

CANDIDATE SELECTION REGULATION

for Competitive Procedure with Negotiation

"RAIL BALTICA CONTROL-COMMAND AND SIGNALLING SUBSYSTEM DESIGN AND BUILD"

(identification No: RBR 2022/26)



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

Riga

2022

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1. ABBREVIATIONS AND TERMS

Denomination	Abbreviation	Definition
Application	-	Documentation package the Candidate submits to participate in the First Stage of the Competition.
Beneficial owner	-	<p>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:</p> <p>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;</p> <p>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.</p>
Brownfield project	-	Any Railway project consisting in building, upgrading, refurbishing or renewing one or more of the main parts constituting a Railway under operation conditions, requiring track possessions and involvement of infrastructure operator and maintainer.
Candidate	-	A Supplier or a group of suppliers which has submitted an Application.
Communications-based train control	CBTC	-
Common procurement vocabulary	CPV	A nomenclature approved by the European Union which is applied in public procurement procedures.
Competition (also the Procurement)	-	Competitive procedure with negotiation "Rail Baltica Control-Command and Signalling Subsystem Design and Build" (ID No RBR 2022/26).
Contract	-	Agreement for design and construction of CCS subsystem works, consisting of Particular Conditions, General Conditions of FIDIC Yellow Book (2017 edition) and all other appendixes.
Contracting Authority	-	<p>The joint stock company RB Rail AS, registration number: 40103845025, legal address: Satekles iela 2B, Riga LV-1050, Latvia.</p> <p>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</p>

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		Republic of Estonia and Ministry of Transport and Communications of the Republic of Lithuania.
Control-Command and Signalling	CCS	Control-Command and Signalling according to the latest updated Technical Specifications for Interoperability TSI CCS and EN 50129 standard.
Control-Command and Signalling subsystems	CCS subsystems	CCS subsystems being deployed for entire Rail Baltica Global project covers the following key components (as better specified in the Annex 2): <ul style="list-style-type: none"> • Interlocking System; • Radio Communication System; • ETCS Trackside System; • Traffic Management System; • Transmission/ Communication System; • Non-Traction Power Supply system; • Ancillary and other supporting Systems.
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, and from time to time may be changed and updated by the Contracting Authority.
Detailed technical design	DTD	Final stage of the design process in accordance with country's construction legislation and it gives right to start construction works.
European Climate Infrastructure and Environment Executive Agency	CINEA	Executive agency established by the European Commission and in charge of all open TEN-T projects.
European Railway Traffic Management System	ERTMS	-
European Single Procurement Document	ESPD	-
European Train Control System	ETCS	-
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.
Future Railway Mobile Communication System	FRMCS	-
Global System for Mobile Communication-Railway	GSM-R	-
Greenfield project	-	Any Railway project consisting in building <i>ex-novo</i> a railway line starting from track alignment, including

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		new traction-power systems and Control, Command and Signalling systems.
Identification number	ID No	Designation of procurement procedure which includes the abbreviation of the name of Contracting Authority (the first capital letters), the relevant year and the procurement sequence number in ascending order (RBR 2022/XX).
Leading contractor	-	In case the contract has been executed by a partnership (group of contractors), a contractor who is the leader of a partnership, represents the partnership towards the client in relation to the delivery of the contract.
Metro Subsystems	-	Metro subsystems includes the following main components: <ul style="list-style-type: none"> • Interlocking System; • Radio Communication System; • CBTC system; • Traffic Management System; • Transmission/ Communication System; • Non-Traction Power Supply system; • Ancillary and other supporting Systems.
Notified Body	NoBo	Organisation that has been selected by the Contracting Authority responsible for the third-party assessment of a structural subsystem against the requirements of the relevant TSI. According to Articles 2(j), 13(2), 18 and 28 and Annex VI of the Interoperability Directive.
Offshore	-	Low tax or tax-free country or territory in accordance with Corporate income tax law of the Republic of Latvia except Member States of EEA (European Economic Area) or its territories, Member States of the World Trade Organization Agreement on State Treaties or territories and such countries and territories with which European Union and Republic of Latvia has international agreements for open market in public procurement area.
Procurement commission	-	Commission the composition of which has been established by Contracting Authority; order No 1.9-2022-34 dated 25.11.2022 issued by Management Board of the RB Rail AS.
Project lifecycle	-	Project lifecycle includes concept and preliminary design stage, procurement stage, detailed design stage, construction stage, integration, testing and putting in operation stages and defect notification period.
Proposal (also the Bid)	-	Documentation package the Tenderer submits to participate in the Second Stage of the Competition.

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Public Procurement Law	-	Public Procurement Law of the Republic of Latvia.
Rail Baltica Global Project	RBGP	All the activities undertaken by the Rail Baltica implementing parties in order to build, put in operation and commercialize the Rail Baltica and related railway infrastructure in accordance with the agreed route, technical parameters and time schedule.
Rail Baltica	-	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.
Railway communication systems	-	Set of communication systems delivering communications to CCS subsystem and other subsystems or users, for railway operation functions and administrative support functions.
Railway	-	Has the meaning in the Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (recast), as well includes freight and passenger terminals and infrastructure and rolling stock maintenance facilities and the ground underneath them and the airspace above them to the extent that the national legislation permits the ownership of the ground and the airspace.
Railway node	-	A location in a railway network where various routes intersect due to the presence of infrastructure or operational features. These features include junctions or crossings of rail routes, to stations.
Reference project	-	Project where specific services/works have been provided for TSI certified railway infrastructure which is in revenue service (with trains running under ERTMS Level 2) and which complies with at least the following parameters: <ul style="list-style-type: none"> • 50 (fifty) km of double track line 1435 mm gauge with design speed of at least 160 km/h; • 2 (two) stations with not less than two siding tracks and 8 turnouts each; • ETCS Level 2; • Interlocking; • Traffic Management System, incl. Traffic Control Centre; • GSM-R; • Railway communication systems; • Non-traction power supply.
Reliability, Availability, Maintainability and Safety	RAMS	RAMS according to the EN 50126 standard.
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.

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Subsystem	-	Structural or functional part of the rail system as defined in Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (recast).
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 Building	-	Building or technical room in a building dedicated to CCS subsystem and Railway communication systems.
Technical Specifications for Interoperability	TSI	The Technical Specifications for Interoperability (TSIs) define the technical and operational standards which must be met by each subsystem or part of subsystem in order to meet the essential requirements and ensure the interoperability of the railway system of the European Union.
Tenderer	-	A Candidate which was invited to submit a Proposal and has submitted a Proposal.
TEN-T	TEN-T	The Trans-European Transport Network is a planned network of roads, railways, airports and water infrastructure in the European Union.
Traffic Management System	TMS	-
TSI Certificate	-	TSI Compliance certificate issued by NoBo or Infrastructure Manager Certificate.

2. GENERAL INFORMATION

- 2.1. The Contracting Authority 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 Control-Command and Signalling subsystem** through the **design and build** contract (hereinafter – **CCS 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 2022/26.
- 2.4. The applicable CPV codes are 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 CCS D&B shall be right after the Contract commencement date. The total period of Contract shall cover the deployment of Control-Command and Signalling subsystem for Rail Baltica Global Project, including defect notification period. According to the Rail Baltica Global Project Programme the implementation of Rail Baltica mainline will take place in stages by end of Year 2030 or longer, if project implementation will be extended.
- 2.7. CCS 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 CCS 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 six, 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/94020> 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/94020> 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 have access to the system yet) 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 have access to the system yet).
- 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 Tenderer's 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 Competition, before the signature of the Contract with the winning Tenderer.
 - 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 regarding the 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 regarding the Candidate by the Latvian State Security Service, the Procurement commission will exclude it from the Competition.
- 3.4. The successful Tenderer will be obliged to ensure that all requirements of Supplier's declaration (Annex No 13), which shall be signed together with the Contract, are followed, including, to ensure the 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 in 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 Russian Federation;
- 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 Section 4.2.1 of this Regulation;
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 Section 4.2.1 or 4.2.2 of this Regulation, 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.

4.3. With reference to Section 15 of the Public Procurement Law and the Contracting Authority's discretion in the application of Section 15 of the Public Procurement Law, 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 will 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

No	Requirement	Documents to be submitted
		<p>registration, shareholders, officials and procura holders (if any) can be determined.</p> <ul style="list-style-type: none"> - 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 members of the partnership are not performing their contractual 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.
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> <ol style="list-style-type: none"> 1) a legal person – <ol style="list-style-type: none"> a) registered in a Member State to the North Atlantic Treaty Organization (hereinafter - NATO), European Union or European Economic Area; b) whose beneficial owner is a citizen of the NATO, European Union or European Economic Area or non-citizen of the Republic of Latvia; and 	<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 will not invite the Candidate to the Second 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 will be received.

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>).

No	Requirement	Documents to be submitted
	c) whose manufacturer of the software or equipment used for the provision of the Contract 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 or 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.	
3.	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 signature or a person authorized by the Candidate or by the member of a partnership, or by the person on whose capacity Candidate relies.	<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), the person on whose capacity Candidate relies which is a legal person registered in Latvia the Contracting Authority will verify the information itself in publicly available databases. - 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.	The Candidate's or <u>all members' of the partnership together (if the Candidate is a partnership and confirms the average financial turnover jointly)</u> , average financial turnover within the last 3 (three) financial years (2020, 2021, 2022)	<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)

No	Requirement	Documents to be submitted
	<p>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>	<p>of the country of residence of the Candidate or the annual financial statement is not yet approved for year 2022) annual financial statements for financial years 2020, 2021, 2022 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.</p> <ul style="list-style-type: none"> - If the previous 3 (three) reporting years of the Candidate differ from the years specified in this Section (2020, 2021, 2022), the financial turnover necessary must be indicated for the Candidate's previous 3 (three) reporting years.
2.	<p><u>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</u> and entity on whose abilities the Candidate is relying to certify its 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, <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"> - 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). - 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 shall submit a confirmation or agreement on cooperation and/or passing of resources to the Candidate, signed between such entity and the Candidate (for detailed information please see the Section 6 of the Regulation).

5.3. Technical and professional ability

No	Requirement	Documents to be submitted
1.	<p>The Candidate or at least one member of the partnership (if the Candidate is a partnership) within the previous 15 (fifteen) years (until the date of submission of the Application) has gained experience <u>as a contractor</u> with CCS subsystems and Railway communication systems in one or several Reference project/-s² in provision of the following services/works:</p> <ul style="list-style-type: none"> a) Management of requirements throughout Project lifecycle using a dedicated tool; b) Radio cellular network planning by means of software tools; c) DTD delivery and construction; d) System integration, testing (incl. testing documentation) and commissioning. <hr/> <p><i>Each requirement (from a) to d)) can be covered by separate Reference project.</i></p>	<ul style="list-style-type: none"> - Filled in and signed Annex No 3; - Description of the Reference project scope (not more than 2 pages per Reference project); - A copy of TSI certificate.
2.	<p>The Candidate or at least one member of the partnership (if the Candidate is a partnership) within the previous 15 (fifteen) years (until the date of submission of the Application) has gained experience as <u>Leading contractor</u> with CCS subsystems in a Brownfield Railway node project in provision of following services/works:</p> <ul style="list-style-type: none"> a) Delivery of a set of studies, drawings and specifications allowing the definition of functionalities, architecture and performances for procurement of design and construction works; b) Technical interface management definition and coordination; c) Construction, installation, testing and commissioning; d) Manufacture and delivery of ETCS or interlocking equipment. <hr/> <p><i>Requirement shall be covered by one Brownfield Railway node project.</i></p>	<ul style="list-style-type: none"> - Filled in and signed Annex No 4; - Description of the Brownfield Railway node project scope (not more than 2 pages).

² Services indicated in Section 5.3.1 of the Regulation must be provided by the Candidate in the **Reference project which comply with all requirements for Reference project (please see the Section 1 of the Regulation)**. If the services provided by the Candidate is part of some other project, the part of the service provided by the Candidate must meet all the requirements for the Reference project.

No	Requirement	Documents to be submitted
3.	<p>The Candidate or at least one member of the partnership (if the Candidate is a partnership) within the previous 15 (fifteen) years (until the date of submission of the Application) has gained experience as <u>Leading contractor</u> for CCS subsystems or Metro subsystems scope in a project in provision of the following services/works:</p> <ul style="list-style-type: none"> a) Delivery of a set of studies, drawings and specifications allowing the definition of functionalities, architecture and performances for procurement of design and construction works; b) Technical interface management definition and coordination; c) Construction, installation, testing and commissioning; d) Manufacture and delivery of ETCS, CBTC or interlocking equipment. <hr/> <p><i>Requirement shall be covered by one project.</i></p>	<ul style="list-style-type: none"> - Filled in and signed Annex No 5; - Description of the project scope (not more than 2 pages).
4.	<p>The Candidate or at least one member of the partnership (if the Candidate is a partnership) within the previous 15 (fifteen) years (until the date of submission of the Application) was involved (for example, as part of working groups, review panels, expert roles, etc.) in a project coordinated by one of following organisations:</p> <ul style="list-style-type: none"> a) UNISIG industrial consortium; b) Shift2Rail projects (X2Rail-2 or X2Rail-3 or X2Rail-4); c) EULYNX; d) SmartRail 4.0. 	<ul style="list-style-type: none"> - Filled in and signed Annex No 6; - Description of the project and Candidate's involvement within the project (not more than 2 (two) pages).
5.	<p>The Candidate or at least one member of the partnership (if the Candidate is a partnership) within the previous 15 (fifteen) years (until the date of submission of the Application) <u>in a role of a contractor</u> has provided Project Management Office services a Railway project with a total project investment value of at least 100 000 000,00 EUR (one hundred million euros, zero cents) covering at least:</p> <ul style="list-style-type: none"> a) DTD delivery and construction management; b) HSEQ management; 	<ul style="list-style-type: none"> - Filled in Annex No 7; - Description of the Railway project scope and Candidate's involvement provided Project Management Office services (not more than 2 (two) pages).

No	Requirement	Documents to be submitted
	c) contract management; d) stakeholder management; e) risk management; f) interface and integration management; g) requirement management; h) communication management; i) change and configuration management; j) development and implementation of project management plan; k) forecasting, reporting, scheduling.	
	<i>Requirement shall be covered by one Railway project.</i>	

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 ³
1.	Within previous 3 (three) years before submission of the Application the Candidate or 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, has been found guilty of or has been subjected to coercive measures for committing any of the following criminal offences by such a public prosecutor's order regarding punishment or a court judgement that has entered into force and may not be challenged and appealed: a) establishment, management of, involvement in a criminal organization or in an organized group included in the criminal organization or other criminal formation, or participation in criminal offences committed by such an organization, b) bribe-taking, bribery, bribe misappropriation, intermediation in	<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 in Latvia, the Contracting Authority will verify the information itself in publicly available databases. - 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.

³ Unless documents are not specifically requested by the Procurement commission, there is no obligation to submit any.

No	Requirement	Documents to be submitted ³
	bribery, unauthorized participation in property transactions, taking of prohibited benefit, commercial bribing, unlawful claiming of benefits, accepting or providing of benefits, trading influences, c) fraud, misappropriation or money-laundering, d) terrorism, terrorism funding, creation or organization of a terrorist group, traveling for terrorist purposes, justification of terrorism, calling to terrorism, terrorism threats or recruiting or training a person in performance of acts of terrorism, e) human trafficking, f) evasion from payment of taxes or similar payments.	
2.	It has been detected that <u>on the last day of the term for submitting Applications (in the First Stage of the Competition) or 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> .	<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.
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.	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	No obligation to submit documents, unless specifically requested by the Procurement commission.

No	Requirement	Documents to be submitted ³
	<p>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 expert is related to a member of a partnership in any of the above-mentioned ways.</p>	
5.	<p>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.</p>	<p>No obligation to submit documents, unless specifically requested by the Procurement commission.</p>
6.	<p>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</p>	<p>- For a Candidate registered or residing in Latvia, the Contracting Authority will verify the information itself in publicly available databases.</p>

No	Requirement	Documents to be submitted ³
	<p>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.</p>	<ul style="list-style-type: none"> - 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.	<p>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.</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.
8.	<p>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 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.</p>	<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 authority of the country of registration or residence.
9.	<p>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.</p>	<p>No obligation to submit documents, unless specifically requested by the Procurement commission.</p>

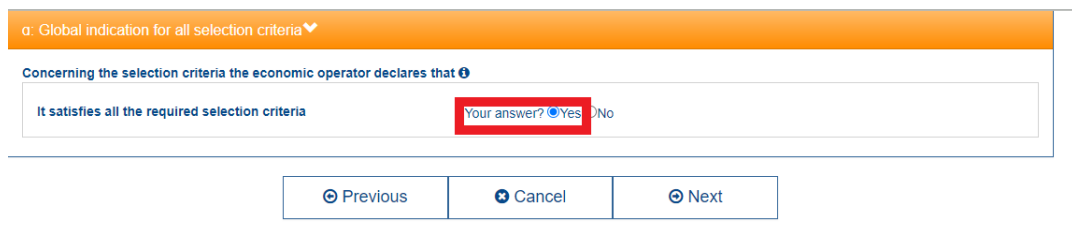
No	Requirement	Documents to be submitted ³
10.	The Candidate is a registered Offshore company (legal person) or Offshore association of persons.	<ul style="list-style-type: none"> - For a Candidate which is registered in Latvia, the Contracting Authority will verify the information itself in publicly 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.	<p>For a Candidate which is registered in Latvia:</p> <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 ⁴ 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 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	<ul style="list-style-type: none"> - For a Candidate registered or residing in Latvia, the Contracting Authority will verify

⁴ Candidates will be required to provide information about their subcontractors during the Second Stage of the Competition.

No	Requirement	Documents to be submitted ³
	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.	the information itself from the Register of Enterprises of the Republic of Latvia. - 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 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, 5.4.9 – 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.



- 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, the 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"⁵.

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

⁵ Available here: <https://likumi.lv/ta/id/289086-iepirkuma-proceduru-un-metu-konkursu-norises-kartiba>

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 of the Regulation. In case such person will comply with any of the exclusion grounds which are mentioned in Section 5.4.1 - 5.4.8 and Section 5.4.12 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 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. The 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/Procurement/94020>) 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;

"Rail Baltica Control-Command and Signalling Subsystem Design and Build"

- 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/Procurement/94020> by

15 March 2023 till 12:00 (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 **15 March 2023** starting at 16:00 (Riga time) during the opening session⁶. 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 5 (five) Candidates comply with selection criteria stipulated in Section 5.1 - 5.3 of this Regulation, to reduce the number of Candidates to 5 (five) Candidates, the Procurement commission will rank the Candidates according to following scoring criteria:

No	Evaluation criteria	Maximum points	Documents to be submitted
1.	The Candidate within the previous 15 (fifteen) years (until the date of submission of the Application) has gained experience in a role of a Leading contractor in provision of all services/works mentioned in the Section 5.3.1 and 5.3.3 of the Regulation within one: <ul style="list-style-type: none"> • Brownfield Reference project (4 points) or • Brownfield Railway project (1 point). 	4	<ul style="list-style-type: none"> - Filled in and signed Annex No 9; - Description of project scope (not more than 2 (two) pages).
2.	The Candidate within the previous 15 (fifteen) years (until the date of submission of the Application) has gained experience in role of a contractor in supply and put in operation of Automatic train operation (ATO) system with at least GoA 2 grade of automation as overlay to ERTMS Level2 system.	2 (1 point per each project ⁷)	<ul style="list-style-type: none"> - Filled in Annex No 10; - Description of project and Candidate's involvement within the project (not more than 2 (two) pages per project).

⁶ Application opening time is 4 hours later than the submission deadline considering the amendments of Cabinet Regulation No 107 “Tendering Procedures for Procurement Procedures and Design Contests” that will be applicable for procurement procedures where opening is scheduled in year 2023.

⁷ The Candidate will receive 1 (one) point per each additional project coordinated by each other organization listed in the Section 5.3.4 of the Regulation, but not proposed to meet the requirement stipulated in the Section 5.3.4 of the Regulation (e.g. if Candidate has proposed the project coordinated by Shift2Rail to meet the requirement stipulated in the Section 5.3.4 of the Regulation, it can receive 1 (one) point per project coordinated by ERTMS Users Group, 1 (one) point - per project coordinated by EULYNX etc.).

No	Evaluation criteria	Maximum points	Documents to be submitted
3.	The Candidate within the previous 15 (fifteen) years (until the date of submission of the Application) has gained experience in role of a contractor in implementation of at least one CCS subsystem in Baltic states.	3 (1 point per each Baltic state)	- Filled in Annex No 11; - Description of project scope (not more than 2 (two) pages per project).
4.	The Candidate within the previous 15 (fifteen) years (until the date of submission of the Application) has gained experience in role of a contractor in provision of at least one CCS subsystem maintenance services project in Baltic states.	3 (1 point per each Baltic state)	- Filled in Annex No 12; - Description of project scope (not more than 2 (two) pages per project).
5.	The Candidate or each member of the partnership (if Candidate is the partnership) has quality management system that complies with: a) ISO 9001:2015 standard b) ISO 14001:2015 standard c) ISO 45001:2018 standard	1 point if all 3 certificates	- Copies of ISO 9001:2015, ISO 14001:2015 and ISO 45001:2018 certificates
Total:		13	

13.2. After the ranking the Procurement commission selects all Candidates which are ranked in the first 5 (five) 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, the Procurement commission within 3 (three) business days after the termination simultaneously informs all the Candidates of 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/94020> 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/94020> 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/94020> 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), the 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 5 (five) 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 1 (one) page;
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. Supplier's declaration on 3 (three) pages.

**APPLICATION FOR PARTICIPATION IN THE COMPETITION
“RAIL BALTICA CONTROL-COMMAND AND SIGNALLING SUBSYSTEM
DESIGN AND BUILD”
(ID NO RBR 2022/26)**

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 Control-Command and Signalling Subsystem Design and Build”, ID No RBR 2022/26;
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 CONTROL-COMMAND AND SIGNALLING SUBSYSTEM
DESIGN AND BUILD”
(ID NO RBR 2022/26)**

1. Introduction to Rail Baltica Global project

Rail Baltica is a joint project of three EU Member States – Estonia, Latvia and Lithuania – and concerns the building of a fast conventional double-track 1435 mm gauge electrified and ERTMS equipped railway line with overall length of 890 km on the route from Tallinn through Pärnu (EE), Riga (LV), Panevėžys (LT), Kaunas (LT) to the Lithuania/Poland state border (including a Kaunas – Vilnius spur) with a speed of 249km/h.

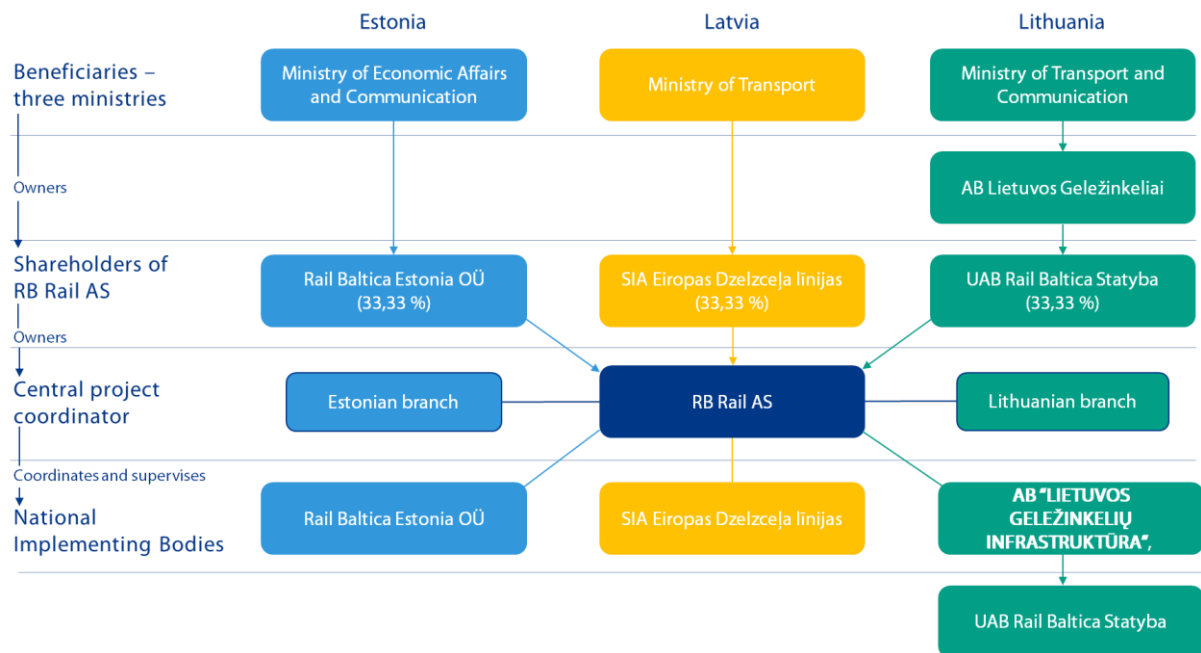
Railway line for both passenger and freight transport shall be interoperable with the TEN-T Network in the rest of Europe and competitive in terms of quality with other modes of transport in the region.

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

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

- double track, mixed passenger and freight traffic line, design speed on the main track 249 km/h;
- axle load 25 t;
- rolling stock gauge class SE-C;
- distance between track centres at least 4.50 m on the main tracks;
- all pedestrian, road and 1520mm rail crossings only as over or under crossings (segregated grade crossings), fencing and noise barriers where needed;
- ERTMS according the newest version of TSI CCS 2022, including FRMCS implementation;
- electrification 2x25 kV AC;
- maximum train length: 1050 m - for freight trains and 400 m - for passenger trains;
- height of passenger platforms 760 mm.

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



The expected core outcome of the Rail Baltica Global project is a European gauge (1435mm) double-track railway line for both passenger and freight transport and the required additional infrastructure (to ensure full operability of the railway). It will be interoperable with the TEN-T Network in the rest of Europe and competitive in terms of quality with other modes of transport in the region. The indicative timeline and phasing of the project implementation can be found here: <http://www.railbaltica.org/about-rail-baltica/project-timeline/>.

2. Procurement subject

- 2.1. RBR is appointed to organize the consolidated procurements for full Control-Command and Signalling subsystem (CCS) deployment across Estonia, Latvia and Lithuania.
- 2.2. The subject of this procurement is to select a CCS Contractor that shall design and build all systems of CCS subsystem for the entire Rail Baltica Global project: from Tallinn to Lithuanian/Polish border and a branch from Kaunas to Vilnius.
- 2.3. An optional scope of this procurement is indicated in paragraph 3.15. of this Annex.
- 2.4. The goal of this procurement is to procure a CCS Contractor which will deploy the most suitable solution of the Command, Control and Signalling subsystem to ensure optimal operation of the Rail Baltica infrastructure, the CCS subsystem shall be compliant with EU Technical Specification of Interoperability and EU standard, optimized from the Life Cycle Costs point of view and minimizing the environmental impacts during operation and maintenance phase.

3. Procurement scope

- 3.1. The geographical scope the procurement includes the deployment of the CCS subsystem for Rail Baltica Global project infrastructure in Estonia, Latvia and Lithuania, including the interface to Poland with PKP-PLK railway line Elk - Trakiszki.
- 3.2. The geographical scope of this procurement includes the deployment of the CCS subsystem in all Local Facilities of the Rail Baltica Global Project, such as:
 - 3.2.1. passenger stations and stopping points (international and regional),

- 3.2.2. freight/intermodal terminals,
 - 3.2.3. freight yards,
 - 3.2.4. rolling stock maintenance facilities,
 - 3.2.5. infrastructure maintenance facilities,
 - 3.2.6. military facilities.
- 3.3. In addition, the geographical scope includes all gauge crossing between Rail Baltica 1435 mm tracks mentioned in paragraph 3.1 and 3.2 and 1520 mm tracks: all required interfaces between CCS subsystem for Rail Baltica Global project and CCS subsystem for 1520 mm railway (Interlocking, TMS and Information and Communications Technology (ICT) systems at those location where 1435 mm and 1520 mm gauge tracks cross each other at the same level (Kaunas, Palemonas, Vilnius, Muuga, Salaspils, etc.) and where 1520 mm shall be implemented as gauntlet track with 1435 mm (Kaunas tunnel).
- 3.4. The geographical scope includes also interfaces with the 1520 system needed to ensure coordination between the existing 1520 mm network and Rail Baltica Global Project.
- 3.5. To be highlighted that in Lithuania exist a railway line with gauge 1435 mm (identified as RB1) from Palemonas till Lithuanian-Polish border, the procurement scope includes also the development of the necessary interfaces with RB1 CCS systems to allow the transit of trains from Rail Baltica line to RB1 and *vice versa*.
- 3.6. The systems scope of this procurement includes all the necessary railway Systems and their interfaces which are needed for Rail Baltica Global project operation and maintenance, except Energy subsystems (Traction Power Supply, Overhead Catenary System, Energy Control and Command system), Mechanical, Electrical, Plumbing (MEP) in local facilities and ICT systems used for administrative management by Infrastructure Manager and Railway Undertakings. In detail the CCS Contractor scope includes:
- 3.6.1. ERTMS without track side signalling including FRMCS and Automated Train Operation (ATO) as per TSI CCS revision expected in 2022;
 - 3.6.2. Interlocking based on EULYNX specifications baseline 4, and related track side elements (axle counters, turnouts, shunting signals, etc.);
 - 3.6.3. Traffic Management System based on Traffic Management Evolution (TD2.9) for Centralised Traffic Control on Rail Baltica main line with Operations and Control Centre located in each country, as well Local Control in Local Facilities outside Rail Baltica main line and Maintenance work monitoring and track possession management;
 - 3.6.4. Information and Communications Technology systems (ICT): fixed transmission networks, voice communication, railway operation communication applications;
 - 3.6.5. Cyber Security systems;
 - 3.6.6. Platform gates in certain passenger stations;
 - 3.6.7. Supervisory Control and Data Acquisition system (SCADA);
 - 3.6.8. Maintenance Management System (MMS);
 - 3.6.9. Passenger Information Display System & Public Address System (PIDS & PAS);
 - 3.6.10. Master Clock;
 - 3.6.11. Closed Circuit Television system (CCTV) in all stations and safety and security supervision system in Operation Control Centre (OCC) for all the Local Facilities;
 - 3.6.12. Automatic Fare Collection/ticketing system (AFC);
 - 3.6.13. Ancillary monitoring systems:
 - 3.6.13.1. Rolling stock health monitoring system (including Hot Box Detection system);
 - 3.6.13.2. Road vehicle detection system (falling vehicle);
 - 3.6.13.3. Broken rail detection system;
 - 3.6.13.4. Meteorological condition monitoring system;
 - 3.6.13.5. Telematics systems for freight services;
 - 3.6.13.6. Interfaces of CCS system with monitoring systems provided by others: flood monitoring, civil structures' monitoring, rail temperature monitoring system, meteorological condition monitoring;

- 3.6.14. Non-Traction Power Supply (NTPS) for all CCS subsystem and, Electromagnetic Compatibility provisions;
 - 3.6.15. Cableway system;
 - 3.6.16. Technical Buildings necessary for the installation of the mentioned CCS subsystem equipment with the related MEP, access control, intrusion detection, fire protection, cableway and civil works, etc.;
 - 3.6.17. The Turnout Integrated System is being procured by RB Rail AS as a fully functioning solution with all necessary subsystems: actuation, detection, locking, EULYNX turnout control unit (object controller), switch heating system and condition monitoring system, which all are out of the scope of this procurement;
 - 3.6.18. CCS Contractors scope includes interfacing with the Turnout Integrated System and installation of subsystems on track under supervision of supplier of Turnout Integrated System;
 - 3.6.19. CCS Contractors scope includes, when applicable, interfacing with the Rail Expansion Joints condition monitoring system and providing connectivity to SCADA and Asset Management System.
- 3.7. The CCS Contractor shall design and build the CCS systems following the system engineering processes such as: requirements management, interface management, configuration managements, system safety assurance, integration management, etc. in compliance with EU standards and the Rail Baltica System Engineering management plans and guidelines. The Verification and validation (V&V) process will be managed with the support of a specialized software defined by Rail Baltica AS.
 - 3.8. The CCS Contractor activities shall be developed according to the V-Life Cycle Program, and particularly from the detail design tack up to the commissioning, assistance and training of the CCS systems and sub-systems.
 - 3.9. The CCS Contractor shall be responsible to manage the project implementation in compliance with the requirements for Project Management defined by the Contract.
 - 3.10. The CCS Contractors scope include all required RAMS activities and deliverable for the CCS subsystems. The CCS Contractor shall provide the list of the necessary spare parts necessary to comply with the RAM target for each CCS subsystem.
 - 3.11. The CCS Contractor scope includes also training for future Rail Baltica Infrastructure Manager(s) personnel. The CCS Contractor shall provide the testing facilities necessary for all the required offline tests and for training.
 - 3.12. The CCS Contractor shall develop the design of the CCS subsystems in compliance with the EU standards, TSI and national regulation valid in Estonia, Latvia and Lithuania, as well construction, testing and commissioning activities of CCS subsystem shall be performed in compliance with requirements defined in the Contract for the entire Rail Baltica Global project, including the local facilities. The design shall be developed following the BIM Guideline of Rail Baltica.
 - 3.13. The CCS Contractor shall engage a third-party Assessment Body/Independent Safety Assessment for the safety assessment of the deployed CCS systems.
 - 3.14. The CCS Contractor shall ensure the Integration of the CCS systems with the other subsystems part of the Rail Baltica infrastructure:
 - 3.14.1. Energy Subsystems;
 - 3.14.2. Infrastructure subsystems;
 - 3.14.3. Rolling stocks and related CCS on-board subsystem;
 - 3.14.4. Existing 1435 and 1520-mm railways;
 - 3.14.5. Local facilities;
 - 3.14.6. Other third-party systems necessary for the railway operation.
 - 3.15. Optional scope of CCS Contractor may include following items in parts or in totality:

- 3.15.1. Maintenance, upgrade and modifications of CCS equipment (including software and hardware), and maintenance and/or support service during the operation of the Rail Baltica infrastructure;
- 3.15.2. Delivery of ERTMS on existing 1520 mm railway networks in Estonia, Latvia and Lithuania;
- 3.15.3. CCS subsystem implementation on existing 1435 mm railway line RB1 in Lithuania.

The detailed information on the scope of CCS Contractor will be provided during second stage of the procurement.

4. Indicative list of expertise required

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

4.1.1. All necessary skills needed for design and construction of the scope that is described in Section 3 of this document;

4.1.2. 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.

4.1.3. Integration team with:

- Experience with integration and Interface management within all the components of the CCS Subsystems (ETCS, GSM-R, Interlocking, ICS, Traffic Management System, SCADA, OCC) and other Subsystems (ENE, INF, Trackwork, Rolling stock, etc).

4.1.4. Radio planning team with:

- Experience developing radio coverage models and Radio cellular network planning by means of software tools.

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

4.2.1. FIDIC Yellow Book contract management as Contractor;

4.2.2. project management plan development;

4.2.3. risk management;

4.2.4. HSEQ;

4.2.5. document management;

4.2.6. scope management;

4.2.7. resource management;

4.2.8. design and construction management;

4.2.9. stakeholder management;

4.2.10. requirement management

4.2.11. communication management;

4.2.12. change and configuration management;

4.2.13. 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 RAIL BALTICA CONTROL-COMMAND AND SIGNALLING SUBSYSTEM DESIGN AND BUILD"
(ID NO RBR 2022/26)

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	
TSI certified railway infrastructure which is in revenue service (with trains running under ERTMS Level 2)	
Design speed of at least 160 km/h	
50 (fifty) km of double track line 1435 mm gauge	
<ul style="list-style-type: none"> 2 (two) stations with not less than two siding tracks and 8 turnouts each ETCS Level 2; Interlocking; Traffic Management System, incl. Traffic Control Centre; GSM-R; Railway communication systems; Non-traction power supply. 	

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/works ¹²		Description of the role – main contractor/sub-contractor
1.			a) Management of requirements throughout Project lifecycle using a dedicated tool b) Radio cellular network planning by means of software tools c) DTD delivery and construction d) System integration, testing (incl. testing documentation) and commissioning		

Attached:

- 1) Description of the Reference project scope;
- 2) A copy of TSI certificate.

[date of signing]

[name and position of the representative of the Candidate]

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.

DESCRIPTION OF THE CANDIDATE'S EXPERIENCE IN ACCORDANCE WITH THE SECTION 5.3.2 OF THE COMPETITION
"RAIL BALTICA RAIL BALTICA CONTROL-COMMAND AND SIGNALLING SUBSYSTEM DESIGN AND BUILD"
(ID NO RBR 2022/26)

Required minimum infrastructure	Description of Railway infrastructure
Name of the project	
Brownfield Railway node project	

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/works ¹⁴	Description of the role – Leading contractor
1.			a) Delivery of a set of studies, drawings and specifications allowing the definition of functionalities, architecture and performances for procurement of design and construction works	
			b) Technical interface management definition and coordination	

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.

			c) Construction, installation, testing and commissioning		
			d) Manufacture and delivery of ETCS or interlocking equipment		

Attached:

- 1) Description of the Brownfield Railway node project scope.

[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 RAIL BALTICA CONTROL-COMMAND AND SIGNALLING SUBSYSTEM DESIGN AND BUILD”
(ID NO RBR 2022/26)**

Required minimum infrastructure	Description of Railway/Metro infrastructure
Name of the project	

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/works ¹⁶	Description of the role – Leading contractor
1.			a) Delivery of a set of studies, drawings and specifications allowing the definition of functionalities, architecture and performances for procurement of design and construction works	
			b) Technical interface management definition and coordination	
			c) Construction, installation, testing and commissioning	

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.

			d) Manufacture and delivery of ETCS, CBTC or interlocking equipment		
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Attached:

- 1) Description of the project scope.

[date of signing]

[name and position of the representative of the Candidate]

**DESCRIPTION OF THE CANDIDATE’S EXPERIENCE IN ACCORDANCE WITH THE SECTION 5.3.4 OF THE COPMETITION
“RAIL BALTICA RAIL BALTICA CONTROL-COMMAND AND SIGNALLING SUBSYSTEM DESIGN AND BUILD”
(ID NO RBR 2022/26)**

Required minimum infrastructure	Description of Railway/Metro infrastructure
Name of the project	

No	Client, client’s contact information for references (name of representative, phone, email) ¹⁷	Involvement period (month/year - month/year)	Project coordinator (organization)	Type of involvement	Services provided
1.					

Attached:

- 1) Description of the project scope.

[date of signing]

[name and position of the representative of the Candidate]

¹⁷In 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 RAIL BALTICA CONTROL-COMMAND AND SIGNALLING SUBSYSTEM DESIGN AND BUILD"
 (ID NO RBR 2022/26)**

Required minimum infrastructure	Description of Railway infrastructure
Name of the project	
Investment value of the Railway project (EUR)	

No	Client, client's contact information for references (name of representative, phone, email) ¹⁸	Period of the contract (month/year - month/year)	Services provided	Description of the role – contractor
1.			a) DTD delivery and construction management	
			b) HSEQ management	
			c) contract management	
			d) stakeholder management	
			e) risk management	
			f) interface and integration management	
			g) requirement management	
			h) communication management	
			i) change and configuration management	

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.

			j) development and implementation of project management plan		
			k) forecasting, reporting, scheduling.		

Attached:

- 1) Description of the Railway project scope and Candidate’s involvement provided Project Management Office services.

[date of signing]

[name and position of the representative of the Candidate]

**CONFIRMATION OF CANDIDATE'S FINANCIAL STANDING FOR THE COMPETITION
 "RAIL BALTICA CONTROL-COMMAND AND SIGNALLING SUBSYSTEM DESIGN AND BUILD"
 (ID NO RBR 2022/26)**

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 (2020, 2021, 2022) 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.	2022		
2.	2021		
3.	2020		
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 audited 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.

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

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

[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 CONTROL-COMMAND AND SIGNALLING SUBSYSTEM DESIGN AND BUILD"
(ID NO RBR 2022/26)

Required minimum infrastructure	Description of railway infrastructure
Name of the project	
Brownfield Reference project or Brownfield Railway project	

No	Client, client's contact information for references (name of representative, phone, email) ¹⁹	Period of the contract (month/year - month/year)	Description of the services/works ²⁰	Description of the role – Leading contractor
1.			Management of requirements throughout Project lifecycle using a dedicated tool Radio cellular network planning by means of software tools DTD delivery and construction	

¹⁹ 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.

²⁰ In accordance with the responsibilities listed in the Section 13.1.1, 5.3.1 and 5.3.3 of the Regulation.

			System integration, testing (incl. testing documentation) and commissioning		
			Delivery of a set of studies, drawings and specifications allowing the definition of functionalities, architecture and performances for procurement of design and construction works		
			Technical interface management definition and coordination		
			Construction, installation, testing and commissioning		
			Manufacture and delivery of ETCS or interlocking equipment		

Attached:

- 1) Description of the project scope.

[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 CONTROL-COMMAND AND SIGNALLING SUBSYSTEM DESIGN AND BUILD"
(ID NO RBR 2022/26)

If more than one project is proposed to meet the requirements stipulated in the Section 13.1.2 of the Regulation, please, provide following tables for each project.

Required minimum infrastructure	Description of railway infrastructure
Name of the project	

No	Client, client's contact information for references (name of representative, phone, email) ²¹	Period of the contract (month/year - month/year)	Description of the services/works ²²	Organisation ²³ involved	Description of the role – contractor
1.			Supply and put in operation of Automatic train operation (ATO) system with at least GoA 2 grade of automation as overlay to ERTMS Level2 system.		

[date of signing]

[name and position of the representative of the Candidate]

²¹ 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.

²² In accordance with the responsibilities listed in the Section 13.1.2 of the Regulation.

²³ One of organisations mentioned in Section 5.3.4 of the Regulation shall be indicated.

DESCRIPTION OF THE CANDIDATE'S EXPERIENCE IN ACCORDANCE WITH THE SECTION 13.1.3 OF THE COPMETITION
"RAIL BALTICA CONTROL-COMMAND AND SIGNALLING SUBSYSTEM DESIGN AND BUILD"
(ID NO RBR 2022/26)

If more than one project is proposed to meet the requirements stipulated in the Section 13.1.3 of the Regulation, please, provide following tables for each project.

Required minimum infrastructure	Description of railway infrastructure
Name of the project	

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/works ²⁵	Description of the role – contractor
1.			Provision of at least one CCS subsystem in Baltic states	

[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 CONTROL-COMMAND AND SIGNALLING SUBSYSTEM DESIGN AND BUILD"
(ID NO RBR 2022/26)

If more than one project is proposed to meet the requirements stipulated in the Section 13.1.4 of the Regulation, please, provide following tables for each project.

Required minimum infrastructure	Description of railway infrastructure
Name of the project	

No	Client, client's contact information for references (name of representative, phone, email) ²⁶	Period of the contract (month/year - month/year)	Description of the services/works ²⁷	Description of the role – contractor
1.			Provision of at least one CCS subsystem maintenance services project in Baltic states	

[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.

²⁷ In accordance with the responsibilities listed in the Section 13.1.4 of the Regulation.

SUPPLIERS DECLARATION
"RAIL BALTICA CONTROL-COMMAND AND SIGNALLING SUBSYSTEM DESIGN AND BUILD"
(ID NO RBR 2022/26)

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 subcontractor 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

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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]