Procurement Law.

# **RIGHTS AND OBLIGATIONS OF THE PROCUREMENT COMMISSION AND APPLICANT**

* 1. Procurement commission's rights:
		1. approve the purchase decision;
		2. ask the applicant to specify the information concerning the tender submitted, if required for the selection of the applicants, for verifying the compliance of the technical offers, for appraisal and comparing tenders. When requesting explanations on the tender, no amendments are made to the nature and price of the tender. Procurement commission has the right to verify the necessary information in the competent institution, databases available in the public or in other publicly available sources;
		3. The procurement commission is entitled to correct the arithmetic errors in the financial tender of the applicant, informing the applicant of the error correction. If the figures differ from figures from figures, the procurement commission shall take account of the figures in words. If the price of a unit differs from the total price obtained by multiplying the unit price by a number, the procurement commission shall take into account the unit price and fix the overall price.
		4. to invite experts to select an adviser in selection of applicants, technical offers in relation to conformity assessment and evaluation of tenders;
		5. decide to terminate the procurement without choosing any offer;
		6. perform other activities in accordance with the Public Procurement Law, Public Procurement Law and other regulatory enactments.
	2. Procurement commission obligations:
		1. ensuring the execution and documentation of the procurement process;
		2. at the request of applicants, provide information on the procurement rules in accordance with the procedures laid down in regulatory enactments;
		3. to assess applicants and tenders submitted by them in accordance with the regulatory enactments and the procurement rules, choose the tender or decide on the termination of the tender without choosing any offer;
		4. at the same time, inform all applicants about the decision taken regarding the award of the contract in accordance with the procedures laid down in the Public Procurement Law.
	3. The applicant's rights:
		1. amend or revoke a submitted tender before the end of the deadline for submission of tenders;
		2. submit written questions regarding the procurement rules and procedures;
		3. to appeal to the Employer's decision in accordance with the procedures laid down in Section 9, Paragraph 23 of the Public Procurement Law.
	4. The applicant's obligations shall:
		1. to comply with the provisions of the Procurement Noise and Public Procurement Law;
		2. to provide real information;
		3. to reply to requests by the procurement commission for additional information required for the design examination of tenders, for the selection of applicants, for the verification, comparison and evaluation of tenders;
		4. cover all costs related to the preparation and submission of tenders.

# **ANNEXES**

All attachments are an integral part of this purchase decision. The following Annexes are added to the procurement rules:

Annex 1: Applicant's application for participation in a purchase (form);

Annex 2: Technical specification - technical offer;

Annex 3: Financial Supply (form);

Annex 4: Persons to which the applicant is based (form);

Annex 5: List of contractors (form) involved;

Annex 6: Supplement regarding the financial performance of the applicant;

Annex 7: Design of the Agreement.

**Annex 1**

Tender By

(Identification number RBR 2020/17)

###### **APPLICATION**

**FOR procurement: “purchase of fuel and other road transport goods and services at refuelling stations” (IDENTIFICATION OR) RBR 2020/17)**

***Note****: The applicant[[1]](#footnote-2) must fill in empty locations in this form.*

|  |  |
| --- | --- |
| Applicant's name: |  |
| Registered in the Commercial Register with No.: |  |
| Legal address: |  |
| Correspondence address: |  |
| Contact person: | (given name, surname, position) |
| Telephone: |  |
| Fax: |  |
| E-mail address: |  |
| Tax Enrollment No.: |  |
| Bank: |  |
| Code: |  |
| Account: |  |

Together with the submission of this application and attached documents to the bidders for the purchase of “Fuel and other road transport goods and services at refuelling stations”, (identification No. RBR 2020/17) (hereinafter referred to as procurement) and certify on behalf of the applicant that the applicant:

1. agrees with the provisions of the Regulation and undertakes to respect the requirements of all the Annexes and its Annexes, including technical specifications. The procurement rules and the requirements laid down in it shall be understood;
2. they have met the draft tender project and agree with it, they are clear and understandable, and there are no objections to them. In the case of contract awards all the terms of the contract will be fulfilled;
3. the tender submitted by the applicant shall not contain commercial confidentiality and the Employer is entitled to publish it in accordance with the procedures laid down in regulatory enactments *(if the offer contains commercial confidentiality, please indicate which information is commercial confidentiality in the submitted offer).*
4. correspond to the status of a small or medium enterprise (mark as “x”, if applicable)[[2]](#footnote-3):

|  |  |  |
| --- | --- | --- |
| *Small enterprise* | A company employing less than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed *EUR* 10 million; |  |
| *Mean company* | An enterprise which is not a small enterprise and employs less than 250 persons and whose annual turnover does not exceed *EUR* 50 million and/or whose annual balance sheet total does not exceed *EUR* 43 million. |  |

|  |  |
| --- | --- |
| Signature of the official or authorised person: |  |
| Name and position of the signatory: |  |
| Applicant's name: |  |

**Annex 2**

Tender By

(Identification number RBR 2020/17)

procurement

“COMPATIBILITY AND OTHER AUTOTRANSPORT PROCEDURES FOR THE PLACING IN SERVICE OF SUBSYSTEMS AND SERVICES OF THE SERVICE OF SERVICES”

**(ID No. RBR 2020/17)**

**TECHNICAL SPECIFICATION — TECHNICAL SOLUTION**

|  |  |  |  |
| --- | --- | --- | --- |
| **No.** | **Product/service/requirement** | **Customer conditions** | **Applicant's offer** |
| **1.** | **Fuel** |
| **1.1.** | Diesel fuel in the territory of Latvia | Appropriate Cabinet Regulation No. 332 of 26 September 2000 Regulations regarding the Conformity Assessment of Petrol and Diesel Fuel Fuel Fuel Regulations and the Standard LVS EN 590: 2014, "Motorways of the Republic. Diesel fuel. Requirements and test methods” or equivalent |  |
| **1.2.** | Diesel fuel in the territory of Lithuania and Estonia | The quality of diesel fuel complies with the requirements of regulatory enactments or standards in force in the European Union |  |
| **1.3.** | Diesel fuel quality requirements during winter period | For the winter period (from 1 November to 15 April) diesel fuel shall comply with the requirements of class A0, A1, or A2, considering the dynamics of temperature changes. |  |
| **2.** | **Automatisation** |
| **2.1.** | Minimum requirements of the automatics service | Automatic automatics by providing at least the following programs: washing the body with a detergent, rinsing, polishing/vasculating. |  |
| **3.** | **Vehicle operating materials** |
| **3.1.** | Requirements for automotive materials | DOS must be available for vehicle operating materials (e.g. washing fluid, air freshener, door stocking equipment against freezing, etc.) |  |
| **4.** | **Place of purchase of fuel, automatics and car operation materials** |
| **4.1.** | Refuelling stations (DUS) in Riga | Minimum 5 (five) DUS in Riga, including at least 1 (one) DUS with automatic automatics | *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**(The applicant tells the location (s) of the DUS and the available services (including the availability of the automatics service).* |
| **4.2.** | IN the rest of Latvia's territory outside Riga administrative territory |
| **4.2.1.** | not less than 1 (one) DUS with automatic automatics on A1 road (or up to 500 m from the road) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*(The employer specifies the location (address) of the DUS in Latvia outside Riga administrative territory, indicating location on A1 and A7 roads.)* |
| **4.2.2.** | at least 1 (one) DUS with automatic automatics on A7 Highway (or up to 500 m from the road) |
| **4.3.** | Cooperating Partner DUS Tallinn where purchases of purchased goods and services can be made by a settlement card issued by the Applicant | Minimum 5 (five) DUS, including at least 1 (one) DUS with Automatic Automatic Breaking |  |
| **4.4.** | DUS of cooperation partners in Vilnius, where purchases of purchased goods and services can be settled by a settlement card issued by the Applicant. | Minimum 5 (five) DUS, including at least 1 (one) DUS with Automatic Automatic Breaking |  |
| **4.5.** | Fuel acquisition time | The seller must provide the Employer with the opportunity to purchase fuel for 7 (seven) daily ninety, 24 (twenty-four) hours per day in the territory of Latvia, Lithuania and Estonia. |  |
| **5.** | **Fuel Map** |
| 5.1. | Settlement type | Cashless settlement procedures with refuelling credit cards for all deliveries made |  |
| 5.2. | Settlement procedures | 100% post-payment 30 (thirty) business days after receipt of invoice |  |
| 5.3. | Acquisition Opportunities | Fuel post-paid card can only be billed for purchased fuel, automatic car washing, and purchases of autotransformers |  |
| 5.4. | Maintenance | Card maintenance without additional commissions |  |
| 5.5. | Manufacture and delivery | The seller shall ensure the manufacture, issue and replacement of the fuel post-payment cards to the Employer within 5 (five) business days after sending the person's authorised representative in writing for the required number of fuel cards.The amount of fuel cards forecasted for the customer when starting the contract 7 –10 maps |  |
| 5.6. | Interchange | The seller must ensure irreversibly damaged fuel card exchange during 5 (five) business days following the date of receipt of the request from the person entitled to the purchaser to the applicant. |  |
| 5.7. | Blocking | The vendor shall immediately block/invalidate the post-paid card if the person authorized by the Employer informs the holder of the post-payment card for loss or return to the possession of a third party. |  |

|  |  |
| --- | --- |
| Signature of the official or authorised person: |  |
| Name and position of the signatory: |  |
| Applicant's name: |  |

**Annex 3**

Tender By

(Identification number RBR 2020/17)

Financial Supply

in procurement

“COMPATIBILITY AND OTHER AUTOTRANSPORT PROCEDURES FOR THE PLACING IN SERVICE OF SUBSYSTEMS AND SERVICES OF THE SERVICE OF SERVICES”

**(ID No. RBR 2020/17)**

1. **Diesel fuel:**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| No. p.m. | Item | DUS address in Riga | Price per unit (1 litre) EUR before VAT \* | Suggested discount (%) per fuel litre[[3]](#footnote-4) | Price per unit (1 litre) with discount EUR before VAT[[4]](#footnote-5) |
| 1. | Diesel fuel |  |  |  |  |

\* Retail price of fuel (EUR/litre excluding VAT) at the applicant's refuelling station on the supply **(18 December 2020)** day \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Name, address).

1. **Automatic automatics:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No. p.m. | Service | Automatic automatics price in EUR excluding VAT | Suggested discount (%) for automatic automatics[[5]](#footnote-6) | Price with a discount of EUR 1 (one) for automatic automatics[[6]](#footnote-7) |
| 1. | Automatic automatics, including car body washing with washing agent + body rinsing + treatment with waxing/polishing feature |  |  |  |

1. **Automotive accessories:**

|  |  |  |
| --- | --- | --- |
| No. p.m. | Item | Applicable discount on purchase value (%)[[7]](#footnote-8) |
| 1. | Automotive fittings |  |

|  |  |
| --- | --- |
| Signature of the official or authorised person: |  |
| Name and position of the signatory: |  |
| Applicant's name: |  |

**Annex 4**

Tender By

(Identification number RBR 2020/17)

**persons to whom an applicant may be based**

purchases OF “fuel AND OTHER AUTOTRANSPORT PROCEDURES AND SERVICES FOR COMPATIBILITY WITH SERVICES”

**(ID No. RBR 2020/17)**

|  |  |  |
| --- | --- | --- |
| No. p.m. | Name of the person (registration number, legal address) | Description of the options supported by the Applicant |
| 1 |  |  |
| 2 |  |  |
| [..] |  |  |

|  |  |
| --- | --- |
| Signature of the official or authorised person: |  |
| Name and position of the signatory: |  |
| Applicant's name: |  |

**Annex 5**

Tender By

(Identification number RBR 2020/17)

**List of linked subsuppliers**

**purchases IN SERVICE OF** **SUBSYSTEMS AND OTHER AUTOTRANSPORT PROCEDURES AND SERVICES OF SERVICE BY MEMBER STATES**

**(ID No. RBR 2020/17)**

|  |  |  |
| --- | --- | --- |
| No. p.m. | Subcontractor name, Registrar No. legal address, contact person | Share of services to be provided |
| **Description of the part of service to be provided** | **Amount of the financial quotation in EUR (excluding VAT)** | **The percentage of service share in relation to the total value of the service** | **Small[[8]](#footnote-9) or medium-sized enterprise[[9]](#footnote-10)** |
| **I** | **Share of a service share of ≥ 10% of the planned contract price** |  |  |  |  |
| 1 |  |  |  |  |  |
| 2 |  |  |  |  |  |
| [..] |  |  |  |  |  |
|  |  |  |  |  |  |
| **Total L:** |  |  |  |
| **IB** | **Volume of service share < 10% of the planned contract price** |  |  |  |  |
| 1 |  |  |  |  |  |
| 2 |  |  |  |  |  |
| [..] |  |  |  |  |  |
|  |  |  |  |  |  |
| **Total II:** |  |  |  |
| **Total (I + II)** |  |  |  |

With this subcontractor, it *(the name of the official, given name, surname)*, the person who (- a) acts on the basis *of (articles of association/authority)* certifies that he agrees to be the **purchase of RB Rail AS procurement “purchase of fuel and other road transport goods and services at refuelling stations”** with ID No.
 RBR 2020/17, as *(Name, registration number and address of the applicant)* (hereinafter referred to as the applicant) for the subcontractor.

|  |  |
| --- | --- |
| Signature of the official or authorised person: |  |
| Name and position of the signatory: |  |
| Applicant's name: |  |

**Annex 6**

tender By

(purchase identification

No. RBR 2020/17)

**EVIDENCE OF THE FINANCIAL PERFORMANCE OF THE APPLICANT**

*[Note: The applicant must complete the empty locations in this form]*

**for procurement “Purchase of fuel and other road transport goods and services at refuelling stations”**

**(id. No. RBR 2020/17)**

We, \_\_\_\_\_\_\_\_\_\_\_\_ < *Applicant name* > certify that:

The applicant's net financial turnover shall be:

|  |  |
| --- | --- |
| **Year** | **Turnover (net), EUR** |
| 2017 |  |
| 2018 |  |
| 2019 |  |

In the Annex: Copies of the profit or loss calculation for each financial year shown, together with \_\_\_\_\_\_\_\_\_\_\_ page

|  |  |
| --- | --- |
| Signature of the official or authorised person: |  |
| Name and position of the signatory: |  |
| Applicant's name: |  |

1. If an applicant is an association of suppliers, the offer shall be accompanied by an agreement signed by all participants in the association on the submission of a joint offer, which stipulates that all participants in the association, together and separately, are responsible for the execution of the procurement contract, and the principal participant, who is authorised to sign the application for participation in the Procurement, a financial tender and other documents, receive and issue orders on behalf of the members, and with which all payments will take place. The agreement document shall indicate the part of the work carried out by each participant in the supplier's association in the execution of the purchase agreement, indicating in addition the amount of work that is carried out by each participant of the supplier. [↑](#footnote-ref-2)
2. European Commission (previous name – Commission of the European Communities) of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.05.2003). This information is only needed for statistical purposes. [↑](#footnote-ref-3)
3. The price in euros per unit (1 litre) (net of VAT) (the percentage of discount is unchanged throughout the contract of procurement). [↑](#footnote-ref-4)
4. The price specified in the financial quotation is only used in the Prevention tender evaluation process. [↑](#footnote-ref-5)
5. The proposed discount (%) for auto-automation remains the same for the entire duration of the contract. [↑](#footnote-ref-6)
6. The price specified in the financial quotation is only used in the Prevention tender evaluation process. [↑](#footnote-ref-7)
7. The proposed discount (%) for the purchase of road purchases remains unchanged during the whole time of the contract. If the discount offered by the applicant is 0%, in determining the most economically advantageous tender, a value of 0,0001% will be used instead of 0%. [↑](#footnote-ref-8)
8. *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.* [↑](#footnote-ref-9)
9. *An average enterprise is an enterprise which is not a small enterprise employing less than 250 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 50 million and/or whose annual balance sheet total does not exceed EUR 43 million.* [↑](#footnote-ref-10)