

REGULATIONS

FOR THE OPEN COMPETITION

"RECRUITMENT SERVICES"

(IDENTIFICATION NO RBR 2021/27)



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

Riga
2022

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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** - signed agreement between Contracting authority and a Contractor to provide services defined in this agreement;
- 1.3. **Contracting authority** (also the Contracting entity or Principal) - the joint stock company RB Rail AS, registration number 40103845025, legal address: Satekles iela 2b, Riga, LV-1050, Latvia;
- 1.4. **Contractor** - service provider awarded the right to enter into 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 2021/27);
- 1.6. **Open competition** (also the Procurement) - a procurement procedure "Recruitment services" (identification number: RBR 2021/27) 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 1.9-2021-34 dated 23 December 2021 (amendments with order No 1.9- 2022-4, dated 24 February 2022), 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 "Recruitment services" (identification number: RBR 2021/27), 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 2021/27.
- 2.2. The Open competition is co-financed by the Contracting authority and Connecting Europe Facility (CEF).
- 2.3. This open competition is organised in accordance with the Public Procurement Law of 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 on Conducting procurement procedures and design contests (*lepirkuma procedūru un metu konkursu norises kārtība*) of 28 February 2017.
- 2.4. Open competition is carried out using E-Tenders system (<https://www.eis.gov.lv/EKEIS/Supplier>) which is subsystem of the Electronic Procurement System (<https://www.eis.gov.lv/EIS/>).
- 2.5. The Regulations is freely available on Contracting authority's profile in the E-Tenders system at webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/74506> and the webpage of the Contracting authority <http://railbaltica.org/tenders/>.
- 2.6. Amendments to the Regulations and answers to Suppliers' questions shall be published on Contracting authority's profile in the E-Tenders system at webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/74506> and the Contracting authority's webpage <http://railbaltica.org/tenders/>. It is the Supplier's responsibility to constantly follow the information published on the webpages and to take it into consideration in preparation of its Proposal.
- 2.7. Contact person of the Contracting authority for Open competition is Procurement Specialist Žaneta Podniece, phone: +371 29356405, e-mail address: zaneta.podniece@railbaltica.org. All requests for information or additional explanations must be submitted solely through the E-Tenders system. Answers to questions or explanations from the Contracting Authority are also provided through the E-Tenders system.

- 2.8. The exchange of information between the Procurement commission and the Supplier shall be in writing (by sending documents electronically via e-mail or using E-Tenders system) in English (if information is submitted in Latvian, it shall be accompanied by a translation into English).
- 2.9. If the Supplier does not have access to the E-Tenders system, the Supplier shall follow the guidance for obtaining access to the system available on the Contracting authority's website at <http://www.railbaltica.org/procurement/e-procurement-system/>.
- 2.10. The Supplier can request additional information regarding the Regulations. Additional information can be requested in writing via the E-Tenders system or (in case the Supplier does not yet have access to the system) by sending it to the Procurement commission electronically via e-mail (see Section 2.7 of the Regulations). Any additional information must be requested in a timely fashion, so that the Procurement commission can reply on time - no later than 6 (six) days prior to the deadline of the Proposal submission. The Procurement commission shall provide response within 5 (five) Working Days from the day of receipt of the request from the Supplier.
- 2.11. 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 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. If the Procurement commission determines that the information about the Tenderer, its subcontractors and persons upon whose capacity the Tenderer is relying on 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. The Procurement commission has the right to reject all Proposals which are found not to comply with the requirements of the Procurement documentation.

4. THE OBLIGATIONS OF THE PROCUREMENT COMMISSION

- 4.1. The Procurement commission ensures the process documentation of the Open competition.
- 4.2. The Procurement commission ensures free and direct electronic access to the Open competition documents on Contracting authority's profile at the E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/74506> and on the webpage of the Contracting authority <http://railbaltica.org/tenders/>.
- 4.3. If an interested Supplier has in a timely fashion in writing by post or electronically (including via E-Tenders system), or delivering in person requested additional information about the requirements included in Open competition 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) Working 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 on Contracting authority's profile in the E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/74506> and on its webpage

<http://railbaltica.org/tenders/> where Open competition documents are available, indicating the question asked.

- 4.4. If the Contracting authority has amended the Open competition documents, it publishes this information on Contracting authority's profile in the E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/74506> and on the Contracting authority's webpage <http://railbaltica.org/tenders/> where Open competition documents are available, no later than 1 (one) day after the notification regarding the amendments has been submitted to Procurement Monitoring Bureau for publication. If Supplier wishes to receive relevant updates/notifications by email regarding the Procurement exercise (e.g., when amendments to the procurement package documentation are published), Supplier shall register as an interested supplier on the E-Tenders system for the particular Procurement exercise accordingly.
- 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. During the time from the deadline of submission of Proposals until the opening of the Proposals the Contracting authority does not disclose any information regarding the existence of other Proposals, therefore. During the time of Proposal assessment, the Contracting authority does not disclose any information regarding the assessment process until the announcement of the results.
- 4.6. The Procurement commission assesses the Tenderers and their Proposals based on the Public Procurement Law, Open competition documents, as well as other applicable regulatory enactments.
- 4.7. The Procurement commission prepares a report on the Open competition and publishes it on Contracting authority's profile in the E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/74506> and on the Contracting authority's webpage <http://railbaltica.org/tenders/> within 5 (five) Working Days from the day when the decision about the results of the Open competition is made.

5. THE RIGHTS OF THE TENDERER

- 5.1. The Tenderer has the right to submit registration documents for the Electronic Procurement System (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) Working Days after submitting the request receive a copy of the Proposal opening sheet which is an annex to the Proposal opening session 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 and the Tenderer's submitted information differs from information obtained by the Contracting authority, the Tenderer in question has the right to submit evidence to prove the correctness of the information the Tenderer has submitted, 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 the Public Procurement Law, Article 68, regarding the Tenderer selection requirements, Technical specification or other requirements relating to Open competition, or relating to the activities by the Contracting authority or the Procurement commission during the Open competition.

6. SUBJECT-MATTER OF THE OPEN COMPETITION

- 6.1. Procurement is organised to procure a provider to manage recruitment process on behalf of RB Rail AS. Services must be provided in accordance with the technical specification for Part No 1 "Recruitment services – European Union/ European Economic Area" (Annex No 1) and Part No 2 "Recruitment services – Baltic states (Latvia, Lithuania, Estonia)" (Annex No 2).
- 6.2. The subject-matter of the procurement has been divided in 2 (two) parts:

No	Subject-matter
Part No 1	"Recruitment services – European Union/ European Economic Area"
Part No 2	"Recruitment services – Baltic states (Latvia, Lithuania, Estonia)"

- 6.3. The applicable CPV code of the subject-matter for both parts: 79600000-0 (Recruitment Services).
- 6.4. The Tenderer can submit a Proposal for one or more (up to two) parts indicated in Clause 6.2. of the Regulations (and only for the entire volume of the relevant part (in which Tenderer is taking part)). The contract will be concluded separately for each part of the subject-matter of procurement.
- 6.5. The Tenderer is not permitted to submit variants of the Proposal. If variants of the Proposal will be submitted, the Proposal will not be reviewed.
- 6.6. The delivery of the Services for both parts will take place in Latvia (Riga), Lithuania (Vilnius), Estonia (Tallinn) (on demand basis)).
- 6.7. Period of provision of Services for each part of the subject-matter of procurement:
- 6.7.1. Part No 1 "Recruitment services – European Union/ European Economic Area" - period of provision of Services is twenty-four (24) months starting from the date of conclusion of the contract. **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.**
- 6.7.2. Part No 2 "Recruitment services – Baltic states – Latvia, Lithuania, Estonia" - period of provision of Services is twenty-four (24) months. The planned starting term of provision of services from 10 August 2022. **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.**
- 6.8. The estimated value of the contract for each part of the subject-matter of procurement:
- 6.8.1. Part No 1 "Recruitment services – European Union/ European Economic Area" shall not exceed **EUR 130 000,00 (one hundred thirty thousand euros, 00 cents) excluding value added tax (hereinafter-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;
- 6.8.2. Part No 2 "Recruitment services – Baltic states (Latvia, Lithuania, Estonia)" shall not exceed **EUR 400 000,00 EUR (four hundred thousand euros, 00 cents) excl. 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.

7. TENDERER

- 7.1. The Proposal can be submitted by:
- 7.1.1. A Supplier who is a legal or natural person (hereinafter – the Tenderer) which offers on the market to perform works, supply products or provide services accordingly and who complies with the selection criteria for Tenderers;
- 7.1.2. A group of Suppliers (hereinafter also – the Tenderer, partnership) which offer on the market to perform works, supply products or provide services accordingly and who complies with the selection criteria for Tenderers;

- 7.1.2.1. A group of Suppliers who have formed a partnership for Open competition. In this case all the members of the partnership shall be listed in Annex No 3 "Application for participating in the Open competition". 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 the Civil Law of the Republic of Latvia, 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 the Commercial Law of the Republic of Latvia (hereinafter – the Commercial Law), Division 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 the Commercial Law, Division IX and X) which complies with the selection criteria for Tenderers.

8. SELECTION CRITERIA FOR TENDERERS

8.1. Exclusion grounds (refers to both parts of the subject-matter)

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	Documents to be submitted ¹ (no obligation to submit any, unless documents are specifically requested by the Procurement commission)
8.1.1.	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 authorised 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: 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 organization, 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,	- 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 authorised to represent the Tenderer in operations in relation to a branch, who is registered or residing in Latvia, Contracting authority will 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 authorised to represent the Tenderer in operations in relation to a branch, who is registered or residing outside of Latvia, Tenderer shall submit an appropriate statement from the competent authority of the country of registration or residence.

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	Documents to be submitted ¹ (no obligation to submit any, unless documents are specifically requested by the Procurement commission)
	c) fraud, misappropriation or money-laundering, 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, e) human trafficking, f) evasion from payment of taxes or similar payments.	
8.1.2.	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.	- For a Tenderer registered or residing in Latvia Contracting authority will 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.
8.1.3.	Tenderer's insolvency proceedings have been announced, the Tenderer's business activities have been suspended, the Tenderer is under liquidation.	- For a Tenderer registered or residing in Latvia Contracting authority will 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.	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: 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; b) If he or she is the father, mother, grandmother, grandfather, child, grandchild,	No obligation to submit documents, unless specifically requested by the Procurement commission.

No	Requirement	Documents to be submitted ¹ (no obligation to submit any, unless documents are specifically requested by the Procurement commission)
	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; c) If he or she is a relative of a Tenderer or a subcontractor which is a natural person. 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.	
8.1.5.	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, 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.	No obligation to submit documents, unless specifically requested by the Procurement commission.
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.	- For a Tenderer registered or residing in Latvia Contracting authority will 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 (if 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	- For a Tenderer registered or residing in Latvia Contracting authority will 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.

No	Requirement	Documents to be submitted ¹ (no obligation to submit any, unless documents are specifically requested by the Procurement commission)
	or if it is illegal for such persons to reside in a Member State of the European Union.	
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.	- For a Tenderer registered or residing in Latvia Contracting authority will 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.	The Tenderer has provided false information to prove its compliance with provisions of this Section 8.1 of the Regulations or qualification criteria or has not provided the required information at all.	No obligation to submit documents, unless specifically requested by the Procurement commission.
8.1.10.	The Tenderer is a registered offshore ² company (legal person) or offshore association of persons.	- For a Tenderer which is registered in Latvia Contracting authority will 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 outside of Latvia Tenderer shall submit 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 registration wherefrom at least the fact of registration can be determined.
8.1.11.	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.	- For a Tenderer which is registered in Latvia: • Contracting authority will verify the information itself in publicly available databases; • if such information by publicly available data bases is not provided, Tenderer shall submit self-declaration which approves the fact that there are no registered owners or shareholders of the Tenderer

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	Documents to be submitted ¹ (no obligation to submit any, unless documents are specifically requested by the Procurement commission)
		(with more than 25% of share capital) who are registered offshore.
8.1.12.	The subcontractor indicated by the Tenderer whose share of services is equal to or exceeds 10% of the Contract price or person on whose capacities Tenderer is relying, is a registered offshore company (legal person) or offshore association of persons.	- 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 on which is registered in Latvia Contracting authority will verify the information itself in publicly available databases. - For a subcontractor or person on whose capacities Tenderer is relying on which is a legal person registered outside of Latvia (with its permanent place of residence abroad) Tenderer shall submit 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 can be determined.
8.1.13.	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: 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, 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), and such sanctions can affect the execution of the procurement contract.	- 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 will 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.

³ **Beneficial owner:** a natural person who is the owner of the customer - legal person - or who controls the customer, or on whose behalf, for whose benefit or in whose interest's 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.

8.2. Legal standing and suitability to pursue the professional activity (refers to both parts of the subject-matter)

No	Requirement	Documents to be submitted
8.2.1.	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).	- For a Tenderer which is a legal person (or a member of a partnership, a person on whose abilities a Tenderer relies on 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 on to certify its compliance, a 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. - 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 authorized 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

No	Requirement	Documents to be submitted
		other similar 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. - 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 8 and Annex 9 (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 capacity Tenderer relies on 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.	- Proof of Tenderers` representation or authorization (e.g., power of attorney or registration certificate) and stating the authorizations 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 Latvia, the Contracting Authority shall verify the information itself in publicly available databases. - 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 (refers to both parts of the subject – matter)

No	Requirement	Documents to be submitted
8.3.1.	Tenderer or all members of the partnership together (if the Tenderer is a partnership and confirms the average annual financial turnover jointly) average annual financial turnover within the last 3 (three) financial years, i.e., 2018, 2019, 2020 is not less: 1) than 130 000,00 EUR (one hundred thirty thousand euros) if the Tenderer applies for the 1.part; 2) than 200 000,00 EUR (two hundred thousand euros) if the Tenderer applies for the 2.part. If the Tenderer applies for both parts, the Tenderer's, or all members of the partnership together (if the Tenderer is a partnership), average annual financial turnover within the last 3 (three) financial years, i.e., 2018, 2019, 2020 is not less than the sum of average annual financial turnover values set for each part for which the Tenderer has applied by submitting Application. In the event the average annual financial turnover of a limited partner of the limited partnership (within the meaning of The Commercial Law, Division 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) has operated in the market for less than 3 (three) financial years, the requirement shall be met during the Tenderer's actual operation period.	- Filled in and signed Annex No 4 "Confirmation of Tenderer's financial standing" (by the Tenderer or each member of the partnership) or entity on whose capabilities the Tenderer is relying on 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 2018, 2019, 2020, 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 such 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 agreement) and in addition indicate it in the Annex 4. - For a limited partnership (within the meaning of the Commercial Law, Division X) - an additional document evidencing the amount of the investment by the limited 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 (2018, 2019, 2020), the financial turnover necessary must be indicated for the Tenderer's previous 3 (three) reporting years.
8.3.2.	The Tenderer and each member of the partnership (if the Tenderer is a partnership) on whose financial and	- Filled and signed Annex No 4 "Confirmation of Tenderer's financial standing".

No	Requirement	Documents to be submitted
	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 (<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>).	- 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 2020, showing the balance and calculation that proves liquidity ratio and positive equity. - If the last audited financial year of the Tenderer differ from the year specified in this Section 8.3.2. of the Regulations (2020), the liquidity ratio and equity capital necessary shall be calculated for the Tenderer's last audited financial year. - If the Tenderer is a partnership, Tenderer shall indicate the member of the partnership on whose capacity it relies to certify its financial and economic performance and who will be financially and economically responsible for the fulfilment of the Contract, including this information in the agreement of cooperation or letter of intent to enter into agreement or in any other similar document, signed by all parties involved and submits it along with the Proposal (please see Section 9 of the Regulations for detailed information). - If the Tenderer is relying on any other entity's capacity to certify its financial and economic performance and this entity will be financially and economically responsible for the fulfilment of the Contract, Tenderer along with the Proposal submits confirmation or agreement on cooperation and/or passing of resources to the Tenderer, signed between such entity and the Tenderer (please see Section 9 of the Regulations for detailed information).

8.4. Technical and professional ability

8.4.1. Requirements for Part No 1 "Recruitment services – European Union/ European Economic Area".

No	Requirement	Documents to be submitted
8.4.1.1.	The Tenderer within the previous 5 (five) years (2017 to until the date of submission of the Proposal) has gained experience in recruitment of candidates in at least 2 (two) projects (contracts) covering all the following requirements: a) project (contract) was addressed, and candidates has selected within European Union or European Economic Area, but outside the Baltic	- Filled in and signed Annex No 5 „Experience of the Tenderer“; - Copies of references from respective clients or similar documents provided by the third party (the Client / Contracting Authority) evidencing the experience.

No	Requirement	Documents to be submitted
	states and outside the country where Tenderer is registered; b) projects (contracts) were related to the construction or infrastructure or transport sector; c) has been selected employees from at least two of these job levels - management level / expert level/ specialist level; d) within projects (contracts) has been selected employees from two different of the following job positions: - high speed railway specialists/experts; - engineers, - senior engineers; - project managers; - project directors; - team leads; - project planners; - contract managers; - Heads of Departments; Each project (contract) must be completed.	
8.4.1.2.	The Tenderer within last 5 (five) years (2017 to until the date of submission of the Proposal) has gained experience in recruitment of candidates abroad (within European Union or European Economic Area but outside the Baltic states) in at least 1 (one) project (contract) where Tenderer: (a) used recruitment methods and tools (resourcing, headhunting, assessments methods etc.); (b) used mental ability, personality, logical or other relevant assessment tools. Project (contract) must be completed. Experience can be combined from more than one project (contract) to meet this experience requirement.	- Filled in and signed Annex No 5 „Experience of the Tenderer“; - Copies of references from respective clients or similar documents provided by the third party (the Client / Contracting Authority) evidencing the experience.
8.4.1.3.	The Tenderer shall propose for the provision of services 1 (one) Project	

No	Requirement	Documents to be submitted
	Manager, who shall meet the following requirements:	
	a) Bachelor's degree or equivalent;	- A certified copy of diploma proving relevant level of education.
	b) Within the previous 5 (five) years (2017 to until the date of submission of the Proposal) has gained experience in recruitment of candidates within European Union or European Economic Area, but outside the Baltic states in at least 1 (one) project (contract) covering the following requirements: 1) has led the full recruitment process (attraction, screening, interviewing, testing, references, selection, etc.), including development of job specification with qualification and competence criteria; 2) project was related to the construction, infrastructure and/or transport sector; 3) within project has been selected employees from at least two different of these job positions: - high speed railway specialists/experts; - engineers, - senior engineers; - project managers; - project directors; - team leads; - project planners; - contract managers; - Heads of Departments; Project (contract) must be completed. Experience can be combined from more than one project to meet this experience requirement.	- Filled and signed Annex No 6 „Experience of the Project Manager for Part No 1”. - 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.
	c) Excellent knowledge of English (at least C1 Level verbal and presentation and written English language skills – based on Common European Framework of Reference for Languages).	- Self-declared information about language skills filled in Annex No 6 „Experience of the Project Manager for Part No 1” and signed by the Project Manager.

8.4.2. Requirements for Part No 2 "Recruitment services – Baltic states (Latvia, Lithuania, Estonia)".

No	Requirement	Documents to be submitted
8.4.2.1.	The Tenderer within the previous 5 (five) years (2017 to until the date of submission of the Proposal) has gained experience in recruitment of candidates within Baltic states (Latvia, Lithuania, Estonia) in at least 3 (three) projects (contracts) where: a) at least 1 (one) project was related to the construction or infrastructure or transport sector; b) at least within 1 (one) project has been selected employees from at least two different of these job levels - management level / expert level/ specialist level junior specialist level (beginner). Experience within projects (contracts) used to demonstrate the Tenderers experience stipulated in this Clause shall address at least 2 (two) different Baltic states (Latvia, Lithuania, Estonia). Each project (contract) must be completed.	- Filled in and signed Annex No 5 „Experience of the Tenderer”; - Copies of references from respective clients or similar documents provided by the third party (the Client / Contracting Authority) evidencing the experience.
8.4.2.2.	The Tenderer within last 5 (five) years (2017 to until the date of submission of the Proposal) has gained experience in recruitment of candidates in at least 1 (one) project (contract) where Tenderer: a) used recruitment methods and tools (resourcing, headhunting, assessments methods etc.); b) used mental ability, personality, logical or other relevant assessment tools. Project (contract) must be completed. Experience can be combined from more than one project (contract) to meet this experience requirement.	- Filled in and signed Annex No 5 „Experience of the Tenderer”; - Copies of references from respective clients or similar documents provided by the third party (the Client / Contracting Authority) evidencing the experience.
8.4.2.3.	The Tenderer shall have Pan-Baltic representation (i.e., offices, affiliates, branches) in all three Baltic countries (Latvia, Lithuania, Estonia).	- List with information about representation in Baltics countries, naming company name, registration number, address, e-mail, telephone number, name of the contact person.
8.4.2.4.	The Tenderer shall propose for the provision of services a Project Manager, 1 (one) project Manager for each country – Latvia, Lithuania, Estonia. Each Project Manager shall meet the following requirements:	
	a) Bachelor’s degree or equivalent;	- A certified copy of diploma proving relevant level of education.

No	Requirement	Documents to be submitted
	b) Within the previous 5 (five) years (2017 to until the date of submission of the Proposal) has gained experience in recruitment of candidates within Baltic states (Latvia, Lithuania, Estonia) in at least 1 (one) project (contract) covering all the following requirements: 1) has led the full recruitment process (attraction, screening, interviewing, testing, references, selection, etc.), including development of job specification with qualification and competence criteria; 2) project was related to the construction or infrastructure or transport sector; 3) within project has been selected employees from at least two different of these job levels - management level / expert level/ specialist level junior specialist level (beginner). Project (contract) must be completed. Experience can be combined from more than one project to meet this experience requirement.	- Filled and signed Annex No 7 „Experience of the Project Manager for Part No 2”⁵. - 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.
	c) Excellent knowledge of English (at least C1 Level verbal and presentation and written English language skills – based on Common European Framework of Reference for Languages).	- Self-declared information about language skills filled in Annex No 7 „Experience of the Project Manager for Part No 2” and signed by the Project Manager.

8.5. Information, provided in the Proposal to prove the compliance with above-mentioned requirements for Economic and financial standing (Section 8.3 of the Regulations), Technical and professional ability (Section 8.4 of the Regulations) shall be clear and understandable without any additional analysis or external proof of the submitted information. The Contracting authority shall not be obliged to use additional sources of information to decide regarding Tenderer's compliance with the qualification requirements. The Tenderer shall remain fully responsible for the provision of sufficiently detailed information in the Proposal required to confirm clearly the compliance with qualification requirements set in the Regulations.

8.6. Notices and other documents mentioned in the Section 8.1 of the Regulations 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

⁵ Shall be prepared for each Project manager separately (Latvia, Lithuania, Estonia).

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 3**. 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 3**) and provide explanations and evidence 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 evidence, 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 evidence 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 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).
- 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 CAPACITY 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 project managers), 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 8, 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:**

- 1) **the person in question will have the necessary resources that the Tenderer relied upon submitting the proposal, and**
- 2) **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. – 8.1.8 and Sections 8.1.12 to 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 9 "Subcontractors", 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 – 8.1.8 and Sections 8.1.12 to 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. TECHNICAL PROPOSAL (refers to both parts of the subject – matter)

- 11.1. As a Technical proposal the Tenderers shall submit for each part separately Tenderer's proposed approach to service provision in accordance with requirements set below (see Section 11.2.). Technical proposal (Service provision) within this procurement is a provision which will serve only as part of evaluation criteria and will be evaluated and scored in accordance with evaluation methodology established in Section 20.1.6. for Part No 1 and 20.2.6. for Part No 2 of the Regulations. During the contract fulfillment the Tenderer must provide services in accordance with all requirements established in the Technical Specification (Annex No 1 and/or Annex No 2) and the draft contract (Annex No 12) and for the prices proposed in the Tenderer's Financial proposal.
- 11.2. Tenderer's proposed approach to service provision (Service provision) (for each part separately):
- 11.2.1 Description should be no longer than 4 (four) pages and includes:
- a) recruitment process, key milestones and timeline;
 - b) sourcing strategies and channels;
 - c) candidate assessment and interview methods;
 - d) reports and cooperation with Contracting Authority.

12. FINANCIAL PROPOSAL (refers to both parts of the subject – matter)

- 12.1. The Financial proposal shall be submitted as:
- 12.1.1. For Part No 1 "Recruitment services – European Union/ European Economic Area" - part of Annex No 10 „Financial proposal for Part No 1" of Regulations.
- 12.1.2. For Part No 2 "Recruitment services – Baltic states (Latvia, Lithuania, Estonia)" – part of Annex No 11 "Financial proposal for Part No 2" of Regulations.

- 12.2. The proposed contract price shall include all taxes, fees and payments, and all costs related to the fulfilment of the specific services, that can be reasonably estimated, except Value Added Tax (hereinafter – VAT).
- 12.3. Tenderer shall include any travel expenses (if any arise) in proposed contract price. Contracting authority won't additionally reimburse any travel expenses incurred by Tenderer during the provision of Services.
- 12.4. The costs shall be specified in EUR.
- 12.5. The costs must be calculated and indicated with an accuracy of 2 (two) decimal places after comma. If more than 2 (two) decimal places after comma will be indicated, then only the first two decimal places will be considered.
- 12.6. 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).
- 12.7. If the Tenderer's Financial Proposal does not comply with all the requirements under Section 12 of this Regulations, Financial Proposal will be deemed incompliant and will not be further evaluated.

13. CONTENTS AND FORM OF THE PROPOSAL (refers to both parts of the subject – matter)

- 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-Tenders subsystem, filling the attached forms of the E-Tenders subsystem for 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 of E-Tenders subsystem with data protection tools provided by third parties, and protection with electronic key and password (in this situation, 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 by the Contracting authority).
- 13.2. **During preparation of the Proposal, Tenderer shall respect the following requirements:**
 - 13.2.1. Each document mentioned in Section 13.3 of the Regulations must be filled separately, each in a separate electronic document in line with forms attached to Procurement on Contracting authority's profile in E-Tenders subsystem (<https://www.eis.gov.lv/EKEIS/Supplier/Procurement/74506>) 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 a time seal or with electronic signature provided by Electronic Procurement System. The Tenderer can use a certified electronic signature⁶ and valid time seal and sign Application form, Description of the Tenderer's experience, Technical proposal, Financial proposal and other documents separately. The Proposal (its parts, if signed separately) is signed by an authorised person, including its authorisation document (e.g., power of attorney) *expressis verbis* stating the authorisations to sign, submit and otherwise manage the documents.
- 13.3. **Proposal shall contain the following parts and documents/forms:**
 - 13.3.1. Application for participating in the Open competition in accordance with Annex No 3;
 - 13.3.2. Financial proposal in accordance with Annex No 10 (for Part No 1) and Annex No 11 (for Part No 2);

⁶ Issued by organisation, which is included in the Trusted list according to the Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC.

- 13.3.3. Confirmation of Tenderers financial standing in accordance with Annex No 4;
- 13.3.4. Description of the Tenderers experience (prepared in accordance with requirements set in Section 8.4.1.1. and Section 8.4.1.2. (For Part No 1) and in Section 8.4.2.1 – Section 8.4.2.3. (For Part No 2) and related documents (references, list with information about representation in Baltics countries (for Part No 2) etc), or the corresponding European single procurement documents;
- 13.3.5. Description of the Experience of the Project Manager (prepared in accordance with requirements set in Section 8.4.1.3. (a), (b) (1), (2), (3) and (c) (for Part No 1) of the Regulations and Annex No 6/ in Section 8.4.2.4. (a), (b) (1) (2) (3) and (c) (for Part No 2) of the Regulations and Annex No 7), or the corresponding European single procurement documents;
- 13.3.6. Information and documents related to persons on whose capabilities the Tenderer relies on to certify its compliance with qualification requirements (prepared in accordance with requirements set in Section 8 and 9 and Annex No 8) and signed 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), or the corresponding European single procurement documents;
- 13.3.7. Information and documents related to subcontractors (prepared in accordance with requirements set in Section 8 and 10 and Annex No 9) and 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), or the corresponding European single procurement documents;
- 13.3.8. Technical proposal (Service provision) prepared in accordance with Section 11 (for each Part separately).
- 13.3.9. 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 (in accordance with requirements set in Section 8);
- 13.3.10. For a company registered outside Latvia, 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. If the Tenderer, or a member of a partnership, or a person on whose abilities a Tender 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) (in accordance with requirements set in Section 8);
- 13.3.11. The Tenderer in order to certify that it complies with the selection criteria indicated in Section 8 of Regulation, 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 Latvia*).
- 13.4. The Proposal may contain original documents or their derivatives (e.g., copies). In the Proposal or in reply to a request of the Procurement commission Tenderer shall submit only such original documents which have legal force. For the document to gain legal force it must be issued and formatted in accordance with the Law on Legal Force of Documents of the Republic of Latvia (<https://likumi.lv/ta/en/id/210205-law-on-legal-force-of-documents>) but public documents issued abroad shall be formatted and legalized in accordance with the requirements of the Document Legalization Law of the Republic of Latvia (<https://likumi.lv/ta/en/en/id/155411-document-legalisation-law>). Public documents issued abroad can be self-approved by the Tenderer, if it is applicable by the legislation of the respective country. When submitting the Proposal, the Tenderer has the right to certify the correctness of all submitted documents' derivatives and translations with one certification.
- 13.5. 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.

- 13.6. The Tenderer shall prepare Proposal in electronic form using the E-Tenders system available at <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/74506>.
- 13.7. The Proposal must be submitted in a written form in English or Latvian (if submitted in Latvian, translation in English of the Proposal must be provided together with the Proposal).

14. ENCRYPTION OF THE PROPOSAL INFORMATION

- 14.1. E-Tenders system which is a 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 13.1.3 of the Regulations), Tenderer must provide the Procurement commission with the electronic key with the password to unlock the information not later than in 15 (fifteen) minutes after the deadline of the Proposal submission.

15. SUBMISSION OF A PROPOSAL

- 15.1. The Proposal (documents referred to in the Section 13.3 of the Regulations) shall be submitted electronically using the E-Tenders system available at <https://www.eis.gov.lv/EKEIS/Supplier/ProcurementProposals/74506>.
by 19 April 2022 till 15:00 o'clock (Time Zone EEST (Eastern European Summer time), 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 E-Tenders system.
- 15.3. Only Proposals submitted via E-Tenders system will be accepted and evaluated for participation in the Open competition. Any Proposal submitted outside the E-Tenders system will be declared as submitted in a non-compliant manner and will not participate in the Open competition.

16. OPENING OF PROPOSALS

- 16.1. The Proposals will be opened on the E-Tenders system on **19 April 2022 starting at 15:00 o'clock** (Time Zone EEST (Eastern European Summer time), Riga (Latvia)) during the opening session. On the E-Tenders system it is possible to follow the opening of submitted Proposals online.
- 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 the E-Tenders system.
- 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 on E-Tenders system and Contracting authority's webpage.

17. VERIFICATION OF PROPOSALS FOR COMPLIANCE

- 17.1. Following of the opening of Proposals Procurement commission shall proceed with the verification of compliance of Proposals received and opened in accordance with the opening procedure.
- 17.2. The Procurement commission verifies whether the submitted Proposals comply with the requirements stipulated in Section 13 of the Regulations and whether all required information and documents are submitted and selects for further evaluation the compliant Proposals.
- 17.3. In accordance with Paragraph 16 of the Cabinet regulations No 107 of 28 February 2017 "Procedure of Procurement Procedures and Design Contests" Procurement Commission is entitled to carry out the eligibility check only to the Tenderer to whom the procurement contract should be awarded.

18. VERIFICATION OF TECHNICAL PROPOSALS

- 18.1. Procurement Commission verifies if Tenderers have submitted Technical Proposals (Service provision) as stipulated in Section 11 and selects for further evaluation only the compliant Technical Proposals (Service provision).

19. VERIFICATION OF FINANCIAL PROPOSALS

- 19.1. The Procurement commission verifies whether Tenderers have completed Annex No 10 "Financial proposal for the Part No 1" and/or Annex No 11 „Financial proposal for the Part No 2" in accordance with the requirements.
- 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, 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 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. **Contract award criteria (refers to the Part No 1 "Recruitment services – European Union/ European Economic Area".**

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

20.1.2. **The economically most advantageous proposal shall be the Proposal which will receive the highest sum of scores for both following criteria 20.1.2.1. and 20.1.2.2. in total:**

No	Evaluation criteria	Maximal amount of points
20.1.2.1.	Financial proposal for Part No 1 , which will be evaluated in accordance with Section 20.1.5. of the Regulations.	55
20.1.2.2.	Technical proposal for Part No 1 (Service provision) , which will be evaluated in accordance with Section 20.1.6. of the Regulations.	45
Total:		100

20.1.3. **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 following criteria 20.1.2.1. and 20.1.2.2. together.**

20.1.4. 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.

20.1.5. Evaluation of the Financial Proposal for Part No 1 (Criteria 20.1.2.1.).

20.1.5.1. The procurement commission shall evaluate the following sub-criteria of the Financial proposal (on a scale of 0-55 points):

No	Services	Maximal amount of points	Calculation methodology
1.	P4 Candidates: Level of experience 5+ years in the specified field and position, i.e., high speed railway specialists, engineers, project managers, team leads, project planners, contract managers	30	$Score = \frac{\text{Lowest proposed price}}{\text{Proposed price under evaluation}} \times 30$
2.	P5 Candidates: Level of experience 10+ years in the specified field and position high speed railway experts, senior engineers, project directors, Heads of Departments	25	$Score = \frac{\text{Lowest proposed price}}{\text{Proposed price under evaluation}} \times 25$
Total		55	

20.1.5.2. To obtain the final score for the criteria 20.1.2.1. Financial proposal for Part No 1, the Procurement Commission shall sum up the points obtained by each Tenderer in sub-criterion (1) and (2) of the Financial proposal for Part No 1.

20.1.6. Evaluation of the quality of the Technical Proposal for Part No 1 (Service provision) (Criteria 20.1.2.2.)

20.1.6.1. Quality of the Technical proposal for Part No 1 (Service provision) will be evaluated by comparing the Technical proposals for Part No 1 (Service provision) on a scale of 0-45 according to the following criteria:

No	Criteria (max. 45 pt)	Points
1.	Outstanding level of detail The Tenderer has produced a clear, structured, and well-argued description of their technical proposal. It includes the necessary information as described in Section 11 and proposes application of in-depth candidate assessment methods. The Tenderer proposes an innovative approach to the recruitment process in line with the best industry practices. The technical proposal includes a clear description of the planned cooperation and communication with the Company as well as reporting process. The technical proposal provides clear description and evidence of the Tenderer's conformity to each of the requirements and their ability to perform all tasks contained within the role. Demonstrates professional ability and experience to provide search in the designated search area.	45

No	Criteria (max. 45 pt)	Points
2.	Good level of detail The Tenderer has produced a clear, structured and reasonable description of their proposal, including the necessary information contained in Section 11 and provides adequate candidate assessment methods. The Tenderer has provided an overall description of the planned cooperation and communication with the Company. The technical proposal provides clear description and evidence of the Tenderer's conformity to each of the requirements and their ability to perform all tasks contained within the role. Demonstrates professional ability and experience to provide search in the designated search area.	35
3.	Low level of detail The Tenderer description of technical proposal and proposed approach for working with the Contracting Authority in it is vague and unclear, but includes the necessary information contained in Section 11. The Tenderer has produced a minimum description of recruitment process without any details. Key milestones are described very general, and timeline consist of only few most important stages of recruitment process. Recruitment stages, channels and methods are only indicated but not described. There is no clear plan how communications with the Company will be carried out.	25
4.	Insufficient⁷ level of details The Tenderer has failed to produce sufficient information and evidence to demonstrate its understanding of the requirements of the Technical Specification. The Tenderers technical proposal doesn't include the necessary information contained in Section 11 or includes it partly fails to clearly describe the process, miles stones and employed methods and methodology. There is no plan as to how communications with the Company will be carried out. If Tenderers technical proposal shall obtain Insufficient level of details proposal shall be considered as noncompliant and will be rejected.	0

20.1.6.2. The Procurement Commission shall obtain the final score for each Technical Proposal in this criterion by summing up all points scored by the Procurement Commission members for the Technical Proposal in this criterion 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 comprise the points for the Technical Proposal for the purposes of Section 20.1.3.

20.2. Contract award criteria (refers to the Part No 2 "Recruitment services – Baltic states (Latvia, Lithuania, Estonia)".

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

⁷ **Insufficient** here and elsewhere means a description, which partly meets the required quality and performance set out in the Regulations in some areas but with some major issues negatively deviating from the Technical specification and very limited or no additional analysis or substantiation including by considering the tasks of this project.

20.2.2. The economically most advantageous proposal shall be the Proposal which will receive the highest sum of scores for both following criteria 20.2.2.1. and 20.2.2.2. in total:

No	Evaluation criteria	Maximal amount of points
20.2.2.1.	Financial proposal for Part No 2 , which will be evaluated in accordance with Section 20.2.5. of the Regulations.	55
20.2.2.2.	Technical proposal for Part No 2 (Service provision) , which will be evaluated in accordance with Section 20.2.6 of the Regulations.	45
Total:		100

20.2.3. 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 following criteria 20.2.2.1. and 20.2.2.2. together.

20.2.4. 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.

20.2.5. Evaluation of the Financial Proposal for Part No 2 (Criteria 20.2.2.1.).

20.2.5.1. The procurement commission shall evaluate the following sub-criteria of the Financial proposal (on a scale of 0-55 points):

No	Services	Maximal amount of points	Calculation methodology
1.	P1 Candidates: Level of experience 1-5 years. Junior level positions in administration, accounting, legal, procurement, project management and engineering.	15	$Score = \frac{Lowest\ proposed\ price}{Proposed\ price\ under\ evaluation} \times 15$
2.	P2 Candidates: Level of experience 5 – 10 years Mid-level positions: senior accountant, finance control, cost engineers, logistics and technical experts, project management coordinators, stakeholder management.	20	$Score = \frac{Lowest\ proposed\ price}{Proposed\ price\ under\ evaluation} \times 20$
3.	P3 Candidates: Level of experience 10+ years Senior level positions: railway infrastructure project engineers, technical experts, stakeholder management,	20	$Score = \frac{Lowest\ proposed\ price}{Proposed\ price\ under\ evaluation} \times 20$

	professional project managers, Intermodal Logistics expert, Procurement Managers.		
	Total	55	

20.2.5.2. To obtain the final score for the criteria 20.2.2.1. Financial proposal for Part No 2, the procurement commission shall sum up the points obtained by each Tenderer in sub-criterion (1), (2) and (3) of the Financial proposal for Part No 2.

20.2.6. Evaluation of the quality of the Technical Proposal for Part No 2 (Service provision) (Criteria 20.2.2.2.)

20.1.6.1. Quality of the Technical proposal for Part No 2 (Service provision) will be evaluated by comparing the Technical proposals for Part No 2 (Service provision) on a scale of 0-45 according to the following criteria:

No	Criteria (max. 45 pt)	Points
5.	Outstanding level of detail The Tenderer has produced a clear, structured, and well-argued description of their technical proposal. It includes the necessary information as described in Section 11 and proposes application of in-depth candidate assessment methods. The Tenderer proposes an innovative approach to the recruitment process in line with the best industry practices. The technical proposal includes a clear description of the planned cooperation and communication with the Company as well as reporting process. The technical proposal provides clear description and evidence of the Tenderer's conformity to each of the requirements and their ability to perform all tasks contained within the role. Demonstrates professional ability and experience to provide search in the designated search area.	45
6.	Good level of detail The Tenderer has produced a clear, structured and reasonable description of their proposal, including the necessary information contained in Section 11 and provides adequate candidate assessment methods. The Tenderer has provided an overall description of the planned cooperation and communication with the Company. The technical proposal provides clear description and evidence of the Tenderer's conformity to each of the requirements and their ability to perform all tasks contained within the role. Demonstrates professional ability and experience to provide search in the designated search area.	35
7.	Low level of detail The Tenderer description of technical proposal and proposed approach for working with the Contracting Authority in it is vague and unclear, but includes the necessary information contained in Section 11. The Tenderer has produced a minimum description of recruitment process without any details. Key milestones are described very general, and timeline	25

No	Criteria (max. 45 pt)	Points
	consist of only few most important stages of recruitment process. Recruitment stages, channels and methods are only indicated but not described. There is no clear plan how communications with the Company will be carried out.	
8.	Insufficient⁸ level of details The Tenderer has failed to produce sufficient information and evidence to demonstrate its understanding of the requirements of the Technical Specification. The Tenderers technical proposal doesn't include the necessary information contained in Section 11 or includes it partly fails to clearly describe the process, miles stones and employed methods and methodology. There is no plan as to how communications with the Company will be carried out. If Tenderers technical proposal shall obtain Insufficient level of details proposal shall be considered as incompliant and will be rejected.	0

20.1.6.2. The Procurement Commission shall obtain the final score for each Technical Proposal in this criterion by summing up all points scored by the Procurement Commission members for the Technical Proposal in this criterion 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 comprise the points for the Technical Proposal for the purposes of Section 20.2.3.

21. TENDERER CHECK PRIOR TO MAKING THE DECISION REGARDING THE CONCLUSION OF THE CONTRACT (refers to both parts of the subject – matter)

- 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 before the deadline, Procurement commission excludes the Tenderer from participation in the Open competition.
- 21.4. Change of persons on whose capacity Tenderer is relying on to certify its compliance with the requirements or subcontractors whose share of services is equal to or exceeds 10% of the Contract price is performed in accordance with Sections 9.2 and 10.2 of the Regulations respectively.

⁸ **Insufficient** here and elsewhere means a description, which partly meets the required quality and performance set out in the Regulations in some areas but with some major issues negatively deviating from the Technical specification and very limited or no additional analysis or substantiation including by considering the tasks of this project.

- 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 of the Regulations and has indicated this in the Proposal, upon Procurement commission's request 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, Procurement commission makes the decision to exclude the Tenderer from further participation in the Open competition. If the Tenderer within the indicated time does not submit the requested information, Procurement commission excludes the Tenderer from participation in the Open competition.

22. DECISION MAKING, ANNOUNCEMENT OF RESULTS AND ENTERING INTO A CONTRACT (refers to both parts of the subject – matter)

- 22.1. The Procurement commission selects 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 of the Regulations in each part of the subject – matter of the procurement separately.
- 22.2. Within 3 (three) Working Days from the date of decision about the Open competition results Procurement commission informs all Tenderers about the decision made by sending the information by post or electronically (including via the E-Tenders system) and keeping the evidence of the date and means of sending the information. The Procurement commission announces the name of the successful Tenderer, indicating:
- 22.2.6. to the refused Tenderer - the reasons for refusing its Proposal;
 - 22.2.7. to the Tenderer who has submitted an eligible Proposal - the characterization of the successful Proposal and the relative advantages;
 - 22.2.8. 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 Tenderer selection requirements, Procurement commission prepares and includes in the Open competition 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, Procurement commission makes the decision to terminate the Procurement.
- 22.4. If the Procurement is terminated, Procurement commission within 3 (three) Working Days simultaneously informs all Tenderers about all the reasons because of which the Open competition is terminated and informs about the deadline within which a Tenderer may apply regarding the violations of the public procurement procedure to the Procurement Monitoring Bureau.
- 22.5. The Procurement commission when informing about the results has the right not to disclose specific/confidential 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) Working Days from day when the decision about the results of the Open competition is taken, Procurement commission prepares a report on the Open competition and publishes it on the Contracting authority's profile in E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/74506> and on Contracting authority's webpage <http://www.railbaltica.org/tenders/>.
- 22.7. **The selected Tenderer upon receiving the notification from Procurement commission must:**
- 22.7.6. within 5 (five) Working Days – to submit to the Contracting authority a copy of partnership agreement or notification regarding the establishment of the partnership, if required pursuant to requirements under Section 7.1.2.1 of the Regulations;
 - 22.7.7. within 10 (ten) days upon receiving the invitation - to sign the Contract.

- 22.8. The Contract is concluded based on the selected Tenderer's Proposal and in accordance with Annex No 12 "Draft contract".
- 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:
- 22.9.6.refuses to conclude a partnership contract or to establish the partnership 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 contract, or does not inform of the founding of a partnership company;
- 22.9.7.refuses to conclude the Contract or does not submit a signed Contract within the deadlines defined in the Regulations.
- 22.10. In any of such a case mentioned in Section 22.9 of the Regulations Procurement commission is entitled to terminate this Open competition without selecting any Proposal or to select the next most economically advantageous proposal. 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.

ANNEXES:

1. Technical specification for Part No 1 "Recruitment services – European Union/ European Economic Area";
2. Technical specification for Part No 2 "Part No 2 "Recruitment services – Baltic states (Latvia, Lithuania, Estonia)";
3. Application form;
4. Table „Confirmation of Financial standing“;
5. Table „Experience of the Tenderer“;
6. Table „Experience of the Project Manager for Part No 1“;
7. Table „Experience of the Project Manager for Part No 2“;
8. Table „Other entities on whose capacity Tenderer relies“;
9. Table „Subcontractors“;
10. Table „Financial proposal for Part No 1“;
11. Table „Financial proposal for Part No 2“;
12. Draft contract.

Procurement commission chairperson

Ž.Podniece

ANNEX NO 1: TECHNICAL SPECIFICATION FOR PART NO 1**TECHNICAL SPECIFICATION FOR THE OPEN COMPETITION****"RECRUITMENT SERVICES"****(ID NO RBR 2022/27)****Part No 1 - Recruitment Services - EUROPEAN UNION / EUROPEAN ECONOMIC AREA****Co-financed by the Connecting Europe
Facility of the European Union**

Riga

2022

1. INTRODUCTION TO RAIL BALTICA

The Baltic countries Estonia, Latvia and Lithuania have historically been linked to the east-west railway transport axis using the 1520mm gauge railway system. Because of the existing historical and technical constraints, the existing rail system is incompatible with mainland European standards, thus there is a consensus that Estonia, Latvia and Lithuania need to be fully integrated into the wider European rail transport system. Currently there is no efficient 1435 mm railway connection along the Warsaw-Kaunas-Riga-Tallinn axis, i.e. there are missing links or significant bottlenecks. Thus, there are no direct passenger or freight services along the railway axis as the existing infrastructure does not allow for competitive services compared to alternative modes of transport. Thus, the clear majority of the North-South freight is being transported by road transport and the overall accessibility in the region is low.

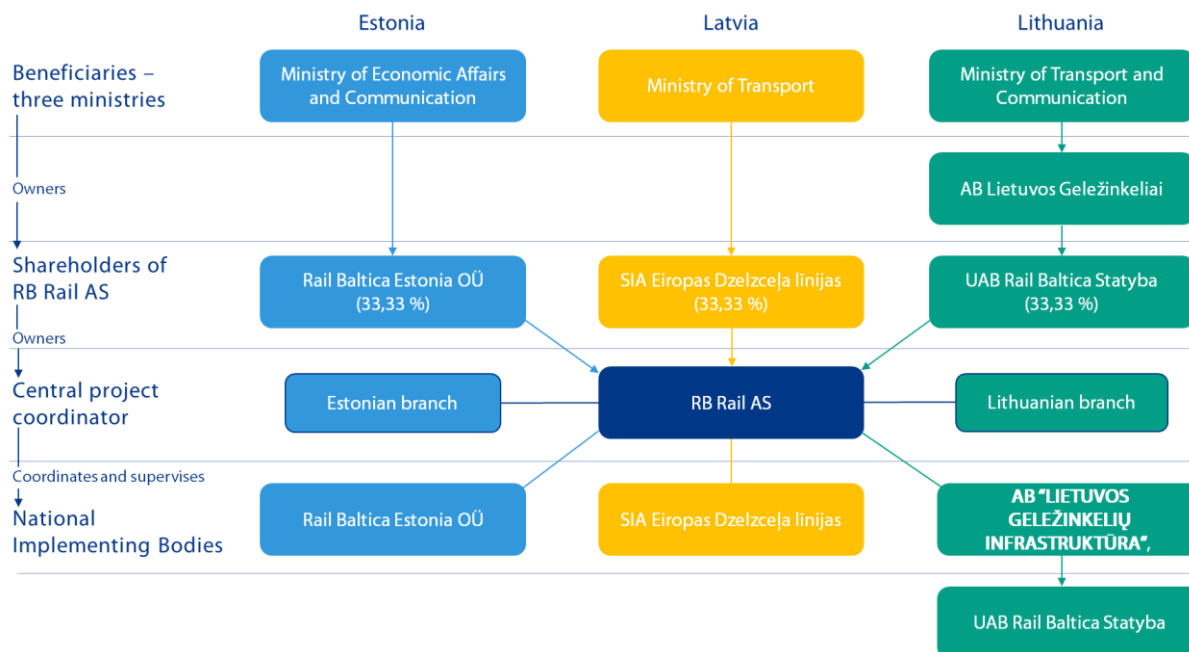
The ambitions of the Rail Baltica Global project (Global Project) are:

- to become a powerful catalyst for sustainable economic growth in the Baltic States;
- to set a new standard of passenger and freight mobility;
- to ensure a new economic corridor will emerge;
- sustainable employment and educational opportunities;
- an environmentally sustainable infrastructure;
- new opportunities for multimodal freight logistics development;
- new intermodal transport solutions for passengers;
- safety and performance improvements;
- a new value platform for digitalization and innovation;
- completion of Baltic integration in the European Union transport ecosystem.

Rail Baltica is already designed to become a part of the EU TEN-T North Sea – Baltic Core Network Corridor, which links Europe's largest ports of Rotterdam, Hamburg and Antwerp – through the Netherlands, Belgium, Germany and Poland – with the three Baltic States, further connecting to Finland via the Gulf of Finland short sea shipping connections with a future fixed link possibility between Tallinn and Helsinki. Further northbound extension of this corridor shall pave the way for future connectivity also with the emerging Arctic corridor, especially in light of the lucrative prospects of the alternative Northern Circle maritime route development between Europe and Asia. Furthermore, the North Sea – Baltic Corridor crosses with the Baltic-Adriatic Corridor in Warsaw, paving the way for new supply chain development between the Baltic and Adriatic seas, connecting the Baltics with the hitherto inadequately accessible Southern European markets. In a similar fashion, Rail Baltica shall strengthen the synergies between North-South and West-East freight flows, creating new trans-shipment and logistics development opportunities along the Europe and Asia overland trade routes. The new Rail Baltica infrastructure would, therefore, not only put the Baltics firmly on the European rail logistics map, but also create massive opportunities for value creation along this infrastructure with such secondary economic benefits as commercial property development, revitalization of dilapidated urban areas, private spin-off investment, new business formation, technology transfer and innovation, tourism development and other catalytic effects. Rail Baltica aims to promote these effects from the early stages of the Global Project, learning from the key global success stories and benchmarks in this regard.

RB Rail AS 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 diagram below illustrates the shareholder and project governance structure of the Rail Baltica project.



Rail Baltica is a joint project of three EU Member States – Estonia, Latvia and Lithuania – and concerns the building of a fast conventional double-track 1435 mm gauge electrified and ERTMS equipped mixed use railway line on the route from Tallinn through Pärnu (EE), Riga (LV), Panevėžys (LT), Kaunas (LT) to the Lithuania/Poland state border (including a Kaunas – Vilnius spur) with a design speed of 240km/h. In the longer term, the railway line could potentially be extended to include a fixed link between Helsinki and Tallinn, as well as integrate the railway link to Warsaw and beyond.

The expected core outcome of the Rail Baltica Global Project is a European gauge (1435mm) double-track railway line of almost 900 km in length meant 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:

To ensure that highly qualified talent with a demonstrated background in high speed electrified, standard gauge railway, professional project management, project planning, and controls that are not obtainable in the Baltic countries and should be sourced within international markets where projects of equivalent level of complexity to the Rail Baltica Global Project, have been successfully implemented, are employed at any of the RB Rail AS offices (Riga, Tallinn, Vilnius) in a timely manner to deliver its business goal: the design, construction, and marketing (including branding) of the Rail Baltica railway.

3. WITHIN THE SCOPE OF THE AGREEMENT THE PRINCIPAL WILL ENGAGE THE SERVICE PROVIDER FOR THE FOLLOWING SERVICES:

- 3.1. the Principal will engage the Service Provider on demand for recruitment of the following position levels within European Union / European Economic Area for the work placement with RB Rail AS in any one of the Baltic countries (Estonia, Latvia, Lithuania) as a part of the defined scope of Services under the Agreement:

Position level	Description	Deliverable	Milestone
P4	Candidates:	a shortlist of at least three (3)	SSD* + five (5) weeks

	Level of experience 5+ years in the specified field and position, i.e., high speed railway specialists, engineers, project managers, team leads, project planners, contract managers	qualified Candidates**	
P5	Candidates: Level of experience 10+ years in the specified field and position high speed railway experts, senior engineers, project directors, Heads of Departments	a shortlist of at least three (3) qualified Candidates**	SSD* + six (6) weeks

*Service Start Date (SSD): the day following the vacancy specification meeting for the respective Assignment;

**For the purpose of the Agreement the Principal shall determine, upon its sole discretion, the compliance of the Candidate's qualifications with the requirements of the respective position as defined by the Parties within the scope of the Assignment;

4. FOR THE PROVISION OF THE DEFINED SCOPE OF SERVICES UNDER CLAUSE 3.1. THE SERVICE PROVIDER WILL BE REQUIRED TO CARRY OUT THE FOLLOWING TASKS:

- 4.1. develop Vacancy Specification (position purpose, essential job functions, requirements, qualifications and competencies – in the form provided by the Principal) in cooperation with the Principal's Hiring Team and assist the Principal in developing job description in line with the job market requirements and best practices;
- 4.2. deploy various recruiting methods and channels to attract both active and passive job seekers, develop recruitment plan and execute recruitment, sourcing candidates within European Union / European Economic Area in accordance with the Vacancy Specification, provided that candidate has the right to live and work in the employment country;
- 4.3. attract candidates within European Union / European Economic Area for the work placement in Latvia, Lithuania or Estonia, evaluate, conduct interviews and tests (if necessary), shortlist at least three (3) qualified candidates for each position and present them to the Principal's Hiring Team for final interviews with the following written documentation: CV and appraisal of candidate according to the Vacancy Specification;
- 4.4. provide advice to the Principal on salary levels in the respective job market;
- 4.5. provide the Principal's Hiring Team with regular (once in two weeks) recruitment project status reports in writing via e-mail;
- 4.6. perform candidate's public profile analysis from publicly available channels, such as, Google (also news articles), LinkedIn, Facebook, Twitter, etc, 2-3 reference checks for final applicant;
- 4.7. produce recruitment process related documentation (i.e., Vacancy Specification, Activity Log, recruitment project status reports, Final Acceptance Note, etc.) in English.
- 4.8. provide consultations and recommendations to the Principal during the Services provision to ensure a successful selection process, to maintain a good and competitive employer image and reputation during the selection process and to successfully recruit the selected candidate.

ANNEX NO 2: TECHNICAL SPECIFICATION FOR PART NO 2**TECHNICAL SPECIFICATION FOR THE OPEN COMPETITION****"Recruitment Services"****(ID NO RBR 2022/27)****Part No 2 - Recruitment Services - Baltic states (Latvia, Lithuania, Estonia)****Co-financed by the Connecting Europe
Facility of the European Union**

Riga

2022

1. INTRODUCTION TO RAIL BALTICA

The Baltic countries Estonia, Latvia and Lithuania have historically been linked to the east-west railway transport axis using the 1520mm gauge railway system. Because of the existing historical and technical constraints, the existing rail system is incompatible with mainland European standards, thus there is a consensus that Estonia, Latvia and Lithuania need to be fully integrated into the wider European rail transport system. Currently there is no efficient 1435 mm railway connection along the Warsaw-Kaunas-Riga-Tallinn axis, i.e. there are missing links or significant bottlenecks. Thus, there are no direct passenger or freight services along the railway axis as the existing infrastructure does not allow for competitive services compared to alternative modes of transport. Thus, the clear majority of the North-South freight is being transported by road transport and the overall accessibility in the region is low.

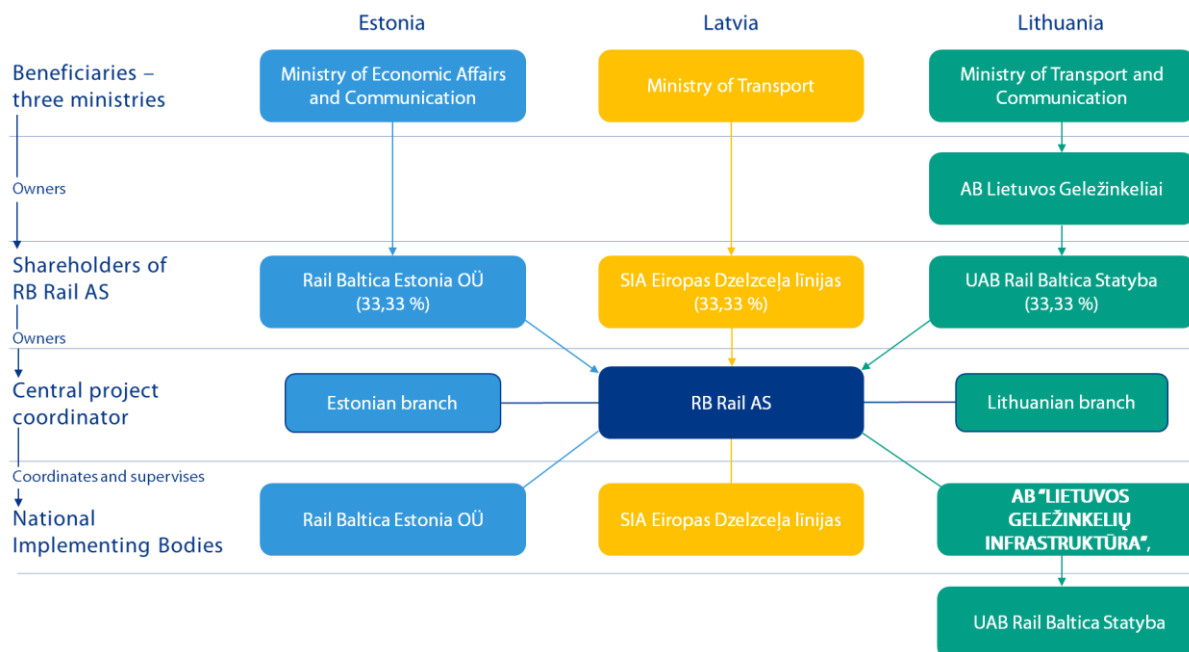
The ambitions of the Rail Baltica Global project (Global Project) are:

- to become a powerful catalyst for sustainable economic growth in the Baltic States;
- to set a new standard of passenger and freight mobility;
- to ensure a new economic corridor will emerge;
- sustainable employment and educational opportunities;
- an environmentally sustainable infrastructure;
- new opportunities for multimodal freight logistics development;
- new intermodal transport solutions for passengers;
- safety and performance improvements;
- a new value platform for digitalization and innovation;
- completion of Baltic integration in the European Union transport ecosystem.

Rail Baltica is already designed to become a part of the EU TEN-T North Sea – Baltic Core Network Corridor, which links Europe's largest ports of Rotterdam, Hamburg and Antwerp – through the Netherlands, Belgium, Germany and Poland – with the three Baltic States, further connecting to Finland via the Gulf of Finland short sea shipping connections with a future fixed link possibility between Tallinn and Helsinki. Further northbound extension of this corridor shall pave the way for future connectivity also with the emerging Arctic corridor, especially in light of the lucrative prospects of the alternative Northern Circle maritime route development between Europe and Asia. Furthermore, the North Sea – Baltic Corridor crosses with the Baltic-Adriatic Corridor in Warsaw, paving the way for new supply chain development between the Baltic and Adriatic seas, connecting the Baltics with the hitherto inadequately accessible Southern European markets. In a similar fashion, Rail Baltica shall strengthen the synergies between North-South and West-East freight flows, creating new trans-shipment and logistics development opportunities along the Europe and Asia overland trade routes. The new Rail Baltica infrastructure would, therefore, not only put the Baltics firmly on the European rail logistics map, but also create massive opportunities for value creation along this infrastructure with such secondary economic benefits as commercial property development, revitalization of dilapidated urban areas, private spin-off investment, new business formation, technology transfer and innovation, tourism development and other catalytic effects. Rail Baltica aims to promote these effects from the early stages of the Global Project, learning from the key global success stories and benchmarks in this regard.

RB Rail AS 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 diagram below illustrates the shareholder and project governance structure of the Rail Baltica project.



Rail Baltica is a joint project of three EU Member States – Estonia, Latvia and Lithuania – and concerns the building of a fast conventional double-track 1435 mm gauge electrified and ERTMS equipped mixed use railway line on the route from Tallinn through Pärnu (EE), Riga (LV), Panevėžys (LT), Kaunas (LT) to the Lithuania/Poland state border (including a Kaunas – Vilnius spur) with a design speed of 240km/h. In the longer term, the railway line could potentially be extended to include a fixed link between Helsinki and Tallinn, as well as integrate the railway link to Warsaw and beyond.

The expected core outcome of the Rail Baltica Global Project is a European gauge (1435mm) double-track railway line of almost 900 km in length meant 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. WITHIN THE SCOPE OF THE AGREEMENT THE PRINCIPAL WILL ENGAGE THE SERVICE PROVIDER FOR THE FOLLOWING SERVICES:

2.1. the Principal will engage the Service Provider on demand for recruitment of the following position levels within and outside the Baltic states (including attraction of Expatriates) for the work placement with RB Rail AS in any one of the Baltic countries (Estonia, Latvia, Lithuania) as a part of the defined scope of Services under the Agreement:

Position level	Description	Deliverable	Milestone
P1	Candidates: Level of experience 1-5 years. Junior level positions in administration, accounting, legal, procurement, project management and engineering.	a shortlist of at least three (3) qualified Candidates**	SSD* + five (5) weeks
P2	Candidates: Level of experience 5 – 10 years Mid-level positions: senior accountant, finance control, cost engineers, logistics	a shortlist of at least three (3) qualified Candidates**	SSD* + five (5) weeks

	and technical experts, project management coordinators, stakeholder management.		
P3	Candidates: Level of experience 10+ years Senior level positions: railway infrastructure project engineers, technical experts, stakeholder management, professional project managers, Intermodal Logistics expert, Procurement Managers.	a shortlist of at least three (3) qualified Candidates**	SSD* + six (6) weeks

*Service Start Date (SSD): the day following the vacancy specification meeting for the respective Assignment;

**For the purpose of the Agreement the Principal shall determine, upon its sole discretion, the compliance of the Candidate's qualifications with the requirements of the respective position as defined by the Parties within the scope of the Assignment;

3. FOR THE PROVISION OF THE DEFINED SCOPE OF SERVICES UNDER CLAUSE 2.1. THE SERVICE PROVIDER WILL BE REQUIRED TO CARRY OUT THE FOLLOWING TASKS:

- 3.1. develop Vacancy Specification (position purpose, essential job functions, requirements, qualifications and competencies – in the form provided by the Principal) in cooperation with the Principal's Hiring Team and assist the Principal in developing job description in line with the job market requirements and best practices;
- 3.2. deploy various recruiting methods and channels to attract both active and passive job seekers, develop recruitment plan and execute recruitment, sourcing candidates in Estonia, Lithuania, and Latvia in accordance with the Vacancy Specification. If no suitable candidates are available in the Baltic states the contractor is expected to source the candidates globally, provided that candidate has the right to live and work in the employment country;
- 3.3. provide advice to the Principal on salary levels in the respective job market;
- 3.4. provide the Principal's Hiring Team with regular (once in two weeks) recruitment project status reports in writing via e-mail.
- 3.5. provide consultations and recommendations to the Principal during the Services provision to ensure a successful selection process, to maintain a good and competitive employer image and reputation during the selection process and to successfully recruit the selected candidate.

ANNEX NO 3: APPLICATION

**APPLICATION FOR PARTICIPATION IN THE OPEN COMPETITION
"RECRUITMENT SERVICES"
(ID NO RBR 2021/27)**

[FORM OF THE TENDERERS COMPANY]

2022._____._____

Name of the Tenderer or all members of the partnership	
Registration number of the Tenderer or all members of the partnership	
VAT payer registration number of the Tenderer or all members of the partnership	
Name, surname and position of the person authorized to represent the Tenderer or name of nominated representative (in case of established partnership)	
Legal address of the Tenderer or all members of the partnership	
Correspondence address of the Tenderer or all members of the partnership	
Bank of the Tenderer or all members of the partnership	
Bank code (SWIFT) of the Tenderer or all members of the partnership	
Bank account (IBAN) of the Tenderer or all members of the partnership	
Contact person and contact information of the Tenderer (name, surname, position, telephone number, e-mail)	

By submitting the Proposal, the Tenderer hereby:

1. Confirms participation in the Open competition "Recruitment services" No RBR 2021/27, in a⁹:

Part No 1 - Recruitment Services - EUROPEAN UNION / EUROPEAN ECONOMIC AREA

☐

Part No 2 - Recruitment Services - Baltic states (Latvia, Lithuania, Estonia)

☐

2. *(Only if applicable)*: Informs that the following entities and/or persons comply with the following exclusion grounds:

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

⁹ Please indicate by ticking relevant box/ -es in which the Tenderer takes participation.

[•]
[•]

3. Confirms that, if the Tenderer will be awarded the Contract, Tenderer will provide the services in accordance with the requirements of the Annex No 1 "Technical specification for Part No 1" and/or Annex No 2 „Technical specification for Part No 2”.
4. Confirms that 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 as well as enter into a Contract in accordance with the Draft contract enclosed with the Regulations (Annex No 12 „Draft contract”).
5. Confirms that in the preparation and submission of its Proposal, Tenderer has fully considered all the clarifications issued by the Contracting authority;
6. Agrees that the Contracting authority reserves itself the right to reject any or all Proposals and cancel the procurement process before entry into Contract on the grounds specified in the Regulations or the law;
7. Guarantees that all information and documents provided are true;

8. Confirms¹⁰ that meets the criteria of (please indicate by ticking relevant box):

☐ a small ☐ medium ☐ other

sized enterprise¹¹ as defined in the Article 2 of the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprise.¹²

9. Please indicate which one of the offered Project Managers (for Latvia, Lithuania, Estonia) will be the main contact person during the performance of the Contract (*Only for Part No 2*):

Name and surname of the Tenderer offered Project Manager

Signature: _____

Date: *[date of signing]*

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

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

¹⁰ Tenderer must indicate size of enterprise for each member of the partnership, if the Tenderer is a partnership.

¹¹ 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.

¹² 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 4: CONFIRMATION OF FINANCIAL STANDING

CONFIRMATION OF TENDERER'S FINANCIAL STANDING FOR THE OPEN COMPETITION "RECRUITMENT SERVICES" (ID NO RBR 2021/27)

1. Section 8.3.1 of the Regulations

Tenderers or all members of the partnership together (if the Tenderer is a partnership and confirms the average annual financial turnover jointly) average annual financial turnover within the last 3 (three) financial years, i.e., 2018, 2019, 2020 is not less:

- 1) than 130 000,00 EUR (one hundred thirty thousand euros) if the Tenderer applies for the **1.part**;
- 2) than 200 000,00 EUR (two hundred thousand euros) if the Tenderer applies for the **2.part**.

If the Tenderer applies for both parts, the Tenderer's, or all members of the partnership together (if the Tenderer is a partnership), average annual financial turnover within the last 3 (three) financial years, i.e., 2018, 2019, 2020 is not less than the sum of average annual financial turnover values set for each part for which the Tenderer has applied by submitting Application.

In the event the average annual financial turnover of a limited partner of the limited partnership (within the meaning of The Commercial Law, Division 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) 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.			
Name of the Tenderer/member of a partnership/other entity			
1	2020		
2	2019		
3	2018		
Average annual turnover within the last 3 (three) financial years (1+2+3/3) =			
If the Tenderer is partnership, please continue and provide info regarding each member and partnership in total.			
1			

2			
3			
[..]			

2. Section 8.3.2 of the Regulations

The Tenderer and 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*).**

Name of the Tenderer/member of partnership/other entity

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

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

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 5: EXPERIENCE OF THE TENDERER

DESCRIPTION OF THE TENDERER'S EXPERIENCE FOR THE OPEN COMPETITION "RECRUITMENT SERVICES" (ID NO RBR 2021/27)

The tenderer within the previous 5 (five) years (2017 to until the date of submission of proposals) has gained the following experience:

The Tenderer is required to complete only the part of the procurement in which Tenderer is taking part.

Part No 1 - Recruitment Services - EUROPEAN UNION / EUROPEAN ECONOMIC AREA

Section 8.4.1.1 and 8.4.1.2 of the Regulations*

No	Detailed description of the services and projects (contracts) (including sector the project was related to, naming country involved, information about job positions and job levels the employees were selected etc.)	Date of commencement and completion of services provided (experience obtained) (month/year – month/year)	Name of the Contracting Authority (Client)	Contact information of Contracting Authority (Client)
1.				
2.				
3.				
[..]				

*** Clause 8.4.1.1 of the Regulations** – The Tenderer within the previous 5 (five) years (2017 to until the date of submission of the Proposal) has gained experience in recruitment of candidates in at least 2 (two) projects (contracts) covering all the following requirements: **a)** project (contract) was addressed, and candidates has selected within European Union or European Economic Area, but outside the Baltic states and outside the country where Tenderer is registered; **b)** projects (contracts) were related to the construction or infrastructure or transport sector; **c)** has been selected employees from at least two of these job levels - management level / expert level/ specialist level; **d)** within projects (contracts) has been selected employees from two different of the following job positions: - high speed railway specialists/experts; - engineers, - senior engineers; - project managers; - project directors; - team leads; - project planners; - contract managers; - Heads of Departments. Each project (contract) must be completed.

and Clause 8.4.1.2 of the Regulations – The Tenderer within last 5 (five) years (2017 to until the date of submission of the Proposal) has gained experience in recruitment of candidates abroad (within European Union or European Economic Area but outside the Baltic states) in at least 1 (one) project (contract) where Tenderer: **a)** used recruitment methods and tools (resourcing, headhunting, assessments methods etc.); **b)** used mental ability, personality, logical or other relevant assessment tools. **Project (contract) must be completed.**

Part No 2 - Recruitment Services - Baltic states (Latvia, Lithuania, Estonia)

Section 8.4.2.1 and 8.4.2.2 of the Regulations*

No	Detailed description of the services and projects (contracts) (including sector the project was related to, naming country involved, information about job levels the employees were selected etc.)	Date of commencement and completion of services provided (experience obtained) (month/year – month/year)	Name of the Contracting Authority (Client)	Contact information of Contracting Authority (Client)
1.				
2.				
3.				
[..]				

* **Clause 8.4.2.1 of the Regulations** – The Tenderer within the previous 5 (five) years (2017 to until the date of submission of the Proposal) has gained experience in recruitment of candidates within Baltic states (Latvia, Lithuania, Estonia) in at least 3 (three) projects (contracts) where (a) **at least 1 (one) project** was related to the construction or infrastructure or transport sector; (b) **at least within 1 (one) project** has been selected employees from at least two different of these job levels - management level / expert level/ specialist level junior specialist level (beginner). Experience within projects (contracts) used to demonstrate the Tenderers experience stipulated in this Clause shall address at least 2 (two) different Baltic states (Latvia, Lithuania, Estonia). Each project (contract) must be completed.

and Clause 8.4.2.2 of the Regulations – The Tenderer within last 5 (five) years (2017 to until the date of submission of the Proposal) has gained experience in recruitment of candidates in at least 1 (one) project (contract) where Tenderer: a) used recruitment methods and tools (resourcing, headhunting, assessments methods etc.); b) used mental ability, personality, logical or other relevant assessment tools. Project (contract) must be completed.

Copies of references from respective Clients (Contracting Authorities) or similar documents evidencing the experience indicated in the table above, shall be added to this document. Only completed contracts can be used for references.

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 6: EXPERIENCE OF THE PROJECT MANAGER FOR PART NO 1

INFORMATION ABOUT EXPERIENCE OF THE PROJECT MANAGER FOR THE OPEN COMPETITION "RECRUITMENT SERVICES" (ID NO RBR 2021/27)

Part No 1 - Recruitment Services - EUROPEAN UNION / EUROPEAN ECONOMIC AREA

Section 8.4.1.3 (a) and (b), (1), (2), (3) of the Regulations

No				
	Project Manager		Name, surname	
1.	Education (Educational institution)		Period of studies (month/year – month/year)	Obtained degree (-s)
1.1.				
1.2.				
[..]				
	Professional experience:			
2.	Employer (name of the company) and position in company	Project (client) to whom services were provided under contract	Detailed description of the responsibilities according to contract, which characterize the experience, mentioned in respective subsections of Section 8.4.1.3. (Including sector, the project was related to, naming country involved, information about job positions and job levels the employees were selected etc.)	Description of project (period (month/year -month/year), scope, etc))

2.1.				
2.2.				
2.3.				
[..]				

I, the undersigned confirm that I have **English language skills** at least at **C₁ Level** - based on Common European Framework of Reference for Languages ¹³:

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 this open competition "**Recruitment services**", id. **No RBR 2021/27**. I confirm that in case the Tenderer [*name of the Tenderer*: _____] will conclude the Contract as the result of this 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.

Project Manager:

Signature [*signature of the Project Manager*]: _____

Date: [*date of signing*]

Name: [*name of the Project Manager*]

¹³ 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 7: EXPERIENCE OF THE PROJECT MANAGER FOR PART NO 2

Part No 2 - Recruitment Services - Baltic states (Latvia, Lithuania, Estonia)

Section 8.4.2.4 (a) and (b), (1), (2), (3) of the Regulations¹⁴

Please indicate by ticking relevant box/-es (Latvia, Lithuania, Estonia) in which the Project Manager will be offered ☐ Latvia; ☐ Lithuania; ☐ Estonia.

No	Project Manager			Name, surname
1.	Education (Educational institution)	Period of studies (month/year – month/year)	Obtained degree (-s)	
1.1.				
1.2.				
[..]				
Professional experience:				
2.	Employer (name of the company) and position in company	Project (client) to whom services were provided under contract	Detailed description of the responsibilities according to contract, which characterize the experience, mentioned in respective subsections of Section 8.4.2.4. (Including sector the project was related to, naming country involved, information about job levels the employees were selected etc.)	Description of project (period (month/year -month/year), scope, etc))
2.1.				

¹⁴ Shall be prepared for each Project Manager separately (Latvia, Lithuania, Estonia)

2.2.				
2.3.				
[..]				

I, the undersigned confirm that I have **English language skills** at least at C₁ Level - based on Common European Framework of Reference for Languages ¹⁵:

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 this open competition “**Recruitment services**”, id. No RBR 2021/27. I confirm that in case the Tenderer [name of the Tenderer: _____] will conclude the Contract as the result of this 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.

Project Manager:

Signature [signature of the Project Manager]: _____

Date: [date of signing]

Name: [name of the Project Manager]

¹⁵ 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: ENTITIES ON WHOSE CAPABILITIES THE TENDERER RELIES ON TO CERTIFY ITS COMPLIANCE WITH QUALIFICATION REQUIREMENTS

A LIST OF OTHER ENTITIES ON WHOSE CAPACITY TENDERER RELIES ON TO MEET THE REQUIREMENTS OF THE OPEN COMPETITION
"RECRUITMENT SERVICES"
(ID NO RBR 2021/27)

No	Name of the entity (registration No., legal address)	Description of the capabilities the Tenderer relies on to certify its compliance with qualification requirements
1		
2		
[..]		

NB!

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 9: SUBCONTRACTORS

**A LIST OF THE SUBCONTRACTORS FOR THE OPEN COMPETITION
"RECRUITMENT SERVICES"
(ID NO RBR 2021/27)**

No	Name of the subcontractor (registration No., legal address)	Description of the sub- contracted task	Subcontracted tasks Amount, EUR (without VAT)	% From the proposed contract price	Size of the enter- prise ¹⁶
I	Total amount of the sub- contracted tasks is equal to or exceeds 10% from the proposed contract price				
1					
2					
n+1					
Total:					
II	Total amount of the sub- contracted tasks is smaller than 10% from the proposed contract price				
1					
2					
n+1					
Total:					
Total (I+II)					

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]

¹⁶ Please indicate the size of enterprise (small, medium or other) as defined in the Article 2 of Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprise. 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 10. FINANCIAL PROPOSAL FOR PART NO 1

FINANCIAL PROPOSAL FOR THE OPEN COMPETITION "RECRUITMENT SERVICES" (ID NO RBR 2021/27)

Part No 1 - Recruitment Services - EUROPEAN UNION / EUROPEAN ECONOMIC AREA

The Tenderer [*name of the Tenderer*] offers to deliver services in accordance with the Annex No 1 "Technical specification for Part No 1" for the following costs:¹⁷

No.	Service	Units	Price (EUR without VAT)
1.	P4 Candidates: Level of experience 5+ years High speed railway specialists, engineers, Lead project managers, Team leads	1	
2.	P5 Candidates: Level of experience 10+ years High speed railway experts, senior engineers, Project directors, Heads of Departments	1	

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*]

¹⁷ When preparing the Financial proposal, the rules of Section 12 of the Regulations shall be considered.

ANNEX NO 11. FINANCIAL PROPOSAL FOR PART NO 2

FINANCIAL PROPOSAL FOR THE OPEN COMPETITION "RECRUITMENT SERVICES" (ID NO RBR 2021/27)

Part No 2 - Recruitment Services - Baltic states (Latvia, Lithuania, Estonia)

The Tenderer [*name of the Tenderer*] offers to deliver services in accordance with the Annex No 2 "Technical specification for Part No 2" for the following costs:¹⁸

No.	Service	Units	Price (EUR without VAT)
1.	P1 Candidates: Level of experience 1-5 years. Junior level positions in administration, accounting, legal, procurement, project management and engineering.	1	
2.	P2 Candidates: Level of experience 5 – 10 years Mid-level positions: senior accountant, finance control, cost engineers, logistics and technical experts, project management coordinators, stakeholder management.	1	
3.	P3 Candidates: Level of experience 10+ years Senior level positions: railway infrastructure project engineers, technical experts, stakeholder management, professional project managers, Intermodal Logistics expert, Procurement Managers.	1	

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*]

¹⁸ When preparing the Financial proposal, the rules of Section 12 of the Regulations shall be considered.

ANNEX NO 12: DRAFT CONTRACT