

REGULATIONS
FOR THE OPEN COMPETITION
“CREATIVE AND COMMUNICATION SERVICES”
(IDENTIFICATION NO RBR 2020/20)



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

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REGULATIONS

1. ABBREVIATIONS AND TERMS

- 1.1. **Common procurement vocabulary (CPV)** – a nomenclature approved by the European Union which is applied in public procurement procedures;
- 1.2. **Contract (also Agreement)** - signed agreement between Contracting authority and a Contractor to provide services defined in this agreement;
- 1.3. **Contracting authority (also the Contracting entity)** - the joint stock company RB Rail AS, registration number 40103845025, legal address: Kr. Valdemāra iela 8-7, Riga, LV-1010, Latvia;
- 1.4. **Contractor** - service provider awarded the right to enter the Contract in open competition to provide services in accordance with requirements stipulated in Regulations and Contract;
- 1.5. **Identification number** – designation which includes the abbreviation of the name of the Contracting authority (the first capital letters), the relevant year and the procurement sequence number in ascending order (RBR 2020/20);
- 1.6. **Open competition (also procurement)** - a procurement procedure “Creative and communication services” (identification number: RBR 2020/20) in which all interested Suppliers are entitled to submit their Proposals;
- 1.7. **Procurement commission** – commission the composition of which has been established by the joint stock company RB Rail AS, order No 1.9-21, dated 14 December 2020, issued by the Management Board of joint stock company RB Rail AS;
- 1.8. **Proposal** - documentation package the Tenderer submits to participate in the open competition;
- 1.9. **Regulations** – regulations of the open competition “Creative and communication services” (identification number: RBR 2020/20), as well as all the enclosed annexes;
- 1.10. **Supplier** – a natural person or a legal person, a group or association of such persons in any combination thereof which offers to perform works, supply products or provide services accordingly;
- 1.11. **Tenderer** – a Supplier which has submitted a Proposal;

2. GENERAL INFORMATION

- 2.1. The identification number of the open competition is No RBR 2020/20.
- 2.2. The applicable CPV code is: 79342000-3 (Marketing services).
- 2.3. The open competition is co-financed by the Contracting authority and Connecting Europe Facility (CEF).
- 2.4. **The estimated value of the contract is EUR 165 000,00 (one hundred sixty-five thousand euros, zero cents) (excluding VAT). Contract will be concluded for the total Contract value EUR 165 000,00 (one hundred sixty-five thousand euros, zero cents) (excluding VAT).** The Contracting Authority shall not be obliged to acquire the full estimated contract price during the term of the Contract. The Contracting Authority is not bounded by the specific volumes of the order and will order services according to the actual need and its financial capabilities, for the prices proposed in the Tenderer’s Financial proposal.
- 2.5. This open competition is organized in accordance with the Public Procurement Law of the Republic of Latvia in effect on the date of publishing the contract notice and is provided in accordance with order established in Cabinet of Minister Rules No 107 of the Republic of Latvia on Conducting Procurement Procedures and Design Competitions, of 28 February 2017 (Ministru kabineta 2017. gada 28. februāra noteikumi Nr. 107 “Iepirkuma procedūru un metu konkursu norises kārtība”).

- 2.6. This open competition is carried out using E-Tenders system which is subsystem of the Electronic Procurement System (<https://www.eis.gov.lv/EKEIS/Supplier/Organizer/3001>).
- 2.7. The open competition Regulations (hereinafter – Regulations) and all its annexes are freely available in Contracting Authority's profile in the E-Tenders system at webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/49675> and the Internet webpage of the Contracting Authority <http://railbaltica.org/tenders/>.
- 2.8. Amendments to the open competition Regulations and answers to suppliers' questions shall be published on the E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/49675> and the Contracting Authority's Internet webpage <http://railbaltica.org/tenders/>. It is the supplier's responsibility to constantly follow the information published on the webpage and E-Tenders system and to take it into consideration in its proposal.
- 2.9. Contact person of the Contracting Authority for this open competition - in administrative aspects of the open competition: Procurement specialist **Baiba Ūbele**, telephone: +371 26273973, e-mail address: baiba.ubele@railbaltica.org. All requests for information or additional explanations shall be submitted through the E-Tenders system. Answers to questions or explanations from the Contracting Authority are also provided through the E-Tenders system.
- 2.10. The Procurement Commission and the supplier exchange information in writing in English or Latvian (accompanied by a translation in English), by sending documents electronically via e-mail or using E-Tenders system.
- 2.11. The supplier can request additional information regarding the Regulations. Additional information can be requested in writing, by sending it to the Procurement Commission electronically via e-mail or using E-Tenders system. Additional information must be requested in a timely fashion, so that the Procurement Commission can give it a reply no later than 6 (six) days prior to the deadline for proposal submission. The Procurement Commission shall provide additional information within 5 (five) Business days from the day of receipt of the request.
- 2.12. The Supplier covers all expenses, which are related to the preparation of the Proposal and its submission to the Contracting Authority. Under no circumstances will the Contracting Authority be liable for compensation of any costs and damages related to the preparation and submission of the Proposal (including, inter alia, costs associated with any site visits) or the Supplier's participation in the procurement exercise.

3. THE RIGHTS OF THE PROCUREMENT COMMISSION

- 3.1. The Procurement Commission has the right to demand at any stage of the open competition that **the Tenderer submits all or part of the documents which certify Tenderer's compliance to the requirements for the selection of Tenderers**. The Procurement Commission does not demand documents or information which is already at its disposal or is available without charge in public data bases.
- 3.2. If the Tenderer submits document derivatives (e.g. copies), then in case of doubt about the authenticity of the submitted document derivation the Procurement Commission can demand that the Tenderer shows the original documents.
- 3.3. During proposal assessment, the Procurement Commission has the right to demand that the included information is clarified.
- 3.4. According to Article 230 of the Cabinet of Minister Rules No 107 of the Republic of Latvia on Conducting Procurement Procedures and Design Competitions, of 28 February 2017 (Ministru kabineta 2017. gada 28. februāra noteikumi Nr. 107 "*Iepirkuma procedūru un metu konkursu norises kārtība*"), in a case of lack of funds (budgetary constraints) or other objective reason the Contracting Authority can at any moment terminate the Procurement procedure.

4. THE OBLIGATIONS OF THE PROCUREMENT COMMISSION

- 4.1. The Procurement Commission ensures the documentation of the process of the open competition procedure.
- 4.2. The Procurement Commission ensures free and direct electronic access to the open competition procedure documents in Contracting Authority's profile at the E-Tenders system's webpage

<https://www.eis.gov.lv/EKEIS/Supplier/Procurement/49675> and at the Internet webpage of the Joint-Stock Company RB Rail AS <http://railbaltica.org/tenders/>.

- 4.3. If an interested Supplier has in a timely fashion in writing by post or electronically, or delivering in person, requested additional information about the requirements included in open competition procedure documents regarding the preparation and submission of the Proposal or regarding the selection of Tenderers, the Procurement Commission provides a response electronically within 5 (five) Business days, but not later than 6 (six) days before the deadline for submitting proposals. Simultaneously with sending this information to the supplier who had asked the question, the **Contracting Authority publishes this information in Contracting Authority's profile** on the E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/49675> and on its Internet webpage <http://railbaltica.org/tenders/>, where open competition procedure documents are available, indicating the question asked.
- 4.4. If the Contracting Authority has amended the open competition procedure documents, it publishes **this information in Contracting Authority's profile** on the E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/49675> and on the Contracting Authority's Internet webpage <http://railbaltica.org/tenders/>, where open competition procedure documents are available, no later than 1 (one) day after the notification regarding the amendments has been submitted to Procurement Monitoring Bureau for publication.
- 4.5. The exchange and storage of information is carried out in such a way that all data included in the Proposals is protected and the Contracting Authority can check the content of the Proposals only after the expiration of the deadline for their submission. In time between the day of the submission of Proposals till the moment of opening thereof the Contracting Authority does not disclose information regarding the existence of other Proposals. In the time of Proposal assessment till the moment of the announcement of the results the Contracting Authority does not disclose information regarding the assessment process.
- 4.6. The Procurement Commission assesses the Tenderers and their submitted Proposals based on the Public Procurement Law, open competition procedure documents, as well as other regulatory enactments.
- 4.7. If the Procurement Commission determines that the information about the Tenderer, its subcontractors and persons upon whose capabilities the Tenderer is relying that is included in the submitted documents is unclear or incomplete, it demands that the Tenderer or a competent institution clarifies or expands the information included in the Proposal. The deadline for submission of the necessary information is determined in proportion 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 Tenderer 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.
- 4.8. The Procurement Commission prepares a report on the open competition procedure and publishes **it in Contracting Authority's profile** on the E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/49675> and on the Contracting Authority's webpage <http://railbaltica.org/tenders/> within 5 (five) Business days from day when the decision about the results of the open competition is taken.

5. THE RIGHTS AND OBLIGATIONS OF THE TENDERER

- 5.1. The Tenderer have **the rights to submit Tenderer's Electronic Procurement System registration** documents (if the Tenderer is not registered in Electronic Procurement System) in State Regional Development Agency (please see information here: <http://www.railbaltica.org/procurement/e-procurement-system/>).
- 5.2. The Tenderer can request and within 3 (three) Business days after submitting the request receive a copy of the Proposal opening sheet, which is an Annex to the Proposal opening meeting minutes.
- 5.3. If the Contracting Authority gets the necessary information about the Tenderer directly from a competent institution, through data bases or other sources, the Tenderer in question has the right to submit a statement or a different document regarding the corresponding fact, if the information obtained by the Contracting Authority does not conform to the factual situation.
- 5.4. If a Tenderer believes that its rights have been violated or such violation is possible due to possible violation of the regulatory enactments of the European Union or other regulatory enactments, the

Tenderer has the right to submit a complaint to the Procurement Monitoring Bureau according to the procedure stipulated in Article 68 of the Public Procurement Law of the Republic of Latvia, regarding the Tenderer selection requirements, Technical Specifications or other requirements relating to this open competition, or relating to the activities by the Contracting Authority or the Procurement Commission during the open competition procedure.

- 5.5. The Tenderer shall follow and comply with all requirements established in the Regulations of this open competition.

6. SUBJECT-MATTER OF THE OPEN COMPETITION

- 6.1. The subject matter of the open competition is to provide creative and communication services to RB Rail AS and support Global Project communication efforts in the Baltic States. To achieve this aim, RB Rail AS will require support with the development of information materials, information campaigns and digital content for Rail Baltica information channels and media in local Baltic languages and in English. The Services shall be provided in accordance with requirements established in the Technical Specification (Annex No 2) and draft contract (hereinafter - the Services).
- 6.2. The Services shall be provided in English, Estonian, Latvian and Lithuanian language, including deliverables mentioned in Technical Specifications according to Contracting Authority's request. The Services will be ordered on demand basis.
- 6.3. The Tenderer is not permitted to submit variants of the Proposals. If variants of the Proposal shall be submitted, the Proposal will not be reviewed.
- 6.4. The delivery of the Services will take place in Latvia (Riga), Lithuania (Vilnius) and Estonia (Tallinn) (on demand basis)).
- 6.5. **Time for provision of the services is 24 (twenty-four) months starting from the commencement date. The Contract for provision of the Services must be valid 24 (twenty-four) months or until the Total Contract value is reached, whichever comes first.** In case the Total Contract value has not been reached, yet the initial 24 (twenty-four) month term has passed, then the Contract can be further prolonged for an additional 1 (one) year, or until the Total Contract value has been reached, whichever comes first.

7. TENDERER

- 7.1. The proposal can be submitted by:
- 7.1.1. A supplier, who is a legal or natural person (hereinafter – Tenderer) and who complies with the selection criteria for Tenderers;
- 7.1.2. A group of suppliers (hereinafter also – Tenderer, partnership) which complies with the selection criteria for Tenderers:
- 7.1.2.1. A group of suppliers who have formed a partnership for this open competition. In this case all the members of the partnership **shall be listed in Annex 1 “Application”**. 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 Latvian Civil Law Sections 2241-2280) and shall submit one copy of this agreement to the Contracting Authority or establish a general or limited partnership (within the meaning of Latvian Commercial Law, Chapter IX and X) and notify the Contracting Authority in writing.
- 7.1.2.2. An established and registered partnership (a general partnership or a limited partnership, within the meaning of Latvian Commercial Law, Chapter IX and X) (hereinafter also – Tenderer) which complies with the selection criteria for Tenderers.

8. SELECTION CRITERIA FOR TENDERERS

- 8.1. Exclusion grounds

Before making the decision to award the contract signing rights, Contracting Authority shall verify whether the Tenderer, to whom the Contract signing rights should be awarded, is not a subject for exclusion grounds set in the Article 42 of Public Procurement Law of Republic of Latvia. The Contracting Authority shall exclude the Tenderer from further participation in the open competition in any of the following circumstances:

No	Requirement (Exclusion ground)	Documents to be submitted after Procurement commission's request ¹
8.1.1.	<p>Within previous 3 (three) years before submission of the Proposal the Tenderer or a person who is Tenderer's management board or supervisory board member, person with representation rights or a procura holder, or a person who is authorized to represent the Tenderer 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 Tenderer and a person who is Tenderer's management board or supervisory board member, person with representation rights or a procura holder, or a person who is authorized to represent the Tenderer in operations in relation to a branch, who is registered or residing in Latvia, the Contracting authority shall verify the information itself in publicly available databases. - For a Tenderer and a person who is Tenderer's management board or supervisory board member, person with representation rights or a procura holder, or a person who is authorized to represent the Tenderer in operations in relation to a branch, who is registered or residing outside of Latvia the Tenderer shall submit an appropriate statement from the competent authority of the country of registration or residence.
8.1.2.	<p>It has been detected that on the last day of Proposal submission term or on the day when a decision has been made on possible granting of rights to conclude the procurement contract, the Tenderer 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</p>	<ul style="list-style-type: none"> - For a Tenderer registered or residing in Latvia Contracting Authority shall verify the information itself in publicly available databases. - For a Tenderer registered or residing outside of Latvia Tenderer shall submit an appropriate statement from the competent

¹ If the Tenderer 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 (Exclusion ground)	Documents to be submitted after Procurement commission's request ¹
	exceeding 150 euro in total in any of the countries.	authority of the country of registration or residence.
8.1.3.	<p>Tenderer's insolvency proceedings have been announced, the Tenderer's business activities have been suspended, the Tenderer is under liquidation.</p>	<ul style="list-style-type: none"> - For a Tenderer registered or residing in Latvia Contracting Authority shall verify the information itself in publicly available databases. - For a Tenderer registered or residing outside of Latvia Tenderer shall submit an appropriate statement from the competent authority of the country of registration or residence.
8.1.4.	<p>A person who drafted the procurement procedure documents (Contracting authority's official or employee), Procurement Commission member or expert is related to the Tenderer or is interested in selection of some Tenderer and the Contracting Authority cannot prevent this situation by measures that cause less restrictions on Tenderer. 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 Tenderer 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 Tenderer or a subcontractor which is legal person and if such relationship with the legal person was terminated within the last 24 (twenty-four) 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 Tenderer's or subcontractor's, which is a legal person, shareholder who owns at least 10% of the shares in a joint-stock company, shareholder in a limited liability company, procure holder or an official;</p> <p>c) If he or she is a relative of a Tenderer or a subcontractor which is a natural person.</p> <p>If the Tenderer is a partnership, consisting of natural or legal persons, a relation to the Tenderer 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>	<ul style="list-style-type: none"> - No obligation to submit documents, unless specifically requested by the Procurement Commission.
8.1.5.	<p>The Tenderer 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 open competition,</p>	<ul style="list-style-type: none"> - No obligation to submit documents, unless specifically requested by the Procurement Commission.

No	Requirement (Exclusion ground)	Documents to be submitted after Procurement commission`s request ¹
	and the advantage cannot be prevented by less restrictive measures, and the Tenderer cannot prove that its or its related legal person's participation in preparing the procurement procedure documents does not restrict competition.	
8.1.6.	Within the previous 12 (twelve) months before submission of the Proposals by such a decision of a competent authority or a court judgment which has entered into force and may not be challenged and appealed Tenderer has been found guilty of violating competition laws manifested as a horizontal cartel agreement, except for the case when the relevant authority, upon detecting violation of competition laws, has released the Tenderer from a fine or has decreased the fine for cooperation within a leniency program.	<ul style="list-style-type: none"> - For a Tenderer registered or residing in Latvia Contracting Authority shall verify the information itself in publicly available databases. - For a Tenderer registered or residing outside of Latvia Tenderer 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).
8.1.7.	Within the previous 3 (three) years before submission of the Proposals 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 Tenderer 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 reside in a Member State of the European Union.	<ul style="list-style-type: none"> - For a Tenderer registered or residing in Latvia Contracting Authority shall verify the information itself in publicly available databases. - For a Tenderer registered or residing outside of Latvia Tenderer shall submit an appropriate statement from the competent authority of the country of registration or residence.
8.1.8.	Within the previous 12 (twelve) months before submission of the Proposals 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 Tenderer 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 Tenderer registered or residing in Latvia Contracting authority shall verify the information itself from publicly available databases. - For a Tenderer registered or residing outside of Latvia Tenderer shall submit an appropriate statement from the competent authority of the country of registration or residence.
8.1.9.	Within the previous 12 (twelve) months before submission of the Proposals the Contracting Authority has used a right provided for in the procurement contract or a framework agreement or concession agreement to withdraw unilaterally therefrom, due to the failure of the Tenderer (as a contracting party or a participant or a member of the contracting party, if the contracting party was a group of suppliers or a partnership), the participant or the member of the Tenderer (if the Tenderer is	<ul style="list-style-type: none"> - No obligation to submit documents, unless specifically requested by the Procurement Commission.

No	Requirement (Exclusion ground)	Documents to be submitted after Procurement commission`s request ¹
	a group of suppliers or a partnership) to perform the public contract, framework agreement or concession agreement concluded with the Contracting Authority.	
8.1.10.	The Tenderer has provided false information to prove its compliance with provisions of this Section 7.1 of the Regulations or has not provided the required information at all.	- No obligation to submit documents, unless specifically requested by the Procurement Commission.
8.1.11.	The Tenderer is a registered offshore ² company (legal person) or offshore association of persons.	<ul style="list-style-type: none"> - For a Tenderer which is registered in Latvia Contracting Authority shall verify the information itself in publicly available databases. - For the Tenderer and each member of the partnership (if Tenderer 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.
8.1.12.	The owner or shareholder (with more than 25% of share capital) of the Tenderer who 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 Tenderer which is registered in Latvia: <ul style="list-style-type: none"> <input type="checkbox"/> Contracting Authority shall verify the information itself in publicly available databases; <input type="checkbox"/> if such information by publicly available data bases is not provided, Tenderer shall submit self – declaration which approves fact that there are no registered owners or shareholders of the Tenderer (with more than 25% of share capital) who are registered offshore.
8.1.13.	<p>The subcontractors indicated by the Tenderer whose share of services is equal to or exceeds 10% of the Contract price or</p> <p>a person on whose capacities Tenderer is relying, is a registered offshore company (legal person) or offshore association of persons.</p>	<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 Tenderer is relying which is registered in Latvia Contracting Authority shall verify the information itself in publicly available databases; - For a subcontractor or person on whose capacities Tenderer 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

² **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 (Exclusion ground)	Documents to be submitted after Procurement commission's request ¹
		their residence wherefrom at least the fact of registration.
8.1.14.	<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) Tenderer or a person who is the Tenderer's management board or supervisory board member, beneficial owner³, person with representation rights or a procura holder, or a person who is authorised to represent the Tenderer 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 owner⁴, person with representation rights or a procura holder (if the Tenderer 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 Tenderer registered or residing in Latvia Contracting Authority shall verify the information itself from the Register of Enterprises of the Republic of Latvia. - For a Tenderer registered or residing outside of Latvia Tenderer 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 Tenderer or a member of the partnership if the Tenderer 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.

8.2. **Legal standing and suitability to pursue the professional activity**

No	Requirement	Documents to be submitted
8.2.1.	<p>The Tenderer or all members of the partnership (if the Tenderer is a partnership), a person on whose abilities a Tenderer relies to certify its compliance, a subcontractor whose share of work is equal to or exceeds 10% of the contract value must be registered in the Registry of Enterprises or Registry of Inhabitants, or other register in a country where the Tenderer is registered or residing (only if the legislation of the respective country requires registration of natural or legal persons).</p>	<ul style="list-style-type: none"> - For a Tenderer which is a legal person (or a member of a partnership, a person on whose abilities a Tenderer relies to certify its compliance, a subcontractor whose share of work is equal to or exceeds 10% of the contract value) registered in Latvia the Contracting Authority shall verify the information itself in publicly available databases. - For a Tenderer which is a natural person (or a member of a partnership, a person on whose abilities a Tenderer relies to certify its compliance, a

³ **Beneficial owner** (*here and for all other references to "Beneficial owner"*): a natural person who is the owner - legal person - or who controls the legal person, or on whose behalf, for whose benefit or in whose interests business relationship is being established or an individual transaction is being executed, and it is at least:

a) regarding legal persons - a natural person who owns, in the form of direct or indirect shareholding, more than 25 per cent of the capital shares or voting stock of the legal person or who directly or indirectly controls it;

b) regarding legal arrangements - a natural person who owns or in whose interests a legal arrangement has been established or operates, or who directly or indirectly exercises control over it, including who is the founder, proxy or supervisor (manager) of such legal arrangement.

⁴ Ibid.

No	Requirement	Documents to be submitted
		<p>subcontractor whose share of work is equal to or exceeds 10% of the contract value) – a copy of an identification card or passport and certificate or similar document;</p> <ul style="list-style-type: none"> - For a Tenderer (or each member of a partnership) 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 and wherefrom at least the fact of registration and information about shareholders, board or supervisory board members, beneficial owners, officials and procura holders, persons who are authorised to represent the Tenderer in operations in relation to a branch (if any) can be determined. - For each person on whose abilities a Tenderer relies to certify its compliance – a copy of a valid registration certificate or a similar document issued by a foreign authority in charge of the registration, licensing or certification of legal persons in the country of their residence and wherefrom at least the fact of registration, information about shareholders, board or supervisory board members, officials and procura holders, persons who are authorized to represent the Tenderer in operations in relation to a branch (if any) can be determined. - For each subcontractor whose share of work is equal to or exceeds 10% of the contract value – a copy of a valid registration certificate or a similar document issued by a foreign authority in charge of the registration, licensing or certification of legal persons in the country of their residence and wherefrom at least the fact of registration can be determined. - If proposal is submitted by a partnership, the Proposal shall include document (e.g. statement, confirmation or agreement or letter of intention to enter in such agreement, or any other similar

No	Requirement	Documents to be submitted
		<p>document) signed by all members on the participation in the procurement, which lists responsibilities of each and every partnership member and a commitment to fulfil the procurement contract in the respective area, and which authorizes one key member to sign the proposal and other documents, to receive and issue orders on behalf of the partnership members, and with whom all payments will be made.</p> <ul style="list-style-type: none"> - If the Tenderer relies on the abilities of other persons to comply with the qualification requirements or involves sub-contractors, whose share of work is equal to or exceeds 10% of the contract value – document (e.g. statement, confirmation or agreement on cooperation and/or passing of resources to the Tenderer between such persons and the Tenderer, or letter of intention to enter in such agreement, or any other similar document), signed between such persons and the Tenderer (indicating the capabilities and responsibilities for such person and/or sub-contractor). - In addition, the Tenderer must fill in Annex 3 and Annex 4 (in case the Tenderer relies on the abilities of other persons to comply with the qualification requirements or involves sub-contractors, whose share of work is equal to or exceeds 10% of the contract value).
8.2.2.	The representative of the Tenderer, or a member of a partnership, or a person on whose abilities a Tenderer relies, or subcontractor, who has signed documents contained in the proposal, has the right of signature, i.e., it is an official having the right of signature or a person authorized by the Tenderer.	<ul style="list-style-type: none"> - Proof of Tenderers` representation or authorisation (e.g. power of attorney or registration certificate) and stating the authorisations to sign, submit and otherwise manage the proposal. - A document confirming the right of signature (representation) of the representative of the Tenderer, or a member of a partnership, or a person on whose abilities a Tenderer relies, or subcontractor. - For a Tenderer which is a legal person (or a member of a partnership, a person on whose abilities a Tenderer relies, or subcontractor, registered in

No	Requirement	Documents to be submitted
		<p>Latvia, the Contracting Authority shall verify the information itself in publicly available databases.</p> <ul style="list-style-type: none"> - If the Tenderer, or a member of a partnership, or a person on whose abilities a Tenderer relies, or subcontractor submits a power of attorney there shall be additionally submitted documents confirming that the issuer of the power of attorney has the right of signature (representation).

8.3. Economic and financial standing

No	Requirement	Documents to be submitted
8.3.1.	<p>The Tenderer's or all members of the partnership together (if the Tenderer is a partnership and confirms the average financial turnover jointly), average financial turnover within the last 3 (three) financial years, i.e. 2017, 2018, 2019 is not less than 330 000,00 EUR (three hundred thirty thousand euros, zero cents).</p> <p>In the event the average financial turnover of a limited liability member of a limited partnership (within the meaning of Latvian Commercial Law, Chapter X) exceeds its investment in the limited partnership, the average financial turnover shall be recognized in the amount of the investment in the limited partnership.</p> <p>In the event the Tenderer or a member of a partnership (if the Tenderer is a partnership) or entity on whose capabilities the Tenderer is relying to certify its financial and economic performance has operated in the market for less than 3 (three) financial years, the requirement shall be met during the Tenderer's actual operation period.</p>	<ul style="list-style-type: none"> - Filled in and signed Annex 5 (by the Tenderer or each member of the partnership (if the Tenderer is a partnership) or entity on whose capabilities the Tenderer is relying to certify its financial and economic performance and who will be financially and economically responsible for fulfilment of the Contract). - Audited or self-approved (if the annual financial statement is not required by the law of the country of residence of the Tenderer) annual financial statements for financial years 2017, 2018, 2019 showing the turnover of the Tenderer or each member of the partnership on whose capacity Tenderer is relying to certify its financial and economic performance and who will be financially responsible for the fulfilment of the Contract (if the Tenderer is a partnership), or other entity on whose capacity Tenderer is relying to certify its financial and economic performance and who will be financially responsible for the fulfilment of the Contract. - If an application is submitted by a partnership or in case the Tenderer is relying on capabilities of other entity to certify its financial and economic performance, the Tenderer shall indicate the member of the partnership or entity on whose capabilities the Tenderer 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 such

No	Requirement	Documents to be submitted
		<p>agreement) and in addition indicate it in the Annex 5.</p> <ul style="list-style-type: none"> - For a limited partnership (within the meaning of Latvian Commercial Law, Chapter X) an additional document evidencing the amount of the investment by the limited liability partner (the partnership agreement or a document with a similarly binding legal effect). - If the previous 3 (three) reporting years of the Tenderer differ from the years specified in this Section 8.3.1 of the Regulations (2017, 2018, 2019), the financial turnover necessary must be indicated for the Tenderer's previous 3 (three) reporting years.
8.3.2.	<p>The Tenderer or each member of the partnership (if the Tenderer is a partnership) on whose financial and economic capabilities the partnership is relying and who shall be financially and economically responsible for fulfilment of the procurement contract or entity on whose financial and economic capabilities the Tenderer is relying to certify it's financial and economic performance and who shall be financially and economically responsible for fulfilment of the procurement contract shall have stable financial and economic performance, namely, in the last audited financial year liquidity ratio (<i>Current Assets divided by Short-term Liabilities</i>) shall be equal to or exceed 1 and shall have positive equity capital (<i>Total Assets minus Total Liabilities</i>).</p>	<ul style="list-style-type: none"> - Filled in and signed Annex 5 (by the Tenderer or each member of the partnership (if the Tenderer is a partnership) or entity on whose capabilities the Tenderer is relying to certify it's financial and economic performance and who will be financially and economically responsible for fulfilment of the Contract). - Audited or self-approved (if the audited annual financial statement is not required by the law of the country of residence of the Tenderer) annual financial statement for financial year 2019, showing the balance and calculation that proves liquidity ratio and positive equity. - If an application is submitted by a partnership or in case the Tenderer is relying on capabilities of other entity to certify it's financial and economic performance, the Tenderer shall indicate the member of the partnership or such entity on whose capabilities the Tenderer is relying to certify it's financial and economic performance and who will be financially and economically responsible for fulfilment of the contract including this information in the agreement of cooperation (or letter of intention to enter into such agreement) and in addition indicate it in the Annex 5.

8.4. Technical and professional ability

No	Requirement for experience	Documents to be submitted
8.4.1.	<p>The Tenderer within the previous 3 years (2018 to until the date of submission of the Proposal) has completed at least 2 (two) marketing or creative or communication service contracts / projects covering all the following requirements for each contract / project:</p> <ul style="list-style-type: none"> - value of each contract / project is not less than 80 000,00 EUR (eighty thousand euros zero cents) without VAT; - services were provided to address at least 2 (two) of Baltic countries (Latvia, Lithuania, Estonia) within each contract / project. <p>All the services shall be completed.</p>	<ul style="list-style-type: none"> - Filled in and signed Annex 6; - Copies of references from respective clients or similar documents provided by the third party (the Client / Contracting Authority) evidencing the experience.
8.4.2.	<p>In order to comply with the qualification requirements pertaining to the Tenderer's technical and professional abilities, the Tenderer is entitled to rely on the abilities of other parties, regardless of the legal nature of their relationship with such parties.</p>	<ul style="list-style-type: none"> - If the Tenderer relies on the abilities of other persons in order to certify the qualification requirements pertaining to their technical and professional abilities, the Tenderer must specify all the persons on whose capacities it relies to certify its qualifications, in its Application (Annex 3 to the Regulations). - If the Tenderer relies on the abilities of other persons in order to certify the qualification requirements pertaining to their technical and professional capacity, <u>the Tenderer must additionally submit document (e.g. statement, confirmation or agreement on cooperation and/or passing of resources to the Tenderer between such persons and the Tenderer, or letter of intention to enter in such agreement, or any other similar document) signed by the persons on whose capacity the Tenderer relies upon and the Tenderer, specifying that:</u> <ul style="list-style-type: none"> a) <u>the person in question will have the necessary resources that the Tenderer relied upon submitting the proposal, and</u> b) <u>that these resources will be available to the Tenderer throughout the duration of the contract, and that the party in question will provide the Tenderer with the resources necessary to perform the contract (indicating the specific work that will be performed during the contract), if it is awarded to the Tenderer.</u> - If the Tenderer relies on the abilities of a person, which is partially owned by the Tenderer, or which partially owns

No	Requirement for experience	Documents to be submitted
		<p>the Tenderer, such a party must also submit the document specified in this Section.</p> <ul style="list-style-type: none"> - If the person that signs the respective document does not have the right of representation (in accordance with the information of the Latvian Register of Enterprises or, if the Tenderer or the party in question is registered abroad, in accordance with the document issued by the competent official body of the country in question), the proposal must be provided with a document that confirms that this person is authorized to sign the respective document.

8.5. **Team of Key experts**

8.5.1. The Tenderer shall propose group of persons (Key-experts) named in the table below and Key-experts shall meet all qualification requirements established in the table below for the respective expert.

Key-experts named below in the table cannot serve several roles.

No	Field of expertise / Role	Professional qualification and experience	Documents to be submitted
1	Account manager	<p>a) Proficiency of English language at least at C2 level⁵;</p> <p>b) At least 3 (three) years relevant experience in project management, or advertising or marketing field, gained within the previous 5 (five) years (2016 to until the date of submission of the Proposal);</p> <p>c) Within the previous 3 (three) years (2018 to until the date of submission of the Proposal) has gained experience in marketing or creative or communication account / project management, gained within at least 2 (two) projects, where each project was implemented in at least 2 (two) Baltic states (two states for each project).</p>	<p>- Filled and signed Annex 7;</p> <p>- In case of doubts, Procurement commission is entitled to ask the Tenderer to submit copies of references from respective clients or similar documents evidencing experience.</p>

⁵ Here and for every following Key-expert where proficiency of English is requested: According to the Common European Framework.

2.	Creative director	<p>a) Proficiency of English language at least at C2 level;</p> <p>b) At least 5 (five) years relevant experience in the advertising or marketing field, including work with international companies, gained within the previous 10 (ten) years (2011 to until the date of submission of the Proposal);</p> <p>c) Within the previous 3 (three) years (2018 to until the date of submission of the Proposal) has developed a creative concept for at least 2 (two) projects / campaigns which were implemented in at least 2 (two) Baltic states (two states for each project / campaign).</p>	<p>- Filled and signed Annex 7;</p> <p>- In case of doubts, Procurement commission is entitled to ask the Tenderer to submit copies of references from respective clients or similar documents evidencing experience.</p>
3.	Strategy director	<p>a) Proficiency of English language at least at C2 level;</p> <p>b) At least 5 (five) years relevant experience in the advertising or marketing field, including work with international companies, gained within the previous 10 (ten) years (2011 to until the date of submission of the Proposal);</p> <p>c) Within the previous 3 (three) years (2018 to until the date of submission of the Proposal) has developed strategy for at least 2 (two) projects / campaigns which were implemented in at least 2 (two) Baltic states (two states for each project / campaign).</p>	<p>- Filled and signed Annex 7;</p> <p>- In case of doubts, Procurement commission is entitled to ask the Tenderer to submit copies of references from respective clients or similar documents evidencing experience.</p>
4.	Copywriter (EN)	<p>a) Proficiency of English language at least at C2 level;</p> <p>b) At least 3 (three) years relevant experience in the journalism or advertising or communications or marketing field, gained within the previous 5 (five) years (2016 to until the date of submission of the Proposal).</p> <p>c) within the previous 3 (three) years (2018 to until the date of submission of the Proposal) has provided copywriting services (<i>such as: drafting the necessary communication texts in English, i.e., brochure, infographic - animated graphic drawing with text, branded template for Facebook company account with text etc.</i>) in at least 2 (two) projects / campaigns,</p>	<p>- Filled and signed Annex 7;</p> <p>- In case of doubts, Procurement commission is entitled to ask the Tenderer to submit copies of references from respective clients or similar documents evidencing experience.</p>

		where the main working language has been English.	
5.	Graphical designer	a) At least 3 (three) years relevant experience in making graphical designs, gained within the previous 5 (five) years (2016 to until the date of submission of the Proposal).	<ul style="list-style-type: none"> - Filled and signed Annex 7; - In case of doubts, Procurement commission is entitled to ask the Tenderer to submit copies of references from respective clients or similar documents evidencing experience.
6.	Animator	a) At least 3 (three) years relevant experience in animated visual materials – i.e. animated advertisements, informational or educational videos etc., gained within the previous 5 (five) years (2016 to until the date of submission of the Proposal).	<ul style="list-style-type: none"> - Filled and signed Annex 7; - In case of doubts, Procurement commission is entitled to ask the Tenderer to submit copies of references from respective clients or similar documents evidencing experience.

- 8.6. Notices and other documents, which are issued by Latvian competent institutions, are accepted and recognized 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 Tenderer 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 Tenderer.**
- 8.7. If the documents, with which a Tenderer registered or permanently residing abroad can certify its compliance with the requirements of Section 8.1, 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 Tenderer or by another person mentioned in Section 8.1 before a competent executive governmental or judicial institution, a sworn notary or a competent organization of a corresponding industry in their country of registration (permanent residence). Regarding all documents submitted based on an oath given under law (e.g. self-statements, sworn-statements/declarations on oath), the Tenderer has to provide (indicate) legal grounds to law or enactment in accordance with such self-statements or declarations on oath have been given.
- 8.8. If the Tenderer complies with any of the exclusion grounds mention in Section 8.1. (except tax debts), the Tenderer indicates this fact in Annex No 1. If it has been detected that on the last day of Proposal submission term or on the day when a decision has been made on possible granting of rights to conclude the procurement contract, the Tenderer 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, Procurement Commission acts in accordance with order established in Section (5) and (6) of the Article 42 of Public Procurement Law of the Republic of Latvia.
- 8.9. Exclusion grounds will be verified in accordance with the Regulations stipulated in Article 42 and Article 43 of the Public Procurement Law. If the Tenderer is subject to any of the exclusion grounds under Section 8.1. 1. and 8.1.3. – 8.1.9., the Tenderer shall indicate this fact in application (Annex No 1) and provide explanations and evidences regarding the reimbursement of the damage caused or

an agreement on the reimbursement of the damage caused, cooperation with the investigating authorities and the technical, organizational or personal management measures taken to demonstrate their reliability and prevent recurrence of the same and similar cases in the future.

- 8.10. **If the Tenderer doesn't submit** explanations and evidences, Contracting Authority shall exclude the Tenderer from participating in the procurement procedure as compliant to the exclusion grounds under Section 8.1.1. and 8.1.3. – 8.1.9.
- 8.11. Contracting Authority shall evaluate the measures taken by the Tenderer, member of the partnership (if the Tenderer is a partnership) and evidences thereof, taking into account the severity of the criminal offence or infringement and the specific circumstances. The Contracting Authority may request from the competent authorities in the relevant field of criminal offence or infringement concerned opinions whether the measures taken by the Tenderer are sufficient to restore reliability and to prevent the same or similar cases in the future. The opinion shall not be requested if it is already available for the Contracting Authority or the Tenderer has submitted an opinion of the relevant authority in the field of criminal offence or infringement regarding the sufficiency of the measures taken by the relevant Tenderer for the restoration or reliability and for the prevention of the same and similar cases in the future.
- 8.12. If the Tenderer considers the measures taken to be sufficient to restore reliability and prevent similar cases in the future, Contracting Authority shall take a decision not to exclude the relevant Tenderer from participating in the procurement procedure. If the measures taken are insufficient, the Contracting Authority shall take a decision to exclude the Tenderer from further participating in the procurement procedure.
- 8.13. The Tenderer, in order to certify that it complies with the selection criteria indicated in Section 7 of Regulations, may submit the European single procurement document as initial proof. This document must be submitted electronically, and for each person upon whose capabilities the Tenderer relies, and for each of their indicated subcontractors, the share of whose work is equal to or exceeds 10 % (ten percent) of the value of the Contract, but if the Tenderer is a partnership – for each member thereof. In order to fill in the European single procedure document the Tenderer uses the "ESPD.xml" file at the Internet webpage <http://espd.eis.gov.lv/> (*Electronical procurement system of Latvia*).
- 8.14. In case any of requirements related to the exclusion grounds and stipulated in this Regulations differs from the requirements established in the Public Procurement Law of Republic of Latvia, Regulations of the Public Procurement Law of Republic of Latvia shall prevail, and the Procurement Commission will act in accordance with the requirements established in the respective law.

9. RELIANCE ON THE CAPABILITIES OF OTHER PERSONS

- 9.1. For the fulfilment of the Contract, in order to comply with the selection requirements for the Tenderer relating to the economic and financial standing and technical and professional ability (including regarding the qualification requirements for the company and team of experts), the Tenderer may rely upon the capabilities of other persons, regardless of the legal nature of their mutual relationship. In this case:
- 9.1.1. **The Tenderer indicates in the Proposal all persons upon whose capabilities it relies on to certify the qualification requirements by filling in the table which is attached as Annex No 3, fills necessary information in E-Tenders system and proves to the Contracting Authority that the Tenderer shall have available all the necessary resources for the fulfilment of the Contract.**
- 9.1.2. **If the Tenderer relies on the capacities of other persons to certify the qualification requirements pertaining to their technical and professional capacity or financial and economic capacity, the Tenderer must additionally submit document (e.g. statement, confirmation or agreement on cooperation and/or passing of resources to the Tenderer between such persons and the Tenderer, or letter of intention to enter in such agreement, or any other similar document) signed by the persons on whose capacity the Tenderer relies upon and the Tenderer, specifying that:**
- a) the person in question will have the necessary resources that the Tenderer relied upon submitting the proposal, and
- b) that these resources will be available to the Tenderer throughout the duration of the contract, and that the party in question will provided the Tenderer with the resources necessary

to perform the contract (indicating the specific work that will be performed during the contract), if it is awarded to the Tenderer.

- 9.1.3. If the Tenderer relies on the capacities of a person, which is partially owned by the Tenderer, or which partially owns the Tenderer, such a party must also submit the document specified in this Section.
- 9.1.4. If the person that signs the respective document does not have the right of representation (in accordance with the information of the Latvian Register of Enterprises or, if the Tenderer or the party in question is registered abroad, in accordance with the document issued by the competent official body of the country in question), the proposal must be provided with a document that confirms that this person is authorized to sign the respective document.
- 9.1.5. Documents on cooperation and passing of resources must be enough to prove to the Contracting Authority that the Tenderer will have the ability to fulfil the Contract, as well as that during the validity of the Contract the Tenderer will in fact use the resources of such person upon whose capabilities the Tenderer relies.
- 9.1.6. The Contracting Authority shall require establishing joint and several liability for the execution of the Contract (i.e., for the winning Tenderer) between the members of a partnership (if the Tenderer is a partnership) on whose financial and economic capabilities the partnership is relying and who will be financially and economically responsible for the fulfilment of the Contract, or between the Tenderer and any other person on whose financial and economic capabilities the Tenderer is relying to meet requirements regarding financial and economic standing defined in Regulations who will be financially and economically responsible for the fulfilment of the Contract.
- 9.2. The Contracting Authority shall evaluate the person, on whose capabilities the Tenderer to whom the rights to conclude the Contract should be assigned is relying. In case such person will comply with any of the exclusion grounds which are mentioned in Sections 8.1.1. to 8.1.9. and 8.1.13. of the Regulations the Contracting Authority shall request the Tenderer to change such person. If the Tenderer 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 Tenderer, the Contracting Authority shall exclude such Tenderer from further participation in the open competition.

10. SUBCONTRACTING

- 10.1. For the fulfilment of the Contract the Tenderer may involve sub-contractors. In this case the Tenderer indicates in the Proposal all sub-contractors by filling in the table which is attached as Annex No 4, fills necessary information in E-Tenders system and proves to the Contracting Authority that the Tenderer shall have available all the necessary resources for the fulfilment of the Contract, **by submitting a signed document (statement, confirmation or agreement on cooperation and/or passing of resources to the Tenderer between such sub-contractors and the Tenderer or letter of intention to enter in such agreement or any other similar document)**. The documents named before can be replaced by the Tenderer with any other type of documents with which the Tenderer is able to prove that the necessary resources will be available to the Tenderer and will be used during the term of fulfilment of the Contract.
- 10.2. The Contracting Authority shall evaluate the sub-contractor whose share of services is equal to or exceeds 10% of the Contract price of the Tenderer to whom the rights to conclude the Contract should be assigned according to Sections 8.1.2. to 8.1.9. and Sections 8.1.13. of the Regulations. In case sub-contractor whose share of services is equal to or exceeds 10% of the Contract price, will comply with any of the exclusion grounds, the Contracting Authority shall request Tenderer to change such sub-contractor. If the Tenderer shall not submit documents about another sub-contractor 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 open competition.
- 10.3. Contracting Authority reserves the right to request the Tenderer to identify all the sub-contractors involved in delivery of services irrespective of the amount of participation in the provision of services upon signing the Contract.

11. FINANCIAL PROPOSAL

- 11.1. The Financial proposal shall be submitted as part of Annex No 1.
- 11.2. The proposed prices shall be determined in euro without value added tax (hereinafter – VAT).
- 11.3. The proposed prices have to be calculated and indicated with an accuracy of 2 (two) decimal places after comma. If more than 2 (two) decimal places after comma are indicated, then only the first two decimal places will be taken into account.
- 11.4. The proposed contract price shall include all taxes, fees and payments, and all costs related to the fulfilment of the specific work that can be reasonably estimated, except VAT, e.g. (including, but not limited to, considering the following information is named only as an example of possible costs):
- 11.4.1. e.g. visits to the Contracting authority (cost of business trips and time of consultants) (if applicable);
- 11.4.2. e.g. purchase of software, digital tools or digital materials (if applicable);
- 11.4.3. e.g. involvement of external experts (if applicable) etc.
- 11.5. The prices are fixed for all the term of the fulfilment of the Contract and are not recalculated, except in cases stipulated in the Contract (if any).
- 11.6. **If the Tenderer's Financial Proposal does not comply with all the requirements under Section 11 of this Regulations, Financial Proposal will be deemed incompliant and will not be further evaluated.**

12. TECHNICAL PROPOSAL

- 12.1. As a Technical proposal the Tenderers shall submit the result of execution of the creative task in accordance with requirements set below (see Section 12.2.). **Technical proposal (Creative task) within this procurement is a task which will serve only as part of evaluation criteria and will be evaluated and scored in accordance with evaluation methodology established in Section 20.6 of the Regulations.** During the contract fulfillment the Tenderer must provide services in accordance with all requirements established in the Technical Specification and the draft contract and for the prices proposed in the Tenderer's Financial proposal.
- 12.2. **Creative task:**
- 12.2.1. The company RB Rail AS has decided to create an infographic for general public about Rail Baltica benefits. The infographic will be published on railbaltica.org web page, used in social media and included as a stand along slide in the corporate presentation.
- 12.2.2. The aim of the infographic is to raise awareness **about Rail Baltica Project's impact and increase support to the Rail Baltica project in the Baltic States.**
- 12.2.3. The infographic shall be composed of both visual and textual elements.
- 12.2.4. The creative task for Tenderers is to prepare an info graphic (.jpg or .png file format) in line with the visual guidelines of Rail Baltica (<http://railbaltica.org/about-rail-baltica/visual-guidelines/>) and taking into consideration the EU visibility requirements (<https://ec.europa.eu/inea/connecting-europe-facility/cef-energy/beneficiaries-info-point/publicity-guidelines-logos>) for publishing in web page railbaltica.org. The task is to provide an attractive visual concept and to present the information in clear and easily comprehensible manner. The solution of the infographic must continue the stylistic approach of the previous visual communication of the Rail Baltica project but must suggest some improvements that would improve the communication of the project. The infographic should be prepared in two languages – English and one of three languages (Estonian or Latvian, or Lithuanian).
- 12.2.5. The same infographic (or part of it) should be adapted for advertisement in social platform Facebook.com.
- 12.2.6. The same infographic should be adapted for the use in the corporate PowerPoint presentation.

- 12.2.7. The approach of the choice of featured Rail Baltica benefits and chosen visual elements for the infographic should be described in a short memo (max 1 page), that contains also references to information sources for the chosen benefits.

13. CONTENTS AND FORM OF THE PROPOSAL

- 13.1. Proposal (hereinafter – **Proposal**) must be submitted electronically in E-Tenders subsystem of the Electronic Procurement System, in accordance with the following options for the Tenderer:
- 13.1.1. by using the available tools of E-Tender subsystem, filling the attached forms of the E-Tender subsystem for this procurement procedure;
- 13.1.2. by preparing and filling the necessary electronic documents outside the E-Tenders subsystem and attaching them to relevant requirements (in this situation, the Tenderer takes responsibility for the correctness and compliance of the forms to requirements of documentation and form samples);
- 13.1.3. by encrypting electronically prepared proposal outside subsystem of E-Tenders with data protection tools, provided by third parties, and protection with electronic key and password (in this situation, the Tenderer takes responsibility for the correctness and compliance of the forms to requirements of documentation and form samples as well as ensuring capability to open and read the document);
- 13.2. **During preparation of the Proposal, the Tenderer respects:**
- 13.2.1. Proposal 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 or PDF format and attached to the designated part of the procurement procedure;
- 13.2.2. Upon submission, the Tenderer signs the Proposal with a secure electronic signature and timestamp or with an electronic signature provided by the Electronic Procurement System. The Tenderer can use a secure electronic signature and timestamp and sign Proposal forms separately. The proposal (its parts, if signed separately) are signed by an authorized person, including their authorization document (e.g. power of attorney) stating the authorizations to sign, submit and otherwise manage the proposal.
- 13.3. **Proposal shall contain the following parts and documents/forms:**
- 13.3.1. Application (Financial proposal) prepared in accordance with Section 11 and Annex No 1.
- 13.3.2. Information and documents (including documents, but not limited to, according to Section 8.2. – 8.5.), confirming compliance of the Tenderer with the selection criteria for the Tenderers (**including selection criteria for the Tenderer's proposed team of key experts**), or the corresponding European single procurement documents.
- 13.3.3. Information and documents relating to entities on whose capabilities the Tenderer is relying (according to Section 9), or the corresponding European single procurement documents.
- 13.3.4. Information and documents (according to Section 10) relating to subcontractors and/or or the corresponding European single procurement documents.
- 13.3.5. Technical proposal (Creative task) prepared in accordance with Section 12.
- 13.4. The Tenderer, in order to certify that it complies with the selection criteria indicated in Section 8 of Regulations, may submit the European single procurement document as initial proof. This document must be submitted electronically, and for each person upon whose capabilities the Tenderer relies, and for each of their indicated subcontractors, the share of whose work is equal to or exceeds 10 % (ten percent) of the value of the Contract, but if the Tenderer is a partnership – for each member thereof. In order to fill in the European single procedure document the Tenderer uses the "ESPD.xml" file at the Internet webpage <http://espd.eis.gov.lv/> (*Electronical procurement system of Latvia*).
- 13.5. The Tenderer is not permitted to submit variants of the Proposal. If variants of the Proposal shall be submitted, the Proposal will not be reviewed and will be rejected as non-compliant.
- 13.6. The Tenderer may submit a Proposal only for the whole subject matter of the open competition in total.

- 13.7. The Proposal must be submitted in accordance with this Regulations, in English or Latvian language (if submitted in Latvian, translation in English of the Proposal must be provided together with the Proposal). If the Proposal is submitted in English language, upon a request by the Procurement Commission the Tenderer shall provide a translation in Latvian language within the deadline **requested by the Contracting Authority's Procurement Commission.**
- 13.8. The Proposal may contain original copies of documents or their derivatives. Tenderer shall submit legally valid documents such as certified copies. For a document to be legally valid it has to be issued and formatted in accordance with the Latvian Law on Legal Force of Documents (*Dokumentu juridiskā spēka likums*) and Law on Electronic Documents of Latvia (*Elektronisko dokumentu likums*), but public documents issued abroad shall be formatted and legalised in accordance with the requirements of the Document Legalization Law of Latvia (*Dokumentu legalizācijas likums*). When **submitting the Proposal, the Tenderer has the right to certify the validity of all the documents' derivatives and translations with one certification.**
- 13.9. The Proposal must be signed by a person who is legally representing the Tenderer or is authorized to represent the Tenderer in this open competition procedure.
- 13.10. The Tenderer shall prepare Proposal in electronic form using the E-Tenders system available at <https://www.eis.gov.lv/EKEIS/Supplier/ProcurementProposals/49675>.

14. ENCRYPTION OF THE PROPOSAL INFORMATION

- 14.1. E-Tender system which is subsystem of the Electronic Procurement System ensures first level encryption of the information provided in the Proposal documents.
- 14.2. If the Tenderer applied additional encryption to the information in the Proposal (according to Section 14.1), Tender must provide Procurement Commission with electronic key with the password to unlock the information not later than in 15 (fifteen) minutes after deadline of the Proposal submission.

15. SUBMISSION OF A PROPOSAL

- 15.1. Proposal (documents referred to in the Section13) shall be submitted electronically using the tools offered by the E-Tenders system available at <https://www.eis.gov.lv/EKEIS/Supplier/ProcurementProposals/49675> by **18 February 2021, before 14:00 o'clock (Time Zone EEST (Eastern European Wintertime), Riga (Latvia))**.
- 15.2. The Tenderer may recall or amend its submitted Proposal before the expiry of the deadline for the submission of Proposals by using the tools offered by E-Tenders system.
- 15.3. Only Proposals submitted to the E-Tenders system and within the time indicated in Clause 15.1 will be accepted and evaluated for participation in the procurement procedure. Any Proposal submitted outside the E-Tenders system or submitted after the time indicated in Clause 15.1 will be declared as submitted in a non-compliant manner and will not participate in the procurement procedure.

16. OPENING OF PROPOSALS

- 16.1. The Proposals will be opened in the E-Tenders system on **18 February 2021, at 14:00 o'clock (Time Zone EEST (Eastern European Wintertime), Riga (Latvia))** during the open meeting. It is possible to follow the opening of submitted proposals online in the E-Tenders system.
- 16.2. The Proposals are opened by using the tools offered by E-Tenders system, the proposed price and other information that characterizes the Proposal (excluding confidential information) shall be published in E-Tenders system, as well as notice of the presence of documents proving the Security.
- 16.3. The information regarding the Tenderer, the time of Proposal submission, the proposed price and other information that characterizes the Proposal is generated at the opening of the proposals by E-Tenders system and written down in the Proposal opening sheet, which shall be published in E-Tenders system and Contracting authorities web page.

17. VERIFICATION OF PROPOSAL

- 17.1. Procurement Commission verifies whether the submitted Proposals comply with the requirements stipulated in in the Regulations (Section 13) and whether all required information and documents are submitted and selects for further evaluation only the compliant Proposals.
- 17.2. If the Tenderer has failed to submit some of the documents which shall be submitted according to the Regulation or the contents of the submitted documents do not comply with the Regulations, the Procurement Commission decides to request clarifications (if possible in accordance with Public Procurement Law of Republic of Latvia) or to exclude the Tenderer from further participation in the open competition.

18. VERIFICATION OF TEHNICAL PROPOSALS

- 18.1. Procurement Commission verifies if Tenderers have submitted Technical Proposals (Creative tasks) as stipulated in Section 12 and selects for further evaluation only the compliant Technical Proposals (Creative tasks).

19. VERIFICATION OF FINANCIAL PROPOSALS

- 19.1. **The Procurement Commission verifies whether Tenderers have completed Annex 1 “Application – Financial proposal” in accordance with the requirements stipulated in Section 11 of Regulations.**
- 19.2. The Procurement Commission verifies whether there are any arithmetical errors, whether an abnormally low Proposal has been received, as well as assesses and compares the contract prices proposed. The Procurement Commission shall act in accordance with Article 53 of Public Procurement Law of Republic of Latvia to verify an abnormally low Proposal.
- 19.3. The Procurement Commission informs the Tenderer whose arithmetical errors have been corrected about the correction of arithmetical errors and the corrected Financial Proposal.
- 19.4. When evaluating the Financial Proposal, the Procurement Commission takes corrections into account.
- 19.5. The Procurement Commission has the right to demand that the Tenderer explains the calculation upon which the Financial Proposal is based and other related aspects in order to ascertain the objectivity of the Financial Proposal and whether an abnormally low Proposal has been submitted.
- 19.6. The Procurement Commission further evaluates the compliant Proposals which have not been declared as abnormally low proposals and selects for further evaluation only the compliant proposals.

20. CONTRACT AWARD CRITERIA

20.1. The Proposal **selection criterion is** the most **economically advantageous proposal**, according to the evaluation methodology described in this Section below.

20.2. **The economically most advantageous proposal shall be the Proposal which will receive the highest sum of scores for both following criteria 20.2.1. and 20.2.2. in total:**

Evaluation criteria:		Points:	Documents to be submitted:
20.2.1.	Financial proposal , which will be evaluated in accordance with Section 20.5. Sub-criterion: a) hourly rates for all key experts together (max. 30 points); b) total costs of developing selected marketing materials (max. 20 points).	50	Financial proposal prepared in accordance with the requirements set out in Section 11 and in the form, attached as Annex No 1

20.2.2.	Quality of the Technical proposal (Creative task) , which will be evaluated in accordance with Section 20.6. Sub-criterion: (a) Visual solution of infographic (max. 30 points); (b) Content of the infographic and supporting memo (max. 20 points).	50	Technical proposal (Creative task) prepared by the Tenderer in accordance with the requirements set out in the Section 12
Total:		100	

20.3. The procurement commission shall sum up the points obtained by each Tenderer and the Contract shall be awarded to the Tenderer whose Proposal obtains the highest score for both criteria 20.2.1. and 20.2.2. together.

20.4. In case several Tenderers will obtain equal number of points, the procurement commission shall award the right to conclude the contract to the Tenderer which will obtain higher score for its financial proposal. If also this score will be equal, the procurement commission will invite representatives of those particular tenderers and organize a draw. In situation, when representatives of tenderers choose to not be present at the draw, procurement commission will carry out the draw without representatives of tenderers present.

20.5. **Evaluation of the Financial proposal (Criteria 20.2.1.)**

20.5.1. The procurement commission shall evaluate the following sub-criteria of the Financial proposal (on a scale of 0-50 points):

20.5.1.1. Proposed hourly rate for all experts in total in accordance with **Section 2 (a) of the Application - Financial proposal**. The maximum amount of points for this sub-criterion is **30 points**. The procurement commission shall evaluate the total proposed hourly rates for all experts together.

20.5.1.2. Proposed total costs of developing selected marketing materials in accordance with **Section 2 (b) of the Application - Financial proposal**. The maximum amount of points for this sub-criterion is **20 points**. The procurement commission shall evaluate proposed total costs of developing selected marketing materials.

20.5.2. The procurement commission shall award the maximum available points for each sub-criterion to the Financial proposal with the lowest proposed total rates / total costs in each sub-criterion. Other Financial proposals shall receive score in each sub-criterion in accordance with the following formula:

$$points = \frac{\text{lowest proposed total rates/total costs}}{\text{Tenderer's proposed total rates/total costs}} \times \text{maximum points for each sub - criterion}$$

20.5.3. To obtain the final score for the criteria 20.2.1. Financial proposal, the procurement commission shall sum up the points obtained by each Tenderer in sub-criterion (a) and (b) of the Application (Financial proposal).

20.6. Evaluation of the quality of the Technical proposal (Creative task) (Criteria 20.2.2.)

20.6.1. Quality of the Technical proposal (Creative task) will be evaluated by comparing the Technical proposals (Creative tasks) on a scale of 0-50 according to the following criteria:

Evaluation methodology for sub-criterion (a) „ Visual solution of Infographic “ (max. 30 pt)		
Level of quality	Description	Points awarded
High quality	<p>The Tenderer has produced an appealing, modern and attractive visual solution for the infographic which can be used in full extent to raise awareness of Rail Baltica project and no improvements to visual solution and composition are needed, and all the following criteria (a) – f)) are met and met in at least the following quality (or better):</p> <p>a) Components used are composed in a clear manner allowing easily and instantly to perceive the information.</p> <p>b) The visual solution has been prepared in accordance with all requirements deriving from Visual Guidelines for Rail Baltica Global Project, Rail Baltica logo included in the infographic and reference to EU funding made accordingly to.</p> <p>c) The visual solution of the infographic both, continues the stylistic approach of the previous Rail Baltica visual communication (as can be seen in social media and global project web page) and offers a new and original way to provide the information for the public.</p> <p>d) The description demonstrates Tenderer`s clear and deep understanding of the subject-matter perceptible visualization.</p> <p>e) The tenderer has adapted the infographic (or part of it) for advertisement in social platform Facebook.com in a way that the material is suitable for drawing attention of Facebook users, and maintains the style of Rail Baltica visual communication.</p> <p>f) The tenderer has adapted the infographic for the use in the corporate PowerPoint presentation in a way that the material can be used as a single slide in presentations for local and global audiences.</p>	30
Medium quality	<p>The Tenderer has produced visual solution for the infographic which can be used to raise awareness of Rail Baltica project, however, minor stylistic improvements in visual solution and composition are needed to make it more appealing, modern and attractive, and one of the following criteria (a) – f)) is not met, or is not met in the expected quality or extent as defined below:</p> <p>a) Components used are composed in a clear manner allowing easily and instantly to perceive the information.</p> <p>b) The visual solution has been prepared in accordance with all requirements deriving from Visual Guidelines for Rail Baltica Global Project, Rail Baltica logo included in the infographic and reference to EU funding made accordingly to.</p> <p>c) The visual solution of the infographic both, continues the stylistic approach of the previous Rail Baltica visual communication (as can be seen in social media and global project web page) and offers a new and original way to provide the information for the public.</p> <p>d) The description demonstrates Tenderer`s clear and deep understanding of the subject-matter perceptible visualization.</p> <p>e) The tenderer has adapted the infographic (or part of it) for advertisement in social platform Facebook.com in a way that the material is suitable for</p>	20

	<p>drawing attention of Facebook users, and maintains the style of Rail Baltica visual communication.</p> <p>f) The tenderer has adapted the infographic for the use in the corporate PowerPoint presentation in a way that the material can be used as a single slide in presentations for local and global audiences.</p>	
<p>Low quality</p>	<p>The Tenderer has produced visual solution for the infographic which can be used to raise awareness of Rail Baltica project, however, significant improvements are needed, visual solution and composition does not fully allow to convey the information for the public in a clear and easily comprehensible manner and two of the following criteria (a) – f) are not met, or are not met in the expected quality or extent as defined below:</p> <p>a) Components used are composed in a clear manner allowing easily and instantly to perceive the information.</p> <p>b) The visual solution has been prepared in accordance with all requirements deriving from Visual Guidelines for Rail Baltica Global Project, Rail Baltica logo included in the infographic and reference to EU funding made accordingly to.</p> <p>c) The visual solution of the infographic both, continues the stylistic approach of the previous Rail Baltica visual communication (as can be seen in social media and global project web page) and offers a new and original way to provide the information for the public.</p> <p>d) The description demonstrates Tenderer`s clear and deep understanding of the subject-matter perceptible visualization.</p> <p>e) The tenderer has adapted the infographic (or part of it) for advertisement in social platform Facebook.com in a way that the material is suitable for drawing attention of Facebook users, and maintains the style of Rail Baltica visual communication.</p> <p>f) The tenderer has adapted the infographic for the use in the corporate PowerPoint presentation in a way that the material can be used as a single slide in presentations for local and global audiences.</p>	<p>10</p>
<p>Insufficient quality</p>	<p>The Tenderer has failed to produce an appealing, modern and attractive visual solution for the infographic. Used visual solution is poor quality, components used are not put in a good composition, information cannot be easily understood and three or more of the following criteria (a) – f) are not met, or are not met in the expected quality or extent as defined below:</p> <p>a) Components used are composed in a clear manner allowing easily and instantly to perceive the information.</p> <p>b) The visual solution has been prepared in accordance with all requirements deriving from Visual Guidelines for Rail Baltica Global Project, Rail Baltica logo included in the infographic and reference to EU funding made accordingly to.</p> <p>c) The visual solution of the infographic both, continues the stylistic approach of the previous Rail Baltica visual communication (as can be seen in social media and global project web page) and offers a new and original way to provide the information for the public.</p> <p>d) The description demonstrates Tenderer`s clear and deep understanding of the subject-matter perceptible visualization.</p> <p>e) The tenderer has adapted the infographic (or part of it) for advertisement in social platform Facebook.com in a way that the material is suitable for drawing attention of Facebook users, and maintains the style of Rail Baltica visual communication.</p>	<p>0</p>

f) The tenderer has adapted the infographic for the use in the corporate PowerPoint presentation in a way that the material can be used as a single slide in presentations for local and global audiences.

Evaluation methodology for sub-criterion (b) „ Content of the infographic and supporting memo “ (max. 20pt)			
Level of quality	Description	Points awarded	
High quality	<p>All the following criteria (a) – d)) are met at least in the following extent and quality (or better):</p> <p>a) Both languages – English and one of three languages (Estonian or Latvian, or Lithuanian) are used accurately and the chosen words precisely characterize the benefits of Rail Baltica project.</p> <p>b) The approach for the choice of featured Rail Baltica benefits and chosen visual elements for the infographic are described in detail in the supporting memo.</p> <p>c) The content of the infographic raises awareness about Rail Baltica Project’s impact and increases support to the Rail Baltica project in the Baltic States. The content of the infographic is easy to understand and relate to by audience without in-depth knowledge about railway projects.</p> <p>d) The visual and textual elements supplement each other in a way that the infographic creates complete understanding of the benefits Rail Baltica will bring.</p>	20	
Medium quality	<p>One of the following criteria (a) – d)) is not met, or is not met in the expected quality or extent as defined below:</p> <p>a) Both languages – English and one of three languages (Estonian or Latvian, or Lithuanian) are used in high quality and the chosen words successfully and precisely characterize the benefits of Rail Baltica project.</p> <p>b) The approach for the choice of featured Rail Baltica benefits and chosen visual elements for the infographic are described in detail in supporting memo, including the references to information sources for the benefits.</p> <p>c) The content of the infographic raises awareness about Rail Baltica Project’s impact and increases support to the Rail Baltica project in the Baltic States. The content of the infographic is easy to understand and relate to by audience without in-depth knowledge about railway projects.</p> <p>d) The visual and textual elements supplement each other in a way that the infographic creates complete understanding of the benefits Rail Baltica will bring.</p>	15	
Low quality	<p>Two of the following criteria (a) – d)) are not met, or are not met in the expected quality or extent as defined below:</p>	10	

a) Both languages – English and one of three languages (Estonian or Latvian, or Lithuanian) - are used in high quality and the chosen words successfully and precisely characterize the benefits of Rail Baltica project.

b) The approach for the choice of featured Rail Baltica benefits and chosen visual elements for the infographic are described in detail in supporting memo, including the references to information sources for the benefits.

c) **The content of the infographic raises awareness about Rail Baltica Project's impact** and increases support to the Rail Baltica project in the Baltic States. The content of the infographic is easy to understand and relate to by audience without in-depth knowledge about railway projects.

d) The visual and textual elements supplement each other in a way that the infographic creates complete understanding of the benefits Rail Baltica will bring.

Insufficient level of quality of Three or more of the following criteria (a) – d)) are not met, or are not met in the expected quality or extent as defined below: 0

a) Both languages – English and one of three languages (Estonian or Latvian, or Lithuanian) - are used in high quality and the chosen words successfully and precisely characterize the benefits of Rail Baltica project.

b) The approach for the choice of featured Rail Baltica benefits and chosen visual elements for the infographic are described in detail in supporting memo, including the references to information sources for the benefits.

c) **The content of the infographic raises awareness about Rail Baltica Project's impact** and increases support to the Rail Baltica project in the Baltic States. The content of the infographic is easy to understand and relate to by audience without in-depth knowledge about railway projects.

d) The visual and textual elements supplement each other in a way that the infographic creates complete understanding of the benefits Rail Baltica will bring.

20.6.2. The procurement commission shall obtain the final score for each Technical proposal in the criteria 20.2.2. **"Quality of the Technical proposal (Creative task)"** by summing up all points obtained by the particular Technical proposal in this criteria (for both sub-criterion (a) and (b) together) and dividing the sum with the number of members of the Procurement Commission which participated in the evaluation of the Technical proposals. The result shall be used as the points for the particular Technical proposal for the purposes of Section 20.3.

21. TENDERER CHECK PRIOR TO MAKING THE DECISION REGARDING THE CONCLUSION OF THE CONTRACT

21.1. Prior to making the decision about assigning rights to conclude the Contract, the Procurement Commission performs a check regarding the existence of grounds for exclusion of Tenderers for Tenderers, members of a partnership (if the Tenderer is a partnership), persons on whose capabilities the Tenderer is relying to certify its compliance with qualification requirements (hereinafter - a person on whose capabilities the Tenderer is relying) and subcontractors whose share of work is equal to or exceeds 10% of the Contract value.

- 21.2. If, in accordance with the information published on the day of the last data update in a public database, on the last day of Proposal submission or on the day when the decision regarding the possible assignment of rights to conclude a Contract is made, the Tenderer, member of a partnership (if the Tenderer is a partnership), a subcontractor whose share of work is equal to or exceeds 10% of the Contract price or a person on whose capabilities the Tenderer is relying have tax debts, including state mandatory insurance contributions debts, the total sum of which exceeds 150 euro, the Procurement Commission informs the Tenderer and sets a deadline – 10 days from the day of issuing or receiving information – for the submission of a certificate evidencing absence of tax debt or decision to prolong the deadline or postpone payment of the tax, an agreement on payment of the tax or other objective evidence proving absence of a tax debt.
- 21.3. If the Tenderer fails to submit required evidence about itself within the set deadline, the Procurement Commission excludes the Tenderer from participation in the open competition.
- 21.4. Change of persons upon whose capabilities the Tenderer is relying or subcontractors whose share of work is equal to or exceeds 10% of the Contract price is performed in accordance with Sections 9.2. and 10.2. respectively.
- 21.5. In the event the Tenderer or partnership member (if the Tenderer is a partnership) fails to comply with requirements stipulated in Section 8.1. and has indicated this in the Proposal, 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 future, as well as attaches evidence which proves the implemented measures, such as but not limited to evidence about compensating damages, on cooperation with investigating authorities, implemented technical, organizational 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 Tenderer from participation in the open competition. If the measures taken are insufficient, the Procurement Commission makes the decision to exclude the Tenderer from further participation in the open competition procedure. If the Tenderer, within the indicated time, does not submit the requested information, the Procurement Commission excludes the Tenderer from participation in the open competition.

22. DECISION MAKING, ANNOUNCEMENT OF RESULTS AND ENTERING INTO A CONTRACT

- 22.1. The Procurement Commission selects the Tenderers in accordance with the set selection criteria for Tenderers, verifies the compliance of the Proposals with the requirements stipulated in the Regulations and chooses the Proposal in accordance with the contract award criteria as described in Section 20. The Tenderer whose Proposal will receive the best score shall be selected.
- 22.2. Within 3 (three) Business days from the date of decision about the open competition results the Procurement Commission informs all the Tenderers about the decision made by sending the information by post or electronically and keeping the evidence of the date and mode of sending the information. The Procurement Commission announces the name of the chosen Tenderer, indicating:
 - 22.2.1. to the refused Tenderer the reasons for refusing its Proposal;
 - 22.2.2. to the Tenderer who has submitted an eligible Proposal, the characterization of the chosen proposal and the relative advantages;
 - 22.2.3. the deadline by which the Tenderer may submit a complaint to the Procurement Monitoring Bureau regarding violations of the public procurement procedure.
- 22.3. If only 1 (one) Tenderer complies with all the Tenderer selection requirements, the Procurement Commission prepares and includes in the open competition procedure report a justification of the fact that the set requirements for Tenderer selection are objective and commensurate. If the Procurement Commission cannot justify that the set requirements for Tenderer selection are objective and commensurate, it makes the decision to terminate the public procurement procedure.
- 22.4. If the public procurement procedure is terminated, the Procurement Commission within 3 (three) Business days simultaneously informs all Tenderers about all the reasons because of which the open competition procedure is terminated and informs about the deadline within which a Tenderer may submit an application regarding the violations of the public procurement procedure to the Procurement Monitoring Bureau.

- 22.5. The Procurement Commission, when informing of the results, has the right not to disclose specific **information, if it may infringe upon public interests or if the Tenderer's legal commercial interests or** the conditions of competition would be violated.
- 22.6. As soon as possible, but not later than within 5 (five) Business days from day when the decision about the results of the open competition is taken, the Procurement Commission prepares a report on the open competition procedure and publishes it on the **E-procurement system's webpage** <https://www.eis.gov.lv/EKEIS/Supplier> and on **Contracting Authority's webpage** <http://www.railbaltica.org/tenders/>.
- 22.7. **The selected Tenderer upon receiving the notification from Procurement Commission must:**
- 22.7.1. within 5 (five) Business days submit cooperation or partnership agreement if required pursuant to requirements under Section 7.1.2.1;
- 22.7.2. within 10 (ten) Business days from receiving the invitation to sign the Contract, to sign the Contract.
- 22.8. The Contract is concluded on the basis of the Tenderer's Proposal and in accordance with Annex 8.
- 22.9. **The Procurement Commission has the right to choose the next most economically advantageous Proposal, if the Tenderer in the time stipulated by the Regulations:**
- 22.9.1. refuses to conclude a partnership contract in the cases and deadlines defined by the Regulations, or in the cases and deadlines defined by the Regulations does not submit a copy of the partnership contractor does not inform of the founding of a partnership company;
- 22.9.2. refuses to conclude the Contract or does not submit a signed Contract within the deadlines defined in the Regulations.
- 22.10. In such a case the Procurement Commission is entitled to terminate this open competition without selecting any Proposal, or to select the Proposal with the next best score. For either of these decisions a written decision must be made.
- 22.11. Prior to making the decision regarding the conclusion of the contract with the next Tenderer, the Procurement Commission assesses whether the next Tenderer is one market participant together with the initially selected Tenderer. If the next selected Tenderer is found to be one market participant together with the initially selected Tenderer, the Procurement Commission makes a decision to terminate the open competition without selecting any Proposal. If the next chosen Tenderer also refuses to conclude the contract or does not submit a signed public procurement contract within the deadline set by the Procurement Commission, the Procurement Commission makes the decision to terminate the open competition without selecting any Proposal.

23. ANNEXES:

1. Application – Financial proposal form on 3 (three) pages;
2. Technical Specification on 3 (three) pages;
3. **Table "Entities on whose capabilities the Tenderer relies to certify its compliance with qualification requirements" on 1 (one) page;**
4. **Table "Sub-contractors" on 1 (one) page;**
5. Confirmation of Tenderer's Financial standing on 2 (two) pages;
6. **Table "Experience of Tenderer" on 1 (one) page;**
7. **Table "Experience of the Key Experts" on 2 (two) pages;**
8. Draft Contract on 41 (forty-one) page;

Chairperson of the Procurement Commission

B.Übele

ANNEX NO 1: APPLICATION - FINANCIAL PROPOSAL

APPLICATION FOR PARTICIPATION IN THE OPEN COMPETITION
"CREATIVE AND COMMUNICATION SERVICES", NO RBR 2020/20

[FORM OF THE TENDERER'S COMPANY]

2021.

Name of the Tenderer and each member of the partnership *(if partnership / group of suppliers)*

Registration number of the Tenderer and each member of the partnership *(if partnership / group of suppliers)*

Lead company of the partnership *(if partnership / group of suppliers)*

VAT payer registration number

Legal address

Actual address (if differs from legal address)

Bank

Bank account (IBAN)

Bank code (SWIFT)

Contact person of the Tenderer: name, surname, position, e-mail, telephone number

The Tenderer, by submitting this application:

1. Confirms participation in the open competition "Creative and communication services" No RBR 2020/20.
2. Proposes to deliver services in accordance with the Technical specification, according the total contract price – 165 000,00 (one hundred sixty-five thousand *euros*, zero *cents*) *excluding VAT* set by Contracting authority and this Proposal for the following prices (excluding VAT):

(a) Hourly rates of experts:

Item:	Account manager (EUR,	Creative director (EUR,	Strategy director (EUR, excluding VAT)	Copywriter (English) (EUR, excluding VAT)	Graphical designer (EUR,	Animator (EUR, excluding VAT)	Editor	<i>Total for all items together (EUR,</i>
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	excluding VAT)	excludin g VAT)			excluding VAT)		(EUR, excludi ng VAT)	<i>excluding VAT)</i>
Rate per hour								

(b) Costs of developing selected marketing materials:

Item:	Costs (EUR, excluding VAT)
Presentation - 8 slides which include special design of graphs and illustrations	
Magazine – size 220x255mm, cover and 6 pages, both digital and printed version (for reference please use https://www.railbaltica.org/rail-baltica-magazine/)	
Rail Baltica miniseries creation – 2-4 minute long video in 4 languages including various sources of content, including animation, (for reference please use https://www.railbaltica.org/info/en/discover-rail-baltica)	
Infographic – graphical drawing with text, in colors, A4, in 4 languages	
Adaptation of English copywrite for Estonian, Latvian and Lithuanian, A4 page	
Editing of English text, A4 page	
<i>Total for all items together (EUR, excluding VAT):</i>	

3. (only if applicable): Informs that the following persons comply with the following exclusion grounds:

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

- Confirms that the Regulations is clear and understandable, that it does not have any objections and complaints and that in the case of granting the right to enter into a contract it shall fulfil all conditions of the Regulations, including all requirements of the Technical specification, for the prices proposed in the Tenderer's Application - Financial proposal, as well as enter into a procurement contract in accordance with the draft contract enclosed with the Regulations.
- Guarantees that all information and documents provided are true.

We meet the criteria of (*please mark*):

- a small medium other

sized enterprise⁶ as defined in the Article 2 of the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprise⁷

Signature: _____

Date: [*date of signing*]

Name: [*name of the representative of the Tenderer*]

Position: [*position of the representative of the Tenderer*]

⁶ The information on the size of the Tenderer is used solely for statistical purposes and are not in any way whatsoever used in the evaluation of the Tenderers and their Requests to participate.

⁷ Available here - http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2003.124.01.0036.01.ENG&toc=OJ:L:2003:124:TOC

ANNEX NO 2: TECHNICAL SPECIFICATION

1. Introduction to Rail Baltica Global 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 speed of 249km/h.

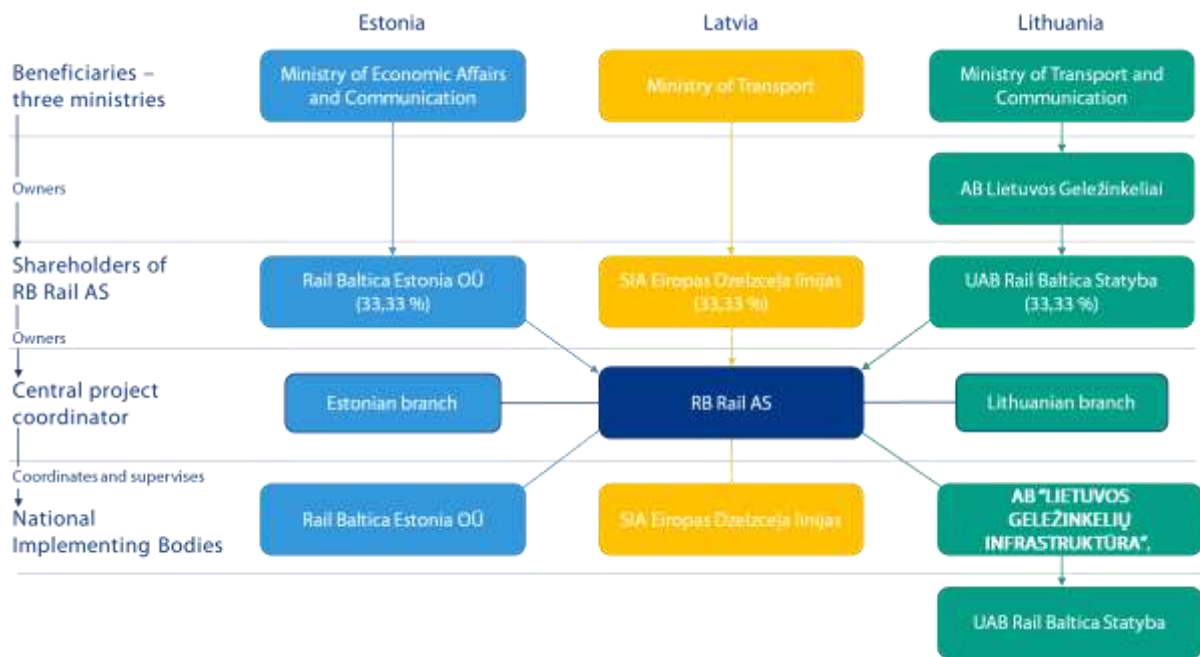
Railway line for both passenger and freight transport shall be interoperable with the TEN-T Network in the rest of Europe and competitive in terms of quality with other modes of transport in the region.

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. 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;
- rolling stock gauge class SE-C;
- distance between track centres at least 4.50 m on the main tracks;
- all pedestrian, road and 1520mm rail crossings only as over or under crossings (segregated grade crossings), fencing and noise barriers where needed;
- **ETCS L2 B3 R2 without trackside signalling and GSM-R B1 with possible update to the newest version of TSI-CCS, including FRMCS implementation;**
- electrification 2x25 kV AC;
- maximum train length: 1050 m - for freight trains and 400 m - for passenger trains;
- height of passenger platforms 550 mm.

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 aim:

The aim of this procurement is to provide creative and communication services to RB Rail AS and support Global Project communication efforts in the Baltic States. To achieve this aim, RB Rail AS will require support with the development of information materials, information campaigns and digital content for Rail Baltica information channels and media in local Baltic languages and in English.

This procurement is launched to carefully select a marketing service provider. Selected service provider will work with the RB Rail AS Communications Department, Strategy Development Department and RB Rail AS branches to support their communication and public information efforts with necessary digital, print and video content.

3. Procurement subject (scope of works):

- **Strategic consultation and advice** on the best communication approach, tools, instruments, channels and messages for reaching various audiences in Estonia, Latvia and Lithuania and EU.
- **Graphical design and technical layout** for information and communications materials such as banners, infographics, animated infographics, leaflets, magazines, exhibition stand, branded templates for social media, corporate presentations etc. The materials should be prepared in English, Latvian, Estonian and Lithuanian, thus, the native speaking copywriters of Estonian, Latvian and Lithuanian should be engaged in fulfilling the task as well as text editors, proofreaders and translators.
- **Video material production** for Rail Baltica series and other multi-media campaigns need for the communication and marketing purposes. To follow the visual solution used previously, the video materials for project promotion campaigns must include animation. In addition, video content production from key events to be used for the documentation of Rail Baltica project development.
- **Copywriting** for websites, social media campaigns, newsletters, articles and other digital and print media channels on demand. Depending on the audience, copywriting will be done in the

local languages of the Baltic States and English. If necessary, the texts provided by copywriters must be checked by professional text editors with experience in in journalism, communications or other field where the expert has obtained education on editing.

- **Development of the official documentation templates** such as Word documents, PowerPoint presentations, according to the Rail Baltica corporate guidelines.
- Other marketing related services.

*An example of the approximate amount of similar services and ordered expert hours during the year 2020 (please be aware, that **this is only an example from the Contracting Authority's previous experience** and amounts indicated below **are not binding in any way to the Tenderer or Contracting Authority within this Open competition** and may change in year 2021 within the Contract concluded as a result of this Open competition):*

- *6 video production services;*
- *1 3D train model development;*
- *42-hour work of Strategy director;*
- *102-hour work of Graphical designer;*
- *101-hour work of Account manager;*
- *54-hour work of English copywriter.*

ANNEX NO 3: ENTITIES ON WHOSE CAPABILITIES THE TENDERER RELIES TO CERTIFY ITS COMPLIANCE WITH QUALIFICATION REQUIREMENTS

No	Name	Description of the capabilities the Tenderer relies to certify its compliance with qualification requirements (Section 8 and 9 of Regulations)
1		
2		
[..]		

NBI

In case the Tenderer relies on abilities of other entities to certify its compliance with the qualification requirements, this Annex must be accompanied with documents evidencing that all the necessary resources will be passed to the Tenderer, as set per Section 8 and Section 9 of the Regulations.

Documents attached: _____ *[Please fill in]* _____ on ___ *[Please fill in]* _____ pages.

Signature *[signature of the representative of the Tenderer]*: _____

Date: *[date of signing]*

Name: *[name of the representative of the Tenderer]*

Position: *[position of the representative of the Tenderer]*

ANNEX NO 4: SUB-CONTRACTORS

No	Name of the Sub-Contractor	Description of the sub-contracted task	Sub-contracted tasks	
			Amount, EUR (without VAT)	% from the proposed price
I	Total amount of the sub-contracted tasks is equal to or <u>exceeds 10%</u> from the contract price			
1				
2				
[..]				
Sub-Total:				
II	Total amount of the sub-contracted tasks is <u>smaller than 10%</u> from the contract price			
1				
2				
[..]				
Sub-Total:				
TOTAL (I+II):				

5. We meet the criteria of (*please mark*):

- a small medium other

sized enterprise⁸ as defined in the Article 2 of the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprise.⁹

NB!

In case the Tenderer involves sub-contractors whose share of services is equal to or exceeds 10% of the contract price, this Annex must be accompanied with documents evidencing that all the necessary resources will be passed to the Tenderer, as set per Section 8 and Section 10 of the Regulations.

Documents attached: _____ [*Please fill in*] _____ on ___ [*Please fill in*] _____ pages.

Signature [*signature of the representative of the Tenderer*]: _____

Date: [*date of signing*]

Name: [*name of the representative of the Tenderer*]

Position: [*position of the representative of the Tenderer*]

⁸ The information on the size of the Tenderer is used solely for statistical purposes and is not in any way whatsoever used in the evaluation of the Tenderer or the Proposal.

⁹ Available here - http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2003.124.01.0036.01.ENG&toc=OJ:L:2003:124:TOC

ANNEX NO 5: CONFIRMATION OF TENDERER`S FINANCIAL STANDING

Clause 8.3.1. of Regulations:

The Tenderer`s or all members of the partnership together (if the Tenderer is a partnership and confirms the average financial turnover jointly), average financial turnover within the last 3 (three) financial years, i.e. 2017, 2018, 2019 is not less than 330 000,00 EUR (three hundred thirty thousand euros, zero cents).

In the event the average financial turnover of a limited liability member of a limited partnership (within the meaning of Latvian Commercial Law, Chapter X) exceeds its investment in the limited partnership, the average financial turnover shall be recognized in the amount of the investment in the limited partnership.

In the event the Tenderer or a member of a partnership (if the Tenderer is a partnership) or entity on whose capabilities the Tenderer is relying to certify it`s financial and economic performance has operated in the market for less than 3 (three) financial years, the requirement shall be met during the **Tenderer`s actual operation period.**

No	Year	Total Turnover in EUR	Notes
Tenderer or member of the partnership (if the Tenderer is a partnership) or entity on whose capabilities the Tenderer relies on to certify the turnover.			
1			
2			
3			
Average within the last 3 (three) financial years			
If the Tenderer is partnership, please continue and provide info regarding each member and partnership in total.			
1			
2			
3			
[..]			

Clause 8.3.2. of Regulations:

The Tenderer or each member of the partnership (if the Tenderer is a partnership) on whose financial and economic capabilities the partnership is relying and who shall be financially and economically responsible for fulfilment of the procurement contract or entity on whose financial and economic capabilities the Tenderer is relying to certify its financial and economic performance and who shall be financially and economically responsible for fulfilment of the procurement contract shall have stable financial and economic performance, namely, **In the last audited financial year liquidity ratio (*Current Assets divided by Short-term Liabilities*) shall be equal to or exceed 1 and shall have positive equity capital (*Total Assets minus Total Liabilities*).**

$$\text{Liquidity ratio} = \frac{\text{Current Assets}}{\text{Short - term Liabilities}} = \underline{\hspace{2cm}}$$

$$\text{Equity capital} = \text{Total Assets} - \text{Total Liabilities} = \underline{\hspace{2cm}}$$

Documents attached: _____ *[Please fill in]* _____ on ___ *[Please fill in]* _____ pages.

Signature *[signature of the representative of the Tenderer]*: _____

Date: *[date of signing]*

Name: *[name of the representative of the Tenderer]*

Position: *[position of the representative of the Tenderer]*

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

ANNEX NO 6: EXPERIENCE OF THE TENDERER

Clause 8.4.1. of the Regulations:

The Tenderer within the previous 3 years (2018 to until the date of submission of the Proposal) has completed at least 2 (two) marketing or creative or communication service contracts / projects covering all the following requirements for each contract / project:

- value of each contract / project is not less than 80 000,00 EUR (eighty thousand euros zero cents) without VAT;
- services were provided to address at least 2 (two) of Baltic countries (Latvia, Lithuania, Estonia) within each contract / project.

All the services shall be completed.

No	Detailed description of the services and contracts/projects characterizing the required experience indicated in Clause 8.4.1. (above) (including scope of works, naming Baltic countries involved etc.)	Date of commencement and completion of services (experience gained) (month/year – month/year)	Value of the contract/project (EUR*, excl. VAT)	Name of the Contracting Authority (Client)	Contact Information of Contracting Authority (Client)
1.					
2.					
[..]					

NB! This Annex must be accompanied with copies of references from respective clients or similar proofs provided by the third party (the Client / Contracting Authority) evidencing the experience). Documents attached: _____ *[Please fill in]* _____ on ___ *[Please fill in]* _____ pages.

Signature [*signature of the representative of the Tenderer*]: _____

Date: [*date of signing*]

Name: [*name of the representative of the Tenderer*]

Position: [*position of the representative of the Tenderer*]

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

ANNEX NO 7: EXPERIENCE OF THE KEY EXPERTS

No	<div style="display: flex; justify-content: space-between;"> Key expert's role in the team (according Section 8.5.1 of Regulations) Name, Surname </div>			
Professional experience to comply with requirements of Section 8.5.1 of the Regulations:				
	Name of the employer/ contracting authority/ project/campaign and contact information for references	Period of employment or participation in the project/campaign (implementation period) (month/year – month/year)	<u>Detailed description of the responsibilities and experience gained while employed or participating in the project/campaign, as well description of the project/campaign (including scope, which Baltic countries involved (if applicable) etc.) to comply with each requirement of Section 8.5.1 of Regulations</u>	<u>Reference to the respective selection criteria (Section 8.5.1, a), b), c)) expert certifies his/her experience</u>
1.				
2.				
[..]				

English language skills¹⁰ (with respective criteria in Section 8.5.1 (**at least C2**) and only for Key experts named in Section 8.5.1. sub-clause 1.-4.):

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

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

I confirm that I have consented that my candidature is proposed in the open competition **“Creative and communication services”, No RBR 2020/20**. I confirm that in case the Tenderer [_____ *name of the tenderer or members of the partnership*] will conclude the contract as the result of the open competition, I will participate in the execution of the contract.

In addition, I confirm that I have consented that my personal data (name, surname and signature) are processed by the Contracting Authority during this open competition.

Signature: _____

Date: [*date of signing*]

Name: [*name of the expert*]

¹⁰ Language skill level is based on Common European Framework of Reference for Languages (see <http://europass.cedefop.europa.eu/resources/european-language-levels-cefr>)

ANNEX NO 8: DRAFT CONTRACT (PLEASE REFER TO A SEPARATE DOCUMENT)