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COMMON PROCUREMENT STANDARDS AND GUIDELINES FOR THE RAIL BALTICA PROJECT



Co-financed by the European Union
Connecting Europe Facility

Policy Holder: Chief Procurement Officer
Responsible department: Procurement Department

APPENDIX 2: MINIMUM QUALIFICATION REQUIREMENTS

1. Background

- 1.1. On 30 September 2016 RB Rail AS, Ministry of Economic Affairs and Communications of the Republic of Estonia, Ministry of Transport of the Republic of Latvia, Ministry of Transport and Communications of the Republic of Lithuania, Estonian Technical Regulatory Authority, Rail Baltic Estonia OU, Sabiedrība ar ierobežotu atbildību EIROPAS DZELZCEĻA LĪNIJAS, Lietuvos geležinkeliai AB (substituted by LTG Infra AB as of 8 December 2019) and Rail Baltica Statyba UAB concluded an Agreement on the Contracting Scheme for the Rail Baltic/Rail Baltica project (**Agreement on Contracting Scheme**).
- 1.2. According to the Agreement on Contracting Scheme, the Ministries and their designated implementing bodies are authorised to conduct procurement of certain supplies, works and services under the supervision of RB Rail AS (**Supervised National Procurement**).
- 1.3. Section 5.2.3 of the Agreement on Contracting Scheme obliges Beneficiaries and their designated Implementing Bodies to draft procurement documents for the Supervised National Procurement among other things on the basis of minimum set of requirements for the qualifications of economic operators, developed by RB Rail AS.

2. Minimum set of requirements

- 2.1. This document sets out the minimum set of requirements for the qualifications of economic operators which shall be taken into account by the Contracting Authorities when drafting procurement documents for the procurement exercises within the Global Project.
- 2.2. The minimum set of requirements for the qualifications of economic operators is outlined in the Appendix 2, in line with the estimated value (in EUR) of the procurement exercise. Notwithstanding these minimum requirements, the Contracting Authorities in charge of the particular procurement exercises shall apply the mandatory requirements set in the respective applicable national procurement law that are applicable to a particular procurement exercise.
- 2.3. Contracting Authorities may set in relevant procurement documents additional requirements for the qualification of economic operators insofar as such are objectively justified and do not unnecessarily and inappropriately limit the competition between economic operators.

- 2.4. As an exception, in order to enhance the competition between the economic operators in a particular procurement and if setting of lesser requirements does not have a negative impact on the quality of the to-be-procured works, services or goods, the Contracting Authorities may set in relevant procurement documents lesser requirements for the qualification of economic operators by motivating the need to enhance the competition. This could be done, if setting of lesser requirements will not have a negative impact on the quality of the to-be-procured works, services or goods and this will be based on set objective facts which shall be recorded in a written and reproducible form for audit purposes (as part of the minutes of the meeting of the procurement commission or as a separate decision). The Contracting Authorities shall notify the Procurement Policy and Process Manager of RB Rail AS as soon as reasonably possible of their intention to deviate from any minimum qualification requirements stipulated in this document, providing details of such deviation together with justification. RB Rail AS shall have up to 10 working days (7 working days, provided that the market research report/data, justifying the deviation, is provided together with the request) to review the notification and to (1) accept it or (2) provide any objections and proposal(s) to resolve such objection(s), which need to be substantiated. If RB Rail AS has already confirmed before the elapse of the 10 working day period (7 working day period, provided that the market research report/data, justifying the deviation, is provided together with the request) that there are no objections to any such intended deviations or RB Rail AS has not issued any objections within 10 working days (7 working days, provided that the market research report/data, justifying the deviation, is provided together with the request), then the Contracting Authority may proceed with their decision to be recorded for audit purposes. Regarding any national legislation based recurring deviation requirements or based on the market condition the Chief Procurement Officer of RB Rail AS has the right to issue to Contracting Authorities a blanket deviation covering all upcoming procurement procedures until further notice, a set deadline or a change of legislation.
- 2.5. The Contracting Authorities can apply rules mentioned above in this section to the procurement exercises with an estimated value net, without VAT, as stated in the below sections with the minimum qualifications requirements., unless the Contracting Authority within the above mentioned term (10 working days) has received an objection from RB Rail AS. RB Rail AS shall inform Procurement Reference Group on the decisions and on a basis on which decisions were made.
- 2.6. If any of minimum set of requirements cannot be requested as qualification criteria, in accordance with the relevant applicable national procurement law, shall be requested as tender suitability or evaluation criteria instead.

3. Status

- 3.1. In case of discrepancies between the mandatory provisions of national legislation and the requirements for the qualifications of economic operators which are set in this document the mandatory provisions of national legislation which apply to the particular procurement exercise shall prevail.
- 3.2. This is a living document and RB Rail AS may update it as necessary. RB Rail AS will involve the Procurement Reference Group in discussions pertaining to updates to the document. The newest version will be available on the web-page of RB Rail AS. RB Rail AS will notify the involved Contracting Authorities when publishing an updated version of this document.

Minimum Requirements for 40 000 – 144 000 EUR Procurement Exercises

Requirement	Procurement of WORKS e.g. railway, tunnels, bridges, stations, depots	Procurement of SERVICES e.g. design, design supervision, construction supervision, engineering consultancy services	Procurement of GOODS e.g. sand, gravel, cement, rails, sleepers
1. Legal standing	- According to the relevant applicable national procurement law	- According to the relevant applicable national procurement law	- According to the relevant applicable national procurement law
2. Suitability to pursue the professional activity	- The Tenderer shall be registered in the Register of Construction Merchants or respective Professional Register. ² If the Tenderer is a consortium, the member of the consortium which performs the respective works shall comply with the above requirements.	- The Tenderer shall be registered in the respective Professional Register or an appropriate register of the state of its establishment if regulatory enactments of the respective state envisage such a requirement ³ - If the Tenderer is a consortium, the member of the consortium which performs the respective services shall comply with the above requirements.	- The Tenderer shall ensure that the goods/supplies are in conformity with the CE (Conformité Européenne) marking ⁴ requirements for their supplied goods if such goods are identified under the applicable product groups listed by the European Commission. ⁵
3. Economic and financial standing	- The Tenderer's average yearly turnover within the last three financial years from the date of publication of procurement shall be at least 100% of the contract price estimated by the contracting authority (contracting entity). In the event the Tenderer has operated in the market for less than three years,	- The Tenderer's average yearly turnover within the last three financial years from the date of publication of procurement shall be at least 100% of the contract price estimated by the contracting authority (contracting entity). In the event the Tenderer has operated in the market for less than three years,	- The Tenderer's average yearly turnover within the last three financial years from the date of publication of procurement shall be at least 100% of the contract price estimated by the contracting authority (contracting entity). In the event the Tenderer has operated in the market for less than three years,

² If such requirement is not applied in the legislation of the country of Contracting Authority, the registration in an appropriate register of the state of Tenderer establishment (if regulatory enactments of the respective state envisage such a requirement) can be accepted

³ Register must be specified if specific requirements are applied for pursuing the requested professional activity in the legislation of the country of Contracting Authority

⁴ Refer also to https://ec.europa.eu/growth/single-market/ce-marking/manufacturers_en

⁵ Shall be requested as tender suitability or evaluation criteria, as foreseen by Clause 2.6. of Appendix 2 of these Guidelines

Requirement	Procurement of WORKS e.g. railway, tunnels, bridges, stations, depots	Procurement of SERVICES e.g. design, design supervision, construction supervision, engineering consultancy services	Procurement of GOODS e.g. sand, gravel, cement, rails, sleepers
	<p>the requirement shall apply to Tenderer's actual operation period.⁶</p> <ul style="list-style-type: none"> - The Tenderer shall have stable financial and economic performance, namely, in the previous audited year (if auditing the financial report is required by the law applicable to the Tenderer), preceding the year of the public procurement, Tenderer's liquidity ratio (current assets divided by short-term liabilities) shall be equal to or exceed 1 and the Tenderer shall have positive equity. If this requirement is used, the exact and detailed description of the method of calculation of such requirement shall be stipulated in the procurement documents. - If the Tenderer is a consortium, the Tenderer shall indicate all members of the consortium on which turnover, as combined, it relies upon for the above requirement and the liquidity 	<p>the requirement shall apply to Tenderer's actual operation period.⁷</p> <ul style="list-style-type: none"> - The Tenderer shall have stable financial and economic performance, namely, in the previous audited year (if auditing the financial report is required by the law applicable to the Tenderer), preceding the year of the public procurement, Tenderer's liquidity ratio (current assets divided by short-term liabilities) shall be equal to or exceed 1 and the Tenderer shall have positive equity. If this requirement is used, the exact and detailed description of the method of calculation of such requirement shall be stipulated in the procurement documents. If the Tenderer is a consortium, the Tenderer shall indicate all members of the consortium on which turnover, as combined, it relies upon for the above requirement and the liquidity ratio of each of the consortium members, on which financial 	<p>the requirement shall apply to Tenderer's actual operation period.⁸</p> <ul style="list-style-type: none"> - The Tenderer shall have stable financial and economic performance, namely, in the previous audited year (if auditing the financial report is required by the law applicable to the Tenderer), preceding the year of the public procurement, Tenderer's liquidity ratio (current assets divided by short-term liabilities) shall be equal to or exceed 1 and the Tenderer shall have positive equity. If this requirement is used, the exact and detailed description of the method of calculation of such requirement shall be stipulated in the procurement documents. If the Tenderer is a consortium, the Tenderer shall indicate all members of the consortium on which turnover, as combined, it relies upon for the above requirement and the liquidity ratio of each of the consortium members, on which financial

⁶ In a case where the contract scope is highly specialised as to result in a serious likelihood of the overall turnover of suppliers being shaped to a large extent by other activities of little to minimum relevance to the scope of the contract, then the requested turnover may be that of the direct linkage to the subject-matter of the contract.

⁷ In a case where the contract scope is highly specialised as to result in a serious likelihood of the overall turnover of suppliers being shaped to a large extent by other activities of little to minimum relevance to the scope of the contract, then the requested turnover may be that of the direct linkage to the subject-matter of the contract.

⁸ In a case where the contract scope is highly specialised as to result in a serious likelihood of the overall turnover of suppliers being shaped to a large extent by other activities of little to minimum relevance to the scope of the contract, then the requested turnover may be that of the direct linkage to the subject-matter of the contract.

Requirement	Procurement of WORKS e.g. railway, tunnels, bridges, stations, depots	Procurement of SERVICES e.g. design, design supervision, construction supervision, engineering consultancy services	Procurement of GOODS e.g. sand, gravel, cement, rails, sleepers
	ratio of each of the consortium members, on which financial capabilities the Tenderer relies upon, shall comply with the above requirement.	capabilities the Tenderer relies upon, shall comply with the above requirement.	capabilities the Tenderer relies upon, shall comply with the above requirement.
4. Technical and professional ability	- Within the last [5-7](five-seven ⁹) years before the date of submission of the tender the Tenderer has gained experience as the main contractor in the execution of at least [_ ()] ¹⁰ [railway/ tunnel/ bridge/ station/ depot] construction works contracts, each with the value of not less than 70% of the anticipated contract value [or alternatively indicate the requirement representative to the scope of works / final result of the works similar to the object of the procurement to be achieved, without the monetary value - the requirement needs to be comparative to 70% of the scope] of	- Within the last [3-7] (three-seven ¹¹)years until the date of submission of the tender the Tenderer has gained experience as the main contractor in the execution of at least [_ ()] ¹² contracts with the same subject-matter, each with the value of not less than 70% of the anticipated contract value [or alternatively indicate the requirement representative to the scope of services / final result of the services similar to the object of the procurement to be achieved, without the monetary value - the requirement needs to be comparative to 70% of the scope] of	- Within the last [3-5] (three-five ¹³) years until the date of submission of the tender the Tenderer has performed at least [_ ()] ¹⁴ supplies of goods of a similar kind in the amount of 100% each of the anticipated supply amount of the ongoing tender. - If the Tenderer is a consortium, members of the consortium together shall comply with the above requirements.

⁹The Experience in the range of 5 to 7 years shall be applied according to market research results made by the Contracting Authority and according to the legislation requirements. Choosing the acceptable period sufficient competition shall be ensured by the Contracting Authority.

¹⁰ Shall be indicated number of projects. Projects shall be no less than 1.

¹¹The Experience in the range of 3 to 7 years shall be applied according to market research results made by the Contracting Authority and according to the legislation requirements. Choosing the acceptable period sufficient competition shall be ensured by the Contracting Authority.

¹² Shall be indicated number of projects. Projects shall be no less than 1.

¹³The Experience in the range of 3 to 5 years shall be applied according to market research results made by the Contracting Authority and according to the legislation requirements. Choosing the acceptable period sufficient competition shall be ensured by the Contracting Authority.

¹⁴ Shall be indicated number of projects. Projects shall be no less than 1.

Requirement	Procurement of WORKS e.g. railway, tunnels, bridges, stations, depots	Procurement of SERVICES e.g. design, design supervision, construction supervision, engineering consultancy services	Procurement of GOODS e.g. sand, gravel, cement, rails, sleepers
	<p>the ongoing tender. The contracts have to be completed and accepted or if ongoing, then the value [or scope] of the completed and accepted works must be not less than the value [or scope] indicated above.</p> <ul style="list-style-type: none"> - If the Tenderer is a consortium, members of the consortium together shall comply with the above requirements. The member of the consortium upon whose qualification the consortium relied in order to qualify must fulfil the respective works for which the respective qualification was required. 	<p>the ongoing tender. The contracts have to be completed and accepted or if ongoing, then the value [or scope] of the completed and accepted services must be not less than the value indicated above.</p> <ul style="list-style-type: none"> - If the Tenderer is a consortium, members of the consortium together shall comply with the above requirements. The member of the consortium upon whose qualification the consortium relied in order to qualify must provide the respective services for which the respective qualification was required. 	
5. Quality assurance standards ¹⁵	<ul style="list-style-type: none"> - The Tenderer shall have quality management system in place with a proven track record of providing quality works. The Tenderer shall submit signed references /testimonials.¹⁶ 	<ul style="list-style-type: none"> - The Tenderer shall have quality management system in place with a proven track record of providing quality services. The Tenderer shall submit signed references /testimonials.¹⁷ 	<ul style="list-style-type: none"> - The Tenderer shall have quality management system in place with a proven track record of providing quality goods. The Tenderer shall submit signed references /testimonials.¹⁸

¹⁵ Quality assurance standard requirements can also be a part of tender suitability or evaluation criteria, not a qualification requirement, as foreseen by Clause 2.6. of Appendix 2 of these Guidelines.

¹⁶ The Procurement commission to ascertain what is required as a 'proven track record' and 'what / from whom it is required (e.g. signed from 3rd parties)

¹⁷ The Procurement commission to ascertain what is required as a 'proven track record' and 'what / from whom it is required (e.g. signed from 3rd parties)

¹⁸ The Procurement commission to ascertain what is required as a 'proven track record' and 'what / from whom it is required (e.g. signed from 3rd parties)

Requirement	Procurement of WORKS e.g. railway, tunnels, bridges, stations, depots	Procurement of SERVICES e.g. design, design supervision, construction supervision, engineering consultancy services	Procurement of GOODS e.g. sand, gravel, cement, rails, sleepers
	<ul style="list-style-type: none"> - If the Tenderer is a consortium, each member of the consortium shall comply with the above requirements. 	<ul style="list-style-type: none"> - If the Tenderer is a consortium, each member of the consortium shall comply with the above requirements. 	<ul style="list-style-type: none"> - If the Tenderer is a consortium, each member of the consortium shall comply with the above requirements.
6. Environmental management standards¹⁹			<ul style="list-style-type: none"> - The Tenderer shall have environmental management system that complies with ISO 14001:2015 standard or equivalent <i>[audited by an independent auditor²⁰]</i> if the Tenderer is the manufacturer of the goods. If the Tenderer is not the manufacturer of the goods they need to confirm the manufacturer's compliance with ISO 14001:2015 standard or equivalent <i>[audited by an independent auditor²¹]</i> - If the Tenderer is a consortium, each member of the consortium, whose scope of involvement includes environmental deliverables and/or meeting environmental requirements, shall comply with the above requirements.
7. Data protection standards		<ul style="list-style-type: none"> - Requirement to issue proof that the server where data of the Rail 	<ul style="list-style-type: none"> - Requirement of experience: at least 2 previous contracts with a

¹⁹ Environmental management standard requirements can also be a part of tender suitability or evaluation criteria, not a qualification requirement, as foreseen by Clause 2.6. of Appendix 2 of these Guidelines.

²⁰ Unless other means of proof is allowed by legal acts of Contracting Authority country

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Requirement	Procurement of WORKS e.g. railway, tunnels, bridges, stations, depots	Procurement of SERVICES e.g. design, design supervision, construction supervision, engineering consultancy services	Procurement of GOODS e.g. sand, gravel, cement, rails, sleepers
<p>where software / information systems development or implementation is the object of procurement</p>		<p>Baltica Global Project is located, is within EU/EEA territory (either by means of copy of rental contract and photo of the server or any other feasible means of proof where no such proof is possible, the description of where the server is located – address, and how the supplier controls that data is not transferred outside EU/EEA).²²</p> <ul style="list-style-type: none"> - Requirement to prove (show) that they have a position responsible for personal data management (either the designated Data Protection Officer if required by law or another internal staff member of the candidate, or assigned as such)²³. - Requirement of experience: at least 2 previous contracts with a scope of processing personal data and critical business data in a server located within EU/EEA, also listing the names and contact 	<p>scope of processing personal data and critical business data in a server located within EU/EEA, also listing the names and contact data of the previous Contracting Authorities or Contractee.</p>

²² Shall be requested as tender suitability or evaluation criteria, as foreseen by Clause 2.6. of Appendix 2 of these Guidelines

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Requirement	Procurement of WORKS e.g. railway, tunnels, bridges, stations, depos	Procurement of SERVICES e.g. design, design supervision, construction supervision, engineering consultancy services	Procurement of GOODS e.g. sand, gravel, cement, rails, sleepers
		data of the previous Contracting Authorities or Contractee.	

Minimum Requirements for 144 000 EUR or higher value Procurement Exercises

Requirement	Procurement of WORKS e.g. railway, tunnels, bridges, stations, depots	Procurement of SERVICES e.g. design, design supervision, construction supervision, engineering consultancy services	Procurement of GOODS e.g. sand, gravel, cement, rails, sleepers
1. Legal standing	<ul style="list-style-type: none"> - The Tenderer shall be registered in the Commercial Register or an equivalent register of commercial activities in the state of its establishment if regulatory enactments of the respective state envisage such a requirement. - If the Tenderer is a consortium, each member of the consortium shall comply with the above requirements. 	<ul style="list-style-type: none"> - The Tenderer shall be registered in the Commercial Register or an equivalent register of commercial activities in the state if its establishment if regulatory enactments of the respective state envisage such a requirement. - If the Tenderer is a consortium, each member of the consortium shall comply with the above requirements. 	<ul style="list-style-type: none"> - The Tenderer shall be registered in the Commercial Register or an equivalent register of commercial activities in the state of its establishment if regulatory enactments of the respective state envisage such a requirement. - If the Tenderer is a consortium, each member of the consortium shall comply with the above requirements.
2. Suitability to pursue the professional activity	<ul style="list-style-type: none"> - The Tenderer shall be registered in the Register of Construction Merchants or respective Professional Register or an appropriate register of the state of its establishment if regulatory enactments of the respective state envisage such a requirement. - If the Tenderer is a consortium, the member of the consortium which performs the respective works shall 	<ul style="list-style-type: none"> - The Tenderer shall be registered in the respective Professional Register or an appropriate register of the state of its establishment if regulatory enactments of the respective state envisage such a requirement. - If the Tenderer is a consortium, the member of the consortium which performs the respective services 	<ul style="list-style-type: none"> - The Tenderer shall ensure that the goods/supplies are in conformity with the CE (Conformité Européenne) marking²⁴ requirements for their supplied goods if such goods are identified under the applicable product groups listed by the European Commission.²⁵

²⁴ Refer also to https://ec.europa.eu/growth/single-market/ce-marking/manufacturers_en

²⁵ Shall be requested as tender suitability or evaluation criteria, as foreseen by Clause 2.6. of Appendix 2 of these Guidelines

Requirement	Procurement of WORKS e.g. railway, tunnels, bridges, stations, depots	Procurement of SERVICES e.g. design, design supervision, construction supervision, engineering consultancy services	Procurement of GOODS e.g. sand, gravel, cement, rails, sleepers
3. Economic and financial standing	<p>comply with the above requirements.</p> <ul style="list-style-type: none"> - The Tenderer's average yearly turnover within the last three financial years from the date of publication of procurement shall be at least 100% of the contract price estimated by the contracting authority (contracting entity). In the event the Tenderer has operated in the market for less than three years, the requirement shall apply to Tenderer's actual operation period.²⁶ - The Tenderer shall have stable financial and economic performance, namely, in the previous audited year (if auditing the financial report is required by the law applicable to the Tenderer) Tenderer's liquidity ratio (current assets divided by short-term liabilities) shall be equal to or exceed 1 and the Tenderer shall 	<p>shall comply with the above requirements.</p> <ul style="list-style-type: none"> - The Tenderer's average yearly turnover the last three financial years from the date of publication of procurement shall be at least 100% of the contract price estimated by the contracting authority (contracting entity). In the event the Tenderer has operated in the market for less than three years, the requirement shall apply to Tenderer's actual operation period.²⁷ - The Tenderer shall have stable financial and economic performance, namely, in the previous audited year (if auditing the financial report is required by the law applicable to the Tenderer) Tenderer's liquidity ratio (current assets divided by short-term liabilities) shall be equal to or exceed 1 and the Tenderer shall 	<ul style="list-style-type: none"> - The Tenderer's average turnover within the last three financial years from the date of publication of procurement shall be at least 100% of the contract price estimated by the contracting authority (contracting entity). In the event the Tenderer has operated in the market for less than three years, the requirement shall apply to Tenderer's actual operation period.²⁸ - The Tenderer shall have stable financial and economic performance, namely, in the previous audited year (if auditing the financial report is required by the law applicable to the

²⁶ In a case where the contract scope is highly specialised as to result in a serious likelihood of the overall turnover of suppliers being shaped to a large extent by other activities of little to minimum relevance to the scope of the contract, then the requested turnover may be that of the direct linkage to the subject-matter of the contract.

²⁷ In a case where the contract scope is highly specialised as to result in a serious likelihood of the overall turnover of suppliers being shaped to a large extent by other activities of little to minimum relevance to the scope of the contract, then the requested turnover may be that of the direct linkage to the subject-matter of the contract.

²⁸ In a case where the contract scope is highly specialised as to result in a serious likelihood of the overall turnover of suppliers being shaped to a large extent by other activities of little to minimum relevance to the scope of the contract, then the requested turnover may be that of the direct linkage to the subject-matter of the contract.

Requirement	Procurement of WORKS e.g. railway, tunnels, bridges, stations, depots	Procurement of SERVICES e.g. design, design supervision, construction supervision, engineering consultancy services	Procurement of GOODS e.g. sand, gravel, cement, rails, sleepers
	<p>have positive equity. If this requirement is used, the exact and detailed description of the method of calculation of such requirement shall be stipulated in the procurement documents.</p> <ul style="list-style-type: none"> - If the Tenderer is a consortium, the Tenderer shall indicate all members of the consortium on which turnover, as combined, it relies upon for the above requirement and the liquidity ratio of each of the consortium members, on which financial capabilities the Tenderer relies upon, shall comply with the above requirement. 	<p>have positive equity. If this requirement is used, the exact and detailed description of the method of calculation of such requirement shall be stipulated in the procurement documents.</p> <ul style="list-style-type: none"> - If the Tenderer is a consortium, the Tenderer shall indicate all members of the consortium on which turnover, as combined, it relies upon for the above requirement and the liquidity ratio of each of the consortium members, on which financial capabilities the Tenderer relies upon, shall comply with the above requirement. 	<p>Tenderer) Tenderer's liquidity ratio (current assets divided by short-term liabilities) shall be equal to or exceed 1 and the Tenderer shall have positive equity. If this requirement is used, the exact and detailed description of the method of calculation of such requirement shall be stipulated in the procurement documents</p> <ul style="list-style-type: none"> - If the Tenderer is a consortium, the Tenderer shall indicate all members of the consortium on which turnover, as combined, it relies upon for the above requirement and the liquidity ratio of each of the consortium members, on which financial capabilities the Tenderer relies upon, shall comply with the above requirement.

Requirement	Procurement of WORKS e.g. railway, tunnels, bridges, stations, depots	Procurement of SERVICES e.g. design, design supervision, construction supervision, engineering consultancy services	Procurement of GOODS e.g. sand, gravel, cement, rails, sleepers
4. Technical and professional ability ²⁹	- Within the last [5-7] (five to seven ³⁰) years before the date of submission of the tender the Tenderer has gained experience as the main contractor in the execution of at least [_ ()] ³¹ [railway/ tunnel/ bridge/ station/ depot] construction works contracts [meeting the standard(s) of [_ ()] ³² , each with the value of not less than 70% of the anticipated contract value [or alternatively indicate the requirement representative to the scope of works / final result of the works similar to the object of the procurement to be achieved, without the monetary value - the	- Within the last [3-7] (three to seven ³⁸) years until the date of submission of the tender the Tenderer has gained experience as the main contractor in the execution of at least [_ ()] ³⁹ contracts with the same subject-matter [meeting the standard(s) of [_ ()] ⁴⁰ , each with the value of not less than 70% of the anticipated contract value [or alternatively indicate the requirement representative to the scope of services /final result of the services similar to the object of the procurement to be achieved, without the monetary value- the requirement needs to be	- Within the last [3-5] (three to five ⁴⁶) years until the date of submission of the tender the Tenderer has performed at least [1 (one)] ⁴⁷ supplies of goods of a similar kind [meeting the standard(s) of [_ ()] ⁴⁸ with proven reference of quality delivery in the amount of 100% each of the anticipated supply amount of the ongoing tender (<i>For long term and/or framework contracts the planned contract term should be taken into consideration in ascertaining the reference amount</i>

²⁹ The requirements for stated experts shall apply in case such experts are required.

³⁰ The Experience in the range of 5 to 7 years shall be applied according to market research results made by the Contracting Authority and according to the applicable legislation requirements. Choosing the acceptable period sufficient competition shall be ensured by the Contracting Authority.

³¹ Shall be indicated number of projects. Projects shall be no less than 1.

³² If the application of an EU standard is of significance, consider adding the requirement.

³⁸ The Experience in the range of 3 to 7 years shall be applied according to market research results made by the Contracting Authority and according to the legislation requirements. Choosing the acceptable period sufficient competition shall be ensured by the Contracting Authority.

³⁹ Shall be indicated number of projects. Projects shall be no less than 1.

⁴⁰ If the application of an EU standard is of significance, consider adding the requirement.

⁴⁶ The Experience in the range of 3 to 5 years shall be applied according to market research results made by the Contracting Authority and according to the applicable legislation requirements. Choosing the acceptable period sufficient competition shall be ensured by the Contracting Authority.

⁴⁷ Shall be indicated number of contracts, which shall be no less than 1.

⁴⁸ If the application of an EU standard is of significance, consider adding the requirement.

Requirement	Procurement of WORKS e.g. railway, tunnels, bridges, stations, depots	Procurement of SERVICES e.g. design, design supervision, construction supervision, engineering consultancy services	Procurement of GOODS e.g. sand, gravel, cement, rails, sleepers
	<p>requirement needs to be comparative to 70% of the scope] of the ongoing tender. The contracts have to be completed and accepted or if ongoing, then the value [or scope] of the completed and accepted works must be not less than the value [or scope] indicated above.</p> <ul style="list-style-type: none"> - For the purposes of railway track construction the Tenderer shall have the following key experts available throughout the term of the contract: <ol style="list-style-type: none"> 1. Responsible construction works manager who has the following qualifications: <ol style="list-style-type: none"> 1.1. Valid certificate for railway track construction work managing or equivalent; 1.2. Within the last 7 (seven) years has gained experience in a role of a responsible construction works manager in at least [_ ()] 33 construction works projects that have been completed and 	<p>comparative to 70% of the scope] of the ongoing tender. The contracts have to be completed and accepted or if ongoing, then the value [or scope] of completed and accepted services must be not less than the value indicated above.</p> <ul style="list-style-type: none"> - For the purposes of railway [design supervision / construction supervision / design – <i>choose the correct one(s)</i>] the Tenderer shall have available throughout the term of the contract a railway road [design supervisor / construction supervisor / designer– <i>choose the correct one(s)</i>] who has the following qualifications: <ol style="list-style-type: none"> 1. Valid certificate or equivalent for [supervision / design– <i>choose the correct one(s)</i>] of railway road construction works; 2. Within the last 7 (seven) years until the date of submission of the tender has gained experience in a role as a railway track construction [supervisor / 	<p><i>percentage, and previous experience in supplying similar goods similar to the anticipated annual scope of supply could be considered as sufficient proof).</i></p> <ul style="list-style-type: none"> - If the Tenderer is a consortium, members of the consortium together shall comply with the above requirements.

³³ Shall be indicated number of projects. Projects shall be no less than 1.

Requirement	Procurement of WORKS e.g. railway, tunnels, bridges, stations, depots	Procurement of SERVICES e.g. design, design supervision, construction supervision, engineering consultancy services	Procurement of GOODS e.g. sand, gravel, cement, rails, sleepers
	<p>accepted in the agreed term and quality, from which:</p> <ul style="list-style-type: none"> ○ At least 1 (one) is a railway track construction project with the length of railway not less than 50% of the anticipated km of the ongoing tender and a further 30% of the anticipated km of the ongoing tender shall consist of other completed and accepted projects (if the one project does not cover 80% of the length), providing a total of 80% of the length, whereas no reference project can have less than 10% of the anticipated km of the length of railway of the ongoing tender; 2. Within at least 1 (one) railway catenary external electricity networks have been installed with the length of not less than 50% of the anticipated km of the ongoing tender and a further 30% of the anticipated km of the ongoing tender shall consist of other completed and accepted projects (if the one project does not cover 	<p>designer– <i>choose the correct one(s)</i> in at least [<u> </u> (<u> </u>)]⁴¹ railway track construction projects that have been completed and accepted in the agreed term and quality, where he has supervised/designed at least the following activities:</p> <ul style="list-style-type: none"> ○ Within at least 1 (one) project: construction of railway track with length of not less than 50% of the anticipated km of the ongoing tender and a further 30% of the anticipated km of the ongoing tender shall consist of other completed and accepted projects (if the one project does not cover at least 80% of the length), providing a total of 80% of the length, whereas no reference project can have less than 10% of the anticipated km of the length of railway of the ongoing tender; 	

⁴¹ Shall be indicated number of projects. Projects shall be no less than 1.

Requirement	Procurement of WORKS e.g. railway, tunnels, bridges, stations, depots	Procurement of SERVICES e.g. design, design supervision, construction supervision, engineering consultancy services	Procurement of GOODS e.g. sand, gravel, cement, rails, sleepers
	<p>80% of the length), providing a total of 80% of the length, whereas no reference project can have less than 10% of the anticipated km of the length of railway of the ongoing tender; Within at least (1) one control, command and signalling system has been installed with the length of not less than 50% of the anticipated km of the ongoing tender and a further 30% of the anticipated km of the ongoing tender shall consist of other completed and accepted projects (if the one project does not cover 80% of the length), providing a total of 80% of the length, whereas no reference project can have less than 10% of the anticipated km of the length of railway of the ongoing tender. Railway track construction works manager who has the following qualifications:</p> <p>2.1. Valid certificate for railway construction works managing or equivalent;</p>	<ul style="list-style-type: none"> ○ Within at least 1 (one) project: installation of railway shunts. <p>- In addition, for the purposes of [bridges / viaducts / ecoducts (or similar) – <i>choose the correct one(s)</i>] [construction supervision / design / design supervision– <i>choose the correct one(s)</i>] the Tenderer shall have available throughout the term of the contract a construction supervisor who has the following qualifications:</p> <ol style="list-style-type: none"> 1. Valid certificate or equivalent for [supervision / design / design supervision– <i>choose the correct one(s)</i>] of [bridges / viaducts / ecoducts (or similar) – <i>choose the correct one(s)</i>] construction works respectively; 2. Within the last 7 (seven) years until the date of submission of the tender has gained experience in [supervising/designing– <i>choose the correct one(s)</i>] construction of at least [_ (_)]⁴² 	

⁴² Shall be indicated number of projects. Projects shall be no less than 1.

Requirement	Procurement of WORKS e.g. railway, tunnels, bridges, stations, depots	Procurement of SERVICES e.g. design, design supervision, construction supervision, engineering consultancy services	Procurement of GOODS e.g. sand, gravel, cement, rails, sleepers
	<p>2.2. Within the last 7 (seven) years has gained experience in a role of a railway construction works manager in at least [_ ()³⁴] railway construction works project with the length of railway not less than 50% of the anticipated km of the ongoing tender that has been completed and accepted in the agreed term and quality and a further 30% of the anticipated km of the ongoing tender shall consist of other completed and accepted projects (if the previous project(s) does not cover 80% of the length), providing a total of 80% of the length, whereas no reference project can have less than 10% of the anticipated km of the length of railway of the ongoing tender.</p> <p>- In addition, for the purposes of constructing [bridges / viaducts / ecoducts (or similar) – <i>choose the correct one(s)</i>] the Tenderer shall have available throughout the term of the contract a [bridge / viaduct /</p>	<p>railway bridges with the length of at least 100% of the anticipated length of a bridge of the ongoing tender that have been completed and accepted in the agreed term and quality.</p> <p>- In addition, for the purposes of tunnel [construction supervision / design / design supervision– <i>choose the correct one(s)</i>] the Tenderer shall have available throughout the term of the contract a tunnel [construction supervisor / designer / design supervisor– <i>choose the correct one(s)</i>] who has the following qualifications:</p> <ol style="list-style-type: none"> 1. Valid certificate or equivalent for [supervision/design– <i>choose the correct one(s)</i>] of tunnel construction works respectively; 2. Within the last 7 (seven) years until the date of submission of the tender has gained experience in [supervising/designer] construction of at least [_ ()⁴³] 	

³⁴ Shall be indicated number of projects. Projects shall be no less than 1.

⁴³ Shall be indicated number of projects. Projects shall be no less than 1.

Requirement	Procurement of WORKS e.g. railway, tunnels, bridges, stations, depots	Procurement of SERVICES e.g. design, design supervision, construction supervision, engineering consultancy services	Procurement of GOODS e.g. sand, gravel, cement, rails, sleepers
	<p>ecoduct (or similar) – choose the correct one(s)] construction works manager who has the following qualifications:</p> <ol style="list-style-type: none"> 1. Valid certificate respectively for [bridge / viaduct / ecoduct (or similar) – <i>choose the correct one(s)</i>] construction works managing or equivalent; 2. Within the last 7 (seven) years has gained experience in a role of a bridge construction works manager with regard to construction of at least [_ (_)³⁵] railway bridges with the length of at least 100% of the anticipated length of a [bridge / viaduct / ecoduct (or similar) – <i>choose the correct one(s)</i>] of the ongoing tender that have been completed and accepted in the agreed term and quality. <p>- In addition, for the purposes of constructing tunnels the Tenderer shall have available throughout the term of the contract a tunnel</p>	<p>railway tunnels with the length of at least 100% of the anticipated length of a tunnel of the ongoing tender that have been completed and accepted in the agreed term and quality.</p> <p>- In addition, for the purposes of station and depot [construction supervision / design / design supervision– <i>choose the correct one(s)</i>] the Tenderer shall have available throughout the term of the contract an electric installations’, electronic communications systems’ and grid, heating systems’, ventilation systems’, recuperation and cooling systems’, water and sewage systems’ construction works [supervisor / designer– <i>choose the correct one(s)</i>] (a [supervisor / designer– <i>choose the correct one(s)</i>] for each system [<i>state here if the same person can cover more than one area and which areas – relevant experience must be evidenced for each respective</i></p>	

³⁵ Shall be indicated number of projects. Projects shall be no less than 1.

Requirement	Procurement of WORKS e.g. railway, tunnels, bridges, stations, depots	Procurement of SERVICES e.g. design, design supervision, construction supervision, engineering consultancy services	Procurement of GOODS e.g. sand, gravel, cement, rails, sleepers
	<p>construction works manager who has the following qualifications:</p> <ol style="list-style-type: none"> 1. Valid certificate for tunnel construction works managing or equivalent; 2. Within the last 7 (seven) years has gained experience in a role of a tunnel construction works manager with regard to construction of at least [_ ()]³⁶ railway tunnels with the length of at least 100% of the anticipated length of a tunnel of the ongoing tender that have been completed and accepted in the agreed term and quality. <p>- In addition, for the purposes of constructing [stations, depots, maintenance facilities or similar – <i>choose the correct one(s)</i>], the Tenderer shall have available throughout the term of the contract an electric installations', electronic communications systems', and grid, heating systems', ventilation systems', recuperation and cooling systems', water and sewage</p>	<p><i>system</i>) with the following qualifications:</p> <ol style="list-style-type: none"> 1. Valid certificate or equivalent for the respective construction works [supervision/design – <i>choose the correct one(s)</i>]; 2. Within the last 7 (seven) years has gained experience in [supervising / designing – <i>choose the correct one(s)</i>] the respective construction works with regard to construction of at least [_ ()]⁴⁴ respective systems in public or industrial buildings of a comparable size to the size of buildings in the ongoing tender that have been completed and accepted in the agreed term and quality. <p>- [For the purposes of other services not stated above] the Tenderer shall have a Project Manager available throughout the term of the contract, who has the following qualifications:</p>	

³⁶ Shall be indicated number of projects. Projects shall be no less than 1.

⁴⁴ Shall be indicated number of projects. Projects shall be no less than 1.

Requirement	Procurement of WORKS e.g. railway, tunnels, bridges, stations, depots	Procurement of SERVICES e.g. design, design supervision, construction supervision, engineering consultancy services	Procurement of GOODS e.g. sand, gravel, cement, rails, sleepers
	<p>systems' construction works manager (a manager for each system <i>[state here if the same person can cover more than one area and which areas – relevant experience must be evidenced for each respective system]</i>) with the following qualifications:</p> <ol style="list-style-type: none"> 1. Valid certificate or equivalent for managing of the respective construction works; 2. Within the last 7 (seven) years has gained experience in a role of the respective construction works manager with regard to construction of at least <i>[_ (_)³⁷]</i> respective systems in <i>[public or industrial buildings / facilities - choose the correct one(s)]</i> of a comparable size to the size of the <i>[buildings / facilities - choose the correct one(s)]</i> of the ongoing tender that have been completed and accepted in the agreed term and quality. <ul style="list-style-type: none"> - If the Tenderer is a consortium, members of the consortium 	<ol style="list-style-type: none"> 1. If required, a valid certificate or equivalent for the services described in procurement notice; 2. Within the last 7 (seven) years until the date of submission of the tender has gained experience as a project manager at least in <i>[_ (_)⁴⁵]</i> service provision contract(s) of at least 100% of the anticipated contract value of the ongoing tender that have been completed and accepted in the agreed term and quality. <ul style="list-style-type: none"> - If the Tenderer is a consortium, members of the consortium together shall comply with the above requirements. The member of the consortium upon whose qualification the consortium relied in order to qualify must provide the respective services for which the respective qualification was required. 	

³⁷ Shall be indicated number of projects. Projects shall be no less than 1.

⁴⁵ Shall be indicated number of projects. Projects shall be no less than 1.

Requirement	Procurement of WORKS e.g. railway, tunnels, bridges, stations, depots	Procurement of SERVICES e.g. design, design supervision, construction supervision, engineering consultancy services	Procurement of GOODS e.g. sand, gravel, cement, rails, sleepers
5. Quality assurance standards ⁴⁹	<p>together shall comply with the above requirements. The member of the consortium upon whose qualification the consortium relied in order to qualify must fulfil the respective works for which the respective qualification was required.</p> <ul style="list-style-type: none"> - The Tenderer shall have quality management system that complies with ISO 9001:2015 standard or equivalent <i>[audited by an independent auditor⁵⁰]</i> - If the Tenderer is a consortium, each member of the consortium shall comply with the above requirements. 	<ul style="list-style-type: none"> - The Tenderer shall have quality management system that complies with ISO 9001:2015 standard or equivalent <i>[audited by an independent auditor⁵¹]</i> - If the Tenderer is a consortium, each member of the consortium shall comply with the above requirements. 	<ul style="list-style-type: none"> - The Tenderer shall have quality management system that complies with ISO 9001:2015 standard or equivalent <i>[audited by an independent auditor⁵²]</i> If the Tenderer is a consortium, each member of the consortium shall comply with the above requirements.
6. Environmental management standards ⁵³	<ul style="list-style-type: none"> - The Tenderer shall have an environmental management system that complies with ISO 14001:2015 standard or equivalent <i>[audited by an independent</i> 	<ul style="list-style-type: none"> - If the subject matter of the procurement exercise requires the addressing of environmental issues, the Tenderer shall be required to submit evidences of experience of 	<ul style="list-style-type: none"> - The Tenderer shall have environmental management system that complies with ISO 14001:2015 standard or

⁴⁹ Quality assurance standard requirements can also be a part of tender suitability or evaluation criteria, not a qualification requirement, as foreseen by Clause 2.6. of Appendix 2 of these Guidelines.

⁵⁰ Unless other means of proof is allowed by legal acts of Contracting Authority country

⁵¹ Unless other means of proof is allowed by legal acts of Contracting Authority country

⁵² Unless other means of proof is allowed by legal acts of Contracting Authority country

⁵³ Environmental management standard requirements can also be a part of tender suitability or evaluation criteria, not a qualification requirement, as foreseen by Clause 2.6. of Appendix 2 of these Guidelines.

Requirement	Procurement of WORKS e.g. railway, tunnels, bridges, stations, depots	Procurement of SERVICES e.g. design, design supervision, construction supervision, engineering consultancy services	Procurement of GOODS e.g. sand, gravel, cement, rails, sleepers
7. Data protection standards where software / information systems development or implementation is the object of procurement	<p><i>auditor</i>⁵⁴. If the Tenderer is a consortium, each member of the consortium, whose scope of involvement includes environmental deliverables and/or meeting environmental requirements, shall comply with the above requirements.</p>	<p>addressing similar issues in previous contracts.⁵⁵</p> <ul style="list-style-type: none"> - Requirement to issue proof that the server where data of the Rail Baltica Global Project is located, is within EU/EEA territory (either by means of copy of rental contract and photo of the server or any other feasible means of proof where no such proof is possible, the description of where the server is located – address, and how the supplier controls that data is not transferred outside EU/EEA).⁵⁷ - Requirement to prove (show) that they have a position responsible for 	<p>equivalent [<i>audited by an independent auditor</i>⁵⁶].</p> <ul style="list-style-type: none"> - If the Tenderer is a consortium, each member of the consortium, whose scope of involvement includes environmental deliverables and/or meeting environmental requirements, shall comply with the above requirements. - Requirement of experience: at least 2 previous contracts with a scope of processing personal data and critical business data in a server located within EU/EEA, also listing the names and contact data of the previous Contracting Authorities or Contractee.

⁵⁴ Unless other means of proof is allowed by legal acts of Contracting Authority country

⁵⁵ The Procurement commission to ascertain what experience and what kind of proofs is required (shall be established considering specifics of the services)

⁵⁶ Unless other means of proof is allowed by legal acts of Contracting Authority country

⁵⁷ Shall be requested as tender suitability or evaluation criteria, as foreseen by Clause 2.6. of Appendix 2 of these Guidelines

Requirement	Procurement of WORKS e.g. railway, tunnels, bridges, stations, depots	Procurement of SERVICES e.g. design, design supervision, construction supervision, engineering consultancy services	Procurement of GOODS e.g. sand, gravel, cement, rails, sleepers
		personal data management (either the designated Data Protection Officer if required by law or another internal staff member of the candidate, or assigned as such). ⁵⁸ - Requirement of experience: at least 2 previous contracts with a scope of processing personal data and critical business data in a server located within EU/EEA, also listing the names and contact data of the previous Contracting Authorities or Contractee.	

Minimum Requirements for Procurement Exercises from 10 000 EUR to 39 999 EUR

Application of the following self-declaration by the Tenderer, together with minimum requirements stipulated in the relevant applicable national procurement law. If the mandatory requirements in the relevant applicable national procurement law already cover any of the following requirements, requesting evidence to be submitted by the Tenderer or if such data is available without cost to the Contracting Authority, then the specific item is not required as a self-declaration.

1. The Tenderer has the legal right to undertake the works and/or provide the services and/or supply the goods required;
2. The Tenderer has prepared the quotation / proposal taking fully into account the requirements of the procurement documentation and all the clarifications issued by the Contracting Authority;
3. The Tenderer's offered works/services/goods are free from all liens, interests or other rights of third parties;

⁵⁸ Shall be requested as tender suitability or evaluation criteria, as foreseen by Clause 2.6. of Appendix 2 of these Guidelines

4. The Tenderer has prepared the quotation without connection with any other person, company, or parties likewise submitting a quotation and that it is in all respects for in good faith, bona fide, without collusion or fraud;
5. The Tenderer is not in bankruptcy, liquidation and its business activities have not been stopped for any similar reasons;
6. The Tenderer is not under investigation in relation with and has not been charged for any unlawful activity;
7. The Tenderer does not have any tax debts which exceed 150 EUR [*rectification of tax debts shall be applied only if allowed as per the applicable procurement law*].
8. The Tenderer undertakes to provide quality and timely performance of the contractual liabilities for the offered price.

Minimum Requirements for exceptions under the relevant applicable national procurement law for Procurement Exercises of 10 000 EUR or higher value

Self-declaration by the Tenderer, declaring the following:

1. The Tenderer has the legal right to undertake the works and/or provide the services and/or supply the goods required;
2. The Tenderer has prepared the quotation / proposal taking fully into account the requirements of the procurement documentation and all the clarifications issued by the Contracting Authority;
3. The Tenderer's offered works/services/goods are free from all liens, interests or other rights of third parties;
4. The Tenderer has prepared the quotation without connection with any other person, company, or parties likewise submitting a quotation and that it is in all respects for in good faith, bona fide, without collusion or fraud;
5. The Tenderer is not in bankruptcy, liquidation and its business activities have not been stopped/suspended for any similar reasons;
6. The Tenderer is not under investigation in relation with and has not been charged for any unlawful activity (i.e. avoidance of tax payments, employment without contract, etc.);
7. The Tenderer undertakes to provide quality and timely performance of the contractual liabilities for the offered price.

Minimum Requirements for Procurement Exercises below 10 000 EUR

No specific minimum requirements established, however, the Tenderer shall be expected to honour the basic principles of the relevant applicable national public procurement law, act transparently, verifiably and proportionately and follow the Supplier and Sub-Contractor Code of Conduct.

