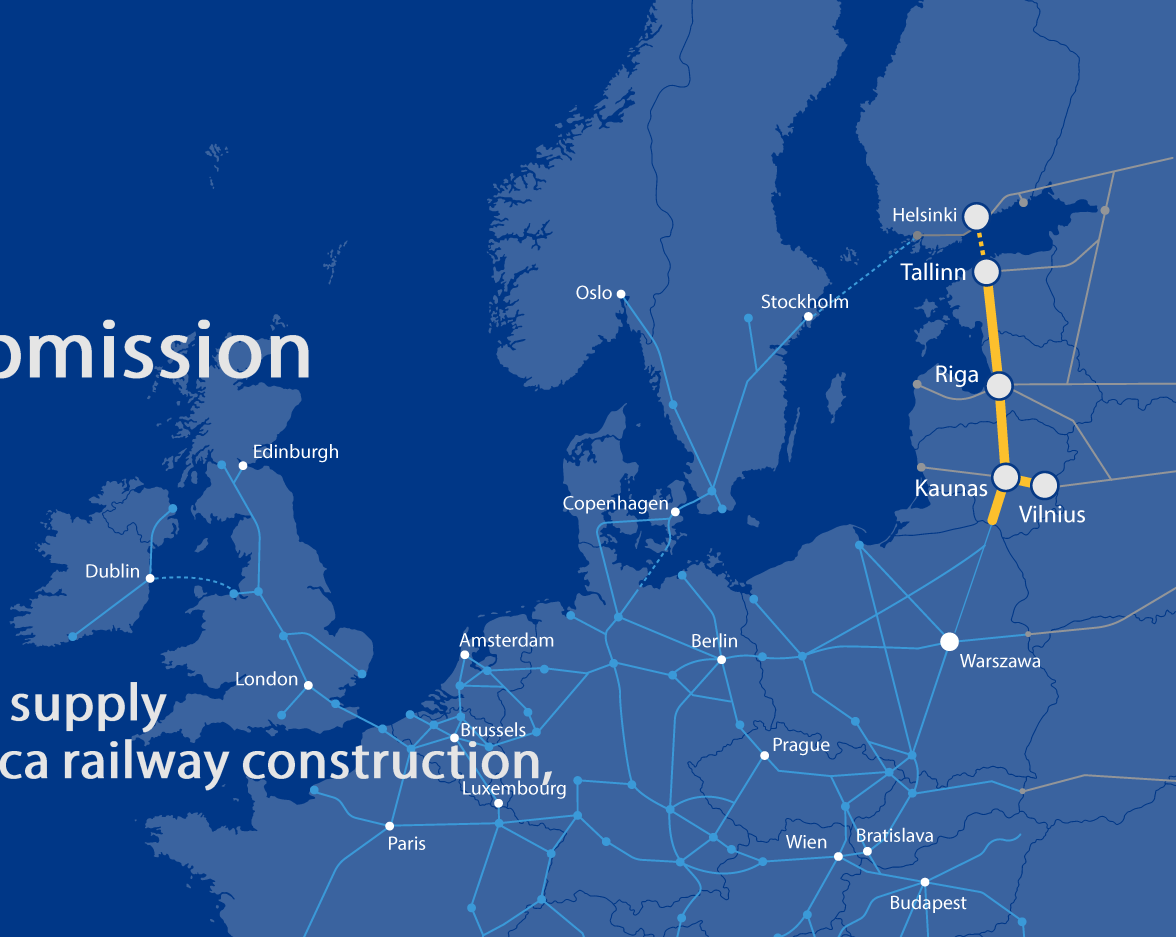




Briefing on the submission of the Application

Procurement of Consolidated supply
of railway ballast for Rail Baltica railway construction,
RBR 2021/23



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

Elina Saule, Procurement specialist - lawyer, RB Rail AS
Jānis Lukševics, Senior Procurement Specialist, RB Rail AS

27.10.2021

What we want to ensure?

- Better understanding of the public procurement principles, Rail Baltica project procurement process and requirements;
- Improvement of overall quality of the applications/proposals;
- Avoid mistakes in the application process which can lead to unnecessary rejection of the applications.

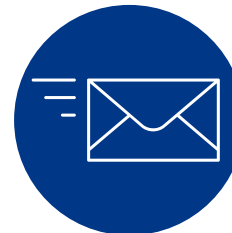
How to achieve this?



Carefully review the regulations
(prepare the checklist of
required documents)



Review all relevant Info on
railbaltica.org and E-tendering
system eis.gov.lv



If something is not clear -
Submit the question timely

01

Legislative Requirements

- **Public Procurement Law of the Republic of Latvia**
- **Cabinet Regulation No. 107 of the Republic of Latvia**
- Law on Prevention of Conflict of Interest in Activities of Public Officials
- Law on Administrative Liability
- Latest Latvian Court Practices
- (EE and LT Court Practices)
- EU Directives
- European Court of Justice principles
- **Procurement Monitoring Bureau of the Republic of Latvia Practices**

02

Company & Project Rules and Policies

- Contracting Scheme Agreement
- Shareholders Agreement
- Inter-Beneficiary Agreement
- RB Rail AS Statutes
- **Common Procurement Standards and Guidelines**
- **In-house Procurement Regulations:**
 - **Regulations for Organisation of Procurements**
- Regulations on Representation Rights
- Other in-house rules & policies

Procurement Commissions are safeguarded by Legislation, Corporate Governance and applicable practice, de-politicised and empowered to act based on due professional diligence, following the Rail Baltica Global Project requirements.

- Information on the published Procurement exercise;
- Registration in the E-Tenders system (available user manuals);
- Introduction to the Qualification stage regulations;
- Procurement Q&A process;
- Submission of the Application;
- FAQ;
- Answers to the questions from the participants.

www.railbaltica.org/tenders



Tenders

To simplify interaction with potential suppliers, we hereby provide information on the Rail Baltica Global Project procurement in the three Baltic States – Estonia, Latvia and Lithuania. The information published below concerns only open Rail Baltica procurement. To obtain information about closed tenders, please see the website of the relevant national contracting authority. For the closed tenders of RB RAIL AS, go to [Archive](#).

Contracting Authority

RB Rail AS	Estonia	Latvia	Lithuania		
RB Rail AS					
Procurement ID No.	Title	Announced	Updated	Submission Date	Language
RBR 2021/2	Competitive procedure with negotiations "Consolidated supply of turnouts and rail expansion joints for Rail Baltica railway construction"	11.06.2021	06.07.2021	12.08.2021	
RBR 2021/13	Consolidated supply of track sleepers with rail fastenings and under sleeper pads for construction of Rail Baltica railway line	09.06.2021	09.07.2021	13.08.2021	

Consolidated supply of track sleepers with rail fastenings and under sleeper pads for construction of Rail Baltica railway line, RBR 2021/13

Announced: 09.06.2021
Updated: 09.07.2021
Submission Date: 13.08.2021

Availability of the documents of the competitive procedure with negotiation

The candidate selection regulation and all its annexes of competitive procedure with negotiation are available at the E-Tenders system in profile of publication in webpage <https://www.eis.gov.lv/EKES/Supplier/Procurement/58574> and at the Contracting authority's Internet webpage <http://www.railbaltica.org/tenders/> (see section documents of the competitive procedure with negotiation below). Regulation of the competitive procedure with negotiation is available free of charge.

Submission of Applications

Applications shall be submitted electronically using the tools offered by the E-Tenders system available at <https://www.eis.gov.lv/EKES/Supplier/Procurement/58574> by **13 August 2021 till 15:00 o'clock** (Time Zone EEST (Eastern European Summer Time), Riga (Latvia)).

Only Applications submitted to the E-Tenders system will be accepted and evaluated for participation in the procurement procedure. Any Applications submitted outside the E-Tenders system will be declared as submitted in a non-compliant manner and will not participate in the procurement procedure.

Opening of Applications

The Applications will be opened in the E-Tenders system 13 August 2021 at 15:00 o'clock (Time Zone EEST (Eastern European Summer Time), Riga (Latvia)) during the open meeting. It is possible to follow the opening of submitted applications online in the E-Tenders system.

Contact person of the Company

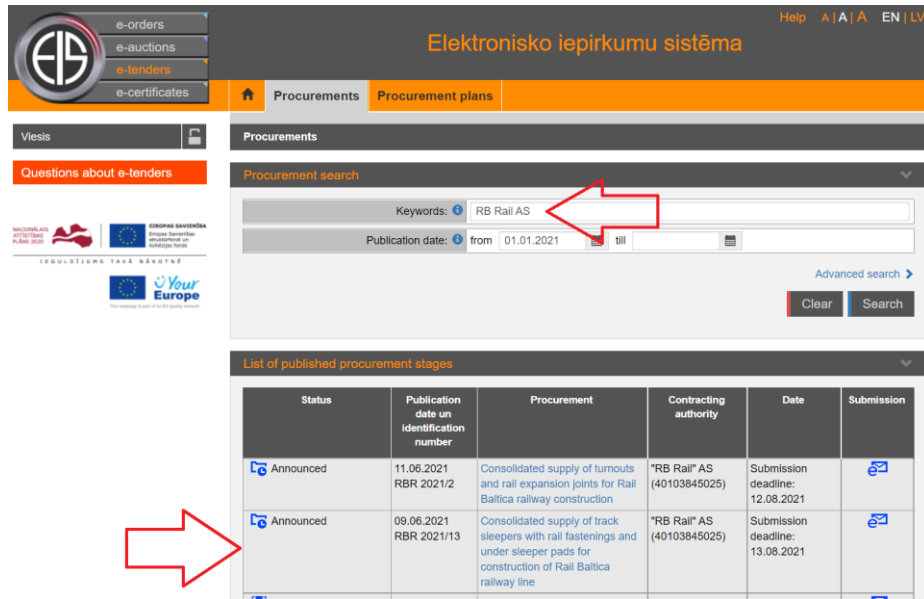
Procurement Specialist – Mr. Jānis Lukševičs, e-mail address: sleepers@railbaltica.org.

Documents of the Competitive procedure with negotiation (Downloads)

- Competitive procedure with negotiation "Consolidated supply of track sleepers with rail fastenings and under sleeper pads for construction of Rail Baltica railway line" candidate selection regulation/English version ([download](#));
- Competitive procedure with negotiation "Consolidated supply of track sleepers with rail fastenings and under sleeper pads for construction of Rail Baltica railway line" candidate selection regulation/**Estonian version** ([download](#));
- Competitive procedure with negotiation "Consolidated supply of track sleepers with rail fastenings and under sleeper pads for construction of Rail Baltica railway line" candidate selection regulation/**Latvian version** ([download](#));
- Competitive procedure with negotiation "Consolidated supply of track sleepers with rail fastenings and under sleeper pads for construction of Rail Baltica railway line" candidate selection regulation/**Lithuanian version** ([download](#));
- Answers to the questions from interested supplier, 2 July 2021 ([download](#));
- Answers to the questions from interested supplier, 9 July 2021 ([download](#));

Please be informed that candidate selection regulation in Estonian, Latvian and Lithuanian is translated from English version using machine translator and is intended just for informative purposes. English version of the regulation prevails in any case.

<https://www.eis.gov.lv/EKEIS/Supplier>



Elektronisko iepirkumu sistēma

Procurements Procurement plans

Procurement search

Keywords: RB Rail AS

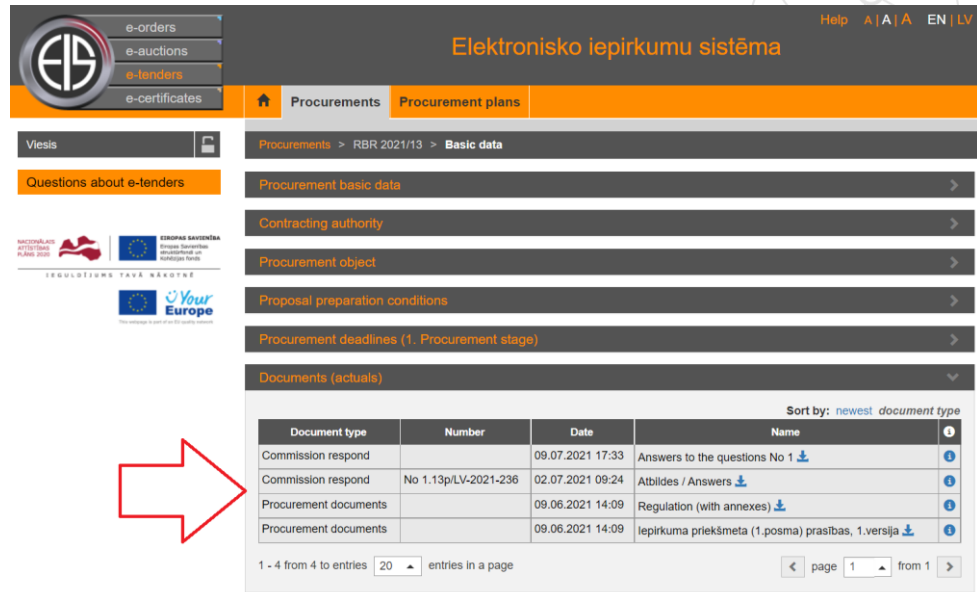
Publication date: from 01.01.2021 till

Advanced search

Clear Search

List of published procurement stages

Status	Publication date and identification number	Procurement	Contracting authority	Date	Submission
Announced	11.06.2021 RBR 2021/2	Consolidated supply of turnouts and rail expansion joints for Rail Baltica railway construction	"RB Rail" AS (40103845025)	Submission deadline: 12.08.2021	
Announced	09.06.2021 RBR 2021/13	Consolidated supply of track sleepers with rail fastenings and under sleeper pads for construction of Rail Baltica railway line	"RB Rail" AS (40103845025)	Submission deadline: 13.08.2021	



Elektronisko iepirkumu sistēma

Procurements Procurement plans

Procurements > RBR 2021/13 > Basic data

Procurement basic data

Contracting authority

Procurement object

Proposal preparation conditions

Procurement deadlines (1. Procurement stage)

Documents (actuals)

Sort by: newest document type

Document type	Number	Date	Name
Commission respond		09.07.2021 17:33	Answers to the questions No 1
Commission respond	No 1.13p/LV-2021-236	02.07.2021 09:24	Atbildes / Answers
Procurement documents		09.06.2021 14:09	Regulation (with annexes)
Procurement documents		09.06.2021 14:09	Iepirkuma priekšmeta (1.posma) prasības, 1.versija

1 - 4 from 4 to entries 20 entries in a page

page 1 from 1

EPS registration procedure

To register into the EPS, the supplier must fill in and submit the following to the State Regional Development Agency (SRDA):

- EPS user's registration form (signed by the supplier's authorised representative);
- Authorisation to act as administrator within the e-tender system in name of the user (signed by the supplier's authorised representative and the administrator to be authorised, meaning that the authorisation must be confirmed by two persons).

SRDA contacts: <http://www.vraa.gov.lv/en/>

Necessary application forms in English language:

[Authorisation of the Administrator Application Form](#)

[Registration Form](#)

Once the forms have been filled, they must be submitted to SRDA. The forms may be submitted either:

- in print;
- electronically, with a secure e-signature [1], by sending the electronic document to the email address: pasts@vraa.gov.lv.

After receiving the registration documents, SRDA registers the organisation as an EPS's member and creates a user with an assigned role supplier administrator. The supplier administrator receives an e-mail with the system's access data – a username, password and a code card.

Detailed manual on how to use the e-tender sub-system can be found [here](#).

General questions on How to use e-tender subsystem can be found [here](#).

Use of European Single Procurement Document (ESPD) in e-tender sub-system can be found [here](#).



The screenshot shows the Rail Baltica website with the following content:

- Header: "This is the official website of the Rail Baltica Global Project" and "EN" language selector.
- Navigation: "ABOUT RAIL BALTICA", "NEWS", "PROJECT IMPLEMENTERS", "PROCUREMENT", "FOR EXPERTS", and "INFO CENTRE" buttons.
- Section: "E-Procurement System".
- Text: "Due to changes in the Latvian Public Procurement law, all Rail Baltica tender applications administered by RB RAIL AS onwards will be processed using free of charge electronic information system and its sub-system e-tender. The Electronic Procurement System (EPS) is currently an alternative to previous application and proposal submission system in Latvia that will completely replace the previous system of paper proposal submission."
- Text: "In accordance with Article 39 and Transition provisions of the Public Procurement law of the Republic of Latvia, all contracting authorities registered in Latvia, including RB RAIL AS, as of 1 October 2017, have to ensure submission of electronic applications and proposals for public procurements if the contract value is equal or exceeds 135 000 euros for goods and services and 5 225 000 euros in case of construction tenders."
- Text: "RB RAIL AS is inviting its potential suppliers to register to EPS in order to access e-tender sub-system and participate in its current and future tenders. To use the e-tender sub-system of EPS, all non-registered users must register to EPS and create user rights to administrate the e-tender subsystem."
- Text: "The EPS will benefit all involved parties as it will reduce the administrative burden put on both parties as well as the related costs. The system will also shorten the tendering process and will ensure greater transparency. The new"
- Image: A person's hands holding a tablet displaying "PROCUREMENT" next to a laptop and a coffee cup.

Two registration forms must be submitted to State Regional development agency

To Assign the administrator of the of the Profile

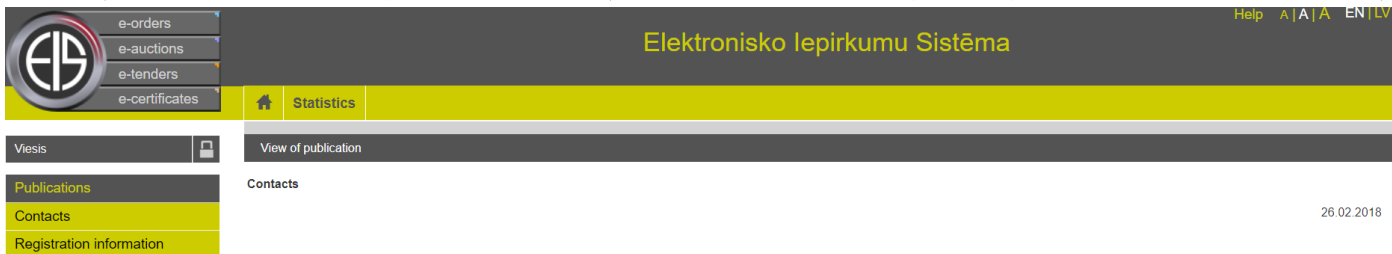
Affirmation from authorized administrator of the E-procurement system participant	
(place)	(date)
By signing this document the E-procurement systems participant	
(name of the E-procurement system participant)	
authorized administrator:	
(Name and Surname of the authorized administrator)	
<ul style="list-style-type: none"> Assumes the responsibility of respecting the terms of use of the e-procurement system, the related documents and legal transaction terms (including the active framework agreement of the e-order subsystem) applicable to each subsystem of the e-procurement system, as well as other relevant requests applicable to participants of the e-procurement system; Agrees upon processing of personal data within the framework of the e-procurement system, which objective is to ensure identification to the system and contact information of users of the e-procurement system; Commits to assure and retain personal data and will refrain from unlawful disclosure of it; Commits to assure that users assigned personal data and refrain from unlawful 	
Contact information of the administrator:	
e-mail	
telephone	
Authorized administrator	
(Name and Surname)	(Signature)
<p>Note do not fill the "Signature" section if the document is signed electronically using a secure e-signature according to regulations by law.</p>	

Registration of the Company in E-Tender system

Registration form for the participant of the E-procurement system and an authorization for initial administrator	
(place)	(date)
(name of the participant)	
represented by	
<input type="checkbox"/> Member of the Board	<input type="checkbox"/> Chairman of the Board
<input type="checkbox"/> An attorney	<input type="checkbox"/> Procurator
<input type="checkbox"/> Another legal basis	(indicate other legal basis for representation or held position)
(Name and Surname of the participant's representative)	
By signing this registration form the participant:	
<ul style="list-style-type: none"> Agrees to join the e-procurement system and obtain the status of participant of the e-procurement system (indicate your user type in the e-procurement system, only one can be selected): 	
<input type="radio"/> Economical operator (micro enterprise)	<input type="radio"/> Economical operator (average enterprise)
<input type="radio"/> Economical operator (small enterprise)	<input type="radio"/> Economical operator (big enterprise)
<input type="radio"/> Contracting authority	(Contracting authority)
(indicate the Contracting authority relies upon)	
<p>improved with a signature that is legally which ensure confirmation the identity of</p>	
<p>the user, the taken actions, the created documents and the transactions done within the e-procurement system and its subsystems;</p>	
<ul style="list-style-type: none"> Undertakes to respect the terms of use of the e-procurement system, the related documents and legal transaction terms (including the active framework agreement of the e-order subsystem) applicable to each subsystem of e-procurement system, as well as other relevant requirements applicable to users of the e-procurement system; Authorizes as an participant's initial administrator 	
(Name and Surname of administrator)	


Electronically signed and sent to email address: pasts@vraa.gov.lv

- 1) Please register as soon as possible;
- 2) Please specify in registration form e-mail address where incoming mails are checked regularly and check also spam folder before your registration is approved.
- 3) If you have any problems with registration or any other questions regarding EPS and E-Tenders subsystem, please contact:





How to contact the Electronic Procurement Department of the State Regional Development Agency

Support Center for the Electronic Procurement System

 eis@vraa.gov.lv

 66155511

Correspondence Address

 pasts@vraa.gov.lv

Location of the provider of the electronic procurement system

 Alberta iela 10,
Rīga, LV-1010

Advice on the Electronic Procurement System can be obtained

Monday	08:30-16:30
Tuesday	08:30-16:30
Wednesday	08:30-16:30
Thursday	08:30-16:30
Friday	08:30-16:30

To the Users of the Electronic Procurement System

In order to receive an answer to your questions promptly, please consult the employees of the Department of Electronic Procurement and, by writing an email, choose an employee who has competence in your question or by calling the support center phone, select the relevant topic of the conversation from the entry instructions.

If you have any problems with registration in EPS and E-Tenders subsystem, you may contact directly to:

Senior Consultant

Zigurds Drafens

zigurds.drafens@vraa.gov.lv

tel. +371 67509520

Advice on joining the e-Procurement system and updating
user access data

Most frequent questions regarding registration of group of suppliers:

Q: Which companies shall be registered as users of E-Tenders system in order to submit Application/ Proposal if the Candidate or tenderer is a group of suppliers?

A: If the candidate is a partnership (consisting of several companies which have made commitment to submit application or proposal jointly):

- 1) All members may register as users of E-Tenders system and submit application jointly;
- 2) Partnership may authorize one member to submit application/ proposal on behalf of the partnership (partnership agreement must be concluded and attached);

If the candidate is just relying on capabilities and capacity of other entities in order to meet any of qualification requirements or involve sub-contractors, these entities shall not be registered as users of E-Tenders system.

REGULATION

1. GENERAL INFORMATION

Procurement Procedure: Competitive procedure with negotiation

The Competition consists of two stages:

Stage One (qualification) – selection of the Candidates.

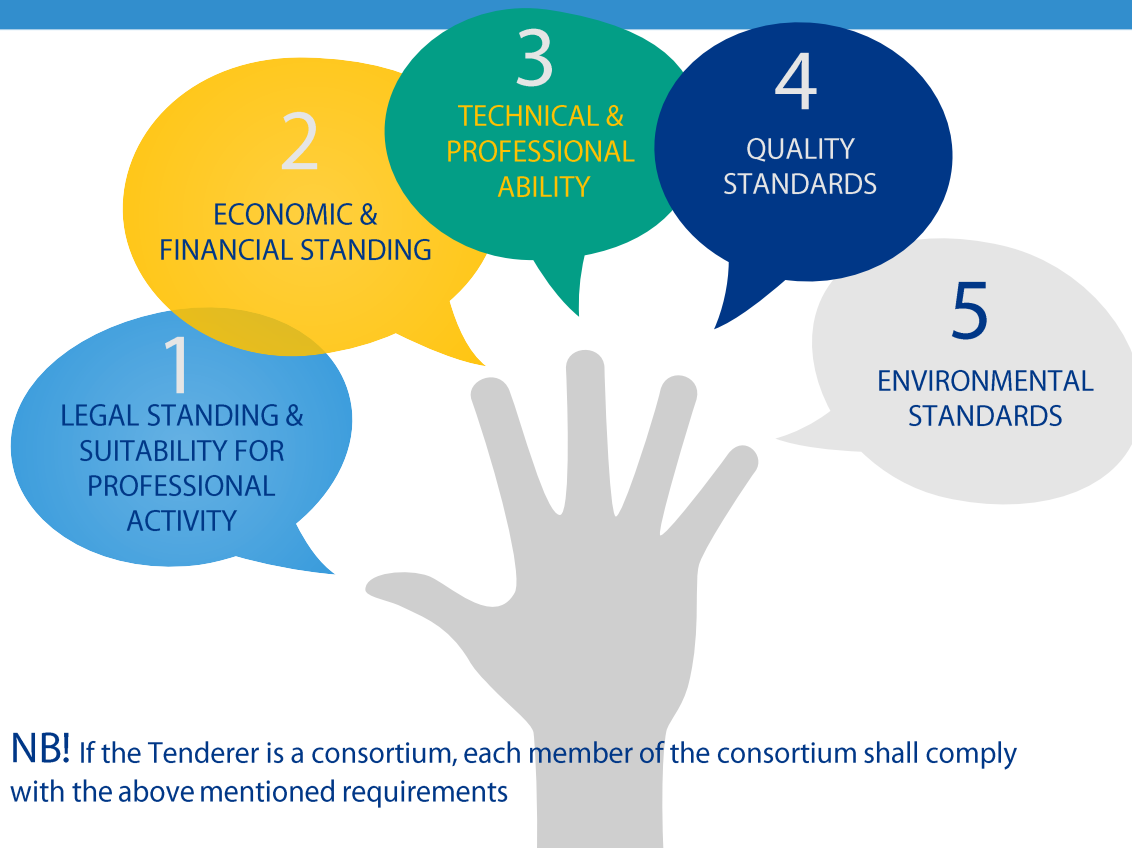
Stage Two (proposals) – submission of initial proposal(s) of the qualified Candidates and negotiations, submission of final proposal(s) and awarding of Framework agreement.

The subject-matter of the Competition – consolidated supply of ballast for construction of Rail Baltica railway line.

General description of the subject-matter of the Competition is included in Annex No 2 “General description of the subject matter” to the Regulation for the Selection of the Candidates. **During the stage of the Selection of the Candidates, General description of the subject matter is given for informative purposes only.**

Detailed description of the subject-matter of procurement will be issued to the Candidates, which will be selected for participation in the Stage Two of the Competition.

Minimum set of requirements for suppliers



Enrolment in a
professional registry



Financial turnover &
liquidity



Possession of expertise &
experience



ISO 9001:2015 or
equivalent



ISO 14001:2015 or
equivalent

NB! If the Tenderer is a consortium, each member of the consortium shall comply with the above mentioned requirements

REGULATION

2. INFORMATION ABOUT THE STAGE TWO OF THE COMPETITION AND THE CONTRACT

4. SELECTION CRITERIA FOR THE CANDIDATES

4.1. Exclusion grounds *(will be verified according to Section 10.2.3. of Regulation)*

4.2. Legal standing and suitability to pursue the professional activity

4.3. Economic and financial standing

4.2.1 No 4.4. Technical and professional ability³

4.3.1 No 4.5. Quality Management standards

4.4.1.	No	Requirement	Documents to be submitted
4.5.1.		The manufacturer of the products shall have valid quality management system that complies with ISO 9001:2015 standard or equivalent and which is approved by competent and independent authority.	- A copy of valid certificate of ISO 9001:2015 or equivalent quality management system conforming to the European certification standards, or a copy of certificate issued by other authority accredited in accordance with the procedures laid down in the regulatory enactments of other Member State

6. CONTENTS AND FORM OF THE APPLICATION

6.1. Application must be submitted electronically in E-Tenders subsystem of the Electronic Procurement System (<https://www.eis.gov.lv/EKEIS/Procurement/Edit/>) in accordance with the following options for the Candidate:

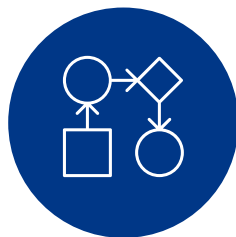
6.1.1. by using the available tools of E-Tender subsystem, filling the attached forms of the E-Tender subsystem for this procurement procedure;

6.4. The following documents shall be included in the Application:

No	Document	Corresponding section in E-Tenders system (https://www.eis.gov.lv/EKEIS/Supplier/) where document shall be uploaded
6.4.1.	Filled application form in accordance with Annex No 1	Selection requirements
6.4.2.	Documents confirming right of signature (representation): A document confirming the right of signature (representation) of the representative of the Candidate or each member of a partnership (if Candidate is	Other requirements



Use the forms which have been provided in the procurement regulations (usually annexes regarding supplier experience, experts experience, financial standing etc.)



Annexes are prepared and structured in a way to assist **the supplier** in the preparation of all requested information and not to miss some information.



Consider the requirement included in the procurement regulations and describe the compliance at least in the same detail.

ANNEX NO 4.1.: EXPERIENCE OF THE CANDIDATE (LOT NO 1)

Within the last 5 (five) years before the date of submission of the Application (2020, 2019, 2018, 2017, 2016 and 2021 until the submission of the Application) in any continuous 12 months period the Candidate has performed at least 1 (one) or several contract/-s/ **supply/-s of aggregates with all of the following parameters:**

- produced in accordance with one or several following standards EN 13450, EN 12620, EN 13242, EN 13285 or equivalent (to prove the required amount of the supply, Candidate may combine several EN standards);
- compatible with CE (Conformité Européenne) marking requirements;
- produced according to AVCP¹⁷ level 2+ as minimum.

for one or several clients for construction of infrastructure projects (roads, earthworks, concrete structures, etc.) for the total amount of 50 000 tons.

No	Client (Contracting authority)	Address, contact person and phone No., e-mail address of the client for references	Description of the supplied aggregates (please indicate standard)	Place of delivery of aggregates (please indicate country/project)	Delivery date of aggregates (month/year)	Order amount of aggregates (tons)	Compliant with CE (Conformité Européenne) marking requirements (yes/ no)	Produced according to AVCP level 2+ as minimum (yes/ no)
1.								
2.								
.....								

Note: The Candidate shall indicate in the table the experience, which attests compliance with the requirements set in Clause 4.4.2. of the Regulations for the Selection of Candidate


Form cell of the procurement stage

Requirement base data

3. requirement

Name:* Section 4.3.1. of Regulation (Financial standing)

Clarification: The Candidate shall download form (in accordance with Annex No 5 of Regulation) fill it in order to comply with the selection criteria for the

Hyperlink: Not 

Variants are allowed:

Input field type

Without

Documents

Compulsary

Allowed to add:

One file Several files

Allowed file types:

Any file

Other allowed file types:

(Extensions separated by a semicolon, for example, txt;doc;xls)

Document templates:



Financial standing (Annex No 5)

Selection requirements



✕	Nr.	Name	Input field type	Documents	✎	🗑️
✕	1.	Application	Proposal value input is not intended.	Files adding is mandatory Restrictions - Any file Documents attached to the requirement	✎	🗑️
✕	2.	Section 4.2.1. of Regulation (Legal standing)	Proposal value input is not intended.	Files adding is mandatory Restrictions - Any file	✎	🗑️
✕	3.	Section 4.3.1. of Regulation (Financial standing)	Proposal value input is not intended.	Files adding is mandatory Restrictions - Any file Documents attached to the requirement	✎	🗑️
✕	4.	Section 4.4.1. of Regulation	Proposal value input is not intended.	Files adding is mandatory Restrictions - Any file	✎	🗑️



Supplier can ask questions and clarify requirements and request to amend them

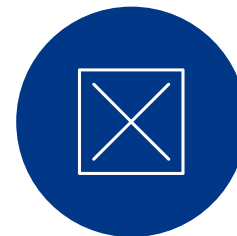
NB! Please read the Q&A letters published in RBR website before asking your question!

In Qualification stage questions may be asked:

1. By e-mail to: ballast@railbaltica.org
2. In EIS system (for registered users)

S
U
B
M
I
S
S
I
O
N

D
E
A
D
L
I
N
E



No amendments after submission!
Tenderer has accepted the requirements by submitting the proposal!

- Qualification assessment is carried out according to YES/NO principle



- Evaluation according to award criteria

NB! During the qualification assessment or evaluation Commission is not allowed to deviate from the qualification requirements or award criteria.

Commission is willing to clarify all unclear information in the proposal before it makes the decision regarding non-compliance, however...

Commission must ensure:

- Transparency
- Free competition
- Equal and fair treatment
- Effective use of the funds of RB

Dos and Dont's:

- It is **allowed** to clarify information which is included in the proposal (clarifications)
- It is **not allowed** to add totally new information to the proposal (amendments)

NB! Commission cannot recognize as compliant agreements, documents etc. which are dated after the proposal submission deadline, except the exclusion ground documents.

There are no restrictions in any of RB Rail AS Procurements regarding the form in which supplier/-s can participate in the procurement.

However, in case supplier plans to participate in the procurement as partnership there are specific requirements, such as:



In the proposal a **cooperation agreement must be submitted** where it is agreed upon liability and responsibility of each member of the partnership.



Content of the partnership (members) cannot change during the procurement procedure.
Choose the potential partners carefully to minimize the risk of future disagreements!

NB! Agreement must be signed by all members of partnership.

Entities on which capabilities supplier is relying

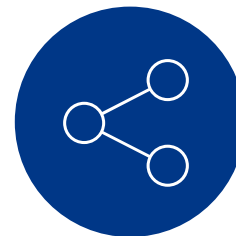
These are entities which experience, financial status etc. supplier is relying upon to comply with qualification requirements.



All Entities must be **clearly indicated** in the annex attached to the procurement regulations.



There must be **signed agreement or other document** between the supplier and the Entity indicating that the resource on which it is relying will be available during the contract.

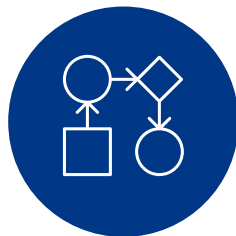


Entity and subcontractor is not the same, but a third party can be Entity and subcontractor at the same time.

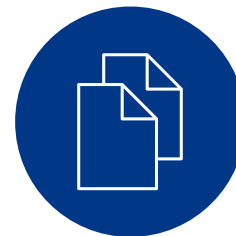
NB! Employees of the tenderer are not Entities or subcontractors.



Commission must verify that the proposal and other respective documents have been **signed by a person who has representation rights.**



If the person/s in the company registration certificate differs from the one signing the proposal, it is mandatory to **submit the respective power of attorney** or other document that verify the persons rights to represent the supplier.



In some cases the chain between the person indicated in the company registration certificate and the person who has signed the proposal consist of **several documents.**

NB! All chain of documents (PoA) must be provided to the Commission.



Must be **justified**



Must be sent in **timely fashion**



Reasons why commission usually reject the request:

- No justification
- Tight timeline of the procurement (which is related to overall RBGP timeline)
- Already reasonable time for submission has been provided
- Already reasonable extension has been provided

Thank you!

Time for Q&A session!



Useful Information

Deadline for the submission of the Applications: 12 November 2021, 15:00 (EET) in E-Tenders system

Please note: make sure you submit the Application timely (do not leave to the last day/minute), Applications submitted earlier are not accessible or readable before the opening time!!!

- RBR website: <https://www.railbaltica.org/tenders/>
- RBR Procurement plan 2021: <https://www.railbaltica.org/procurements/>
- RBR procurements in E-tendering system: <https://www.eis.gov.lv/EKEIS/Supplier/Organizer/3001>
- Public Procurement Law of the Republic of Latvia: <https://likumi.lv/ta/id/287760-publisko-iepirkumu-likums>
- Cabinet Regulation No. 107 of the Republic of Latvia: <https://likumi.lv/ta/id/289086-iepirkuma-proceduru-un-metu-konkursu-norises-kartiba>
- Procurement Monitoring Bureau of Republic of Latvia website: <https://www.iub.gov.lv/en>
- EU public procurement directive: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014L0024>
- European Court of Justice judgements: https://curia.europa.eu/jcms/jcms/j_6/en/