

REGULATIONS

FOR THE OPEN COMPETITION

"JOINT RAIL BALTICA CHAINAGE AND GEODETIC REFERENCE NETWORK DEVELOPMENT STUDY"

(IDENTIFICATION NO RBR 2023/13)



**Co-funded by
the European Union**

Riga
2023

TABLE OF CONTENTS

1 ABBREVIATIONS AND TERMS.....	3
2 GENERAL INFORMATION.....	3
3 THE RIGHTS OF THE PROCUREMENT COMMISSION.....	4
4 THE OBLIGATIONS OF THE PROCUREMENT COMMISSION	4
5 THE RIGHTS OF THE TENDERER.....	5
6 SUBJECT-MATTER OF THE OPEN COMPETITION	5
7 TENDERER.....	6
8 SELECTION CRITERIA FOR TENDERERS	6
9 RELIANCE ON THE CAPACITY OF OTHER PERSONS	17
10 SUBCONTRACTING.....	18
11 FINANCIAL PROPOSAL.....	18
12 TECHNICAL PROPOSAL.....	18
13 CONTENTS AND FORM OF THE PROPOSAL.....	19
14 ENCRYPTION OF THE PROPOSAL INFORMATION.....	20
15 SUBMISSION OF A PROPOSAL.....	20
16 OPENING OF PROPOSALS.....	20
17 VERIFICATION OF PROPOSALS FOR COMPLIANCE	20
18 VERIFICATION OF TECHNICAL PROPOSAL	20
19 VERIFICATION OF FINANCIAL PROPOSALS.....	21
20 CONTRACT AWARD CRITERIA	21
21 TENDERER CHECK PRIOR TO MAKING THE DECISION REGARDING THE CONCLUSION OF THE CONTRACT	23
22 DECISION MAKING, ANNOUNCEMENT OF RESULTS AND ENTERING INTO A CONTRACT.....	24
23 ANNEXES	25
ANNEX NO 1: TECHNICAL SPECIFICATION.....	26
ANNEX NO 2: APPLICATION.....	27
ANNEX NO 3: CONFIRMATION OF FINANCIAL STANDING.....	29
ANNEX NO 4: DESCRIPTION OF TENDERERS PREVIOUS EXPERIENCE.....	30
ANNEX NO 5: PROJECT MANAGERS PREVIOUS EXPERIENCE	31
ANNEX NO 6: FINANCIAL PROPOSAL.....	32
ANNEX NO 7: ENTITIES ON WHOSE CAPACITY TENDERER RELIES	33
ANNEX NO 8: SUBCONTRACTORS	34
ANNEX NO 9: DRAFT AGREEMENT	35

1 ABBREVIATIONS AND TERMS

- 1.1 **Common procurement vocabulary (CPV)** – a nomenclature approved by the European Union which is applied in public procurement procedures;
- 1.2 **Contracting authority** - the joint stock company RB Rail AS, registration number: 40103845025, legal address: Satekles iela 2B, Riga, LV-1050, Latvia;
- 1.3 **Contractor/ consultant** - service provider awarded the right to enter into the Contract in Open competition to provide services in accordance with requirements stipulated in Regulations and Contract;
- 1.4 **Contract** - signed agreement between Contracting authority and a Contractor to provide services defined in this agreement;
- 1.5 **Identification number** - designation, which includes the abbreviation of the name of the Contracting authority (the first capital letters), the relevant year and the procurement sequence number in ascending order (RBR 2023/13);
- 1.6 **Open Competition (also the Procurement)** – procurement procedure "Joint Rail Baltica chainage and geodetic reference network development study" (identification number: RBR 2023/13) in which all interested Suppliers are entitled to submit their Proposals;
- 1.7 **Procurement commission** - commission the composition of which has been established by the Contracting authority, order No 1.9-2022-37 dated 18 January 2023;
- 1.8 **Proposal** - documentation package the Tenderer submits to participate in the Open competition;
- 1.9 **Public Procurement Law (PPL)** - Public Procurement Law of the Republic of Latvia;
- 1.10 **Regulations** – regulations of the Procurement "Joint Rail Baltica chainage and geodetic reference network development study" (identification number: RBR 2023/13), as well as all the enclosed annexes;
- 1.11 **Supplier** – a natural person or a legal person, a group or association of such persons in any combination thereof, which offers to perform works, supply products or provide services accordingly;
- 1.12 **Tenderer** – a Supplier which has submitted a Proposal;
- 1.13 **VAT** – Value Added Tax.

2 GENERAL INFORMATION

- 2.1 The identification number of the Procurement is RBR 2023/13.
- 2.2 The applicable CPV code is - 71350000-6 (Engineering-related scientific and technical services).
- 2.3 The Open competition is co-financed by the Contracting Authority and Connecting Europe Facility (CEF).
- 2.4 This Open competition is organized in accordance with the Public Procurement Law in effect on the date of publishing the contract notice.
- 2.5 Open competition is carried out using E-Tenders system (<https://www.eis.gov.lv/EKEIS/Supplier>) which is subsystem of the Electronic Procurement System (<https://www.eis.gov.lv/EIS/>).
- 2.6 The Regulations is freely available on Contracting authority's profile in the E-Tenders system on webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/106247> and on the webpage of the Contracting authority <http://railbaltica.org/tenders/>.
- 2.7 Amendments to the Regulations and answers to Suppliers' questions will be published on Contracting authority's profile in the E-Tenders system on webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/106247> and on the Contracting authority's webpage <http://railbaltica.org/tenders/>. It is the Supplier's responsibility to constantly follow the information published on the webpages and to take it into consideration in preparation of its Proposal.
- 2.8 Contact person of the Contracting authority for this Open competition is Procurement Specialist Zane Nore, telephone: +371 28312829, email: zane.nore@railbaltica.org.
- 2.9 The exchange of information between the Procurement commission and the Supplier or Tenderer shall be in writing (by sending documents electronically to e-mail or using E-Tenders system) in English (if information is submitted in Latvian, it shall be accompanied by a translation into English).

- 2.10 If the Supplier does not have access to the E-Tenders system, the Supplier shall follow the guidance for obtaining access to the system available on the Contracting authority's website at <http://www.railbaltica.org/procurement/e-procurement-system/>.
- 2.11 The Supplier can request additional information regarding the Regulations. Additional information can be requested in writing through the E-Tendering subsystem or (only in case the Supplier does not have access to the system) by sending it to the Procurement commission electronically to the e-mail (see Section 2.8. of the Regulations), indicating the Procurement Identification number.
- 2.12 Any additional information must be requested in a timely manner, so that the Procurement commission can reply on time - no later than 6 (six) days prior to the deadline of the Proposal submission. The Procurement commission shall provide response within 5 (five) Working days from the day of the receipt of the request form the Supplier.
- 2.13 The Supplier covers all expenses which are related to the preparation of the Proposal and its submission to the Contracting authority. Under no circumstances will the Contracting authority be liable for compensation of any costs and damages related to the preparation and submission of the Proposal or the Supplier's participation in the Procurement exercise.

3 THE RIGHTS OF THE PROCUREMENT COMMISSION

- 3.1 The Procurement commission has the right to demand at any stage of the Procurement that the Tenderer submits all or part of the documents which certify Tenderer's compliance to the requirements for the selection of tenderers. The Procurement commission does not demand documents or information which is already at its disposal or is available in public data bases.
- 3.2 If the Tenderer submits document derivatives (e.g. copies), then in case of doubt about the authenticity of the submitted document derivation the Procurement commission can demand that the Tenderer shows the original documents.
- 3.3 During the evaluation of the Proposals, the Procurement commission has the right to request the Tenderer to clarify the information included in its Proposal.
- 3.4 If the Procurement commission determines that the information about the Tenderer, its subcontractors and persons upon whose capacity the Tenderer is relying that is included in the submitted documents is unclear or incomplete, it demands that the Tenderer or a competent institution clarifies or expands the information included in the Proposal. The deadline for submission of the necessary information is determined in proportion to the time which is required to prepare and submit such information. If the Procurement commission has demanded to clarify the submitted documents but the Tenderer has not done this in accordance with the requirements stipulated by the Procurement commission, the Procurement commission is under no obligation to repeatedly demand that the information included in these documents is clarified. The Procurement commission has the right to reject all Proposals which are found not to comply with the requirements of the Procurement documentation.

4 THE OBLIGATIONS OF THE PROCUREMENT COMMISSION

- 4.1 The Procurement commission ensures the documentation of the Procurement process.
- 4.2 The Procurement commission ensures free and direct electronic access to the Procurement documents on Contracting authority's profile at the E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/106247> and on the webpage of the Contracting authority <http://railbaltica.org/tenders/>.
- 4.3 If an interested Supplier has in a timely manner in writing by post or electronically (including via E-Tenders system), or delivering in person requested additional information about the requirements included in Open competition documents regarding the preparation and submission of the Proposal or regarding the selection of Tenderers, the Procurement commission provides a response electronically within 5 (five) Working Days but not later than 6 (six) days before the deadline for submitting Proposals. Simultaneously with sending this information to the Supplier who had asked the question, the Contracting authority publishes this information on Contracting authority's profile in the E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/106247> and on its webpage <http://railbaltica.org/tenders/> where Open competition documents are available, indicating the question asked.
- 4.4 If the Contracting authority has amended the Open competition documents, it publishes this information on Contracting authority's profile in the E-Tenders system's webpage

<https://www.eis.gov.lv/EKEIS/Supplier/Procurement/106247> and on the Contracting authority's webpage <http://railbaltica.org/tenders/> where Open competition documents are available, no later than 1 (one) day after the notification regarding the amendments has been submitted to Procurement Monitoring Bureau for publication. If Supplier wishes to receive relevant updates/notifications by email regarding the Procurement exercise (e.g., when amendments to the procurement package documentation are published), Supplier shall register as an interested supplier on the E-Tenders system for the particular Procurement exercise accordingly.

- 4.5 The exchange and storage of information is carried out in such a way that all data included in the Proposals is protected and the Contracting authority can check the content of the Proposals only after the expiration of the deadline for their submission. From the day of submission of Proposals until the opening of the Proposals the Contracting authority does not disclose information regarding the existence of other Proposals. During the Proposal evaluation, the Contracting authority does not disclose any information regarding the evaluation process until the announcement of the results.
- 4.6 The Procurement commission evaluates Tenderers and their Proposals based on the Public Procurement Law, Regulations, as well as other applicable regulatory enactments.
- 4.7 The Procurement commission prepares a report on the Open competition and publishes it on Contracting authority's profile in the E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/106247> and on the Contracting authority's webpage <http://railbaltica.org/tenders/> within 5 (five) working Days from the day when the decision about the results of the Open competition is made.

5 THE RIGHTS OF THE TENDERER

- 5.1 The Tenderer has the right to submit registration documents for the registration on the Electronic Procurement System (if the Tenderer is not registered in Electronic Procurement System) in State Regional Development Agency (please see information here: <http://www.railbaltica.org/procurement/e-procurement-system/>).
- 5.2 The Tenderer can request and within 3 (three) business days after submitting the request receive a copy of the Proposal opening sheet, which is an annex to the Proposal opening meeting minutes.
- 5.3 If the Contracting authority gets the necessary information about the Tenderer directly from a competent institution, through data bases or other sources and the Tenderer's submitted information differs from information obtained by the Contracting authority, the Tenderer in question has the right to submit evidence to prove the correctness of the information the Tenderer has submitted, if the information obtained by the Contracting authority does not conform to the factual situation.
- 5.4 If a Tenderer believes that its rights have been violated or such violation is possible due to possible violation of the regulatory enactments of the European Union or other regulatory enactments, the Tenderer has the right to submit a complaint to the Procurement Monitoring Bureau according to the procedure stipulated in the Section 68 of Public Procurement Law regarding the Tenderer selection requirements, Technical specification or other requirements relating to Open competition, or relating to the activities by the Contracting authority or the Procurement commission during the Open competition.

6 SUBJECT-MATTER OF THE OPEN COMPETITION

- 6.1 The subject-matter of the Open competition is investigations of existing National Geodetic Network points and locations of new pre-designed RB Geodetic Reference Network points for the entire length of the route and Location Design of Rail Baltica Geodetic Reference Network points for the entire length of the route on behalf of RB Rail AS in accordance with Annex No 1 "Technical specification" and Annex No 9 "Draft contract" of the Regulations.
- 6.2 The applicable CPV code of the subject-matter is 71350000-6 (Engineering-related scientific and technical services).
- 6.3 The subject matter is not divided into parts. The Tenderer shall submit a Proposal for the entire Procurement.
- 6.4 The Tenderer is not permitted to submit variants of the Proposal. If variants of the Proposal will be submitted, the Proposal will not be reviewed.
- 6.5 The delivery of the Services will take place in territory of Estonia, Latvia, Lithuania.
- 6.6 Contract execution time:
 - Investigation of existing Geodetic Reference Network points and Interim Report – 5 (five) weeks;

- Interim Report review and approval by Client - 1 (one) week;
- Draft version of Location Design – 4 (four) weeks;
- Draft version review and approval by Client 1 (one) week;
- Final Location Design 4 (four) weeks;
- Final Location Design review and approval by Client 2 (two) weeks.

6.7 Total Contract period: 17 (seventeen) weeks after commencement date of the Contract.

7 TENDERER

7.1 The Proposal can be submitted by:

7.1.1 A Supplier who is a legal or natural person (hereinafter – the Tenderer) which offers on the market to perform works, supply products or provide services accordingly and who complies with the selection criteria for Tenderers;

7.1.2 A group of Suppliers (hereinafter also – the Tenderer, partnership) which offer on the market to perform works, supply products or provide services accordingly and who complies with the selection criteria for Tenderers:

7.1.2.1 A group of Suppliers who have formed a partnership for the Open competition. In this case all the members of the partnership shall be listed in Annex No 2 "Application for participating in the Open competition" of the Regulations. If it will be decided to award contracting rights to such partnership, then prior to concluding the Contract the partnership shall at its discretion either enter into a partnership agreement (within the meaning of The Civil Law of the Republic of Latvia, Sections 2241-2280) and submit one copy of this agreement to the Contracting authority or establish a general or limited partnership (within the meaning of The Commercial Law of the Republic of Latvia, Division IX and X) and notify the Contracting authority in writing.

7.1.2.2 An established and registered partnership (a general partnership or a limited partnership, within the meaning of the Commercial Law of the Republic of Latvia, Division IX and X) which complies with the selection criteria of Tenderers.

7.2 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 Ukraine¹ it is prohibited to participate in the Open competition:

7.2.1 a Russian national, or a natural or legal person, entity or body established in Russia;

7.2.2 a legal person, entity or body whose proprietary rights are directly or indirectly owned for more than 50% by an entity referred to in Sub-Section 7.2.1. of this Section;

or

7.2.3 a natural or legal person, entity or body acting on behalf or at the direction of an entity referred to in Sub-Section 7.2.1. or 7.2.2. of this Section, 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.

7.3 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.

8 SELECTION CRITERIA FOR TENDERERS

8.1 Exclusion grounds

Before making the decision to award the contract signing rights, Contracting authority shall verify whether the Tenderer, to whom the contract signing rights should be awarded, is not a subject for exclusion grounds set in Article 42 of Public Procurement Law of Republic of Latvia. The Contracting Authority shall exclude the Tenderer from further participation in the open competition in any of the following circumstances:

¹ Available here: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32022R0576>

No	Requirement	Documents to be submitted ²
8.1.1	<p>Within previous 3 (three) years before submission of the Proposal:</p> <ul style="list-style-type: none"> - The Tenderer; - Person who is Tenderer’s management board or supervisory board member; - Person with representation rights or a procura holder; - Person who is authorised to represent the Tenderer in operations in relation to a branch; - Subcontractor whose value of services or works to be provided is at least 10`000 (ten thousand) euros of the contract price; - Person on whose capacity Tender is relying to certify its compliance with the requirements; - Beneficial owner of the Tenderer;³ - Person who has decisive influence on participation in the sense of the normative/regulatory acts⁴ <p>has been found guilty of or has been subjected to coercive measures for committing any of the following criminal offences by such a public prosecutor’s order regarding punishment or a court judgement that has entered into force and may not be challenged and appealed:</p> <p>a) establishment, management of, involvement in a criminal organization or in an organized group included in the criminal organization or other criminal formation, or participation in criminal offences committed by such organization,</p> <p>b) bribe-taking, bribery, bribe misappropriation, intermediation in bribery, unauthorized participation in property transactions, taking of prohibited benefit, commercial bribing, unlawful claiming of benefits, accepting or providing of benefits, trading influences,</p> <p>c) fraud, misappropriation or money-laundering,</p> <p>d) terrorism, terrorism funding, creation or organization of a terrorist group, traveling for terrorist purposes, justification of terrorism, calling to terrorism, terrorism threats or</p>	<ul style="list-style-type: none"> - For a Tenderer and a person who is Tenderer’s management board or supervisory board member, person with representation rights or a procura holder, or a person who is authorised to represent the Tenderer in operations in relation to a branch; - For subcontractor whose value of works to be performed or services to be provided is at least 10`000 (ten thousand) euros of the contract price; - For a person on whose capacity Tenderer is relying to certify its compliance with the requirements, - For beneficial owner of the Tenderer ; <p><u>who is registered or residing in Latvia. Contracting authority will verify the information itself in publicly available databases.</u></p> <ul style="list-style-type: none"> - For a Tenderer and a person who is Tenderer’s management board or supervisory board member, person with representation rights or a procura holder, or a person who is authorised to represent the Tenderer in operations in relation to a branch; - For subcontractor whose value of works to be performed or services to be provided is at least 10`000 euros of the contract price; - For a person on whose capacity Tenderer is relying to certify its compliance with the requirements; - For beneficial owner of the Tenderer; <p><u>who is registered or residing outside of Latvia. Tenderer shall submit an appropriate statement from the competent authority of the country of registration or residence.</u></p> <ul style="list-style-type: none"> - For a person who has decisive influence on participation in the sense of the normative/regulatory acts who is registered or residing in Latvia and who is registered or residing outside of Latvia, Tenderer shall submit a statement approved by competent authority indicating persons who has decisive influence.⁵

² There is no obligation to submit documents, unless specifically requested by the Procurement commission.

³ **Beneficial owner:** a natural person who is the owner of the customer - legal person - or who controls the customer, or on whose behalf, for whose benefit or in whose interests business relationship is being established or an individual transaction is being executed, and it is at least:

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

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

⁴ <https://likumi.lv/ta/en/en/id/4423-group-of-companies-law>

⁵ If such documents of the competent authority aren’t being issued, Tenderer shall submit certificate that is provided by competent executive authority or a judicial authority, a sworn notary or a competent organization of the relevant industry.

No	Requirement	Documents to be submitted ²
	<p>recruiting or training a person in performance of acts of terrorism,</p> <p>e) human trafficking,</p> <p>f) evasion from payment of taxes or similar payments.</p>	
<p>8.1.2.</p>	<p>It has been detected that on the last day of Proposal submission term or on the day when a decision has been made on possible granting of rights to conclude the Contract</p> <ul style="list-style-type: none"> - The Tenderer; - Subcontractor whose value of works to be performed or services to be provided is at least 10`000 (ten thousand) euro of the contract price; - Person on whose capacity Tenderer is relying to certify its compliance with the requirements; - Beneficial owner of the Tenderer; - Person who has decisive influence on participation in the sense of the normative/regulatory acts <p>has tax debts:</p> <ul style="list-style-type: none"> a) in Latvia in accordance with the Law “On Taxes and Fees” or b) in a country where it has been incorporated or is permanently residing in accordance with the laws and regulations of the country of registration or residence has unfulfilled obligations in the field of taxes (including state social insurance contributions). 	<ul style="list-style-type: none"> - For a Tenderer; - For Subcontractor whose value of works to be performed or services to provided is at least 10`000 (ten thousand) euros of the contract price; - For a person on whose capacity Tenderer is relying to certify its compliance with the requirements; - For beneficial owner of the Tenderer; <p><u>who is registered or residing in Latvia</u>, Contracting authority will verify the information itself in publicly available databases;</p> <ul style="list-style-type: none"> - For a Tenderer; - For subcontractor whose value of works to be performed or services to be provided is at least 10`000 euros of the contract price; - For a person on whose capacity Tenderer is relying to certify its compliance with the requirements; - For the beneficial owner of the Tenderer; <p><u>who is registered or residing outside of Latvia</u> Tenderer shall submit an appropriate statement from the competent authority of the country of registration or residence.</p> <ul style="list-style-type: none"> - For a person who has decisive influence on participation in the sense of the normative/regulatory acts who is registered or residing in Latvia and who is registered or residing outside of Latvia, Tenderer shall submit a statement approved by competent authority, indicating persons with decisive influence.
<p>8.1.3.</p>	<p>Insolvency proceedings have been announced, the business activities have been suspended, the business is under liquidation for;</p> <p>-Tenderer;</p> <p>-Subcontractor whose value of works to be performed or services to be provided is equal to or exceeds 10`000 (ten thousand) euros of the contract price;</p> <p>-Person on whose capacity the Tenderer is relying to certify its compliance with the requirements.</p>	<ul style="list-style-type: none"> - For a Tenderer; - For subcontractor whose value of works to be performed or services to be provided is equal to or exceeds 10`000 (ten thousand) euros of the contract price; - For a person on whose capacity the Tenderer is relying to certify its compliance with requirements; <p><u>who is registered or residing in Latvia</u>, the contracting authority will verify the information itself in publicly available databases;</p> <ul style="list-style-type: none"> - For a Tenderer; - For subcontractor whose value or works to be performed or services to be provided is equal to or exceeds 10`000 (ten thousand) euros of the contract price; - For a person on whose capacity the Tenderer is relying to certify its compliance with the requirements;

No	Requirement	Documents to be submitted ²
		<p><u>who is registered or residing outside of Latvia</u>, the person shall submit an appropriate statement from the competent authority of the country of registration or residence.</p>
<p>8.1.4.</p>	<p>A person who drafted the procurement procedure documents (Contracting authority's official or employee), Procurement commission member, Procurement commission secretary or expert is related to the Tenderer or is interested in selection of some Tenderer and the Contracting authority cannot prevent this situation by measures that cause less restrictions on Tenderer. A person who drafted the procurement procedure documents (Contracting authority's official or employee), Procurement commission member, Procurement commission secretary or expert is presumed to be related to the Tenderer 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 Tenderer or a subcontractor which is legal person and if such relationship with the legal person was terminated within the last 24 (twenty-four) months;</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 Tenderer's or subcontractor's, which is a legal person, shareholder who owns at least 10% of the shares in a joint-stock company, shareholder in a limited liability company, procure holder or an official;</p> <p>c) If he or she is a relative of a Tenderer or a subcontractor which is a natural person.</p> <p>d) If he or she is current or former beneficial owner of a Tenderer which is a legal person and if such relationship with the legal person was terminated within the las 24 (twenty-four) months;</p> <p>e) If he or she is a relative of the beneficial owner which is a legal person.</p> <p>If the Tenderer is a partnership, consisting of natural or legal persons, a relation to the Tenderer is presumed also if a person who drafted the procurement procedure documents (Contracting authority's official or employee), Procurement commission member or expert is related to a member of a partnership in any of the above-mentioned ways.</p>	<p>No obligation to submit documents, unless specifically requested by the Procurement commission.</p>
<p>8.1.5.</p>	<p>The Tenderer has an advantage that limits competition in the procurement procedure if it or its related legal person consulted the Contracting authority or otherwise was involved in preparing the Open competition, and the advantage cannot be prevented by less</p>	<p>No obligation to submit documents, unless specifically requested by the Procurement commission.</p>

No	Requirement	Documents to be submitted ²
	restrictive measures, and the Tenderer cannot prove that its or its related legal person's participation in preparing the procurement procedure documents does not restrict competition.	
8.1.6.	Within the previous 3 (three) years before submission of the Proposals by such a decision of a competent authority or a court judgment which has entered into force and may not be challenged and appealed Tenderer has been found guilty or liable for payment of a fine of violating competition laws manifested as a horizontal cartel agreement, except for the case when the relevant authority, upon detecting violation of competition laws, has released the Tenderer from a fine or has decreased the fine for cooperation within a leniency program.	<ul style="list-style-type: none"> - For a Tenderer; - For subcontractor whose value of works to be performed or services to be provided is equal to or exceeds 10'000 (ten thousand) euros of the contract price; - For a person on whose capacity the Tenderer is relying to certify its compliance with requirements; - For beneficial owner of the Tenderer; <p><u>who registered or residing in Latvia</u> Contracting authority will verify the information itself in publicly available databases.</p> <ul style="list-style-type: none"> - For a Tenderer; - For subcontractor whose value of works to be performed or services to be provided is equal to or exceeds 10'000 (ten thousand) euros of the contract price; - For a beneficial owner; <p><u>who is registered or residing outside of Latvia</u> Tenderer shall submit an appropriate statement from the competent authority of the country of registration or residence or other objective proof of good standing. For example, a link to the database of the competent authority's public database (website) listing all its decisions and validity thereof (if access to any such database/website is free of charge to the Contracting authority).</p>
8.1.7.	Within the previous 3 (three) years before the submission of the Proposals Contracting authority has sufficiently convincing indications that the Tenderer has been found guilty of concluding an agreement with other suppliers aimed at hindering, limiting or distorting competition.	<ul style="list-style-type: none"> - No obligation to submit documents, unless specifically requested by the Procurement commission.
8.1.8.	Within the previous 3 (three) years before the submission of the Proposals Tenderer (as a contracting party or a participant or member of the contracting party, if the contracting party has been an association of economic operators or a partnership), its participant or member (if Tenderer is an association of economic operators or partnership) has failed to fulfil the procurement contract, framework agreement, or concession contract concluded with the relevant contracting authority and therefore the contracting authority or public partner has exercised the right provided for in the procurement contract, provisions of the	<ul style="list-style-type: none"> - For a Tenderer registered or residing in Latvia Contracting authority will verify the information itself in publicly available databases. - For a Tenderer registered or residing outside of Latvia shall submit an appropriate statement from the competent authority of the country of registration or other objective proof.⁶

⁶ If such documents of the competent authority are not issued, Tenderer shall submit certificate that is provided by a competent executive authority or a judicial authority, a sworn notary or competent organization of the relevant industry.

No	Requirement	Documents to be submitted ²
	framework agreement or concession contract to unilaterally withdraw from the procurement contract, framework agreement or concession contract	
8.1.9.	Within the previous 3 (three) years before submission of the Proposals by such a decision of a competent authority, a court judgment or a public prosecutor’s order which has entered into force and may not be challenged and appealed Tenderer has been found guilty and is punished for a violation manifested as employment of one or more persons who do not possess the required employment permit or if it is illegal for such persons to reside in a Member State of the European Union.	<ul style="list-style-type: none"> - For a Tenderer registered or residing in Latvia Contracting authority will verify the information itself in publicly available databases. - For a Tenderer registered or residing outside of Latvia Tenderer shall submit an appropriate statement from the competent authority of the country of registration or residence.
8.1.10.	Within the previous 3 (three) years before submission of the Proposals by such a decision of a competent authority, a court judgment or a public prosecutor’s order which has entered into force and may not be challenged and appealed Tenderer has been found guilty and is punished for a violation manifested as employment of 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.	<ul style="list-style-type: none"> - For a Tenderer registered or residing in Latvia Contracting authority will verify the information itself from publicly available databases. - For a Tenderer registered or residing outside of Latvia Tenderer shall submit an appropriate statement from the competent authority of the country of registration or residence.
8.1.11	The tenderer has tried to unlawfully influence the decision of the Contracting authority or the procurement commission or member of the procurement commission regarding the <u>specific</u> procurement procedure, or has tried to obtain such confidential information that would give it an unreasonable advantage in the procurement procedure, or has provided misleading information that could significantly influence the decision on the Tenderers further participation in the procurement procedure or awarding the right to conclude a procurement contract.	No obligation to submit documents, unless specifically requested by the Procurement commission.
8.1.12.	The Tenderer has provided false information to prove its compliance with provisions of this Section 8.1 of the Regulations or qualification criteria or has not provided the required information at all.	No obligation to submit documents, unless specifically requested by the Procurement commission.
8.1.13.	<ul style="list-style-type: none"> - Tenderer; - Subcontractor whose value of works to be performed or services to be provided is equal to or exceeds 10`000 euros of the contract price; - Person on whose capacity Tenderer is relying to certify its compliance with the requirements; - Person who has decisive influence in the sense of the normative/regulatory acts 	<ul style="list-style-type: none"> - For a Tenderer; - For subcontractor whose value of works to be performed or services to be provided is equal to or exceeds 10`000 (ten thousand) euros of the contract price; - For a person on whose capacity the Tenderer is relying to certify its compliance with requirements;

No	Requirement	Documents to be submitted ²
	<p>is a legal person or association of persons is registered in an offshore⁷</p>	<p><u>who is registered or residing in Latvia</u>, the contracting authority will verify the information itself in publicly available databases;</p> <ul style="list-style-type: none"> - For a Tenderer; - For subcontractor whose value or works to be performed or services to be provided is equal to or exceeds 10`000 (ten thousand) euros of the contract price; - For a person on whose capacity the Tenderer is relying to certify its compliance with the requirements; <p><u>who is registered or residing outside of Latvia</u>, the person shall submit an appropriate statement from the competent authority of the country of registration or residence.</p>
<p>8.1.14.</p>	<p>The owner or shareholder (with more than 25% of share capital) of:</p> <ul style="list-style-type: none"> -Tender; -Subcontractor whose value of works to performed or services to be provided is equal to or exceeds 10`000 (ten thousand) euros of the contract price; - Person on whose capacity Tenderer is relying to certify its compliance with requirements; - Person who has decisive influence on participation in the sense of normative/regulatory acts <p>Who is registered in Republic of Latvia, is a registered offshore company (legal person) or offshore association of persons.</p>	<ul style="list-style-type: none"> - For a Tenderer who is registered in Latvia; - For subcontractor whose value of works to be performed or services to be provided is equal to or exceeds 10`000 (ten thousand) euros of the contract price who is registered in Latvia; -For a person on whose capacity the Tenderer is relying to certify its compliance with requirements who is registered in Latvia; - For a person who has decisive influence on participation in the sense of the normative/regulatory acts who is registered in Latvia; <p>Contracting authority will verify the information itself in publicly available databases.</p> <p>If such information by publicly available databases is not provided, Tenderer shall submit self-declaration which approves the fact that there are no registered owners or shareholders of the Tenderer (with more than 25% of share capital) who are registered offshore.</p>
<p>8.1.15.</p>	<p>International or national sanctions or substantial sanctions by the European Union (EU) or the North Atlantic Treaty Organization (NATO) Member State affecting the interests of the financial and capital market has been imposed to the:</p> <ul style="list-style-type: none"> a) Tenderer or a person who is the Tenderer’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 Tenderer in operations in relation to a branch, b) member of the partnership or a person who is the partnership’s management board or 	<ul style="list-style-type: none"> - For a Tenderer registered or residing in Latvia, the Contracting authority will verify the information itself from the Register of Enterprises of the Republic of Latvia. - For a Tenderer registered or residing outside of Latvia, the Tenderer 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 Tenderer or a member of the partnership (if the Tenderer is a partnership), including but not limited, information about beneficial owner or the fact that there is no possibility to find out the beneficial owner.

⁷ **Offshore:** low tax or tax-free country or territory in accordance with Corporate income tax law of the Republic of Latvia except Member States of EEA (European Economic Area) or its territories, Member States of the World Trade Organization Agreement on State Treaties or territories and such countries and territories with which European Union and Republic of Latvia has international agreements for open market in public procurement area.

No	Requirement	Documents to be submitted ²
	<p>supervisory board member, beneficial owner, person with representation rights or a procura holder (if the Tenderer is a partnership),</p> <p>and such sanctions can affect the execution of the Procurement contract.</p>	

8.2 Legal standing and suitability to pursue the professional activity

No	Requirement	Documents to be submitted
8.2.1.	<p>The Tenderer, all members of the partnership (if the Tenderer is a partnership), a person on whose capacity Tenderer relies, a subcontractor 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.</p>	<ul style="list-style-type: none"> - For a Tenderer, a member of a partnership, a person on whose capacity Tenderer relies, a subcontractor, which is a legal person registered in Latvia, the Contracting authority will verify the information itself in publicly available databases. - For a Tenderer, a member of the partnership, a person on whose capacity Tenderer relies who is a natural person – a copy of an identification card or passport. - For a Tenderer, a member of a partnership, a person on whose capacity Tenderer relies, a subcontractor, 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 where from at least the fact of registration, shareholders, officials and procura holders (if any) can be determined. - If the Proposal is submitted by a partnership, the Proposal shall include an agreement (or letter of intent to enter into agreement) signed by all members on the participation in the Procurement which lists responsibilities of each and every partnership members and which authorizes one key member to sign the Proposal and other documents, to receive and issue orders on behalf of the partnership members, and with whom all payments will be made. Additionally in this document Tenderer shall indicate the member of the partnership on whose capacity it relies to certify its financial and economic performance and who will be financially and economically responsible for the fulfilment of the Contract - If the Proposal or any other document, including any agreement, is not signed by the legal representative of the Tenderer, members of the partnership or person on whose capacity the Tenderer relies, a document certifying the rights of the persons who have signed the Proposal or any other documents to represent the Tenderer, a member of the partnership or a person on whose capacity the Tenderer is relying (powers of attorney, authorization agreements etc.) must be included.
8.2.2.	<p>The representative of the Tenderer, a member of a partnership, a person on whose capacity Tenderer relies, a subcontractor who has signed documents contained in the</p>	<ul style="list-style-type: none"> - For a Tenderer, a member of a partnership, a person on whose capacity Tenderer relies, a subcontractor, which is a legal person registered in Latvia, the

No	Requirement	Documents to be submitted
	<p>Proposal, has the right of signature, i.e., it is an official having the right of signature or a person authorized by the Tenderer or a member of a partnership, or a person on whose capacity Tenderer relies, or a subcontractor respectively.</p>	<p>Contracting authority will verify the information itself in publicly available databases.</p> <ul style="list-style-type: none"> - For a Tenderer, a member of a partnership, a person on whose capacity a Tenderer relies and subcontractor which is a legal person registered outside of Latvia, the Tenderer shall submit a document confirming the right of signature (representation) of the representative of the Tenderer, a member of a partnership, a person on whose capacity a Tenderer relies or subcontractor, who signs documents contained in the Proposal. - If the Tenderer, a member of a partnership, a person on whose capacity a Tenderer relies or subcontractor submits a power of attorney (original or a copy certified by the Tenderer) additionally there shall be submitted documents confirming that the issuer of the power of attorney has the right of signature (representation) of the Tenderer.

8.3 Economic and financial standing

No	Requirement	Documents to be submitted
8.3.1.	<p>The Tenderer’s or all members of the partnership together (if the Tenderer is a partnership and confirms the average financial turnover jointly), average annual financial turnover within last 3 (three) years (2022, 2021, 2020) is not less than EUR 60 000,00 (sixty thousand euros) per year.</p> <p>In the event the average annual financial turnover of a limited partner of a 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 annual financial turnover shall be recognized in the amount of the investment in the limited partnership.</p> <p>In the event the Tenderer or a member of a partnership (if the Tenderer is a partnership) has operated in the market for less than 3 (three) years, the requirement shall be met during the Tenderer’s actual operation period.</p> <p>If the previous 3 (three) reporting years of the Tenderer differ from the years specified in the Section 8.3.1 of the Regulations (2022, 2021, 2020), the financial turnover must be indicated for the Tenderer’s previous 3 (three) reporting years.</p>	<ul style="list-style-type: none"> - Filled and signed Annex No 3 “Confirmation of Tenderer’s financial standing” of the Regulations. - Audited or self-approved (if the annual financial statement is not required by the law of the country of residence of the Tenderer) annual financial statements for financial years 2022, 2021, 2020 or other document showing the turnover of the Tenderer or each member of the partnership on whose capacity Tenderer is relying to certify its financial and economic performance and who will be financially responsible for the fulfilment of the Contract (if the Tenderer is a partnership), or other entity on whose capacity Tenderer is relying to certify its financial and economic performance and who will be financially responsible for the fulfilment of the Contract. - 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 previous 3 (three) reporting years of the Tenderer differ from the years specified in this Section 8.3.1 of the Regulations (2022, 2021, 2020), the financial turnover necessary must be indicated for the Tenderer’s previous 3 (three) reporting years. - If the Proposal is submitted by a partnership, Tenderer shall indicate the member of the partnership on whose capacity Tenderer is relying to certify its financial and economic performance and who will be financially and economically responsible for fulfilment of the Contract including this information in the agreement of cooperation (or letter of intent to enter into agreement) stipulated in Section 8.2.1 of the Regulations.

8.4 Technical and professional ability

No	Requirement	Documents to be submitted
8.4.1.	<p><u>The Tenderer</u> within the last 10 (ten) years until the date of submission of the proposal has gained experience in at least 1 (one) project with similar activities for the service scope as set in Annex 1 “Technical specification”⁸:</p> <p>1) the project value is no less than 42'000 (forty-two) thousand euros without VAT; Project must be finalized and accepted by the client.</p> <p>If the Tenderer is a partnership, previous experience can be combined within the Partnership members.</p>	<ul style="list-style-type: none"> - Filled and signed Annex No 4 “Experience of the Tenderer”. - Copies of references from respective clients or similar documents provided by the third party (the Client/ Contracting Authority) evidencing the gained experience.
8.4.2.	<p>The Tenderer should propose a team consisting of 3 (three) responsible project managers (in total) in each of the country (Estonia, Latvia, Lithuania):</p> <p>1) <u>1 (one) Responsible project manager in Estonia</u> shall meet the following requirements:</p> <ul style="list-style-type: none"> a) valid certificate for the performance of geodetic works – minimum requirement - Surveyor Level 6 (Higher Geodesy); b) Responsible project manager has to have knowledge with Estonian national legislation; c) within the last 10 (ten) years until the date of submission of the tender, experience in at least 1 (one) project with similar⁹ activities as Stipulated in Annex 1 of the Regulations “Technical specification”. <p>2) <u>1 (one) Responsible project manager in Latvia</u> shall meet the following requirements:</p> <ul style="list-style-type: none"> a) Valid certificate for the performance of geodetic works; b) Responsible project manager has to have knowledge with Latvian national legislation; c) within the last 10 (ten) years until the date of submission of the tender, experience in at least 1 (one) project with similar activities as stipulated in Annex 1 of the Regulations “Technical specification”. <p>3) <u>1 (one) Responsible project manager in Lithuania</u> shall meet the following requirements:</p>	<ul style="list-style-type: none"> - Filled in Annex No 5 “Experience of the Project Manager” of the Regulations, <u>signed by the Project Manager</u>. - A certified copy of certificate proving project managers certification in the relevant field.

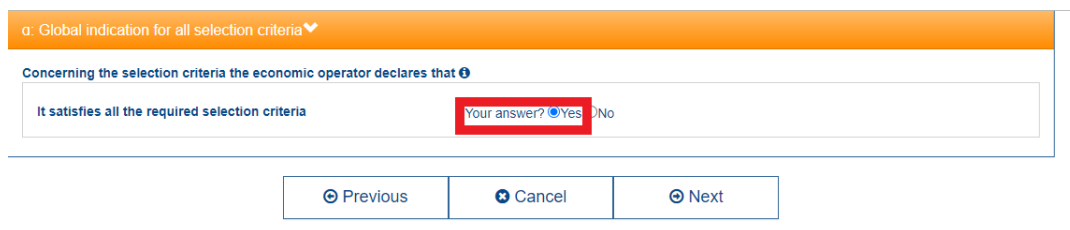
⁸ Similar activities related to this procurement are understood as projects where investigation of geodetic reference network was done and location design of geodetic network was made.

⁹ Please see the previous footnote.

No	Requirement	Documents to be submitted
	<p>a) valid certificate for the performance of geodetic works;</p> <p>b) Responsible project manager has to have knowledge with Lithuanian national legislation;</p> <p>c) within the last 10 (ten) years until the date of submission of the tender, experience in at least 1 (one) project with similar activities as stipulated in Annex 1 of the Regulations “Technical specification”.</p> <p>Each referenced project for each project manager must be finalized and accepted by the client.</p>	

- 8.5 Information, provided in the Proposal to prove the compliance with above-mentioned requirements for Economic and financial standing (Section 8.3 of the Regulations), Technical and professional ability (Section 8.4 of the Regulations) shall be clear and understandable without any additional analysis or external proof of the submitted information. The Procurement commission shall not be obliged to use additional sources of information to make a decision regarding Tenderer’s compliance with the qualification requirements. The Tenderer shall remain fully responsible for the provision of sufficiently detailed information in the Proposal required to confirm clearly the compliance with qualification requirements set in the Regulations.
- 8.6 Statements and other documents issued by Latvian competent authorities in the cases referred to in Public Procurement Law shall be accepted and recognized by the Procurement commission if they have been issued not earlier than 1 (one) month prior to the day of submission, but the statements and other documents issued by foreign competent authorities shall be accepted and recognized by the Procurement commission if they have been issued not earlier than 6 (six) months prior to the day of submission, unless the issuer of the statement or the document has specified a shorter term of validity thereof.
- 8.7 If the documents with which a Tenderer registered or permanently residing abroad can certify its compliance with the requirements of Section 8.1 of the Regulations are not issued or these documents are insufficient, such documents can be replaced with an oath or, if the regulatory enactments of the country in question do not allow for an oath, - with a certification by the Tenderer or by another person mentioned in Section 8.1 of the Regulations before a competent executive governmental or judicial institution, a sworn notary or a competent organization of a corresponding industry in their country of registration (permanent residence). Regarding all documents submitted based on an oath given under law (e.g. 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.
- 8.8 Exclusion grounds mentioned in Section 8.1 of the Regulations applies to ant of the following persons:
- 8.8.1 To a member of a partnership, if the Tenderer is a partnership, to the person indicates by the Tenderer, on whose capacity Tenderer is relying to certify its compliance with requirements, to subcontractor whose value of works to performed or services to be provided is equal to or exceeds 10`000 (ten thousand) euros of the contract price;
- 8.8.2 Exclusion grounds mentioned in Section 8.1.1 – 8.1.4 of the Regulations applies to persons who has decisive influence on participation in the sense of the normative/regulatory acts;
- 8.8.3 Exclusion grounds mentioned in Section 8.1.1, 8.1.2., 8.1.6 and 8.1.15 of the Regulations applies to the Tenderer’s beneficial owner.
- 8.9 If the Tenderer complies with any of the exclusion grounds set out in Clause 1., 4., 5., 6., 7., 10., 11., 12., 13 and 14 of Section 42 of the Public Procurement Law (Section 8.1.1 – 8.1.14 of the Regulations), including members if the Tenderer is a Partnership, persons who have decisive influence in the sense of the normative/regulatory acts, Tenderers beneficial owner, and the exceptions set out in Clause 2., 3., 4., 5 and 6 of the Paragraph four of Section 42 of the Public Procurement Law are not applicable, Contracting authority informs the Tenderer and sets deadline of at least 10 (ten) days from the day of issuing or receiving information, to submit an explanation and evidence that proves the reliability of the Tenderer in accordance with Section 43 of the Public Procurement Law.

- 8.10 Procurement Commission does not exclude Tenderer from participation in Procurement, if in the case referred in Section 8.1.7 of the Regulations, three years have passed from the day of the decision of competent authority until the day of submitting the Proposal.
- 8.11 The Procurement Commission evaluates exclusion grounds in accordance with Section 42 of Public Procurement Law.
- 8.12 The Procurement Commission does not exclude the Tenderer from participation in the Procurement in any of the cases indicated in the Paragraph four of Section 42 of Public Procurement Law.
- 8.13 The Contracting authority will evaluate whether the Tenderer cannot be excluded from participation in Procurement in accordance with the Paragraph one and two of Section 11.¹ of the Law of International Sanctions and National Sanctions of the Republic of Latvia, the Contracting authority will verify the information on www.sankcijas.kd.gov.lv website.
- 8.14 If the Tenderer complies with any of the exclusion grounds mentioned in Section 8.1 of the Regulations (except Section 8.1.2 of the Regulations), the Tenderer indicates this fact in the Annex No 2 "Application for participating in the Open competition" of the Regulations. If the Tenderer to whom the Contract should be awarded will comply with any of exclusion grounds mentioned in this Section, Procurement commission will follow the procedures specified in the Section 43, Paragraph 1-7 of the Public Procurement Law.
- 8.15 The Tenderer certify that it complies with the selection criteria for Tenderers may submit the European Single Procurement Document (hereinafter - ESPD) as initial proof. This document must be submitted electronically and for each person upon whose capacity Tenderer relies on to certify its compliance with the requirements stipulated in the Regulations, and for each of their indicated subcontractors the share of whose work is equal to or exceeds 10`000 (ten thousand) euros of the value of the Contract but if the Tenderer is a partnership – for each member thereof. To fill in the ESPD the Tenderer shall use the "ESPD.xml" file on the Internet webpage <http://espd.eis.gov.lv/>.
- 8.15.1 To certify compliance with all Competition selection criteria (except exclusion grounds mentioned in Section 5.4 of Regulations), the Candidate can limit itself to filling the following point in the ESPD Section IV "**Selection criteria**" Part "*a: Global indication for all selection criteria*" confirming with "Yes", without having to fill in Part IV, Sections A, B, C or D.



a. Global indication for all selection criteria

Concerning the selection criteria the economic operator declares that

It satisfies all the required selection criteria

Your answer? Yes No

- 8.16 If the Tenderer has chosen to submit an ESPD as initial proof, in the ESPD for a person upon whose capacity Tenderer relies to certify its compliance with the requirements stipulated in the Regulations 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 Tenderer relies. In the ESPD for a subcontractor the share of whose work is equal to or exceeds 10`000 (ten thousand) of the Contract - part regarding the exclusion grounds only.
- 8.17 If the Tenderer to whom the Contract should be awarded has chosen to submit an ESPD as initial proof, Procurement commission will follow the procedure stipulated in the Paragraph 17 of the Cabinet regulation No 107 of 28 February 2017 "Tendering Procedures or Procurement Procedures and Design Contests".

9 RELIANCE ON THE CAPACITY OF OTHER PERSONS

- 9.1 For the fulfilment of the specific contract, to comply with the selection requirements for the Tenderers related to the economic and financial standing and technical and professional capacity (including regarding the team of key experts), the Tenderer may rely on the capacity of other persons, regardless of the legal nature of their mutual relationship. In this case:
- 9.1.1 The Tenderer shall indicate in the Proposal all persons on whose capacity it relies by filling in the table which is attached as an Annex No 7 "A list of other entities on whose capacity Tenderer relies" of the Regulations and prove to the Contracting authority that the Tenderer will have available all the necessary resources for the fulfilment of the Contract by submitting a signed confirmation or agreement on cooperation and/or passing of resources to the Tenderer between such persons and the Tenderer. The confirmations and agreements on cooperation and passing of resources can be

- replaced with any other type of documents with which the Tenderer is able to prove that the necessary resources will be available to the Tenderer and will be used during the term of fulfilment of the Contract.
- 9.1.2 Documents on cooperation and passing of resources must be sufficient to prove to the Contracting authority that the Tenderer will have the ability to fulfil Contract, as well as that during the validity of the Contract Tenderer will in fact use the resources of such person upon whose capacity it relies.
- 9.1.3 The Contracting authority shall require joint and several liability for the execution of the Contract between the:
- 9.1.4 Tenderer and a person on whose capacity Tenderer is relying to certify its financial and economic performance and who will be financially and economically responsible for fulfilment of the Contract;
- 9.1.5 Each member of the partnership (if the Tenderer is a partnership) on whose capacity Tenderer is relying and who will be financially and economically responsible for fulfilment of the Contract.
- 9.2 Tenderer may rely on the capacity of other persons only if these persons will provide services that require the relevant capacity.
- 9.3 If Tenderer is a partnership, the member of the partnership upon whose qualification the partnership relies in order to qualify must provide the respective services for which the respective qualification was required.
- 9.4 The Contracting authority will evaluate the person on whose capacity Tenderer to whom the rights to conclude the Contract should be assigned is relying according to Section 8.1 of the Regulations. In case such person will comply with any of the exclusion grounds which are mentioned in Section 8.1 of the Regulations, Contracting authority will request Tenderer to change such person. If the Tenderer 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 Tender, the Contracting authority will exclude such Tenderer from further participation in the Procurement.

10 SUBCONTRACTING

- 10.1 The Tenderer shall indicate in the Proposal all subcontractors of the Tenderer by filling in the table which is included in the Annex No 8 "A list of subcontractors for the Open Competition" of the Regulations.
- 10.2 The Contracting authority will evaluate the subcontractor (whose value of works to be performed or services to provided is at least 10`000 (ten thousand) euros of the contract price) of the Tenderer to whom the rights to conclude the Contract should be assigned according to Sections 8.1 of the Regulations. In case such subcontractor whose value of works to be performed or services to provided is at least 10`000 (ten thousand) euros of the contract price, will comply with any of the exclusion grounds which are mentioned in Section 8.1 of the Regulations, the Contracting authority will request 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 Tender, the Contracting authority will exclude such Tenderer from further participation in the Open competition.

11 FINANCIAL PROPOSAL

- 11.1 The Financial proposal shall be submitted as a part of Annex No 6 "Financial proposal" of the Regulations.
- 11.2 Tenderer shall indicate total proposed contract price for the full scope of the Services.
- 11.3 The proposed contract price must be calculated and indicated with an accuracy of 2 (two) decimal places after comma. If more than 2 (two) decimal places after comma will be indicated, then only the first two decimal places will be considered.
- 11.4 The proposed contract price shall be indicated in euro without VAT.
- 11.5 Prices offered in Financial proposal cannot be increased during the performance of the contract.
- 11.6 All taxes and fees set by the state and local governments, except for the Value added tax (hereinafter – VAT), as well as all possible risks related to market price fluctuations during the performance of the procurement contract must be included in the Financial proposal.
- 11.7 **All costs related expenses that are not specifically listed in the Technical specification, but which are necessary for the overall performance of the contract must be included in Financial proposal.**

- 11.8 If the Tenderers Financial proposal does not comply with all the requirements of Section 11 of the Regulations, it will be considered as no compliant and will not be evaluated.

12 TECHNICAL PROPOSAL

- 12.1 Tenderers shall submit a Technical proposal in accordance with this Section considering aspects in the Annex No 1 "Technical specification" of the Regulations.
- 12.2 Technical proposal must contain at least the following:
- 12.2.1. Tenderers confirmation that it will provide services described in the Technical specification;
 - 12.2.2. Description of the investigation methodology and used databases, materials and equipment;
 - 12.2.3. Description of the necessary approvals from institutions (providing a list of institutions);
 - 12.2.4. Description of the time schedule.
- 12.3 The Tenderer shall prepare the Technical proposal for the entire scope of Procurement subject-matter.
- 12.4 The Tenderer may include additional information to prove its proposals compliance with the Technical specification.

13 CONTENTS AND FORM OF THE PROPOSAL

- 13.1 The Proposal must be submitted electronically on E-Tenders system of the Electronic Procurement System in accordance with the following options for the Tenderer:
- 13.1.1 by using the available tools of the E-Tender system, filling the attached forms of the E-Tender system for the Procurement;
 - 13.1.2 by preparing and filling the necessary electronic documents outside the E-Tenders system and attaching them to relevant requirements (in this situation the Tenderer takes responsibility for the correctness and compliance of the forms to requirements of documentation and form samples);
 - 13.1.3 by encrypting electronically prepared Proposal outside of the E-Tenders system with data protection tools provided by third parties, and protection with electronic key and password (in this situation, the Tenderer takes responsibility for the correctness and compliance of the forms to requirements of documentation and form samples as well as ensuring capability to open and read the document by the Contracting authority).
- 13.2 During preparation of the Proposal, the Tenderer shall respect the following requirements:
- 13.2.1 Each document mentioned in Section 13.3 of the Regulations must be filled separately, each in a separate electronic document in line with forms attached to Procurement in a Microsoft Office 2010 (or later) format and attached to the designated part of the Procurement (<https://www.eis.gov.lv/EKES/Supplier/Procurement/106247>) on E-Tenders system;
 - 13.2.2 Upon submission, the Tenderer signs the Proposal with secure electronic signature and time-stamp or with electronic signature provided by Electronic Procurement System. The Tenderer can use secure electronic signature and time-stamp and sign Application form, Technical proposal, Financial proposal and other documents separately.
- 13.3 Documents to be included in the Proposal:
- 13.3.1 Application for participating in the Open competition in accordance with Annex No 2 of the Regulations;
 - 13.3.2 Financial proposal in accordance with Section 11 and the Annex 6 of the Regulations;
 - 13.3.3 Technical proposal prepared in accordance with the Section 12 and the Annex No 1 of the Regulations;
 - 13.3.4 Information and documents confirming compliance of the Tenderer with the selection criteria for the Tenderers (set in Section 8 of the Regulations) or the corresponding ESPD;
 - 13.3.5 Information and documents relating to other entities on whose capacity Tenderer is relying (in accordance with the Annex No 7 of the Regulations) or the corresponding ESPD;
 - 13.3.6 Information and documents relating to subcontractors (in accordance with the Annex No 8 of the Regulations) or the corresponding ESPD.

- 13.4 The Proposal may contain original documents or their derivatives (e.g., copies). In the Proposal or in reply to a request of the Procurement commission Tenderer shall submit only such original documents which have legal force. In order for the document to gain legal force it has to be issued and formatted in accordance with the Latvian Law on Legal Force of Documents of the Republic of Latvia (<https://likumi.lv/ta/en/id/210205-law-on-legal-force-of-documents>), but public documents issued abroad shall be formatted and legalized in accordance with the requirements of the Document Legalization Law of the Republic of Latvia (<https://likumi.lv/ta/id/301436-dokumentu-izstradasanas-un-noformesanas-kartiba>). Public documents issued abroad can be self-approved by the Tenderer, if it is applicable by the legislation of the respective country. When submitting the Proposal, the Tenderer has the right to certify the correctness of all submitted documents' derivatives and translations with one certification.
- 13.5 The Proposal must be signed by a person who is legally representing the Tenderer or is authorized to represent the Tenderer in Open Competition.
- 13.6 The Tenderer shall prepare Proposal in electronic form using the E-Tenders system available on <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/106247> .
- 13.7 The Proposal must be submitted in a written form in English or Latvian (if submitted in Latvian, translation in English of the Proposal must be provided together with the Proposal).

14 ENCRYPTION OF THE PROPOSAL INFORMATION

- 14.1 E-Tender system which is a subsystem of the Electronic Procurement System ensures first level encryption of the information provided in the Proposal documents.
- 14.2 If the Tenderer applied additional encryption to the information in the Proposal (according to the Section 13.1.3 of the Regulations), the Tender must provide the Procurement commission with the electronic key with the password to unlock the information not later than in 15 (fifteen) minutes after the deadline of the Proposal submission.

15 SUBMISSION OF A PROPOSAL

- 15.1 The Proposal (documents referred to in the Section 13.3 of the Regulations) shall be submitted electronically using the E-Tenders system available on <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/106247> by:
4 September 2023 till 11:00 (Riga time).
- 15.2 The Tenderer may recall or amend its submitted Proposal before the expiry of the deadline for the submission of Proposals by using the E-Tenders system.
- 15.3 Only Proposals submitted on the E-Tenders system will be accepted and evaluated for participation in the Open Competition. Any Proposal submitted outside the E-Tenders system will be declared as submitted in a non-compliant manner and will not participate in the Open competition.

16 OPENING OF PROPOSALS

- 16.1 The Proposals will be opened on the E-Tenders system on **4 September 2023 starting at 15:00** (Riga time) during the opening session. It is possible to follow the opening of submitted Proposals online on the E-Tenders system.
- 16.2 The Proposals will be opened by using the tools offered by the E-Tenders system. The proposed hourly rate and other information that characterizes the Proposal (excluding confidential information) will be published on the E-Tenders system.
- 16.3 The information regarding the Tenderer, the time of Proposal submission, the proposed hourly rate and other information that characterizes the Proposal is generated at the opening of the Proposals by the E-Tenders system and written down in the Proposal opening sheet which will be published on the E-Tenders system and Contracting authority's webpage.

17 VERIFICATION OF PROPOSALS FOR COMPLIANCE

- 17.1 Following of the opening of the Proposals the Procurement commission verifies the compliance of Proposals received. The Procurement commission evaluates the Proposals in closed sessions.
- 17.2 The Procurement commission verifies whether the submitted Proposals comply with the requirements stipulated in the Section 13 of the Regulations and whether all required information and documents are submitted and selects for further evaluation the compliant Proposals.

17.3 The Procurement commission verifies whether the Tenderers comply with the selection criteria stipulated in the Section 8.2. – 8.4 of the Regulations and selects compliant Tenderers for further evaluation.

18 VERIFICATION OF TECHNICAL PROPOSAL

18.1 The Procurement commission verifies whether the submitted Technical proposals comply with the requirements stipulated in Section 12 of the Regulations and Technical specification and selects for further evaluation the compliant Technical proposals.

19 VERIFICATION OF FINANCIAL PROPOSALS

19.1 The Procurement commission verifies whether the submitted Financial proposals comply with the requirements stipulated in Section 11 of the Regulations and Tenderers have filled in the Annex No 6 "Financial proposal" in accordance with the requirements.

19.2 The Procurement commission verifies whether there are any arithmetical errors, whether an abnormally low Proposal has been received, as well as assesses and compares the contract price and price per 1 (one) unit.

19.3 The Procurement commission informs the Tenderer whose arithmetical errors have been corrected about the correction of arithmetical errors and the corrected Financial proposal.

19.4 When evaluating the financial proposal, the Procurement commission takes corrections into account.

19.5 The Procurement commission has the right to demand that the Tenderer explains the calculation upon which the financial proposal is based and other related aspects in order to ascertain the objectivity of the financial proposal and whether an abnormally low Proposal has been submitted.

19.6 The Procurement commission further evaluates the compliant Proposals which have not been declared as abnormally low proposals.

20 CONTRACT AWARD CRITERIA

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

20.2 The economically most advantageous proposal shall be the Proposal which will receive the highest sum of scores for the following criteria:

No.	Evaluation criteria	Maximum points
1.	Technical proposal	20
2.	Financial proposal	80
Total		100

20.3 The Procurement commission will sum up the points by each Tenderer and the Contract will be awarded to the Tenderer whose Proposal obtains the highest score according to Section 20.6 and 20.7 of the Regulations.

20.4 In case several Tenderers will obtain equal number of points, the Procurement commission shall award the right to conclude the Contract to the Tenderer which will obtain higher score for its Financial proposal - price per 1 (one) unit. If also this score will be equal, then the Procurement commission will invite representatives of those particular Tenderers and will organize a draw. In situation, when representatives of Tenderers choose to not be present at the draw, Procurement commission will carry out the draw without representatives of Tenderers present by inviting impartial participant from the Contracting authority.

20.5 The Contract will be awarded to the Tenderer whose proposal meets all the requirements stipulated in the Regulations of the Open competition and is the most economically advantageous proposal.

20.6 Evaluation of the Technical proposal

20.6.1 The maximum number of points Proposal can receive for criteria “Technical proposal” is 20 (twenty) points;

20.6.2 The points for Technical proposal shall be calculated with the following system:

No	Evaluation criteria of the Technical proposal	Points awarded
20.6.3.	<p>Outstanding level of detail The Tenderers technical proposal provides a detailed and well-structured description of the investigation methodology and provided detailed time schedule that Tenderer intends to apply during the investigation part of the Services. Technical proposal includes detailed description of databases, materials and equipment used during the investigation part of the Services. Technical proposal includes detailed content of the Final Location Design and description of the necessary approvals of relevant institutions with whom Tenderer intends to cooperate during the investigation part of the Services.</p>	10
20.6.4.	<p>Good level of detail The Tenderers technical proposal provides an overall description of the investigation methodology and provided overall time schedule that Tenderer intends to apply during the investigation part of the Services. Technical proposal includes overall description of databases, materials and equipment used during the investigation part of the Services. Technical proposal includes overall content of the Final Location Design and description of the necessary approvals of relevant institutions with whom Tenderer intends to cooperate during the investigation part of the Services.</p>	6
20.6.5.	<p>Low level of detail The Tenderers technical proposal provides a minimum description of the investigation methodology and time schedule that Tenderer intends to apply during the investigation part of the Services. Technical proposal includes minimum description of the databases, materials and equipment used during the investigation part of the Services. Technical proposal includes minimum content of the Final Location Design and description of the necessary approvals of relevant institutions with whom Tenderer intends to cooperate during the investigation part of the Services</p>	4

20.6.6. The Procurement commission will obtain the final score for each Technical proposal by summing up all the points obtained.

20.7 Evaluation of Financial proposal

- 20.7.1 The maximum number of points Proposal can receive for criteria “Financial proposal” is 80 (eighty) points.
- 20.7.2 The Procurement commission will evaluate the prices the Tenderer has indicated in the Financial proposal and sum up points gained in Section 20.7.3 of the Regulations.
- 20.7.3 Financial proposal will receive points for **general contract price** mentioned in Section 11.2. of the Regulations in accordance with the following formula:

$$\text{points} = \frac{\text{lowest proposed general contract price from the compliant proposals}}{\text{Tenderer's proposed general contract price}} \times 80$$

21 TENDERER CHECK PRIOR TO MAKING THE DECISION REGARDING THE CONCLUSION OF THE CONTRACT

- 21.1 Prior to making the decision about assigning rights to conclude the Contract, Procurement commission performs a check regarding the existence of grounds of exclusion for Tenderer, members of a partnership (if the Tenderer is a partnership), persons on whose capacity Tenderer is relying on to certify its compliance with the requirements and subcontractors.
- 21.2 If in accordance with the information published on the day of the last data update in a public database on the last day of Proposal submission or on the day when the decision regarding the possible assignment of rights to conclude a Contract is made
- The Tenderer;
 - Member of a partnership (if the Tenderer is a partnership);
 - Subcontractor whose value of works to be performed or services to be provided is at least 10`000 (ten thousand) euros of the contract price;
 - Person on whose capacity the Tenderer is relying to certify its compliance with the requirements;
 - Beneficial owner of the Tenderer;
 - Person who has decisive influence on participation in the sense of normative/regulatory acts;
- have tax debts, including state mandatory insurance contribution debts, in Latvia in accordance with the Law “On Taxes and Fees” or in a country where it has been incorporated or is permanently residing in, in accordance with the laws and regulations of the country of registration or residence has unfulfilled obligations in the field of taxes.
- 21.3. The Procurement commission informs the Tenderer and sets deadline – 10 (ten) days from the day of issuing or receiving information – for the submission of a statement evidencing the absence of tax debt, including state mandatory insurance contributions debts, on the last day of the Proposal submission or on the day when the decision regarding the possible assignment of the right to conclude a Contract has been made.
- 21.4 If the Tenderer fails to submit required evidence before the deadline, Procurement commission excludes the Tenderer from participation in the Open competition.
- 21.5 Change of persons on whose capacity Tenderer is relying on to certify its compliance with the requirements or subcontractors whose share of works to be performed or services to be provided is equal to or exceeds 10`000 (ten thousand) euros of the Contract price is performed in accordance with Sections 9.4 and 10.2 of the Regulations respectively.
- 21.6 In the event the Tenderer or partnership member (if the Tenderer is a partnership) fails to comply with requirements stipulated in Section 8.1 of the Regulations (except Section 8.1.2, 8.1.10 – 8.1.13 of the Regulations) and has indicated this in the Proposal, upon Procurement commission’s request it submits an explanation about the implemented measures in order to restore reliability and prevent occurrences of the same or similar violations in future, as well as attaches evidence which proves the implemented measures, such as but not limited to evidence about compensating damages, on cooperation with investigating authorities, implemented technical, organizational or personnel measures, an assessment of a competent authority regarding the sufficiency of the implemented measures etc. The Procurement commission assesses such information. If the Procurement commission deems the measures taken are sufficient for the restoration of reliability and the prevention of similar cases in the future, it makes the decision not to exclude the Tenderer from participation in the Open competition. If the measures taken are insufficient, Procurement commission makes the decision to exclude the Tenderer from further participation in the Open competition.

If the Tenderer within the indicated time does not submit the requested information, Procurement commission excludes the Tenderer from participation in the Open competition.

22 DECISION MAKING, ANNOUNCEMENT OF RESULTS AND ENTERING INTO A CONTRACT

- 22.1 The Procurement commission selects Tenderers in accordance with the set selection criteria for Tenderers, verifies the compliance of the Proposals with the requirements stipulated in the Regulations and chooses the Proposal in accordance with the contract award criteria as described in Section 20 of the Regulations. The most economically advantageous Proposal shall be selected.
- 22.2 Within 3 (three) business days from the date of decision about the Open competition results the Procurement commission informs all the Tenderers about the decision made by sending the information by post or electronically (including on the E-Tenders system) and keeping the evidence of the date and means of sending the information. The Procurement commission announces the name of the chosen Tenderer, indicating:
- 22.2.1 to the rejected Tenderer - the reasons for rejecting its Proposal;
 - 22.2.2 to the Tenderer who has submitted compliant Proposal - the characterization of the chosen Proposal and the relative advantages;
 - 22.2.3 the deadline by which the Tenderer may submit a complaint to the Procurement Monitoring Bureau regarding violations of the public procurement procedure.
- 22.3 If the Procurement is terminated, Procurement commission within 3 (three) business days simultaneously informs all Tenderers about all the reasons why the Open competition is terminated and informs about the deadline within which a Tenderer may submit a complaint to the Procurement Monitoring Bureau regarding the violations of the public procurement procedure.
- 22.4 The Procurement commission when informing about the results has the right not to disclose specific/confidential information, if it may infringe upon public interests or if the Tenderer's legal commercial interests or the conditions of competition would be violated.
- 22.5 As soon as possible but not later than within 5 (five) business days from day when the decision about the results of the Open competition is taken, the Procurement commission prepares a report of the Open competition and publishes it on the Contracting authority's profile in E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/106247> and on Contracting authority's webpage <https://www.railbaltica.org/tenders/>.
- 22.6 **The selected Tenderer upon receiving the notification from the Procurement commission must:**
- 22.6.1 within 5 (five) business days - to submit to the Contracting authority a copy of a partnership agreement or notification regarding the establishment of the partnership, if required pursuant to requirements under the Section 7.1.2.1 of the Regulations;
 - 22.6.2 within 10 (ten) days from receiving the invitation - to sign the Contract;
 - 22.6.3 within 5 (five) business days after receiving Commencement notice- to submit to the Contracting authority a copy of a valid Professional civil liability insurance that meet requirements stipulated in the Section 14.2 of the Annex 9 "Draft Agreement" of the Regulations. The aggregate value of liability of the Professional civil liability insurance and for one occurrence shall be no less than twice (2) the amount of the total value of the Agreement. The amount of liability for each insured event shall be no less than twenty percent (20%) of the total value of the Agreement.
- 22.7 The Contract is concluded based on the selected Tenderer's Proposal and in accordance with the Annex No 9 "Draft contract" of the Regulations.
- 22.8 The Procurement commission has the right to choose the next most economically advantageous Proposal, if the Tenderer in the time stipulated by the Regulations:
- 22.8.1 refuses to conclude a partnership agreement or to establish the partnership in the cases and deadlines defined by the Regulations or in the cases and deadlines defined by the Regulations does not submit a copy of the partnership agreement or does not inform of the founding of a partnership company;
 - 22.8.2 does not submit a valid professional risk indemnity insurance as stipulated in Section 22.7.2 of the Regulations;
 - 22.8.3 refuses to conclude the Contract or does not submit a signed Contract within the deadlines defined in the Regulations.

- 22.9 In any of such cases mentioned in the Section 22.9 of the Regulations, the Procurement commission is entitled to terminate the Procurement without selecting any Proposal or to select the Proposal with the next most economically advantageous proposal. For either of these decisions a written decision must be made.
- 22.10 Prior to making the decision regarding the conclusion of the Contract with the Tenderer with the next most economically advantageous Proposal, the Procurement commission assesses whether this Tenderer is one market participant together with the initially selected Tenderer. If the next selected Tenderer is found to be one market participant together with the initially selected Procurement commission decides to terminate the Open competition without selecting any Proposal. If the next chosen Tenderer also refuses to conclude the contract or does not submit a signed public procurement contract within the deadline set by the Procurement Commission, the Procurement Commission makes the decision to terminate the open competition without selecting any Proposal.

23 ANNEXES

1. Annex No 1 – Technical specification on 35 (thirty five) sheets;
2. Annex No 2 – Application for participation in the Open competition (form) on 2 (two) sheets;
3. Annex No 3 – Confirmation of the Tenderer's financial standing (form) on 1 (one) sheet;
4. Annex No 4 – Description of Tenderers previous experience in geodetic works (form) on 1 (one) sheet;
5. Annex No 5 – Previous experience of proposed responsible project manager (form) on 1 (one) sheet;
6. Annex No 6 – Financial proposal (form) on 1 (one) sheet;
7. Annex No 7 – A list of entities on whose capacity Tenderer relies on (form) on 1 (one) sheet;
8. Annex No 8 – A list of subcontractors on 1 (one) sheet;
9. Annex No 9 – Draft contract on 34 (thirty four) sheets.

Procurement commission chairperson

Zane Nore

ANNEX NO 1: TECHNICAL SPECIFICATION**TECHNICAL SPECIFICATION FOR THE OPEN COMPETITION
"JOINT RAIL BALTICA CHAINAGE AND GEODETIC REFERENCE NETWORK DEVELOPMENT STUDY"
(ID NO RBR 2023/13)**

Please see separate file "Technical specification open competition Joint Rail Baltica chainage and geodetic reference network development study".

**APPLICATION FOR PARTICIPATION IN THE OPEN COMPETITION
“JOINT RAIL BALTICA CHAINAGE AND GEODETIC REFERENCE NETWORK DEVELOPMENT STUDY”
(ID NO RBR 2023/13)**

Name of the Tenderer or all members of the partnership	
Registration number of the Tenderer or all members of the partnership ¹⁰	
VAT payer registration number of the Tenderer or all members of the partnership	
Name, surname and position of the person authorized to represent the Tenderer or name of nominated representative (in case of established partnership)	
Legal address of the Tenderer or all members of the partnership	
Correspondence address of the Tenderer or all members of the partnership	
Bank of the Tenderer or all members of the partnership	
Bank code (SWIFT) of the Tenderer or all members of the partnership	
Bank account (IBAN) of the Tenderer or all members of the partnership	
Contact person and contact information of the Tenderer (name, surname, position, telephone number, e-mail)	

By submitting the Proposal, the Tenderer hereby:

1. Confirms participation in the open competition “Joint Rail Baltica chainage and geodetic reference network development study”, ID No RBR 2023/13;
2. Informs that the following entities and/or persons comply with the following exclusion grounds (if any):

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

3. Confirms that, if the Tenderer will be awarded the Contract, the Tenderer will provide quality and timely performance of the contractual liabilities for the proposed price and in accordance with the requirements of the Annex No 1 “Technical specification” of the Regulations;
4. Confirms that Regulations is clear and understandable, that it does not have any objections and complaints and that in the case of granting the right to enter into a Contract it shall fulfil all conditions of the Regulations as well as enter into a Contract in accordance with the Draft contract enclosed with the Regulations as an Annex No 9 “Draft contract”;

¹⁰ Tenderer registered or residing outside of Latvia, if applicable, shall indicate VAT payer registration number assigned by the State Revenue Service in Latvia.

5. Confirms that in the preparation and submission of its Proposal, Tenderer has fully considered all the clarifications issued by the Contracting authority;
6. Confirms that Tenderer has prepared the Proposal without connection with any other person, company or parties likewise submitting a Proposal and that it is prepared in all respects for in good faith, without collusion or fraud;
7. Confirms that Tenderer's offered services are free from all liens, interests or other rights of third parties;
8. Agrees that the Contracting authority reserves itself the right to reject any or all Proposals and cancel the procurement process before entry into Contract on the grounds specified in the Regulations or the law;
9. Guarantees that all information and documents provided are true;
10. Confirms¹¹ that meets the criteria of (please indicate by ticking relevant box):

a small medium other

sized enterprise¹² as defined in the Article 2 of the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprise.¹³

[date of signing]

[name and position of the representative of the Tenderer]

¹¹ Tenderer must indicate size of enterprise for each member of the partnership, if the Tenderer is a partnership.

¹² The information on the size of the Tenderer is used solely for statistical purposes and is not in any way whatsoever used in the evaluation of the Tenderer or the Proposal.

¹³ Available here - http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2003.124.01.0036.01.ENG&toc=OJ:L:2003:124:TOC

ANNEX NO 3: CONFIRMATION OF FINANCIAL STANDING

**CONFIRMATION OF TENDERER’S FINANCIAL STANDING FOR THE OPEN COMPETITION
“JOINT RAIL BALTICA CHAINAGE AND GEODETIC REFERENCE NETWORK DEVELOPMENT STUDY”
(ID NO RBR 2023/13)**

Section 8.3.1 of the Regulations

The Tenderer’s or all members of the partnership together (if the Tenderer is a partnership and confirms the average financial turnover jointly), average annual financial turnover within last 3 (three) years (2022, 2021, 2020) is not less than EUR 60 000,00 (sixty) per year.

In the event the average annual financial turnover of a limited partner of a 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 annual financial turnover shall be recognized in the amount of the investment in the limited partnership.

In the event the Tenderer or a member of a partnership (if the Tenderer is a partnership) has operated in the market for less than 3 (three) financial years, the requirement shall be met during the Tenderer’s actual operation period.

No	Year	Total Turnover in EUR	Notes
The Tenderer or member of the partnership (if the Tenderer is a partnership) on whose capacity Tenderer is relying to certify its financial and economic performance (Section 8.3.1 of the Regulations) and who will be financially and economically responsible for fulfilment of the Contract or other entity on whose capacity Tenderer is relying (if the Tenderer 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 Tenderer/member of a partnership/other entity			
1.	2022		
2.	2021		
3.	2020		
Average annual turnover within the last 3 (three) financial years			

**If the financial turnover is in another currency than euro, for this Proposal it should be recalculated in euro in accordance with the currency exchange rate published by the European Central Bank on the proposal submission date (please see Section 15.1 of the Regulations)¹⁴.*

[date of signing]

[name and position of the representative of the Tenderer]

¹⁴ Available here: https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/index.en.html

ANNEX NO 4: DESCRIPTION OF TENDERERS PREVIOUS EXPERIENCE

**DESCRIPTION OF THE TENDERERS PREVIOUS EXPERIENCE FOR OPEN COMPETITION
"JOINT RAIL BALTICA CHAINAGE AND GEODETIC REFERENCE NETWORK DEVELOPMENT STUDY"
(ID NO RBR 2023/13)**

No	Client, client's contact information for references (name of representative, phone, e-mail) ¹⁵	Name of the project (Country where the works took place)	Period of the execution of works (month/year-month/year)	Information confirming that the Tenderer complies with the requirements set out in Sections 8.4.1. and 8.4.2. of the Regulations	Value of the contract (EUR without VAT)
1.					
2.					
...					

[date of signing]

[signature]

[name and position of the representative of the Tenderer]

¹⁵ In case of doubt, the Contracting authority has the right to contact the Client to verify that the services specified complies with the requirements set in Section 8.4.1 of the Regulations.

ANNEX NO 5: PROJECT MANAGERS PREVIOUS EXPERIENCE

DESCRIPTION OF THE PROJECT MANAGERS PREVIOUS EXPERIENCE¹⁶

“JOINT RAIL BALTICA CHAINAGE AND GEODETIC REFERENCE NETWORK DEVELOPMENT STUDY”

(ID NO RBR 2023/13)

Name, surname _____
 Country _____
 Certification field _____
 Certificate No. or link where certificate can be found _____

No	Client, client’s contact information for references (name of representative, phone, e-mail) ¹⁷	Name of the project (Country where the project took place)	Period of the execution of works (month/year-month/year)	Information confirming that the Tenderer complies with the requirements set out in Sections 8.4.3. of the Regulations	Value of the project (EUR without VAT)
1.					
2.					
...					

I, <name, surname>, acknowledge that the aforementioned information accurately reflects my experience and qualification.

I confirm that in case the Tenderer [*name of the Tenderer*: _____] will conclude the Contract as the result of this open competition, I will participate in the execution of the Contract.

I hereby acknowledge that I have read terms and conditions of the Agreement and the Open competition Regulations and that this is acknowledgement cannot be revoked, except in the case of exceptional circumstances, which cannot be foreseen during the procurement. In addition, I confirm that I have consented that my personal data (name, surname and signature) are processed by the contracting Authority during this Open competition.

[date of signing]

[signature]

[name, surname]

¹⁶ For each Responsible Project Manager separate form must be filled.

¹⁷ In case of doubt, the Contracting authority has the right to contact the Client to verify that the services specified complies with the requirements set in Section 8.4.1 of the Regulations.

ANNEX NO 6: FINANCIAL PROPOSAL

**FINANCIAL PROPOSAL FOR THE OPEN COMPETITION
“JOINT RAIL BALTICA CHAINAGE AND GEODETIC REFERENCE NETWORK DEVELOPMENT STUDY”
(ID NO RBR 2023/13)**

The Tenderer [*name of the Tenderer*] offers to deliver Services in accordance with the Annex No 1 “Technical specification” of the Regulations for the following contract price¹⁸:

Service	Price (EUR without VAT)
Investigation and condition assessment of existing Geodetic Reference Network points, Interim report, Final Location Design (Estimated total amount of Rail Baltica Reference Geodetic Network points 117)	
Hourly rate for <i>Variation Fee</i> ¹⁹	20
TOTAL EUR, excluding VAT:	21
VAT:	

[date of signing]

[signature]

[name and position of the representative of the Tenderer]

¹⁸ When preparing the Financial proposal, the rules of Section 11 of the Regulations.

¹⁹ Price indicated in this section will be used only if any variations during the fulfillment of the agreement will be needed. Please see Section 5 of the Annex 9 “Draft Agreement” of the Regulations.

²⁰ Indicate price for hourly rate taking into account requirements stipulated in Section 5 of the Annex 9 “Draft Agreement” of the Regulations.

²¹ Price indicated in this section, is the price Contracting authority will evaluate when evaluating Financial proposal for general contract price.

ANNEX NO 7: ENTITIES ON WHOSE CAPACITY TENDERER RELIES

**A LIST OF ENTITIES ON WHOSE CAPACITY TENDERER RELIES ON
TO MEET THE REQUIREMENTS OF THE OPEN COMPETITION
"JOINT RAIL BALTICA CHAINAGE AND GEODETIC REFERENCE NETWORK DEVELOPMENT STUDY"
(ID NO RBR 2023/13)**

No	Name of the entity (registration No., legal address)	Description of the capabilities the Tenderer relies on to certify its compliance with qualification requirements (Section 8 and 9 of Regulations)
1		
2		
n+1		

[date of signing]

[signature]

[name and position of the representative of the Tenderer]

ANNEX NO 8: SUBCONTRACTORS

**A LIST OF THE SUBCONTRACTORS FOR THE OPEN COMPETITION
"JOINT RAIL BALTICA CHAINAGE AND GEODETIC REFERENCE NETWORK DEVELOPMENT STUDY"
(ID NO RBR 2023/13)**

No	Name of the subcontractor (registration No., legal address)	Description of the sub- contracted task	Subcontracted tasks		Size of the enter- prise ²²
			Amount, EUR (without VAT)	% from the proposed contract price	
I	Total amount of the sub- contracted tasks is equal to or exceeds 10`000 (ten thousand) EUR from the proposed contract price				
1					
2					
n+1					
Total:					
II	Total amount of the sub- contracted tasks is smaller than 10`000 (ten thousand) EUR from the proposed contract price				
1					
2					
n+1					
Total:					
Total (I+II)					

[date of signing]

[signature]

[name and position of the representative of the Tenderer]

²² Please indicate the size of enterprise (small, medium or other) as defined in the Article 2 of Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprise. Available here: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2003.124.01.0036.01.ENG&toc=OJ.L:2003:124:TOC

ANNEX NO 9: DRAFT AGREEMENT

Please see separate file "Agreement for The investigation and location design of Rail Baltica geodetic reference network".