

CANDIDATE SELECTION REGULATION

for Competitive Procedure with Negotiation

"RAIL BALTICA ENERGY SUBSYSTEM DESIGN AND BUILD"

(identification No: RBR 2022/7)



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1. ABBREVIATIONS AND TERMS

Denomination	Abbreviation	Definition
Alternating Current	AC	-
Asset Information Management	AIM	-
Application	-	Documentation package the Candidate submits to participate in the First Stage of the Competition.
Building Information Management	BIM	-
Candidate	-	A Supplier which has submitted an Application.
Control-Command and Signalling	CCS	-
Competition (also the Procurement)	-	Competitive procedure with negotiation "Rail Baltica Energy subsystem design and build" (ID No RBR 2022/7).
Contract	-	Agreement for design and construction of ENE subsystem works, consisting of Particular Conditions, General Conditions of FIDIC Yellow Book (2017 edition) and all other appendixes.
Contracting Authority	-	The joint stock company RB Rail AS, registration number: 40103845025, legal address: Satekles iela 2B, Riga LV-1050, Latvia. The Contracting Authority conducts this procurement for the benefit of the Ministry of Transport of the Republic of Latvia, Ministry of Economic Affairs and Communications of the Republic of Estonia and Ministry of Transport and Communications of the Republic of Lithuania.
Design guidelines	-	Set of predefined and standardized technically and economically justified engineering and design solutions for Rail Baltica infrastructure to be applied at design, construction and operation phases of Rail Baltica Railway, which forms an integral part of this Technical Specification. The Design guidelines may be changed by the Client, therefore the Agreement always refers to the most current version of the Design guidelines.
ENE	-	Rail Baltica railway energy subsystem, covering extended energy term (as defined in ENE TSI), High Voltage Feeding Lines, other facilities falling under scope of Rail Baltica Global Project implementation and related to the feeding/control of traction facilities.
Energy Control Command System	ECCS	-

European Single Procurement Document	ESPD	-
First Stage Regulation (also the Regulation)	-	Candidate selection Regulation of the Competition.
First Stage of the Competition (also the First Stage)	-	Qualification stage that includes selection of Candidates who will be invited to submit a Bid in the Second Stage of the Competition.
Geographic Information System	GIS	-
Health Safety Environment and Quality	HSEQ	-
Overhead Contact System	OCS	-
Procurement commission	-	Commission the composition of which has been established by Contracting Authority; order No 1.9-2022-10 dated 24.03.2022 issued by Management Board of the RB Rail AS.
Proposal (also the Bid)	-	Documentation package the Tenderer submits to participate in the Second Stage of the Competition.
Rail Baltica Global Project	RBGP	All the activities undertaken by the Rail Baltica railway implementing parties in order to build, put in operation and commercialize the Rail Baltica railway and related railway infrastructure in accordance with the agreed route, technical parameters and time schedule.
Rail Baltica railway	-	A new fast conventional double track electrified European standard gauge (1435 mm) railway line on the route from Tallinn through Pärnu - Riga - Panevėžys - Kaunas to Lithuanian - Polish border, with a connection line between Kaunas and Vilnius.
Remote Terminal Unit	RTU	-
Second Stage of the Competition (also the Second Stage)	-	Proposal stage that includes the evaluation of the Bids submitted by the Tenderers and awarding the rights to conclude the Contract.
Static Frequency Converter	SFC	-
Supplier	-	An individual 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.
Technical Specifications for Interoperability	TSI	-
Tenderer	-	A Candidate which was invited to submit a Proposal and has submitted a Proposal.

Traction Power Substation	TSS	An electrical installation where power is received at high voltage and transformed to the voltage and characteristics required at the catenary and negative feeders for the nominal 2x25 kV system, containing equipment such as transformers, circuit breakers and sectionalising switches. It also includes the incoming lines from the power supply utility.
Transmission System Operators	TSO	-

2. GENERAL INFORMATION

- 2.1. The contracting entity is joint stock company RB Rail AS, registration number 40103845025, legal address: Satekles iela 2B, Riga LV-1050, Latvia. The Contracting Authority conducts this procurement for the benefit of the Ministry of Transport of the Republic of Latvia, Ministry of Economic Affairs and Communications of the Republic of Estonia and Ministry of Transport and Communications of the Republic of Lithuania.
- 2.2. The subject-matter of the Competition is to deliver **Rail Baltica Energy subsystem** through the **design and build** contract (hereinafter – **ENE D&B**). General description of the subject-matter of the Competition is included in the Annex No 2 of the Regulation. Detailed description of the subject-matter of the Competition will be disclosed to the Candidates who will be selected for submitting a Proposal during the Second Stage of the Competition.
- 2.3. The identification number of the Competition is RBR 2022/7.
- 2.4. The applicable CPV code is 45000000-7 (Construction work) and 71000000-8 (Architectural, construction, engineering and inspection services).
- 2.5. Competition is organised in accordance with the Public Procurement Law in effect on the date of publishing the contract notice. The Competition consists of two stages:
 - 2.5.1. The First Stage of the Competition – qualification stage - selection of Candidates who will be invited to submit a Bid in the Second Stage of the Competition;
 - 2.5.2. The Second Stage of the Competition – proposal stage - evaluation of the Bids submitted by the Tenderers and awarding the rights to conclude a Contract. The Second Stage includes any negotiations that may be relevant to be undertaken as specified by the Contracting Authority and would likely take place in Riga, Latvia.
- 2.6. The period for starting provision of ENE D&B shall be right after the Contract commencement date. The total period of Contract shall cover the deployment of Energy subsystem for Rail Baltica Global project, including defect notification period. Currently it is estimated that the implementation of Rail Baltica Global project will take place by end of Year 2030 or longer, if project implementation will be extended and the funding for the whole scope will be approved.
- 2.7. ENE D&B is co-financed by the Connecting Europe Facility (CEF) and could also be financed by other financing sources. Currently the financing for the whole scope of the ENE D&B is not secured, as the Rail Baltica global project implementation required funding is ensured in line with the regular EU funding cycles, however the first phase financing is anticipated from the application already submitted to CINEA. Further financing will be secured according to the projected contractual cash flow to ensure continuity of the implementation of the Contract accordingly.
- 2.8. The Competition requires negotiations since the Contract cannot be awarded without prior negotiations because of specific circumstances related to the nature, the complexity and the legal and financial make-up of the Competition, and because of the risks attaching to them as provided under Section 8, Paragraph 6, Clause 3 of the Public Procurement Law.

- 2.9. The Competition is carried out using E-Tenders system which is a subsystem of the Electronic Procurement System (<https://www.eis.gov.lv/EKEIS/Supplier>). Supplier shall apply for the Electronic Procurement System (if the Supplier is not registered in Electronic Procurement System) in State Regional Development Agency (please see information here <http://www.railbaltica.org/procurement/e-procurementsystem/>).
- 2.10. The Regulation and all its annexes are freely available on the Contracting Authority's profile in the E-Tenders system on the webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/79601> and Contracting Authority's webpage <http://railbaltica.org/tenders/>.
- 2.11. Amendments to the Regulation and answers to Suppliers' questions shall be published on the E-Tenders system webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/79601> and the Contracting Authority's webpage <http://www.railbaltica.org/tenders/>. It is the Supplier's responsibility to constantly follow the information published on the webpage and to take it into consideration in preparation of its Application.
- 2.12. Contact person of the Contracting Authority for the Competition is Procurement Manager Aiga Benfelde, telephone: +371 26360325, e-mail address: aiga.benfelde@railbaltica.org.
- 2.13. Requests for information or additional explanations must be submitted 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 contact person electronically by e-mail. Answers to questions or explanations from the Contracting Authority are also provided through the E-Tenders system and e-mail (in case the Supplier does not yet have access to the system).

3. INFORMATION ABOUT THE SECOND STAGE OF THE COMPETITION AND THE CONTRACT

- 3.1. The Bid selection criterion is the most economically advantageous proposal, according to the evaluation methodology to be described in the Second Stage of the Competition.
- 3.2. The Second Stage of the Competition includes any negotiation that may be relevant to be undertaken as specified by the Contracting Authority, although Contracting Authority may perform evaluation of the Bids submitted by the Tenderers without any negotiation and award rights to conclude Contract to Tenderer with the most economically advantageous proposal according to the evaluation methodology to be described in the Second Stage of the Competition.
- 3.3. Considering that the subject-matter of the procurement relates to the national security interests of Lithuania, Latvia and Estonia and by abiding to the requirements of:
 - 3.3.1. the Law on the Protection of Objects of Importance to Ensuring National Security of Lithuania, the Contract may be concluded only if and when the Coordination Commission of the Protection of Objects of Importance to Ensuring National Security of Lithuania approves that the Tenderer is compliant with the national security interests of Lithuania and Tenderers proposal shall be rejected if:
 - (a) the Tenderer is found to be incompliant with the national security interests of Lithuania by respective institutions of Lithuania as provided by law;
 - (b) respective institutions of Lithuania require the tenderer to implement additional measures, but the tenderer refuses to do so, does so breaching the deadline set by the respective institutions of Lithuania, or the respective institutions of Lithuania render the implemented measures as insufficient/inadequate. The check of compliance with the national security interests will be implemented at a second stage of the tender, before the signature of the contract with the winning Candidate.
 - 3.3.2. the Cabinet Regulations of Latvia No 508 "Procedures for the planning and implementation of identification, security measures and operational continuity of critical infrastructure, including European critical infrastructure". The Procurement commission is entitled to send information on Candidates who meet the requirements of the

Regulations to the Latvian State Security Service for inspection, before approving the results of the first stage of the Competition and/or before awarding the contract rights in second stage of the Competition. In the event of a negative conclusion of the Candidate by the Latvian State Security Service, the Procurement commission will exclude it from the Competition.

- 3.4. The successful Tenderer shall be obliged to ensure that all requirements of Suppliers declaration (Annex No 14), which shall be signed together with the Contract, is followed, including, ensure absence of any conflicts of interests during the provision of services under the Contract.
- 3.5. The contract will be based on work orders, any particular work order shall be issued only when the funding for it secured.
- 3.6. Considering the nature, timeline, and amount of the services and works, the limit of liability shall be the total amount of all work orders issued. The final liability limit shall be the Contract Price including also 1) all approved Variations under the Agreement and 2) Exceptional Costs.

4. CANDIDATE

- 4.1. The Application can be submitted by:
 - 4.1.1. A Supplier, who is a legal or natural person and who complies with the selection criteria for Candidates;
 - 4.1.2. A group of Suppliers (hereinafter – **Candidate, partnership**) that complies with the selection criteria for Candidates:
 - (a) A group of Suppliers who have formed a partnership for the Competition. In this case all the members of the partnership shall be listed in Annex No 1 "Application for participation in the 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 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 Commercial Law of the Republic of Latvia, Division IX and X) and notify the Contracting Authority in writing;
 - (b) An established and registered partnership (a general partnership or a limited partnership within the meaning of Commercial Law of the Republic of Latvia, Division IX and X) which complies with the selection criteria for Candidates.
- 4.2. According to Article 5k of Council Regulation (EU) 2022/576 of 8 April 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine it is prohibited to participate in the Competition:
 - 4.2.1. a Russian national, or a natural or legal person, entity or body established in Russia;
 - 4.2.2. a legal person, entity or body whose proprietary rights are directly or indirectly owned for more than 50 % by an entity referred to in point 4.2.1. of this paragraph;
or
 - 4.2.3. a natural or legal person, entity or body acting on behalf or at the direction of an entity referred to in point 4.2.1. or 4.2.2. of this paragraph, including, where they account for more than 10 % of the contract value, subcontractors, suppliers or entities whose capacities are being relied on within the meaning of the Public Procurement Law of Latvia.
- 4.3. With reference to Section 15 of the Public Procurement Law of Latvia and the Contracting Authority's discretion in the application of Section 15 of the Public Procurement Law of Latvia, participation of any entities from the Russian Federation and/or the Republic of Belarus is prohibited.

5. SELECTION CRITERIA FOR CANDIDATES

5.1. Legal standing and suitability to pursue the professional activity

No	Requirement	Documents to be submitted
1.	The Candidate or all members of the partnership (if the Candidate is a partnership) must be registered in the Registry of Enterprises or Registry of Inhabitants, or an equivalent register in their country of residence, if the legislation of the respective country requires registration of natural or legal persons.	<ul style="list-style-type: none"> - For a Candidate (or a member of a partnership, a person on whose capacity a Candidate relies) which is a legal person registered in Latvia, the Contracting Authority shall verify the information itself in publicly available databases. - For a Candidate (or a member of a partnership, a person on whose capacity a Candidate relies) which is a natural person – a copy of an identification card or passport. - For a Candidate (or a member of a partnership, a person on whose capacity a Candidate relies) 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 wherefrom at least the fact of registration, shareholders, officials and procura holders (if any) can be determined. - If the Application is submitted by a partnership, the Application shall include an agreement (or letter of intention to enter into agreement) signed by all members on the participation in the Competition, which lists responsibilities of each and every partnership member and a joint commitment to fulfil the Contract, obligation to complete the Contract in case if one or several JV members are not performing their contract obligations, and which authorises one key member to sign the Application and other documents, to receive and issue orders on behalf of the partnership members, and with whom all payments will be made. - If the Application or any other document, including any agreement, is not signed by the legal representative of the Candidate, members of the partnership, person on whose capacity the Candidate relies, a document certifying the rights of the persons who have signed the Application or any other documents, to represent the Candidate, a member of the partnership, a person on whose capacity the Candidate is relying, (powers of attorney, authorisation agreements etc.) must be included.

No	Requirement	Documents to be submitted
2.	<p>The Candidate, all members of the partnership (if the Candidate is a partnership), persons on whose capacity a Candidate relies and subcontractors are¹:</p> <p>1) a legal person –</p> <p>a) registered in a Member State to the North Atlantic Treaty Organization (hereinafter - NATO), European Union or European Economic Area;</p> <p>b) whose beneficial owner² is a citizen of the NATO, European Union or European Economic Area or non-citizen of the Republic of Latvia; and</p> <p>c) whose manufacturer of the software or equipment used for the provision of the Services is a legal person registered in a Member State of NATO, the European Union or the European Economic Area, or a natural person who is a national of the Republic of Latvia, a citizen of NATO, the European Union or the European Economic Area</p> <p>or</p> <p>2) a natural person who is a national of the Republic of Latvia, a citizen of the Member State to the NATO, European Union or European Economic Area.</p>	<ul style="list-style-type: none"> - No obligation to submit documents, unless specifically requested by the Procurement commission. - The Procurement commission is obligated to apply requirements stipulated in Paragraph 36.¹ of Cabinet Regulation No 442 "Procedures for the Ensuring Conformity of Information and Communication Technologies Systems to Minimum Security Requirements" dated 28.07.2015 and not invite the Candidate to the 2nd stage of the Competition (where the decision to award rights to conclude the contract will be taken), if statement from Latvian State Security Service with prohibition to conclude the contract has been received.
3.	<p>The representative of the Candidate or a member of a partnership, or a person on whose capacity Candidate relies who has signed documents contained in the Application has the right of signature, i.e., it is an official having the right of</p>	<ul style="list-style-type: none"> - A document confirming the right of signature (representation) of the representative of the Candidate or a member of the partnership, or the person on whose capacity Candidate relies who signs the Application. For a Candidate (or the member of a partnership),

¹ Please see the Paragraph 36.¹ of Cabinet Regulation No 442 "Procedures for the Ensuring Conformity of Information and Communication Technologies Systems to Minimum Security Requirements" dated 28.07.2015 (available here: <https://likumi.lv/ta/id/275671-kartiba-kada-tiek-nodrosinata-informacijas-un-komunikacijas-tehnologiju-sistemu-atbilstiba-minimalajam-drosibas-prasibam>).

² **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 interests business relationship is being established or an individual transaction is being executed, and it is at least:

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

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

No	Requirement	Documents to be submitted
	signature or a person authorized by the Candidate or by the member of a partnership, or by the person on whose capacity Candidate relies.	the person on whose capacity Candidate relies which is a legal person registered in Latvia the Contracting Authority shall verify the information itself in publicly available databases. <ul style="list-style-type: none"> - If the Candidate (or the member of the partnership), or a person on whose capacity Candidate relies, submits a power of attorney (original or a copy certified by the Candidate) there shall be additionally submitted documents confirming that the issuer of the power of attorney has the right of signature (representation) of the Candidate, member of a partnership, or by the person on whose capacity Candidate relies.

5.2. Economic and financial standing

No	Requirement	Documents to be submitted
1.	<p>The Candidate's or all members' of the partnership together (if the Candidate is a partnership and confirms the average financial turnover jointly), average financial turnover within the last 3 (three) financial years (2019, 2020, 2021) is not less than 300 000 000,00 EUR (three hundred million euros zero cents). In the event the average annual financial turnover of a limited partner of the limited partnership (within the meaning of The Commercial Law of the Republic of Latvia, 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.</p> <p>In the event the Candidate or a member of a partnership (if the Candidate is a partnership) has operated in the market for less than 3 (three) financial years, the requirement shall be met during the Candidate's actual operation period.</p>	<ul style="list-style-type: none"> - Filled in and signed Annex No 8 "Confirmation of Candidate's financial standing"; - Audited or self-approved (if the annual financial statement is not required by the law of the country of residence of the Candidate) annual financial statements for financial years 2019, 2020, 2021 showing the turnover of the Candidate and each member of the partnership on whose capacity Candidate is relying to certify its financial and economic performance and who will be financially responsible for the execution of the Contract (if the Candidate is a partnership) or other entity on whose capacity Candidate is relying to certify its financial and economic performance and who will be financially responsible for the execution of the Contract. - If the previous 3 (three) reporting years of the Candidate differ from the years specified in this Section (2019, 2020, 2021), the financial turnover necessary must be indicated for the Candidate's previous 3 (three) reporting years.
2.	<p>The Candidate or each member of the partnership (if the Candidate is a partnership) on whose capacity the Candidate is relying has to certify its financial and economic performance and who will be financially and economically responsible for fulfilment of the procurement contract and entity on whose abilities the Candidate is relying to certify its financial and</p>	<ul style="list-style-type: none"> - For a limited partnership (within the meaning of the Commercial Law of the Republic of Latvia, 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).

No	Requirement	Documents to be submitted
	<p>economic performance and who will be financially and economically responsible for fulfilment of the procurement contract, shall have stable financial and economic performance, namely, <u>in the last audited financial year</u> liquidity ratio shall be equal to or exceed 1 and shall have positive equity.</p>	<ul style="list-style-type: none"> - If the Application is submitted by a partnership, Candidate shall indicate the member of the partnership on whose capacity Candidate 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 intent to enter into agreement) stipulated in Section 5.1.1 of the Regulation. - If the Candidate 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, Candidate along with the Application submits confirmation or agreement on cooperation and/or passing of resources to the Candidate, signed between such entity and the Candidate (please see the Section 6 of the Regulation for detailed information).

5.3. Technical and professional ability

No	Requirement	Documents to be submitted
1.	<p>The Candidate within the previous 15 (fifteen) years (until the date of submission of the application) has gained experience in railway project (TSI compliant³ with design speed at least 200 km/h) as main contractor or as a sub-contractor where Candidate has provided following services/works:</p> <ul style="list-style-type: none"> a) preparation of OCS detailed design⁴ for not less than 200 (two hundred) km of equivalent single track length for AC electrification system b) preparation of OCS detailed design for AC electrification system with tunnel which was at least 1 (one) km long 	<ul style="list-style-type: none"> - Filled in Annex No 3; - Description (not more than 2 pages per project).

³ **TSI compliant** hereinafter is understood as follows - TSI regulations and TSI requirements were mandatory applied for all project implementation stages fulfilling ENE TSI subsystem requirements. EC certification is not mandatory.

⁴ **Detailed design** hereinafter is understood as follows - final stage of the design process giving the right to start corresponding construction works.

No	Requirement	Documents to be submitted
	<p>c) construction and commissioning of OCS for not less than 200 (two hundred) km of equivalent single track length for AC electrification system</p> <p>d) construction and commissioning of OCS for AC electrification system for a tunnel with at least 1 (one) km length.</p> <hr/> <p><i>Each requirement (from a) to d)) can be covered by separate project.</i></p> <p><i>Total amount of projects covering requirements from Section 5.3.1 to 5.3.5 of the Regulations cannot exceed 6 (six) projects.</i></p>	
2.	<p>The Candidate within the previous 15 (fifteen) years (until the date of submission of the application) as a main contractor or as a sub-contractor has gained experience in TSI compliant railway project where the Candidate has provided the following services/works:</p> <p>a) traction power electrical simulation for detailed design</p> <p>b) preparation of detailed design for at least 3 (three) TSS for AC electrification system and High Voltage on primary side at least 110 kV</p> <p>c) construction and commissioning of at least 3 (three) TSS for AC electrification system and High Voltage on primary side at least 110 kV.</p> <hr/> <p><i>Each requirement (from a) to c)) can be covered by separate project.</i></p> <p><i>Total amount of projects covering requirements from Section 5.3.1 to 5.3.5 of the Regulations cannot exceed 6 (six) projects.</i></p>	<ul style="list-style-type: none"> - Filled in Annex No 4; - Description (not more than 2 pages per project).
3.	<p>The Candidate within the previous 15 (fifteen) years (until the date of submission of the application) as <u>design and build</u> main contractor or as a sub-contractor has gained experience in TSI compliant railway project where the Candidate has provided detailed design, installation and commissioning of one ECCS (including software,</p>	<ul style="list-style-type: none"> - Filled in Annex No 5; - Description (not more than 2 pages).

No	Requirement	Documents to be submitted
	<p>hardware, control rooms and RTUs), controlling:</p> <p>a) at least 3 (three) transformer sub-stations and</p> <p>b) OCS for at least 200 (two hundred) km of equivalent single track length.</p> <hr/> <p><i>Requirement shall be covered by one project.</i></p> <p><i>Total amount of projects covering requirements from Section 5.3.1 to 5.3.5 of the Regulations cannot exceed 6 (six) projects.</i></p>	
4.	<p>The Candidate within the previous 15 (fifteen) years (until the date of submission of the application) <u>in role of a contractor</u> has been responsible for provision of project management office services in railway project with the project investment value of at least 200 000 000,00 EUR (two hundred million euros zero cents) and project management office services covered at least:</p> <p>a) construction management</p> <p>b) HSEQ management</p> <p>c) contract management</p> <p>d) stakeholder management</p> <p>e) risk management</p> <p>f) interface and integration management</p> <p>g) requirement management</p> <p>h) communication management</p> <p>i) change and configuration management</p> <p>j) development and implementation of project management plan</p> <p>k) forecasting, reporting, scheduling.</p> <hr/> <p><i>Requirement shall be covered by one project.</i></p> <p><i>Total amount of projects covering requirements from Section 5.3.1 to 5.3.5 of the Regulations cannot exceed 6 (six) projects.</i></p>	<ul style="list-style-type: none"> - Filled in Annex No 6; - Description (not more than 2 pages).
5.	<p>The Candidate within the previous 15 (fifteen) years (until the date of submission of the application) as <u>design and build main contractor</u> has</p>	<ul style="list-style-type: none"> - Filled in Annex No 7; - Description (not more than 2 pages); - EC declaration of verification.

No	Requirement	Documents to be submitted
	<p>gained experience in <u>EC certified</u>⁵ railway project where Candidate has provided following services/works covering the integration:</p> <p>a) detailed design, construction and commissioning of OCS for tracks with not less than 50 (fifty) km of equivalent single track length for AC electrification system, and</p> <p>b) detailed design, construction and commissioning of at least 1 (one) TSS for AC electrification system and High Voltage on primary side at least 110 kV, and</p> <p>c) detailed design, construction and commissioning of ECCS (including software, hardware, main control centre and RTUs).</p> <hr/> <p><i>Requirement shall be covered by one project.</i></p> <p><i>Total amount of projects covering requirements from Section 5.3.1 to 5.3.5 of the Regulations cannot exceed 6 (six) projects.</i></p>	
6.	<p>The Candidate or each member of the partnership (if Candidate is the partnership) has quality management system that complies with:</p> <p>a) ISO 9001:2015 standard or equivalent</p> <p>b) ISO 14001:2015 standard or equivalent</p> <p>c) ISO 45001:2018 standard or equivalent.</p>	<ul style="list-style-type: none"> - A copy of certificate issued by certification body; - If the Candidate doesn't have respective ISO certificate, then self-declaration and description of the equivalent management system.

5.4. Exclusion grounds

The Contracting Authority shall exclude the Candidate from further participation in the Competition in any of the following circumstances:

No	Requirement	Documents to be submitted ⁶
1.	<p>Within previous 3 (three) years before submission of the Application the Candidate or a person who is the</p>	<ul style="list-style-type: none"> - For a Candidate and a person who is the Candidate's management board or supervisory board member, person with

⁵ **EC certified** hereinafter is understood as follows - EC declaration of verification has been issued according to the interoperability of the rail system within the European Union DIRECTIVE (EU) 2016/797 or DIRECTIVE (EU) 2008/57 (or DIRECTIVE (EU) 2001/16 or DIRECTIVE (EU) 1996/48).

⁶ Unless documents are not specifically requested by the Procurement commission, there is no obligation to submit any.

No	Requirement	Documents to be submitted ⁶
	<p>Candidate's management board or supervisory board member, person with representation rights or a procura holder, or a person who is authorised to represent the Candidate in operations in relation to a branch, has been found guilty of or has been subjected to coercive measures for committing any of the following criminal offences by such a public prosecutor's order regarding punishment or a court judgement that has entered into force and may not be challenged and appealed:</p> <p>a) establishment, management of, involvement in a criminal organization or in an organized group included in the criminal organization or other criminal formation, or participation in criminal offences committed by such an organization,</p> <p>b) bribe-taking, bribery, bribe misappropriation, intermediation in bribery, unauthorized participation in property transactions, taking of prohibited benefit, commercial bribing, unlawful claiming of benefits, accepting or providing of benefits, trading influences,</p> <p>c) fraud, misappropriation or money-laundering,</p> <p>d) terrorism, terrorism funding, creation or organization of a terrorist group, traveling for terrorist purposes, justification of terrorism, calling to terrorism, terrorism threats or recruiting or training a person in performance of acts of terrorism,</p> <p>e) human trafficking,</p> <p>f) evasion from payment of taxes or similar payments.</p>	<p>representation rights or a procura holder, or a person who is authorised to represent the Candidate in operations in relation to a branch, which are registered or residing in Latvia, the Contracting Authority will verify the information itself in publicly available databases.</p> <ul style="list-style-type: none"> - For a Candidate and a person who is the Candidate's management board or supervisory board member, person with representation rights or a procura holder, or a person who is authorised to represent the Candidate in operations in relation to a branch, which are registered or residing outside of Latvia the Candidate shall submit an appropriate statement from the competent authority of the country of registration or residence.
2.	<p>It has been detected that <u>on the last day of the term for submitting Applications</u> (in the First Stage of the Competition) or <u>on the day when a decision has been made</u> on possible granting of rights to conclude the Contract (in the Second Stage of the Competition), the Candidate has tax debts <u>in Latvia or a country where it has been incorporated or is permanently residing</u>, including debts of mandatory state social insurance contributions <u>exceeding 150 euro in total in any of the countries</u>.</p>	<ul style="list-style-type: none"> - For a Candidate registered or residing in Latvia, the Contracting Authority will verify the information itself in publicly available databases. - For a Candidate registered or residing outside of Latvia the Candidate shall submit an appropriate statement from the competent authority of the country of registration or residence.

No	Requirement	Documents to be submitted ⁶
3.	Candidate's insolvency proceedings have been announced, the Candidate's business activities have been suspended, the Candidate is under liquidation.	<ul style="list-style-type: none"> - For a Candidate registered or residing in Latvia, the Contracting Authority will verify the information itself in publicly available databases. - For a Candidate registered or residing outside of Latvia the Candidate shall submit an appropriate statement from the competent authority of the country of registration or residence.
4.	<p>A person who drafted the Competition documents (Contracting Authority's official or employee), Procurement commission member or expert is related to the Candidate, or is interested in selection of some Candidate, and the Contracting Authority cannot prevent this situation by measures that cause less restrictions on Candidates. A person who drafted the Competition documents (Contracting Authority's official or employee), Procurement commission member or expert is presumed to be related to the Candidate in any of the following cases:</p> <p>a) if he or she is a current and/or an ex-employee, official, shareholder, procura holder or member of a Candidate or a subcontractor which are legal persons and if such relationship with the legal person was terminated within the last 24 months;</p> <p>b) if he or she is the father, mother, grandmother, grandfather, child, grandchild, adoptee, adopter, brother, sister, half-brother, half-sister or spouse (hereinafter – relative) of a Candidate's or subcontractor's, which is a legal person, shareholder who owns at least 10% of the shares in a joint-stock company, shareholder in a limited liability company, procure holder or an official;</p> <p>c) if he or she is a relative of a Candidate or a subcontractor which is a natural person.</p> <p>If the Candidate is a partnership, consisting of natural or legal persons, a relation to the Candidate is presumed also if a person who drafted the Competition documents (Contracting Authority's official or employee), Procurement commission member or</p>	No obligation to submit documents, unless specifically requested by the Procurement commission.

No	Requirement	Documents to be submitted ⁶
	expert is related to a member of a partnership in any of the above-mentioned ways.	
5.	The Candidate has an advantage that limits competition in the Competition, if it or its related legal person consulted the Contracting Authority or otherwise was involved in preparing the Competition, and the advantage cannot be prevented by less restrictive measures, and the Candidate cannot prove that its or its related legal person's participation in preparing the Competition documents does not restrict competition.	No obligation to submit documents, unless specifically requested by the Procurement commission.
6.	Within the previous 12 (twelve) months before last day of the term for submitting Applications (in the First Stage) by such a decision of a competent authority or a court judgment which has entered into force and may not be challenged and appealed, the Candidate 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 Candidate from a fine or has decreased the fine for cooperation within a leniency program.	<ul style="list-style-type: none"> - For a Candidate registered or residing in Latvia, the Contracting Authority will verify the information itself in publicly available databases. - For a Candidate registered or residing outside of Latvia, the Candidate shall submit an appropriate statement from the competent authority of the country of registration or residence or other objective proof of good standing. For example, a link to the database of the competent authority's public database (website) listing all its decisions and validity thereof (provided that access to any such database/website is free of charge to the Contracting Authority).
7.	Within the previous 3 (three) years before last day of the term for submitting Applications (in the First Stage) 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, the Candidate has been found guilty and is punished for a violation manifested as employment of one or more persons who do not possess the required employment permit or if it is illegal for such persons to reside in a Member State of the European Union.	<ul style="list-style-type: none"> - For a Candidate registered or residing in Latvia, the Contracting Authority will verify the information itself in publicly available databases. - For a Candidate registered or residing outside of Latvia the Candidate shall submit an appropriate statement from the competent authority of the country of registration or residence.
8.	Within the previous 12 (twelve) months before last day of the term for submitting Applications (in the First Stage) 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, the	<ul style="list-style-type: none"> - For a Candidate registered or residing in Latvia, the Contracting Authority will verify the information itself from publicly available databases. - For a Candidate registered or residing outside of Latvia the Candidate shall submit an appropriate statement from the competent

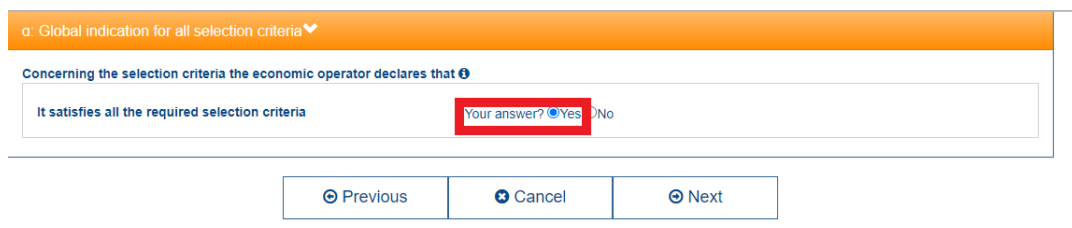
No	Requirement	Documents to be submitted ⁶
	Candidate has been found guilty and is punished for a violation manifested as employment of a person without a written employment contract, by failing within the term specified in regulatory enactments to submit an informative employee declaration regarding this person, which must be submitted about persons, who start working.	authority of the country of registration or residence.
9.	The Candidate has provided false information to prove its compliance with provisions of this Section 5.4 of the Regulation or qualification criteria, or has not provided the requested information at all.	No obligation to submit documents, unless specifically requested by the Procurement commission.
10.	The Candidate is a registered Offshore company (legal person) or offshore association of persons.	<ul style="list-style-type: none"> - For a Candidate which is registered in Latvia the Contracting Authority will verify the information itself in publicly available databases. - For the Candidate and each member of the partnership (if Candidate is an unregistered partnership) which is a legal person registered outside of Latvia, the Candidate 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.
11.	The owner or shareholder (with more than 25% of share capital) of the Candidate which is registered in Republic of Latvia, is a registered Offshore company (legal person) or offshore association of persons.	For a Candidate which is registered in Latvia: <ul style="list-style-type: none"> • the Contracting Authority will verify the information itself in publicly available databases; • if such information by publicly available data bases is not provided, Candidate shall submit self – declaration which approves fact that there are no registered owners or shareholders of the Candidate (with more than 25% of share capital) which are registered offshore.
12.	The subcontractors indicated by the Candidate ⁷ whose share of services is equal to or exceeds 10% of the Contract price or person on whose capacity Candidate is relying, is a registered Offshore company (legal person) or Offshore association of persons.	<ul style="list-style-type: none"> - For a subcontractor whose share of services is equal to or exceeds 10% of the Contract price or person, on whose capacity Candidate is relying, which is registered in Latvia, the Contracting Authority will verify the

⁷ Candidates will be required to provide information about their subcontractors during the Second Stage of the Competition.

No	Requirement	Documents to be submitted ⁶
		information itself in publicly available databases; - For a subcontractor or person on whose capacity Candidate is relying, which is a legal person registered outside of Latvia (with its permanent place of residence abroad) the Candidate 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.
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) Candidate or a person who is the Candidate's management board or supervisory board member, Beneficial owner, person with representation rights or a procura holder, or a person who is authorised to represent the Candidate 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 owner, person with representation rights or a procura holder (if the Candidate is a partnership), and such sanctions can affect the execution of the Contract.	- For a Candidate registered or residing in Latvia Contracting Authority will verify the information itself from the Register of Enterprises of the Republic of Latvia. - For a Candidate registered or residing outside of Latvia Candidate shall submit an appropriate statement from the competent authority of the country of registration or residence with all the information necessary for the examination regarding the Candidate or a member of the partnership (if the Candidate 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.
5.5.	Information, provided in the Application to prove the compliance with above-mentioned requirements for Technical and professional ability (Section 5.3 of the Regulation) and Economic and financial standing (Section 5.2 of the Regulation), 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 Candidate's compliance with the qualification requirements. The Candidate shall remain fully responsible for the provision of sufficiently detailed information in the Application required to confirm clearly the compliance with qualification requirements set in the Regulation.	
5.6.	Exclusion grounds will be verified in accordance with the regulation stipulated in Section 42 of the Public Procurement Law and Section 11. ¹ of the Law On International Sanctions and National Sanctions of the Republic of Latvia. If any of the requirements related to the exclusion grounds (Section 5.4. of the Regulations) differ from the requirements specified in the Public Procurement Law and Section 11. ¹ of the Law On International Sanctions and National Sanctions of the Republic of Latvia, the requirements of regulatory enactments shall prevail and the Procurement commission shall act in accordance with requirements	

specified in the relevant regulatory enactments. If the Candidate complies with any of the exclusion grounds mentioned in Section 5.4. (except Section 5.4.2, 5.4.10 – 5.4.13 of the Regulation) of the Regulation, the Candidate indicates this fact in Annex No 1 "Application for participation in the Competition" of the Regulation.

- 5.7. Notices and other documents mentioned in the Section 5.4 of the Regulation, which are issued by Latvian competent institutions, are accepted and recognised by the Procurement commission, if they are issued no earlier than 1 (one) month prior to the date of submission of particular notice or document, if the issuer of the notice or document has not set shorter period of validity. Notices and other documents mentioned in the Section 5.4 of the Regulation, 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 the date of submission of particular notice or document, if the issuer of the notice or document has not set shorter period of validity.
- 5.8. If the documents, with which a Candidate registered or permanently residing abroad (outside Latvia) can certify its compliance with the requirements of Section 5.4. of the Regulation, 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 Candidate or by another person mentioned in Section 5.4 of the Regulation before a competent executive governmental or judicial institution, a sworn notary or a competent organisation of a corresponding industry in their country of registration (permanent residence). Regarding all documents submitted based on an oath given under law (e.g. sworn-statements, declarations on oath etc.), the Tenderer must provide (indicate) legal grounds to law or enactment in accordance with such statements or declarations on oath have been given.
- 5.9. The Candidate to certify that it complies with the selection criteria for Candidates may submit the ESPD as initial proof. This document must be submitted electronically for the Candidate and for each person upon whose capacity the Candidate relies to certify its compliance with the requirements stipulated in the Regulation, but if the Candidate is a partnership – for each member thereof. To fill in the ESPD the Candidate must use the "ESPD.xml" file at the Internet webpage <http://espd.eis.gov.lv/filter?lang=en>.
- 5.9.1. To certify compliance with all Competition selection criteria (except exclusion grounds mentioned in Section 5.4 of Regulations), the Candidate can limit itself to filling the following point in the ESPD Section IV "**Selection criteria**" Part "a: *Global indication for all selection criteria*" confirming with "**Yes**", without having to fill in Part IV, Sections A, B, C or D.



a: Global indication for all selection criteria▼
 Concerning the selection criteria the economic operator declares that ⓘ
 It satisfies all the required selection criteria Your answer? Yes No
⌂ Previous ✖ Cancel ⌂ Next

- 5.10. If Candidate has chosen to submit an ESPD as initial proof, in the ESPD for person upon whose capacity Candidate relies to certify its compliance with the requirements stipulated in the Regulation it shall be filled in the part regarding the exclusion grounds and information regarding the selection criteria relevant for the specific capacity or capacities on which Candidate relies.
- 5.11. If the Candidate, who will be invited to submit a Bid, has chosen to submit an ESPD as initial proof, Procurement commission will follow the procedure stipulated in the Paragraph 74 of the Cabinet regulation No 107 of 28 February 2017 "Tendering Procedures or Procurement Procedures and Design Contests".

6. RELIANCE ON THE CAPACITIES OF OTHER PERSONS

- 6.1. For the fulfilment of the Contract, in order to comply with the selection requirements for the Candidates relating to the economic and financial standing and technical and professional capacity), the Candidate may rely upon the capacities of other persons, regardless of the legal nature of their mutual relationship. In this case:
- 6.1.1. The Candidate indicates in the Application all persons upon whose capacities it relies by filling in the table which is part of Annex No 1 "Application for participation in the Competition" of the Regulation, fills necessary information in E-Tenders system and proves to the Contracting Authority that the Candidate will have available all the necessary resources for the fulfilment of the Contract, by submitting a signed confirmation or agreement on cooperation and/or passing of resources to the Candidate between such persons and the Candidate. The confirmations and agreements on cooperation and passing of resources can be replaced by the Candidate with any other type of documents with which the Candidate is able to prove that the necessary resources will be available to the Candidate and will be used during the term of fulfilment of the Contract.
- 6.1.2. Documents on cooperation and passing of resources have to be sufficient to prove to the Contracting Authority that the Candidate will have the ability to fulfil the Contract, as well as that during the validity of the Contract the Candidate will in fact use the resources of such person upon whose capacity the Candidate relies.
- 6.1.3. The Contracting Authority shall require joint and several liability for the execution of the Contract between the:
- (a) Candidate and a person on whose capacity the Candidate is relying to certify its financial and economic performance and who will be financially and economically responsible for fulfilment of the Contract;
 - (b) each member of the partnership (if the Candidate is a partnership) on whose capacity Candidate is relying and who will be financially and economically responsible for fulfilment of the Contract.
- 6.2. The Contracting Authority shall evaluate the person, on whose capacity the Candidate, who will be invited to submit a Bid, is relying according to Section 5.4.1 - 5.4.8 and Section 5.4.12 - 5.4.13 of the Regulation. In case such person will comply with any of the exclusion grounds which are mentioned in Section 5.4.1 to 5.4.8 and Section 5.4.12 - 5.4.13 of the Regulation, the Contracting Authority will request the Candidate to change such person. If the Candidate will 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 Candidate, the Contracting Authority shall exclude such Candidate from further participation in the Competition.

7. SUBCONTRACTING

- 7.1. Candidates will be required to provide information about their subcontractors during the Second Stage of the Competition.
- 7.2. During the Second Stage of the Competition the Contracting Authority will evaluate subcontractors, 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. In case such subcontractors will comply with any of the exclusion grounds which are mentioned in Sections 5.4.2 - 5.4.8 and Section 5.4.12 - 5.4.13 of the Regulation, the Contracting Authority will request the Tenderer to change such subcontractor. If the Tenderer will not submit documents about another subcontractor 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 will exclude such Tenderer from further participation in the Competition.

- 7.3. Contracting Authority reserves the right to request the Tenderer to identify all the subcontractors involved in delivery of services irrespective of the amount of participation in the provision of services upon signing the Contract.

8. THE RIGHTS OF THE CANDIDATE

- 8.1. The Supplier can request additional information regarding the Regulation. Additional information can be requested in writing, by sending it to the Procurement commission electronically using the E-Tenders system. Additional information must be requested in a timely fashion, so that the Procurement commission can provide a response no later than 6 (six) days prior to the deadline for submitting Applications. The Procurement commission shall provide a response within 5 (five) business days from the day of receipt of the request.
- 8.2. If the Contracting Authority receives the necessary information about the Candidate directly from a competent institution, through data bases or other sources and the Candidate's submitted information differs from the information obtained by the Contracting Authority, the Candidate in question has the right to submit evidence to prove the correctness of the information the Candidate has submitted, if the information obtained by the Contracting Authority does not conform to the factual situation.
- 8.3. If a Candidate 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 Candidate has the right to submit a complaint to the Procurement Monitoring Bureau according to the procedure stipulated in the Section 68 of the Public Procurement Law regarding the Candidate selection requirements, technical specifications or other requirements relating to this Competition, or relating to the activities of the Contracting Authority or the Procurement commission during the Competition.
- 8.4. The Supplier covers all expenses, which are related to the preparation of the Application and its submission to the Contracting Authority. The submitted Applications are not returned to the Candidate, unless specifically envisaged in the Regulation.

9. CONTENTS AND FORM OF THE APPLICATION

- 9.1. Application must be submitted electronically in E-Tenders subsystem of the Electronic Procurement System, in accordance with the following options for the Candidate:
- 9.1.1. by using the available tools of E-Tenders subsystem, filling the attached forms of the E-Tenders subsystem for the Competition;
- 9.1.2. by preparing and filling the necessary electronic documents outside the E-Tenders subsystem and attaching them to the relevant requirements (in this situation, the Candidate takes responsibility for the correctness and compliance of the forms to requirements of documentation and form samples);
- 9.1.3. by encrypting electronically prepared Application outside subsystem of E-Tenders subsystem with data protection tools provided by third parties and protection with electronic key and password (in this situation, the Candidate takes responsibility for the correctness and compliance of the forms to the requirements of such documentation and form samples as well as ensuring the capability for the Contracting Authority to open and read the document).
- 9.2. During preparation of the Application, the Candidate respects the following requirements:
- 9.2.1. Each document mentioned in the Section 9.3 of the Regulation must be filled separately each in separate electronic document in line with the forms attached to the Competition on Contracting Authority's profile in the E-Tenders subsystem (<https://www.eis.gov.lv/EKEIS/Supplier/ProcurementProposals/79601>) in a Microsoft Office 2010 (or later) format and attached to the Competition;

- 9.2.2. Upon submission, the Candidate signs the Application with a secure electronic signature and time-stamp or with an electronic signature provided by the Electronic Procurement System. The Application (its parts, if signed separately) are 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.
- 9.3. The following documents shall be included in the Application:
- 9.3.1. Application for participation in the Competition in accordance with Annex No 1 of the Regulation;
- 9.3.2. Information and documents confirming compliance of the Candidate with the selection criteria for the Candidates (Annex No 3 - 8 and other documents stipulated in the Section 5 of the Regulation) or the corresponding ESPD;
- 9.3.3. Information and documents relating to other entities on whose capacity the Candidate is relying (in accordance with Section 6 of the Regulation) or the corresponding ESPD.
- 9.4. The Application must be submitted in a written form in English or Latvian (if submitted in Latvian, translation in English of the Application must be provided together with the Application).
- 9.5. The Application may contain original documents or their derivatives (e.g. copies). In the Application or in the reply to a request of the Procurement commission the Candidate shall submit only such original documents which have legal force. For the document to gain legal force it has to 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>) and Electronic Documents Law of the Republic of Latvia (<https://likumi.lv/ta/en/en/id/68521-electronic-documents-law>), but public documents issued abroad shall be formatted and legalised in accordance with the requirements of the Document Legalization Law of the Republic of Latvia (<https://likumi.lv/ta/en/id/155411-document-legalisation-law>). When submitting the Application, the Candidate has the right to certify the correctness of all submitted documents' derivatives and translations with one certification.

10. ENCRYPTION OF THE APPLICATION INFORMATION

- 10.1. The E-Tenders system which is a subsystem of the Electronic Procurement System, ensures the first level encryption of the information provided in the Application.
- 10.2. If the Candidate applied additional encryption to the information in the Application (according to Section 9.1.3 of the Regulation), the Candidate must provide the Procurement commission with electronic key with the password to unlock the information not later than in 15 (fifteen) minutes after the deadline of the Application submission.

11. SUBMISSION OF THE APPLICATION

- 11.1. The Application (documents referred to in the Section 9.3 of the Regulation) shall be submitted electronically using the tools offered by the E-Tenders system available at <https://www.eis.gov.lv/EKEIS/Supplier/ProcurementProposals/79601> by

10 August 2022 till 15:00 (Riga time).

- 11.2. The Candidate may recall or amend its submitted Application before the expiry of the deadline for the submission of Applications by using the tools provided in the E-Tenders system.
- 11.3. Only Applications submitted via E-Tenders system will be accepted and evaluated for participation in the Competition. Any Application submitted outside the E-Tenders system will be declared as submitted in a non-compliant manner and will not participate in the Competition.

12. OPENING OF APPLICATIONS

- 12.1. The Applications will be opened on the E-Tenders system on **10 August 2022** starting at 15:00 (Riga time) during the opening session. On the E-Tenders system it is possible to follow the opening of submitted Applications online.
- 12.2. The Applications are opened by using the tools offered by the E-Tenders system. The public information of the Applications will be published in the E-Tenders system.
- 12.3. The information regarding the Candidate, the time of Application submission and other information that characterises the Application is generated at the opening of the Applications by the E-Tenders system and written down in the Application opening sheet, which will be published in the E-Tenders system and the Contracting Authority's webpage.

13. CANDIDATE EVALUATION

- 13.1. If more than 6 (six) Candidates comply with selection criteria stipulated in Section 5.3 of this Regulations, to reduce the number of Candidates to 6 (six) Candidates, Procurement commission will rank the Candidates according to following scoring criteria:

No	Evaluation criteria	Maximum points	Documents to be submitted
1.	For second (inclusive) and every further project compliant with requirements defined in Section 5.3.5 of the Regulations Candidate will obtain two point per project.	6	<ul style="list-style-type: none"> - Filled in Annex No 9; - Description (not more than 2 pages per project).
2.	<p>The Candidate within the previous 15 (fifteen) years (until the date of submission of the application) as <u>design and build main contractor</u> has gained experience in <u>EC certified</u> railway project where Candidate has provided following services/works covering the integration:</p> <ol style="list-style-type: none"> 1) detailed design, construction and commissioning of OCS for tracks with not less than 200 (two hundred) km of equivalent single track length for AC electrification system, and 2) detailed design, construction and commissioning of at least 3 (three) TSS for AC electrification system and High Voltage on primary side at least 110 kV, and 3) detailed design, construction and commissioning of ECCS (including software, hardware, main control centre and RTUs). 	5	<ul style="list-style-type: none"> - Filled in Annex No 10; - Description (not more than 2 pages).
3.	The Candidate within the previous 20 (twenty) years (until the date of submission of the application) as <u>maintenance main contractor</u> has gained experience in <u>TSI compliant</u>	2	<ul style="list-style-type: none"> - Filled in Annex No 11; - Description (not more than 2 pages).

No	Evaluation criteria	Maximum points	Documents to be submitted
	railway project where Candidate has provided following services/works: <ol style="list-style-type: none"> 1) maintenance of OCS for tracks with not less than 200 (two hundred) km of equivalent single track length for AC electrification system, and 2) maintenance of at least 3 (three) TSS for AC electrification system and High Voltage on primary side at least 110 kV. 		
4.	The Candidate within the previous 15 (fifteen) years (until the date of submission of the application) has been in role of a contractor in a railway project and executed its rights and obligations under FIDIC suite of contracts (Red book or Yellow book, or Silver book) .	2	- Filled in Annex No 12; - Description (not more than 2 pages).
5.	The Candidate within the previous 8 (eight) years (until the date of submission of the application) has developed and build a railway project based on OpenBIM strategy and using IFC format as main output for interchanging information between different parties.	2	- Filled in Annex No 13; - Description (not more than 2 pages).
Total:		17	

13.2. After the ranking the Procurement commission selects all Candidates which are ranked in the first 6 (six) positions and these Candidates shall be invited to submit a Bid in the Second stage of the Competition.

14. VERIFICATION OF APPLICATIONS

14.1. The Procurement commission evaluates received Applications in closed meetings.

14.2. The Procurement commission verifies whether the submitted Applications comply with the requirements of the Regulation. If the Application does not comply with some of the requirements of the Regulation, the Procurement commission decides on the possibility of further evaluation of the Application.

14.3. The Procurement commission:

14.3.1. verifies whether the Candidate complies with the Candidate selection requirements specified in Section 5.1. – 5.3. of the Regulation;

14.3.2. verifies whether the exclusion grounds mentioned in Section 5.4. of the Regulation, Section 42, Paragraph 1 of the Public Procurement Law and Section 11.¹ of the Law On International Sanctions and National Sanctions of the Republic of Latvia are applicable to the Candidate.

14.4. In the event the Candidate or any member of the partnership (if the Candidate is a partnership) fails to comply with requirements stipulated in Section 5.4 (except Section 5.4.2, 5.4.9 – 5.4.13 of the Regulation) of the Regulation and has indicated that in the Application, upon request by the Procurement commission it submits an explanation about the implemented measures in order to restore reliability and prevent occurrences of the same or similar violations in the future, as well as attaches any relevant evidence which proves the implemented measures, such as but not limited to the evidence about compensating

damages, on cooperation with investigating authorities, implemented technical, organisational or personnel measures, an assessment of a competent authority regarding the sufficiency of the implemented measures etc. 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 Candidate from participation in the Competition. If the measures taken are insufficient, the Procurement commission makes the decision to exclude the Candidate from further participation in the Competition. If the Candidate, within the indicated time, does not submit the requested information, the Procurement commission excludes the Candidate from the participation in the Competition.

15. DECISION MAKING, ANNOUNCEMENT OF RESULTS

- 15.1. Within 3 (three) business days from the date of the decision about the selection of the Candidates, the Procurement commission informs all Candidates about the decision made (to the excluded Candidates and Candidates whose Applications has been rejected about the reasons for exclusion/rejection as well) by sending the information electronically (including via E-Tenders system) and keeping the evidence of the date and mode of sending the information, as well as about the deadline by which the Candidate may submit a claim to the Procurement Monitoring Bureau regarding any perceived violations of the public procurement procedure.
- 15.2. If only 1 (one) Candidate complies with all the Candidate selection requirements, the Procurement commission makes the decision to terminate the Competition.
- 15.3. If the Competition is terminated, Procurement commission within 3 (three) business days after the termination simultaneously informs all the Candidates of all the reasons why the Competition was terminated and informs about the deadline within which a Candidate may submit a claim to the Procurement Monitoring Bureau on any perceived violations of the public procurement procedure.
- 15.4. When informing about the First Stage results, the Procurement commission will not disclose specific information, if it may infringe upon public interests or if the Candidate's legal commercial interests or the conditions of competition would be violated.

16. THE RIGHTS OF THE PROCUREMENT COMMISSION

- 16.1. The Procurement commission and the interested Supplier or Candidate exchange information in writing in English or Latvian (accompanied by a translation in English), using E-Tenders system.
- 16.2. For the avoidance of doubt, unless specifically stated otherwise, all laws, acts and regulations under which the Competition is undertaken, belong to the jurisdiction of the Republic of Latvia.
- 16.3. The Procurement commission has the right to demand at any stage of the Competition that the Candidate submits all or part of the documents which certify the Candidate's compliance to the requirements for the selection of Candidates. The Procurement commission does not demand such documents or information which are already at its disposal or is publicly available free of charge.
- 16.4. If the Candidate submits document derivatives (e.g. copies) and the authenticity of the submitted document derivation is in doubt, the Procurement commission can demand that the Candidate shows the original documents.
- 16.5. During the evaluation of Application, the Procurement commission has the right to demand that information included in the Application is clarified.
- 16.6. If the Procurement commission determines that the information about the Candidate or persons upon whose capacity the Candidate is relying that is included in the submitted documents is unclear or incomplete, it demands that the Candidate or a competent institution clarifies or expands the information included in the Application. 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 Candidate 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 Applications which are found not to comply with the requirements of the Regulation.

17. THE OBLIGATIONS OF THE PROCUREMENT COMMISSION

- 17.1. The Procurement commission ensures the Competition process documentation.
- 17.2. The Procurement commission ensures free and direct electronic access to the Competition documents on Contracting Authority's profile at the E-Tenders system <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/79601> and webpage of the Contracting Authority <http://railbaltica.org/tenders/>.
- 17.3. If an interested Supplier has requested additional information via the E-Tender system, the Procurement commission provides an answer via the E-Tender system within 5 (five) business days, but not later than 6 (six) days before the deadline for submission of Applications. Simultaneously with sending this information to the supplier who has asked the question, the Procurement commission publishes this information on Contracting Authority's profile at the E-Tenders system <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/79601> and on the Contracting Authority's webpage <http://railbaltica.org/tenders/>, under the section of the respective procurement procedure, indicating the question asked.
- 17.4. If the Procurement commission has amended the Competition documents, it publishes this information on Contracting Authority's profile at the E-Tenders system <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/79601> and on the Contracting Authority's webpage <http://railbaltica.org/tenders/>, where Competition documents are available, no later than 1 (one) day after the notification regarding the amendments have been submitted to the Procurement Monitoring Bureau for publication. If Supplier wishes to receive relevant updates/notifications by email regarding the Competition (e.g. when amendments to the Regulation are published), Supplier shall register as an interested supplier on the E-Tenders system for the Competition accordingly.
- 17.5. The exchange and storage of information in the E-Tenders system is carried out in such a way that all data included in the Applications is protected and the Procurement commission can check the content of the Applications only after the expiration of the deadline for their submission. During the time period between the day of the submission of Applications until the moment of opening thereof the Procurement commission does not disclose any information regarding the existence of other Applications. During the period of Application evaluation until the moment of the announcement of the First Stage results the Procurement commission does not disclose information regarding the evaluation process.
- 17.6. The Procurement commission assesses the Candidates and their submitted Applications based on the Public Procurement Law, the Regulation, as well as any other applicable regulatory enactments.
- 17.7. The Procurement commission prepares the invitation to the Second Stage of the Competition consisting of the regulation of the Second Stage of the Competition, the Technical specification and the draft Contract and sends it to the selected Candidates that have been qualified for the Second Stage of the Competition.

ANNEXES:

1. Application for participation in the Competition on 2 (two) pages;
2. General description of the subject - matter on 4 (four) pages;

3. Description of the Candidate's experience according to Section 5.3.1 of the Regulation on 2 (two) pages;
4. Description of the Candidate's experience according to Section 5.3.2 of the Regulation on 2 (two) pages;
5. Description of the Candidate's experience according to Section 5.3.3 of the Regulation on 2 (two) pages;
6. Description of the Candidate's experience according to Section 5.3.4 of the Regulation on 1 (one) page;
7. Description of the Candidate's experience according to Section 5.3.5 of the Regulation on 2 (two) pages;
8. Confirmation of Candidate's financial standing on 2 (two) pages;
9. Description of the Candidate's experience according to Section 13.1.1 of the Regulation on 2 (two) pages;
10. Description of the Candidate's experience according to Section 13.1.2 of the Regulation on 2 (two) pages;
11. Description of the Candidate's experience according to Section 13.1.3 of the Regulation on 1 (one) page;
12. Description of the Candidate's experience according to Section 13.1.4 of the Regulation on 1 (one) page;
13. Description of the Candidate's experience according to Section 13.1.5 of the Regulation on 1 (one) page;
14. Supplier's declaration on 3 (three) pages;
15. Final electrical simulation report on 298 (two hundred and ninety-eight) pages. The Procurement commission will ensure the availability to the Final electrical simulation report to Candidates sending it by email. Prior sharing the Final electrical simulation report the Procurement Commission will request Candidates to undersign and submit Mutual non-disclosure agreement for granting access to the information (Final electrical simulation report). This information will not be publicly available and has a restriction due to the nature and content of the information. Procurement Commission has the right to refuse access to Final electrical simulation report due to absence of undersigned Mutual non-disclosure agreement from the Candidate.

**APPLICATION FOR PARTICIPATION IN THE COMPETITION
"RAIL BALTICA ENERGY SUBSYSTEM DESIGN AND BUILD"
(ID NO RBR 2022/7)**

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

By submitting the Application, Candidate hereby:

1. Confirms participation in the Competition "Rail Baltica Energy subsystem design and build", ID No RBR 2022/7;
2. Informs that the following entities and/or persons are subject to the following exclusion grounds (if applicable):

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

3. Declares that for the purposes of qualifying for the Competition Candidate relies on the capacities of the following entities (if applicable):

No	Name, registration number and registered address of the entity	Capacities on which the Candidate relies
1.		
2.		
n+1		

4. Confirms that the Regulation is clear and understandable, that Candidate does not have any objections and complaints and in the case of granting the right to enter into the Second Stage of the Competition as well as granting rights to enter into a Contract will undertake to fulfil all conditions of this Regulation;
5. Confirms that in the preparation and submission of its Application, Candidate has fully considered

all clarifications issued by the Procurement commission;

6. Confirms that Candidate has prepared the Application without connection with any other person, company or parties likewise submitting the Application and that it is prepared in good faith without collusion or fraud;
7. Agrees that the Procurement commission reserves itself the right to reject any or all Applications and terminate the procurement process before entry into the Contract on the grounds specified in the Regulation or the law;
8. Guarantees that all information and documents provided are true;
9. Confirms⁸ that Candidate meets the criteria of (please indicate by ticking relevant box):

a small medium other

sized enterprise⁹ as defined in the Article 2 of the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprise.¹⁰

[date of signing]

[name and position of the representative of the Candidate]

⁸ Candidate must indicate size of enterprise for each member of the partnership, if the Candidate is the partnership.

⁹ The information on the size of the Candidate is used solely for statistical purposes and are not in any way whatsoever used in the evaluation of the Candidates and their requests to participate.

¹⁰ 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.

**GENERAL DESCRIPTION OF THE SUBJECT – MATTER FOR THE COMPETITION
“RAIL BALTICA ENERGY SUBSYSTEM DESIGN AND BUILD”
(ID NO RBR 2022/7)**

1. Introduction to 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 railway line with overall length of 890 km on the route from Tallinn through Pärnu (EE), Riga (LV), Panevėžys (LT), Kaunas (LT) to the Lithuania/Poland state border (including a Kaunas – Vilnius spur) with a design speed of 249km/h.

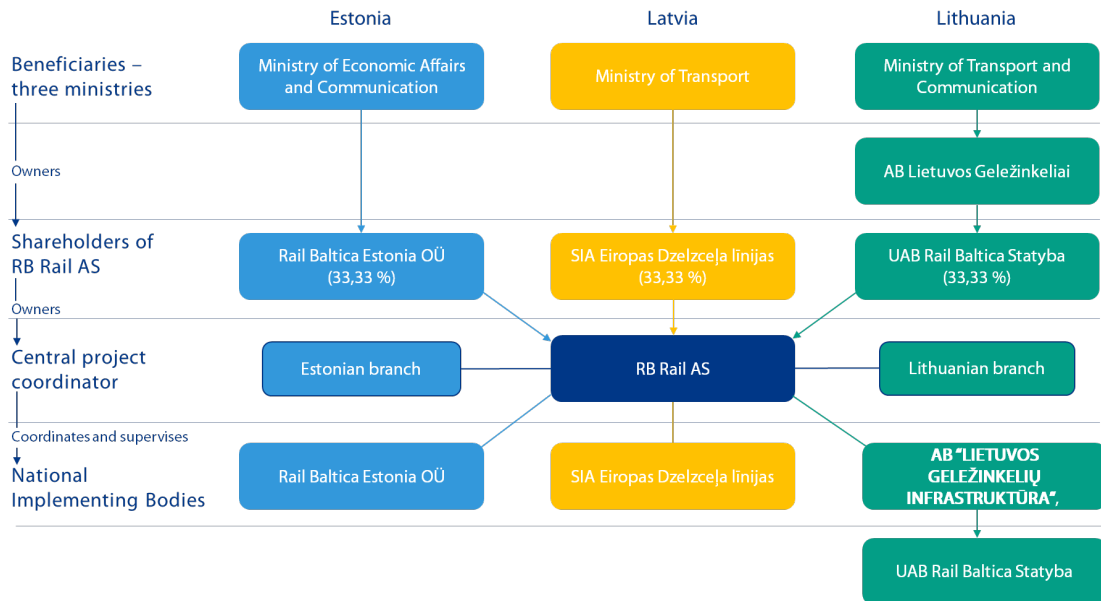
Railway line for both passenger and freight transport shall be interoperable with the TEN-T Network in the rest of Europe and competitive in terms of quality with other modes of transport in the region.

Rail Baltica is to become a part of the EU TEN-T North Sea – Baltic Core Network Corridor, which links Europe’s largest ports of Rotterdam, Hamburg and Antwerp – through the Netherlands, Belgium, Germany and Poland – with the three Baltic States, further connecting to Finland via the Gulf of Finland short sea shipping connections with a future fixed link possibility between Tallinn and Helsinki. Further northbound extension of this corridor shall pave the way for future connectivity also with the emerging Arctic corridor. Furthermore, the North Sea – Baltic Corridor crosses with the Baltic-Adriatic Corridor in Warsaw, paving the way for new supply chain development between the Baltic and Adriatic seas, connecting the Baltics with the hitherto inadequately accessible Southern European markets.

The contracting authority RB Rail AS (hereinafter - RBR) was established by the Republics of Estonia, Latvia and Lithuania, via state-owned holding companies, to coordinate the development and construction of the fast-conventional standard gauge railway line on the North Sea – Baltic TEN-T Core Network Corridor linking three Baltic states with Poland and the rest of the EU. The main technical parameters are in full compliance with TSI INF (COMMISSION REGULATION (EU) No 1299/2014) and they are detailed in Rail Baltica Design Guidelines. The key design criteria to follow are (non-exhaustive list):

- double track, mixed passenger and freight traffic line, design speed on the main track 249 km/h;
- axle load 25 t;
- distance between track centres at least 4.50 m on the main tracks;
- all crossings for road and pedestrians shall be segregated grade crossings;
- fencing and noise barriers shall be implemented where needed;
- ETCS L2 B3 R2 without trackside signalling and GSM-R B1 with possible update to the newest version of TSI-CCS;
- electrification 2x25 kV AC electrification system covering SFC technology to be used in TSS;
- maximum train length – 1050m for freight trains and 400m for passenger trains;
- height of passenger platforms 760 mm.

The diagram below illustrates the shareholder and project governance structure of the Rail Baltica Global project (hereinafter - RBGP).



The indicative timeline and phasing of the project implementation can be found here: <http://www.railbaltica.org/about-rail-baltica/project-timeline/>.

2. Procurement subject

- 2.1. RBR is appointed to organize the consolidated procurement for the implementation of design and construction works to fully deploy RBGP Energy subsystem and to award a contractor (hereinafter - ENE D&B Contractor) to implement the works.
- 2.2. ENE D&B Contractor shall design and construct ENE subsystem for the entire RBGP: from Tallinn to the Lithuanian-Polish border and from Kaunas to Vilnius.
- 2.3. Based on the technical conditions and fixed scope (to be provided during the second stage of the Competition) ENE D&B Contractor shall aim to implement the most advantageous solution for Life Cycle Cost perspective and for minimisation of environmental impact.
- 2.4. The ENE D&B Contractor shall ensure the integration of the ENE subsystem with other railway subsystems and facilities of RBGP, such as infrastructure, CCS, stations, freight terminal and other facilities, by using appropriate system engineering processes, BIM, GIS and related technologies.
- 2.5. The ENE D&B Contractor shall be responsible for the establishment and application quality management system to ensure ENE subsystem's full functionality for electrified railway operation.
- 2.6. ENE subsystem being deployed for RBGP covers the following key components:
 - 2.6.1. **Traction power substations** based on Static Frequency Converter technology, and autotransformer stations for 2x25kV feeding of overhead catenary system;
 - 2.6.2. **Overhead Catenary System;**
 - 2.6.3. **Energy Control Command System;**
 - 2.6.4. **High voltage feeding lines** connecting TSS with public high voltage electricity transmission networks;
 - 2.6.5. Other components directly linked to the deployment of ENE subsystem.

3. Procurement scope

- 3.1. The scope of the ENE D&B Contract covers the design, delivery, installation and testing & commissioning of the following key components:
 - 3.1.1. Traction power substations (including autotransformer stations);
 - 3.1.2. Overhead Catenary System;
 - 3.1.3. Energy Control Command System;
 - 3.1.4. Other components directly linked to ENE subsystem.
- 3.2. New construction, upgrade, or extension of public high voltage electricity transmission networks operated by TSO is not a part of ENE D&B Contract, but connection between TSS till TSO responsibility border is scope of ENE Contractor (only few exceptional cases).
- 3.3. TSS: ENE D&B Contractor shall deploy SFC technology-based TSS for the feeding of 2x25 kV 50 Hz electrification system. The deployment of TSS covers the design, supply and construction of all electrical and mechanical equipment, earthing and bonding, civil works, drainage, fences, cable roads, internal maintenance roads, access roads, geotechnical and geoelectrical surveys, etc.
- 3.4. OCS: OCS technology is not fixed. ENE D&B Contractor shall propose a single OCS technology for RBGP. ENE D&B Contractor shall be able to transfer OCS technology licensing rights. The scope of OCS to be deployed is covering entire RBGP, including but not limited to depots, international stations, freight stations and regional stations. ENE D&B Contractor shall design, supply and construct all OCS elements, including but not limiting to pole and anchoring foundations, poles, cantilevers, contact wire, earthing cables and return current system, isolators, overlaps equipment, specific anchoring poles for bridges, and anchoring structures to fix OCS elements in tunnels and eco-ducts.
- 3.5. ECCS: the ENE D&B Contractor shall deploy ECCS to guarantee an optimal and safe energy management system.
- 3.6. The detailed information on the scope of ENE D&B Contractor will be provided during second stage of the Competition.

4. 2x25 kV with SFC

- 4.1. Defined electrification technology based on the detailed power demand simulation is 2x25 kV with SFC. Considering the Operational Plan, (which includes track alignment, high speed, regional and freight services, and different rolling stock figures) the RBGP is planned to be covered with 10 TSS, approximately 40 paralleling posts and 10 sectioning paralleling posts. Location of each TSS is defined in coordination with national TSOs and is not subject to be modified.
- 4.2. SFC technology allows to connect in parallel all TSS as described in the Final electrical simulation report (please see Annex No 15).

5. Indicative list of expertise required

5.1. Technical Skills. To assure implementation of the project, ENE D&B Contractor shall provide technical capability including specific (but not limited to) capabilities in the fields listed below:

5.1.1. All necessary skills needed for design and construction of the scope that is described in Section 3.1 of this document;

5.1.2. BIM team with:

- Experience in the project which has been based on OpenBIM strategy and using IFC (Industry Foundation Classe) format as main output for interchanging information between different parties;
- Experience in the project which has been developed using BIM authoring tools for OCS projects. These BIM authoring tools must include OCS Technology parameters verification;
- Experience in the project where has been used BIM authoring tools for TPS projects. These BIM authoring tools must include Electrical parameters verification.

5.1.3. Integration team with:

- Experience with integration within all the components of the ENE Subsystem (TPS, OCS, ECCS) and other Subsystems (CCS, INF, Trackwork, Rolling stock, etc).

5.1.4. Simulation team with:

- Experience developing models and software simulation covering at least traction power demand, EMC/EMF and dynamic behaviour pantograph catenary.

5.2. Management skills. To assure good governance of the project, ENE D&B Contractor shall provide enough management capability based on but not limited to the fields listed below:

5.2.1. project management plan development

5.2.2. risk management

5.2.3. HSEQ

5.2.4. document management

5.2.5. scope management

5.2.6. resource management

5.2.7. contract management

5.2.8. construction management

5.2.9. stakeholder management

5.2.10. interface and integration management

5.2.11. requirement management

5.2.12. communication management

5.2.13. change and configuration management

5.2.14. BIM, AIM and GIS management

5.2.15. Project and Control Plan (forecasting, reporting, scheduling).

ANNEX NO 3

DESCRIPTION OF THE CANDIDATE'S EXPERIENCE IN ACCORDANCE WITH THE SECTION 5.3.1 OF THE COPMETITION
"RAIL BALTICA ENERGY SUBSYSTEM DESIGN AND BUILD"
(ID NO RBR 2022/7)

If more than one project is proposed to meet the requirements stipulated in the Section 5.3.1 of the Regulation, please, provide following tables for each project.

Required minimum infrastructure	Description of railway infrastructure
Name of the project (please indicate)	
TSI compliant railway infrastructure (Yes/No, please explain)	
Design speed of at least 200 km/h (please indicate)	

No	Client, client's contact information for references (name of representative, phone, email) ¹¹	Period of the contract (month/year - month/year)	Description of the services ¹²	Description of the role – main contractor/sub-contractor
1.			Preparation of OCS detailed design for not less than 200 (two hundred) km of equivalent single track length for AC electrification system	
			Preparation of OCS detailed design for AC electrification system with	

¹¹ In case of the doubt, the Procurement commission has the right to contact the Client to verify that the services specified complies with the requirements set in the Section 5.3.1 of the Regulation.

¹² In accordance with the responsibilities listed in the Section 5.3.1 of the Regulation.

			tunnel which was at least 1 (one) km long		
			Construction and commissioning of OCS for not less than 200 (two hundred) km of equivalent single track length for AC electrification system		
			Construction and commissioning of OCS for AC electrification system for a tunnel with at least 1 (one) km length		

[date of signing]

[name and position of the representative of the Candidate]

DESCRIPTION OF THE CANDIDATE'S EXPERIENCE IN ACCORDANCE WITH THE SECTION 5.3.2 OF THE COPMETITION
"RAIL BALTICA ENERGY SUBSYSTEM DESIGN AND BUILD"
(ID NO RBR 2022/7)

If more than one project is proposed to meet the requirements stipulated in the Section 5.3.2 of the Regulation, please, provide following tables for each project.

Required minimum infrastructure	Description of railway infrastructure
Name of the project (please indicate)	
TSI compliant railway infrastructure (Yes/No, please explain)	

No	Client, client's contact information for references (name of representative, phone, email) ¹³	Period of the contract (month/year - month/year)	Description of the services ¹⁴	Description of the role – main contractor/sub-contractor
1.			Traction power electrical simulation for detailed design Preparation of detailed design for at least 3 (three) TSS for AC electrification system and High Voltage on primary side at least 110 kV Construction and commissioning of at least 3 (three) TSS for AC	

¹³ In case of the doubt, the Procurement commission has the right to contact the Client to verify that the services specified complies with the requirements set in the Section 5.3.2 of the Regulation.

¹⁴ In accordance with the responsibilities listed in the Section 5.3.2 of the Regulation.

			electrification system and High Voltage on primary side at least 110 kV		
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[date of signing]

[name and position of the representative of the Candidate]

**DESCRIPTION OF THE CANDIDATE'S EXPERIENCE IN ACCORDANCE WITH THE SECTION 5.3.3 OF THE COPMETITION
"RAIL BALTICA ENERGY SUBSYSTEM DESIGN AND BUILD"
(ID NO RBR 2022/7)**

Required minimum infrastructure	Description of railway infrastructure
Name of the project (please indicate)	
TSI compliant railway infrastructure (Yes/No, please explain)	

No	Client, client's contact information for references (name of representative, phone, email) ¹⁵	Period of the contract (month/year - month/year)	Description of the services ¹⁶	Description of the role – design and build main contractor/sub-contractor
1.			Preparation of detailed design, installation and commissioning of one ECCS (including software, hardware, control rooms and RTUs), controlling:	
			at least 3 (three) transformer substations and	
			OCS for at least 200 (two hundred) km of equivalent single track length.	

[date of signing]

[name and position of the representative of the Candidate]

¹⁵ In case of the doubt, the Procurement commission has the right to contact the Client to verify that the services specified complies with the requirements set in the Section 5.3.3 of the Regulation.

¹⁶ In accordance with the responsibilities listed in the Section 5.3.3 of the Regulation.

DESCRIPTION OF THE CANDIDATE'S EXPERIENCE IN ACCORDANCE WITH THE SECTION 5.3.4 OF THE COPMETITION
"RAIL BALTICA ENERGY SUBSYSTEM DESIGN AND BUILD"
(ID NO RBR 2022/7)

No	Client, client's contact information for references (name of representative, phone, email) ¹⁷	Period of the contract (month/year - month/year)	Name of the railway project	Investment value of the railway project (EUR)	Services provided
1.					construction management HSEQ management contract management stakeholder management risk management interface and integration management requirement management communication management change and configuration management development and implementation of project management plan forecasting, reporting, scheduling.

[date of signing]

[name and position of the representative of the Candidate]

¹⁷ In case of the doubt, the Procurement commission has the right to contact the Client to verify that the services specified complies with the requirements set in the Section 5.3.4 of the Regulation.

**DESCRIPTION OF THE CANDIDATE'S EXPERIENCE IN ACCORDANCE WITH THE SECTION 5.3.5 OF THE COPMETITION
"RAIL BALTICA ENERGY SUBSYSTEM DESIGN AND BUILD"
(ID NO RBR 2022/7)**

Required minimum infrastructure	Description of railway infrastructure
Name of the project (please indicate)	
EC certified railway infrastructure (Yes/No, please explain)	

No	Client, client's contact information for references (name of representative, phone, email) ¹⁸	Period of the contract (month/year - month/year)	Description of the services ¹⁹	Description of the role – design and build main contractor and integrator
1.			Detailed design, construction and commissioning of OCS for tracks with not less than 50 (fifty) km of equivalent single track length for AC electrification system, and	
			Detailed design, construction and commissioning of at least 1 (one) TSS for AC electrification system and High Voltage on primary side at least 110 kV, and	

¹⁸ In case of the doubt, the Procurement commission has the right to contact the Client to verify that the services specified complies with the requirements set in the Section 5.3.5 of the Regulation.

¹⁹ In accordance with the responsibilities listed in the Section 5.3.5 of the Regulation.

			Detailed design, construction and commissioning of ECCS (including software, hardware, main control centre and RTUs).		
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The Candidate shall attach an EC declaration of verification in the annex.

[date of signing]

[name and position of the representative of the Candidate]

**CONFIRMATION OF CANDIDATE’S FINANCIAL STANDING FOR THE COMPETITION
“RAIL BALTICA ENERGY SUBSYSTEM DESIGN AND BUILD”
(ID NO RBR 2022/7)**

1. Section 5.2.1 of the Regulation

The Candidate’s or all members’ of the partnership together (if the Candidate is a partnership and confirms the average financial turnover jointly), average financial turnover within the last 3 (three) financial years (2019, 2020, 2021) is not less than **300 000 000,00 EUR** (three hundred million euros zero cents).

In the event the average annual financial turnover of a limited partner of the limited partnership (within the meaning of The Commercial Law of the Republic of Latvia, 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 Candidate or a member of a partnership (if the Candidate is a partnership) has operated in the market for less than 3 (three) financial years, the requirement shall be met during the Candidate’s actual operation period.

No	Year	Total Turnover in EUR	Notes
The Candidate or member of the partnership (if the Candidate is a partnership) on whose capacity Candidate is relying to certify its financial and economic performance and who will be financially and economically responsible for fulfilment of the Contract or other entity on whose capacity Candidate is relying (if the Candidate is relying on other entity’s capacity) to certify its financial and economic performance and who will be financially and economically responsible for fulfilment of the Contract:			
Name of the Candidate /member of a partnership/other entity			
1.	2021		
2.	2020		
3.	2019		
Average annual turnover within the last 3 (three) financial years			

2. Section 5.2.2 of the Regulation

The Candidate or each member of the partnership (if the Candidate is a partnership) on whose capacity the Candidate is relying has to certify it’s financial and economic performance and who will be financially and economically responsible for fulfilment of the procurement contract and entity on whose abilities the Candidate is relying to certify it’s financial and economic performance and who will be financially and economically responsible for fulfilment of the procurement contract, shall have stable financial and economic performance, namely, in the last financial year liquidity ratio shall be equal to or exceed 1 and shall have positive equity.

Name of the Candidate /member of partnership/other entity*

Financial information from the Candidate’s financial statement used to calculate liquidity ratio and equity*

Last audited year _____

Current assets	
Total assets	
Short term - liabilities	
Total liabilities	

** Please continue and provide information regarding each entity to which this requirement applies. If value of assets or liabilities have been calculated from different parts of Candidate's financial statement, Candidate must provide explanation how the calculations have been made.*

$$liquidity\ ratio = \frac{current\ assets}{short - term\ liabilities} = \underline{\hspace{2cm}}$$

$$equity = total\ assets - total\ liabilities = \underline{\hspace{2cm}}$$

[date of signing]

[name and position of the representative of the Candidate]

**DESCRIPTION OF THE CANDIDATE'S EXPERIENCE IN ACCORDANCE WITH THE SECTION 13.1.1 OF THE COPMETITION
"RAIL BALTICA ENERGY SUBSYSTEM DESIGN AND BUILD"
(ID NO RBR 2022/7)**

If more than one project is proposed, please, provide following tables for each project.

Required minimum infrastructure	Description of railway infrastructure
Name of the project (please indicate)	
EC certified railway infrastructure (Yes/No, please explain)	

No	Client, client's contact information for references (name of representative, phone, email) ²⁰	Period of the contract (month/year - month/year)	Description of the services ²¹	Description of the role – design and build main contractor and integrator
1.			Detailed design, construction and commissioning of OCS for tracks with not less than 50 (fifty) km of equivalent single track length for AC electrification system, and	
			Detailed design, construction and commissioning of at least 1 (one) TSS for AC electrification system and High Voltage on primary side at least 110 kV, and	

²⁰ In case of the doubt, the Procurement commission has the right to contact the Client to verify that the services specified complies with the requirements set in the Section 13.1.1 of the Regulation.

²¹ In accordance with the responsibilities listed in the Section 13.1.1 of the Regulation.

			Detailed design, construction and commissioning of ECCS (including software, hardware, main control centre and RTUs).		
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[date of signing]

[name and position of the representative of the Candidate]

**DESCRIPTION OF THE CANDIDATE’S EXPERIENCE IN ACCORDANCE WITH THE SECTION 13.1.2 OF THE COPMETITION
“RAIL BALTICA ENERGY SUBSYSTEM DESIGN AND BUILD”
(ID NO RBR 2022/7)**

Required minimum infrastructure	Description of railway infrastructure
Name of the project (please indicate)	
EC certified railway infrastructure (Yes/No, please explain)	

No	Client, client’s contact information for references (name of representative, phone, email) ²²	Period of the contract (month/year - month/year)	Description of the services ²³	Description of the role – design and build main contractor and integrator
1.			<p>Detailed design, construction and commissioning of OCS for tracks with not less than 200 (two hundred) km of equivalent single track length for AC electrification system, and</p> <p>Detailed design, construction and commissioning of at least 3 (three) TSS for AC electrification system and High Voltage on primary side at least 110 kV, and</p>	

²² In case of the doubt, the Procurement commission has the right to contact the Client to verify that the services specified complies with the requirements set in the Section 13.1.2 of the Regulation.

²³ In accordance with the responsibilities listed in the Section 13.1.2 of the Regulation.

			Detailed design, construction and commissioning of ECCS (including software, hardware, main control centre and RTUs)		
--	--	--	--	--	--

[date of signing]

[name and position of the representative of the Candidate]

**DESCRIPTION OF THE CANDIDATE'S EXPERIENCE IN ACCORDANCE WITH THE SECTION 13.1.3 OF THE COPMETITION
"RAIL BALTICA ENERGY SUBSYSTEM DESIGN AND BUILD"
(ID NO RBR 2022/7)**

Required minimum infrastructure		Description of railway infrastructure
Name of the project (please indicate)		
TSI compliant railway infrastructure (Yes/No, please explain)		

No	Client, client's contact information for references (name of representative, phone, email) ²⁴	Period of the contract (month/year - month/year)	Description of the services ²⁵	Description of the role – maintenance main contractor
1.			Maintenance of OCS for tracks with not less than 200 (two hundred) km of equivalent single track length for AC electrification system, and	
			Maintenance of at least 3 (three) TSS for AC electrification system and High Voltage on primary side at least 110 kV	

[date of signing]

[name and position of the representative of the Candidate]

²⁴ In case of the doubt, the Procurement commission has the right to contact the Client to verify that the services specified complies with the requirements set in the Section 13.1.3 of the Regulation.

²⁵ In accordance with the responsibilities listed in the Section 13.1.3 of the Regulation.

DESCRIPTION OF THE CANDIDATE'S EXPERIENCE IN ACCORDANCE WITH THE SECTION 13.1.4 OF THE COPMETITION
"RAIL BALTICA ENERGY SUBSYSTEM DESIGN AND BUILD"
(ID NO RBR 2022/7)

No	Client, client's contact information for references (name of representative, phone, email) ²⁶	Period of the contract (month/year - month/year)	Name of the project	FIDIC book (Red book or Yellow book, or Grey book)	Description of the role – contractor
1.					

[date of signing]

[name and position of the representative of the Candidate]

²⁶ In case of the doubt, the Procurement commission has the right to contact the Client to verify that the services specified complies with the requirements set in the Section 13.1.4 of the Regulation.

**DESCRIPTION OF THE CANDIDATE’S EXPERIENCE IN ACCORDANCE WITH THE SECTION 13.1.5 OF THE COPMETITION
“RAIL BALTICA ENERGY SUBSYSTEM DESIGN AND BUILD”
(ID NO RBR 2022/7)**

Required minimum infrastructure		Description of the project
Name of the railway project (please indicate)		

No	Client, client’s contact information for references (name of representative, phone, email) ²⁷	Period of the contract (month/year - month/year)	Description of the services ²⁸
1.			Development and construction of a railway project based on OpenBIM strategy and using IFC format as main output for interchanging information between different parties

[date of signing]

[name and position of the representative of the Candidate]

²⁷ In case of the doubt, the Procurement commission has the right to contact the Client to verify that the services specified complies with the requirements set in the Section 13.1.5 of the Regulation.

²⁸ In accordance with the responsibilities listed in the Section 13.1.5 of the Regulation.

SUPPLIERS DECLARATION
"RAIL BALTICA ENERGY SUBSYSTEM DESIGN AND BUILD"
(ID NO RBR 2022/7)

I, the undersigned duly authorised representative, on behalf of [*name of the supplier*] undertake:

1. To respect the freely-exercised right of workers, without distinction, to organise, further and defend their interests and to bargain collectively, as well as to protect those workers from any action or other form of discrimination related to the exercise of their right to organise, to carry out trade union activities and to bargain collectively;
2. Not to use forced or compulsory labour in all its forms, including but not limited to not employ people against their own free will, nor to require people to lodge 'deposits' or identity papers upon commencing employment;
3. Not to employ: (a) children below 15 years of age or, if higher than that age, the minimum age of employment permitted by the law of the country or countries where the performance, in whole or in part, of a contract takes place, or the age of the end of compulsory schooling in that country or countries, whichever is higher; and (b) persons under the age of 18 for work that, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of such persons;
4. To ensure equality of opportunity and treatment in respect of employment and occupation without discrimination on grounds of race, colour, sex, religion, political opinion, national extraction or social origin and such other ground as may be recognised under the national law of the country or countries where the performance, in whole or in part, of a contract takes place;
5. To ensure the payment of wages in legal fashion, at regular intervals no longer than one month, in full and directly to the workers concerned; to keep an appropriate record of such payments. Deductions from wages will be conducted only under conditions and to the extent prescribed by the applicable law, regulations or collective agreement, and the workers concerned shall be informed of such deductions at the time of each payment. The wages, hours of work and other conditions of work shall be not less favourable than the best conditions prevailing locally (i.e., as contained in: (i) collective agreements covering a substantial proportion of employers and workers; (ii) arbitration awards; or (iii) applicable laws or regulations), for work of the same character performed in the trade or industry concerned in the area where work is carried out;
6. To ensure that: (a) the workplaces, machinery, equipment and processes under their control are safe and without risk to health; (b) the chemical, physical and biological substances and agents under their control are without risk to health when the appropriate measures of protection are taken; and (c) where necessary, adequate protective clothing and protective equipment are provided to prevent risk of accidents or of adverse effects to health;
7. To support and respect the protection of internationally proclaimed human rights and not to become complicit in human rights abuses;
8. To create and maintain an environment that treats all employees with dignity and respect and will not use any threats of violence, sexual exploitation or abuse, verbal or psychological harassment or abuse. No harsh or inhumane treatment coercion or corporal punishment of any kind is tolerated, nor is there to be the threat of any such treatment;
9. To have an effective environmental policy and to comply with existing legislation and regulations regarding the protection of the environment; wherever possible support a precautionary approach to environmental matters, undertake initiatives to promote greater environmental responsibility and encourage the diffusion of environmentally friendly technologies implementing sound life-cycle practices;
10. To identify and manage chemical and other materials posing a hazard if released to the environment to ensure their safe handling, movement, storage, recycling or reuse and disposal;
11. To monitor, control and treat as required prior to discharge or disposal wastewater and solid waste generated from operations, industrial processes and sanitation facilities;
12. To characterise, monitor, control and treat as required prior to discharge or disposal air emissions of volatile organic chemicals, aerosols, corrosives, particulates, ozone depleting chemicals and combustion by-products generated from operations;

13. To reduce or eliminate at the source or by practices, such as modifying production, maintenance and facility processes, materials substitution, conservation, recycling and re-using materials, waste of all types, including water and energy;
14. To adhere to the highest standards of moral and ethical conduct, to respect local laws and not engage in any form of corrupt practices, including but not limited to extortion, fraud, or bribery;
15. To disclose (a) any situation that may appear as a conflict of interest, such as but not limited to: where a supplier or an undertaking related to the supplier has advised a Contracting Authority or has otherwise been involved in the preparation of the procurement procedure; and (b) if Contracting Authority official, professional under contract with Contracting Authority or sub-contractor may have a direct or indirect interest of any kind in the supplier's business or any kind of economic ties with the supplier;
16. Not to offer any benefit such as free goods or services, discounts, employment or sales opportunity to a Contracting Authority staff member in order to facilitate the suppliers' business with Contracting Authority;
17. Within a period set in the applicable national legislation following separation from service or award of a contract, as the case may be, to refrain from offering employment to Contracting Authority staff in service and former Contracting Authority staff members who participated in the procurement process and to whom a legal restriction to receive material benefits from or be employed by a supplier which participated in a procurement procedure or restrictions with similar effect applies;
18. To promote the adoption of the principles set forth in this Supplier's Declaration by my potential business partners and promote the implementation of the principles set forth in this document towards own suppliers;
19. Not procure goods, works and services from other suppliers:
 - a. who, or its member of the Management Board or the Supervisory Board or procurator of such supplier, or a person having the right to represent such supplier in activities related to a subsidiary, has been found guilty in any of the following criminal offences by a such punishment prescription of prosecutor or a judgement of a court that has entered into effect and is non-disputable and not subject to appeal:
 - i. bribetaking, bribery, bribe misappropriation, intermediation in bribery, taking of prohibited benefit or commercial bribing, management of criminal organisation;
 - ii. fraud, misappropriation or laundering, human trafficking;
 - iii. evading payment of taxes and payments equivalent thereto,
 - iv. terrorism, financing of terrorism, invitation to terrorism, terrorism threats or recruiting and training of a person for performance of terror acts;
 - b. who, by such a decision of a competent authority or a judgment of a court which has entered into effect and has become non-disputable and not subject to appeal, has been found guilty of an infringement of employment rights which means:
 - i. employment of such one or more citizens or nationals of countries, which are not citizens or nationals of the European Union Member States, if they reside in the territory of the European Union Member States illegally;
 - ii. employment of one person without entering into a written employment contract, not submitting an informative declaration regarding employees in respect of such person within a time period laid down in the laws and regulations, which is to be submitted regarding persons who commence work;
 - c. who fall under the restrictive measures, imposed by EU and are included in the lists of sanctioned suppliers and/or sanctioned persons, originated from sanctioned countries (including transportation of goods via the ports of sanctioned countries);
 - d. who, by such a decision of a competent authority or a judgment of a court which has entered into effect and has become non-disputable and not subject to appeal, has been found guilty of infringement of competition rights manifested as a vertical agreement aimed at restricting the opportunity of a purchaser to determine the resale price, or horizontal cartel agreement, except for the case when the relevant authority, upon determining infringement of competition rights, has released the candidate or tenderer from a fine or reduced fine within the framework of the co-operation leniency programme;
 - e. whose insolvency proceedings have been announced (except the case where a bailout or similar set of measures is applied within insolvency proceedings oriented towards prevention of possible bankruptcy and restoration of solvency of the debtor, in which case I shall evaluate

the possibility of such supplier to participate in the tender), economic activity of such supplier has been suspended or discontinued, proceedings regarding bankruptcy of such supplier have been initiated or such supplier will be liquidated;

f. who has tax debts according to the applicable procurement law (subject to the allowability to remedy the situation according to the applicable law) in the country where the procurement is organised or a country where such supplier is registered or permanently residing, including debts of State social insurance contributions, in total exceeding an amount which is common threshold in public procurements in the respective country.

[signature]

[name, last name]

[position]

[date]