

# REGULATIONS

FOR THE OPEN COMPETITION

**"MOBILE COMMUNICATIONS SERVICES IN LATVIA, LITHUANIA AND ESTONIA"**

(IDENTIFICATION NO RBR 2023/10)



**Co-funded by  
the European Union**

Riga  
2023

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## 1 ABBREVIATIONS AND TERMS

- 1.1 **Common procurement vocabulary (CPV)** – a nomenclature approved by the European Union which is applied in public procurement procedures;
- 1.2 **Contract** - signed agreement between Contracting authority and a Contractor to provide the Services;
- 1.3 **Contracting authority** - the joint stock company RB Rail AS, registration number: 40103845025, legal address: Satekles iela 2B, Riga, LV-1050, Latvia;
- 1.4 **Contractor** - service provider awarded the right to enter into the Contract in Open competition to provide Services in accordance with requirements stipulated in Regulations and Contract;
- 1.5 **Identification number (ID No)** - 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 2023/10);
- 1.6 **Open competition (also - the Procurement)** – procurement procedure "Mobile communications services in Latvia, Lithuania and Estonia" (identification number: RBR 2023/10) 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 1.9-2023-16 dated 15 June 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 Open competition "Mobile communications services in Latvia, Lithuania and Estonia" (identification number: RBR 2023/10), as well as all the enclosed annexes;
- 1.11 **Services** - mobile communications services in Latvia, Lithuania or Estonia in accordance with Annex No 2 "Technical specification / Technical proposal form" of the Regulations;
- 1.12 **Supplier** – a natural person or a legal person, a group or association of such persons in any combination thereof, which offers to provide services;
- 1.13 **Tenderer** – a Supplier which has submitted a Proposal;
- 1.14 **VAT** – Value Added Tax.

## 2 GENERAL INFORMATION

- 2.1 The identification number of the Procurement is RBR 2023/10.
- 2.2 The Open competition is co-financed by the Contracting Authority and Connecting Europe Facility (CEF).
- 2.3 The Open competition is organized in accordance with the Public Procurement Law in effect on the date of publishing the contract notice.
- 2.4 The Open competition is carried out using E-Tenders system (<https://www.eis.gov.lv/EKEIS/Supplier>) which is subsystem of the Electronic Procurement System (<https://www.eis.gov.lv/EIS/>).
- 2.5 The Regulations is freely available on Contracting authority's profile in the E-Tenders system on webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/107094> and on the webpage of the Contracting authority <http://railbaltica.org/tenders/>.
- 2.6 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/107094> 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.
- 2.7 Contact person of the Contracting authority for this Open competition is Senior Procurement Specialist Vineta Ezergaile, mobile: +371 29352018, e-mail: [vineta.ezergaile@railbaltica.org](mailto:vineta.ezergaile@railbaltica.org).
- 2.8 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).

- 2.9 If the Supplier does not have access to the E-Tenders system, the Supplier shall follow the guidance for obtaining access to the system available on the Contracting authority's website at <http://www.railbaltica.org/procurement/e-procurement-system/>.
- 2.10 The Supplier can request additional information regarding the Regulations. Additional information can be requested in writing through the E-Tenders system 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 (please see the Section 2.7 of the Regulations), indicating the Procurement Identification number.
- 2.11 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.
- 2.12 The Supplier covers all expenses which are related to the preparation of the Proposal and its submission to the Contracting authority. Under no circumstances the Contracting authority will 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.

### 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 publicly available official databases free of charge. If any information requested is publicly available in official databases free of charge, Tenderer may not submit such information, however in this case Tenderer shall indicate the exact database where this information can be found.
- 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/107094> 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 through 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 also publishes the information on Contracting authority's profile in the E-Tenders system's webpage

<https://www.eis.gov.lv/EKEIS/Supplier/Procurement/107094> 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/107094> 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 e-mail regarding the Procurement (e.g., when amendments to the procurement documentation are published), Supplier shall register as an interested supplier on the E-Tenders system for the particular Procurement.
- 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.

## 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 mobile communications services in Latvia, Lithuania and Estonia in accordance with Annex No 2 "Technical specification / Technical proposal form" of the Regulations.
- 6.2 The applicable CPV code of the subject-matter is 64210000-1 (Telephone and data transmission services).
- 6.3 The subject-matter is divided into 3 (three) lots:

Lot No	Subject-matter	Total contract price per lot, EUR without VAT
1	Mobile communications services in Latvia	138 000,00
2	Mobile communications services in Lithuania	44 000,00

Lot No	Subject-matter	Total contract price per lot, EUR without VAT
3	Mobile communications services in Estonia	43 000,00

- 6.4 Tenderer is entitled to submit Proposal for one or several lots.
- 6.5 The Tenderer is not permitted to submit variants of the Proposal. If variants of the Proposal will be submitted, the Proposal will not be reviewed.
- 6.6 Place of execution of the Contract: Latvia (lot No 1), Lithuania (lot No 2) and Estonia (lot No 3).
- 6.7 Period of Service provision is 24 (twenty-four) months after the Contract commencement date or until the Total contract price for specific lot indicated in the Section 6.3 of the Regulations is reached, whichever comes first. There will be an option to extend the term of the Contract for additional 6 (six) months, if the Total contract value for specific lot is not reached within the initial period.

## 7 TENDERER

- 7.1 The Proposal can be submitted by the Tenderer that is:
- 7.1.1 A Supplier who is a legal or natural person which offers on the market to provide services and who complies with the selection criteria for Tenderers;
- 7.1.2 A group of Suppliers (also - the partnership) which offers on the market to provide services and who complies with the selection criteria for Tenderers:
- 7.1.2.1 A group of Suppliers who has formed a partnership for the Open competition. In this case all the members of the partnership shall be listed in Annex No 1 “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 destabilizing the situation in Ukraine<sup>1</sup> 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.

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

## 8 SELECTION CRITERIA FOR TENDERERS

### 8.1 Exclusion grounds

Before making the decision to award the Contract, the Procurement commission in each lot will verify whether the Tenderer, to whom the Contract should be awarded, is not a subject for exclusion grounds set in Section 42 of Public Procurement Law. The Procurement commission will exclude the Tenderer from further participation in the Open competition in any of the following circumstances:

No	Requirement	Documents to be submitted <sup>2</sup>
8.1.1	<p>Within previous 3 (three) years before submission of the Proposal the:</p> <ul style="list-style-type: none"> <li>- Tenderer or person who is Tenderer’s management board or supervisory board member, person with representation rights, procura holder or person who is authorised to represent the Tenderer in operations in relation to a branch;</li> <li>- partnership member, if Tenderer is a partnership, or its management board or supervisory board member, person with representation rights, procura holder or person who is authorised to represent the partnership member in operations in relation to a branch;</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000 and its management board or supervisory board member, person with representation rights, procura holder or person who is authorised to represent the subcontractor in operations in relation to a branch;</li> <li>- person on whose capacity Tender is relying to certify its compliance with the requirements or its management board or supervisory board member, person with representation rights, procura holder or person who is authorised to represent such person in operations in relation to a branch;</li> <li>- beneficial owner<sup>3</sup> of the Tenderer;</li> <li>- person who has decisive influence in the Tenderer on the basis of participation within the meaning of the laws and regulations regarding groups of companies</li> </ul>	<p>For a</p> <ul style="list-style-type: none"> <li>- Tenderer or person who is Tenderer’s management board or supervisory board member, person with representation rights, procura holder or person who is authorised to represent the Tenderer in operations in relation to a branch;</li> <li>- partnership member, if Tenderer is a partnership, or its management board or supervisory board member, person with representation rights, procura holder or person who is authorised to represent the partnership member in operations in relation to a branch;</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000 and its management board or supervisory board member, person with representation rights, procura holder or person who is authorised to represent the subcontractor in operations in relation to a branch;</li> <li>- person on whose capacity Tender is relying to certify its compliance with the requirements or its management board or supervisory board member, person with representation rights, procura holder or person who is authorised to represent such person in operations in relation to a branch;</li> <li>- beneficial owner of the Tenderer or its management board or supervisory board member, person with representation rights, procura holder or person who is authorised to represent the beneficial owner in operations in relation to a branch</li> </ul> <p><u>who is registered or residing in Latvia</u>, the Contracting authority will verify the information itself in publicly available databases.</p>

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

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

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

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

No	Requirement	Documents to be submitted <sup>2</sup>
	<p>(concern)<sup>4</sup> or its management board or supervisory board member, person with representation rights, procura holder or person who is authorised to represent such person in operations in relation to a branch</p> <p>has been found guilty of any of the following criminal offences by such prosecutor's penal order or a court judgement that has entered into effect and has become incontestable and unappealable, or a coercive measure has been applied thereto:</p> <p>a) establishment, leading of a criminal organisation, involvement in such organisation or in an organised group included within such organisation, or in another criminal formation, or participation in criminal offences committed by such organisation;</p> <p>b) accepting of bribes, giving of bribes, misappropriation of a bribe, intermediation in bribery, unlawful participation in property transactions, unauthorised receipt of benefits, commercial bribery, unlawful requesting, receiving, or giving of benefit, trading with influence;</p> <p>c) fraud, misappropriation, or money laundering;</p> <p>d) terrorism, financing of terrorism, establishment or organisation of a terrorist group, travelling for terrorism purposes, justification of terrorism, invitation to terrorism, terrorism threats, or recruitment or training of a person for the committing of acts of terrorism;</p> <p>e) human trafficking,</p> <p>f) of tax payments or payments equivalent thereto.</p>	<p>For a</p> <ul style="list-style-type: none"> <li>- Tenderer or person who is Tenderer's management board or supervisory board member, person with representation rights, procura holder or person who is authorised to represent the Tenderer in operations in relation to a branch;</li> <li>- partnership member, if Tenderer is a partnership, or its management board or supervisory board member, person with representation rights, procura holder or person who is authorised to represent the partnership member in operations in relation to a branch;</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000 and its management board or supervisory board member, person with representation rights, procura holder or person who is authorised to represent the subcontractor in operations in relation to a branch;</li> <li>- person on whose capacity Tender is relying to certify its compliance with the requirements or its management board or supervisory board member, person with representation rights, procura holder or person who is authorised to represent such person in operations in relation to a branch;</li> <li>- beneficial owner<sup>5</sup> of the Tenderer or its management board or supervisory board member, person with representation rights, procura holder or person who is authorised to represent the beneficial owner in operations in relation to a branch;</li> </ul> <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>

<sup>4</sup> Here and hereafter please see here: <https://likumi.lv/ta/en/en/id/4423-group-of-companies-law>

<sup>5</sup> Here and hereafter: **Beneficial owner** - a natural person who is the owner of the customer - legal person - or who controls the customer, or on whose behalf, for whose benefit or in whose interests business relationship is being established or an individual transaction is being executed, and it is at least:

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

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



No	Requirement	Documents to be submitted <sup>2</sup>
		<p>For a person who has decisive influence in the Tenderer on the basis of participation within the meaning of the laws and regulations regarding groups of companies (concern) 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.<sup>6</sup> If this/these person/-s is/are registered or residing in Latvia, the Contracting authority will verify the information itself in publicly available databases, if - registered or residing outside of Latvia, Tenderer additionally shall submit an appropriate statement from the competent authority of the country of registration or residence.</p>
8.1.2.	<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"> <li>- Tenderer;</li> <li>- partnership member, if Tenderer is a partnership;</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000;</li> <li>- person on whose capacity Tender is relying to certify its compliance with the requirements;</li> <li>- beneficial owner of the Tenderer;</li> <li>- person who has decisive influence in the Tenderer on the basis of participation within the meaning of the laws and regulations regarding groups of companies (concern)</li> </ul> <p>have outstanding tax liabilities (including in the field of mandatory State social insurance):</p> <ol style="list-style-type: none"> <li>a) in Latvia in accordance with the law "On Taxes and Fees" or</li> <li>b) in the country of registration or permanent place of residence thereof in accordance with the legal acts of the relevant foreign country</li> </ol>	<p>For a:</p> <ul style="list-style-type: none"> <li>- Tenderer;</li> <li>- partnership member, if Tenderer is a partnership;</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000;</li> <li>- person on whose capacity Tenderer is relying to certify its compliance with the requirements;</li> <li>- beneficial owner of the Tenderer</li> </ul> <p><u>who is registered or residing in Latvia</u>, the Contracting authority will verify the information itself in publicly available databases.</p> <hr/> <p>For a:</p> <ul style="list-style-type: none"> <li>- Tenderer;</li> <li>- partnership member, if Tenderer is a partnership</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000;</li> <li>- person on whose capacity Tenderer is relying to certify its compliance with the requirements;</li> <li>- beneficial owner of the Tenderer;</li> </ul> <p><u>who is registered or residing outside of Latvia</u>, the Tenderer shall submit an appropriate statement from the competent authority of the country of registration or residence. Additionally, the Tenderer shall indicate the taxpayer registration number assigned by the State Revenue Service of the Republic of Latvia, if such registration number has been assigned to the Tenderer and/or persons mentioned above.</p> <hr/> <p>For a person who has decisive influence in the Tenderer on the basis of participation within the meaning of the laws and regulations regarding groups of companies (concern) 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</p>

<sup>6</sup> Here and hereinafter: If such documents of the competent authority are not being issued, the 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 <sup>2</sup>
		who has decisive influence. If this/these person/s is/are registered or residing in Latvia, the Contracting authority will verify the information itself in publicly available databases, if - registered or residing outside of Latvia, Tenderer additionally shall submit an appropriate statement from the competent authority of the country of registration or residence.
8.1.3.	Insolvency proceedings have been announced, the business activities have been suspended, the business is under liquidation for a: <ul style="list-style-type: none"> <li>- Tenderer;</li> <li>- partnership member, if Tenderer is a partnership;</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000;</li> <li>- person on whose capacity Tender is relying to certify its compliance with the requirements.</li> </ul>	For a: <ul style="list-style-type: none"> <li>- Tenderer;</li> <li>- partnership member, if Tenderer is a partnership;</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000;</li> <li>- person on whose capacity the Tenderer is relying to certify its compliance with requirements;</li> </ul> <u>who is registered or residing in Latvia</u> , the contracting authority will verify the information itself in publicly available databases. <hr/> For a: <ul style="list-style-type: none"> <li>- Tenderer;</li> <li>- partnership member, if Tenderer is a partnership;</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000;</li> <li>- person on whose capacity the Tenderer is relying to certify its compliance with requirements;</li> </ul> <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.
8.1.4.	A person preparing the Procurement documents (an official or employee of the Contracting authority), a member of the Procurement commission, an expert, or a secretary of the Procurement commission is connected to the: <ul style="list-style-type: none"> <li>- Tenderer;</li> <li>- partnership member, if Tenderer is a partnership;</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000;</li> <li>- person on whose capacity Tender is relying to certify its compliance with the requirements;</li> <li>- beneficial owner of the Tenderer</li> </ul> within the meaning of Section 25, Paragraph one or two of the Public Procurement Law <sup>7</sup> or is interested in the selection of one specific Tenderer and the Contracting authority has no	No obligation to submit documents, unless specifically requested by the Procurement commission.

<sup>7</sup> Here and hereinafter please see here: <https://likumi.lv/ta/id/287760-publisko-iepirkumu-likums>.

No	Requirement	Documents to be submitted <sup>2</sup>
	possibility to prevent this situation by less restrictive measures with respect Tenderer.	
8.1.5.	<p>A:</p> <ul style="list-style-type: none"> <li>- Tenderer;</li> <li>- partnership member, if Tenderer is a partnership;</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000;</li> <li>- person on whose capacity Tender is relying to certify its compliance with the requirements</li> </ul> <p>has advantages restricting the competition within the Procurement if it or a legal person connected thereto has been involved in preparation of the Procurement in accordance with Section 18, Paragraph four of the Public Procurement Law and such advantages cannot be prevented by less restrictive measures, moreover, the Tenderer cannot prove that the participation thereof or of the legal person connected thereto in preparation of the Procurement does not restrict the competition.</p>	<p>No obligation to submit documents, unless specifically requested by the Procurement commission.</p>
8.1.6.	<p>Within the previous 3 (three) years before submission of the Proposals a:</p> <ul style="list-style-type: none"> <li>- Tenderer;</li> <li>- partnership member, if Tenderer is a partnership;</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000;</li> <li>- person on whose capacity Tender is relying to certify its compliance with the requirements</li> </ul> <p>by such decision of the competent authority or a court judgement which has entered into effect and has become incontestable and unappealable, has been found guilty of or is liable for the payment of fine in relation to violating the competition law which manifests itself in a horizontal cartel agreement, except for the case where the relevant authority, upon establishing a violation of the competition law, has given immunity from a fine to the specific person mentioned above or has reduced the fine for cooperation under the leniency programme.</p>	<p>For a:</p> <ul style="list-style-type: none"> <li>- Tenderer;</li> <li>- partnership member, if Tenderer is a partnership;</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000;</li> <li>- person on whose capacity Tender is relying to certify its compliance with the requirements</li> </ul> <p><u>who registered or residing in Latvia</u>, the Contracting authority will verify the information itself in publicly available databases.</p> <hr/> <p>For a:</p> <ul style="list-style-type: none"> <li>- Tenderer;</li> <li>- partnership member, if Tenderer is a partnership;</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000;</li> <li>- person on whose capacity Tender is relying to certify its compliance with the requirements</li> </ul> <p><u>who is registered or residing outside of Latvia</u>, the 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>

No	Requirement	Documents to be submitted <sup>2</sup>
8.1.7.	<p>The Procurement commission has sufficiently strong indications at its disposal to conclude that a:</p> <ul style="list-style-type: none"> <li>- Tenderer;</li> <li>- partnership member, if Tenderer is a partnership;</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000;</li> <li>- person on whose capacity Tender is relying to certify its compliance with the requirements</li> </ul> <p>has entered into an agreement with other economic operators with the aim of hindering, restricting, or distorting competition:</p> <ul style="list-style-type: none"> <li>a) there is an information on the decision of the competent authority in the field of competition by which the person mentioned above is found guilty of a violation of competition law, which manifests itself as a horizontal cartel agreement and 3 (three) years have not passed since the date of entry into force of such decision; or</li> <li>b) the Proposal contains indications regarding possible existence of an agreement aimed at hindering, limiting or distorting competition in Procurement, and the opinion of the Competition Council of the Republic of Latvia has been received.</li> </ul>	<p>No obligation to submit documents, unless specifically requested by the Procurement commission.</p>

No	Requirement	Documents to be submitted <sup>2</sup>
8.1.8.	Within the previous 3 (three) years before the submission of the Proposals a: <ul style="list-style-type: none"> <li>- Tenderer;</li> <li>- partnership member, if Tenderer is a partnership;</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000;</li> <li>- person on whose capacity Tender is relying to certify its compliance with the requirements as a contracting party or member or participant of the contracting party (if the contracting party has been an association of economic operators or a partnership) has failed to execute the procurement contract, framework agreement, partnership procurement contract, or concession contract concluded with the contracting authority, public service provider, public partner, or representative of the public partner and therefore the contracting authority, public service provider, public partner, or representative of the public partner has unilaterally withdrawn from the procurement contract, framework agreement, partnership procurement contract, or concession contract<sup>8</sup>.</li> </ul>	No obligation to submit documents, unless specifically requested by the Procurement commission.
8.1.9.	Within the previous 3 (three) years before submission of the Proposals a: <ul style="list-style-type: none"> <li>- Tenderer;</li> <li>- partnership member, if Tenderer is a partnership;</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000;</li> <li>- person on whose capacity Tender is relying to certify its compliance with the requirements</li> </ul>	For a: <ul style="list-style-type: none"> <li>- Tenderer;</li> <li>- partnership member, if Tenderer is a partnership;</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000;</li> <li>- person on whose capacity Tender is relying to certify its compliance with the requirements <u>registered or residing in Latvia</u>, the Contracting authority will verify the information itself in publicly available databases.</li> </ul>

<sup>8</sup> The Procurement commission may not exclude the Tenderer in case if the Procurement commission, when evaluating the information at its disposal, has reasonable doubts about the sufficiency of the evidence or the violations committed by the specific person are minor.

No	Requirement	Documents to be submitted <sup>2</sup>
	<p>by such a decision of a competent authority, a court judgment or prosecutor's penal order which has entered into effect and has become incontestable and unappealable, has been found guilty of and punished for an infringement which manifests as:</p> <p>a) employment of one or several persons if they do not have the necessary work permit or they are not entitled to reside in a European Union Member State; or</p> <p>b) employment of a person without concluding a written employment contract, failing to submit, within the time limit specified in the laws and regulations regarding taxes, an informative declaration regarding such person which is to be submitted on persons who commence employment.</p>	<p>For a:</p> <ul style="list-style-type: none"> <li>- Tenderer;</li> <li>- partnership member, if Tenderer is a partnership;</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000;</li> <li>- person on whose capacity Tender is relying to certify its compliance with the requirements <u>registered or residing outside of Latvia</u>, the Tenderer shall submit an appropriate statement from the competent authority of the country of registration or residence.</li> </ul>
8.1.10.	<p>A:</p> <ul style="list-style-type: none"> <li>- Tenderer;</li> <li>- partnership member, if Tenderer is a partnership;</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000;</li> <li>- person on whose capacity Tender is relying to certify its compliance with the requirements</li> </ul> <p>has made an effort to unlawfully influence the decision of the Contracting authority, the Procurement commission, or member of the Procurement commission in respect of the Procurement or has made an effort to obtain confidential information which would provide it with unjustified advantages within the Procurement or has provided misleading information which could significantly influence the decision on further participation of the Tenderer in the Procurement or awarding of the Contract.</p>	<p>No obligation to submit documents, unless specifically requested by the Procurement commission.</p>
8.1.11.	<p>A:</p> <ul style="list-style-type: none"> <li>- Tenderer;</li> <li>- partnership member, if Tenderer is a partnership;</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000;</li> <li>- person on whose capacity Tender is relying to certify its compliance with the requirements</li> </ul> <p>has provided false information to certify the conformity with the provisions of the Section 8.1 of the Regulations or qualification requirements for the Tenderers or has failed to submit the requested information.</p>	<p>No obligation to submit documents, unless specifically requested by the Procurement commission.</p>

No	Requirement	Documents to be submitted <sup>2</sup>
8.1.12.	<p>A:</p> <ul style="list-style-type: none"> <li>- Tenderer;</li> <li>- partnership member, if Tenderer is a partnership;</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000;</li> <li>- person on whose capacity Tender is relying to certify its compliance with the requirements;</li> <li>- person who has decisive influence in the Tenderer on the basis of participation within the meaning of the laws and regulations regarding groups of companies (concern)</li> </ul> <p>is a legal person or association of persons is registered in an offshore<sup>9</sup>.</p>	<p>For a:</p> <ul style="list-style-type: none"> <li>- Tenderer;</li> <li>- partnership member, if Tenderer is a partnership;</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000;</li> <li>- person on whose capacity the Tenderer is relying to certify its compliance with requirements <u>who is registered or residing in Latvia</u>, the contracting authority will verify the information itself in publicly available databases.</li> </ul> <p>For a:</p> <ul style="list-style-type: none"> <li>- Tenderer;</li> <li>- partnership member, if Tenderer is a partnership;</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000;</li> <li>- person on whose capacity the Tenderer is relying to certify its compliance with requirements <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.</li> </ul> <p>For a person who has decisive influence in the Tenderer on the basis of participation within the meaning of the laws and regulations regarding groups of companies (concern) 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. If this/these person/-s is/are registered or residing in Latvia, the Contracting authority will verify the information itself in publicly available databases, if - registered or residing outside of Latvia, Tenderer additionally shall submit an appropriate statement from the competent authority of the country of registration or residence.</p>
8.1.13.	<p>The owner or holder of more than 25 per cent of capital shares (stocks) of the:</p> <ul style="list-style-type: none"> <li>- Tenderer;</li> <li>- partnership member, if Tenderer is a partnership;</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000;</li> </ul>	<p>For a:</p> <ul style="list-style-type: none"> <li>- Tenderer;</li> <li>- partnership member, if Tenderer is a partnership;</li> <li>- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000;</li> <li>- person on whose capacity the Tenderer is relying to certify its compliance with requirements;</li> <li>- person who has decisive influence on participation in the sense of the normative/regulatory acts</li> </ul>

<sup>9</sup> Here and hereinafter: **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 <sup>2</sup>
	<ul style="list-style-type: none"> <li>- person on whose capacity Tender is relying to certify its compliance with the requirements;</li> <li>- person who has decisive influence in the Tenderer on the basis of participation within the meaning of the laws and regulations regarding groups of companies (concern)</li> </ul> <p>registered in Republic of Latvia, is a registered offshore company (legal person) or offshore association of persons.</p>	<p>who is registered in Latvia, the Contracting authority will verify the information itself in publicly available databases.</p> <hr/> <p>If an information about the owners and holders of capital shares (stocks) is not provided in publicly available databases, e.g., for a joint stock company registered in Latvia, the Tenderer shall submit self-declaration which approves the fact that there are no registered owners or shareholders of the Tenderer or any other person mentioned in this Section (with more than 25% of share capital) who are registered offshore.</p> <hr/> <p>For a person who has decisive influence in the Tenderer on the basis of participation within the meaning of the laws and regulations regarding groups of companies (concern), the Tenderer shall submit a statement approved by competent authority indicating persons who has decisive influence.</p>
8.1.14.	<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"> <li>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,</li> <li>b) member of the partnership or a person who is the partnership's management board or supervisory board member, beneficial owner, person with representation rights or a procura holder (if the Tenderer is a partnership),</li> </ul> <p>and such sanctions can affect the execution of the Contract.</p>	<ul style="list-style-type: none"> <li>- For a Tenderer <u>registered or residing in Latvia</u>, the Contracting authority will verify the information itself from the Register of Enterprises of the Republic of Latvia.</li> <li>- For a Tenderer <u>registered or residing outside of Latvia</u>, 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.</li> </ul>

## 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 and 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"> <li>- 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.</li> <li>- 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.</li> <li>- 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.</li> <li>- If the Proposal is submitted by a partnership, the Proposal shall include an agreement (or a letter of intent to enter into agreement) signed by all members of the partnership on the participation in the Procurement which lists responsibilities of each and every partnership member, a joint commitment to fulfil the Contract 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 shall 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.</li> <li>- 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 document 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.</li> </ul>
8.2.2.	<p><b>For the Tenderer applying for lot No 1:</b> The Tenderer must be registered in the Register of Electronic Communications Merchants of the Public Utilities Commission.</p> <p><b>For the Tenderer applying for lot No 2:</b> The Tenderer must be registered in the Communications Regulatory Authority of the</p>	<ul style="list-style-type: none"> <li>- <b>For the Tenderer applying for lot No 1:</b> Contracting authority will verify the information itself in the publicly available database on the website of the Public Utilities Commission <a href="http://www.sprk.gov.lv">www.sprk.gov.lv</a>.</li> <li>- <b>For the Tenderer applying for lot No 2:</b> Contracting authority will verify the information itself in the publicly available database on the website of the <b>Communications Regulatory Authority of the</b></li> </ul>

No	Requirement	Documents to be submitted
	<p>Republic of Lithuania (RRT) as service provider of electronic communications.</p> <p><b>For the Tenderer applying for lot No 3:</b> The Tenderer must be registered in the Register of Economic Activities (MTR).</p>	<p><b>Republic of Lithuania (RRT)</b> <a href="https://numeracija.rrt.lt/savitarna/user/#/number">https://numeracija.rrt.lt/savitarna/user/#/number</a>.</p> <p><b>For the Tenderer applying for lot No 3:</b> Contracting authority will verify the information itself in the publicly available database on the website of the Register of Economic Activities (MTR) <a href="https://mtr.ttja.ee/">https://mtr.ttja.ee/</a>.</p>
8.2.3.	<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 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>	<ul style="list-style-type: none"> <li>- 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.</li> <li>- For a Tenderer, a member of a partnership, a person on whose capacity Tenderer relies and a 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 Tenderer relies or a subcontractor, who signs documents contained in the Proposal.</li> <li>- If the Tenderer, a member of a partnership, a person on whose capacity Tenderer relies or a 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.</li> </ul>

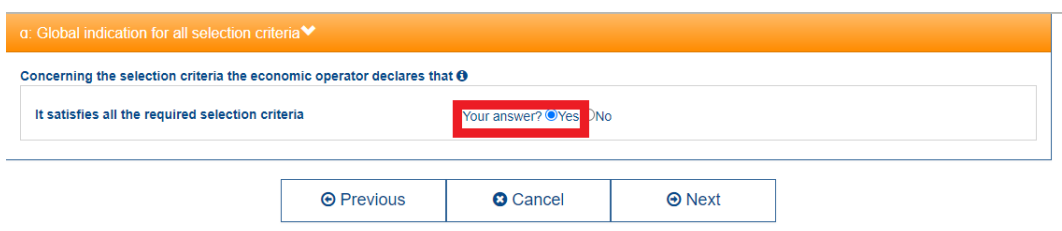
### 8.3 Economic and financial standing

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 (2020, 2021, 2022) is not less than:</p> <ol style="list-style-type: none"> <li>1) EUR 276 000 (two hundred seventy-six thousand euros) per year (if <b>Tenderer applies for the lot No1</b>);</li> <li>2) EUR 88 000 (eighty-eight thousand euros) per year (if <b>Tenderer applies for the lot No 2</b>);</li> <li>3) EUR 86 000 (eighty-six thousand euros) per year (if <b>Tenderer applies for the lot No 3</b>).</li> </ol> <p>If the Tenderer applies for more than one lot, the average annual financial turnover within last 3 (three) years (2020, 2021, 2022) shall not be less than sum of minimum average annual financial turnover within last 3</p>	<ul style="list-style-type: none"> <li>- Filled and signed Annex No 3 “Confirmation of Tenderer's financial standing” of the Regulations.</li> <li>- 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 2020, 2021, 2022 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 Tenderer, a member of the partnership, a person on whose capacity Tenderer relies which is a legal person registered in Latvia, the Contracting authority will verify the information itself in publicly available databases.</li> <li>- For a limited partnership (within the meaning of the Commercial Law of the Republic of Latvia, Division X) -</li> </ul>

<p>(three) years for specific lots that Tenderer applies for.</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) financial 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 (2020, 2021, 2022), the financial turnover must be indicated for the Tenderer's previous 3 (three) reporting years.</p>	<p>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).</p> <ul style="list-style-type: none"> <li>- If the Proposal is submitted by a partnership, the 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.</li> <li>- If the Tenderer is relying on any other entity's capacity to certify its financial and economic performance and this entity will be financially and economically responsible for the fulfilment of the Contract, the Tenderer along with the Proposal submits confirmation or agreement on cooperation and/or passing of resources to the Tenderer, signed between such entity and the Tenderer (please see the Section 9 of the Regulations for detailed information).</li> </ul>
<p><b>8.3.2.</b> The Tenderer or each member of the partnership (if the Tenderer is a partnership) on whose financial and economic capabilities the partnership is relying and who shall be financially and economically responsible for fulfilment of the Contract shall have stable financial and economic performance, namely, in the last audited financial year (if auditing the financial report is required by the law applicable to the Tenderer or partnership member) preceding the year of the Procurement Tenderer shall have positive equity (Total Assets minus Total Liabilities).</p>	<ul style="list-style-type: none"> <li>- Filled and signed Annex No 3 “Confirmation of Tenderer's financial standing” of the Regulations.</li> <li>- 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 2020, 2021, 2022 or other document showing the balance and calculations that proves the positive equity 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 Tenderer, a member of the partnership, a person on whose capacity Tenderer relies which is a legal person registered in Latvia, the Contracting authority will verify the information itself in publicly available databases.</li> <li>- If the Proposal is submitted by a partnership, the 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.</li> <li>- If the Tenderer is relying on any other entity's capacity to certify its financial and economic performance and this entity will be financially and economically responsible for the fulfilment of the Contract, the Tenderer along with the Proposal submits confirmation</li> </ul>

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|  | or agreement on cooperation and/or passing of resources to the Tenderer, signed between such entity and the Tenderer (please see the Section 9 of the Regulations for detailed information). |
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- 8.4 Information, provided in the Proposal to prove the compliance with above-mentioned requirements for Economic and financial standing (Section 8.3 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.
- 8.5 Statements and other documents issued by Latvian competent authorities in the cases referred 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.
- 8.6 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.
- 8.7 Exclusion grounds mentioned in the Section 8.1 of the Regulations applies to the Tenderer and any of the following persons:
- 8.7.1 a member of a partnership, if the Tenderer is a partnership, to the person on whose capacity Tenderer is relying to certify its compliance with requirements and 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 – exclusion grounds mentioned in the Section 8.1.1 – 8.1.13 of Regulations;
- 8.7.2 a member of a partnership, if the Tenderer is a partnership - exclusion grounds mentioned in the Section 8.1.14 of Regulations;
- 8.7.3 person who has decisive influence in the Tenderer on the basis of participation within the meaning of the laws and regulations regarding groups of companies (concern) - exclusion grounds mentioned in the Section 8.1.1 – 8.1.2 and 8.1.12 – 8.1.13 of the Regulations;
- 8.7.4 Tenderer's beneficial owner - exclusion grounds mentioned in the Section 8.1.1 – 8.1.2 and 8.1.4 of the Regulations.
- 8.8 If the Tenderer, a member of the partnership, if the Tenderer is a partnership, Tenderer's beneficial owner or person who has decisive influence in the Tenderer on the basis of participation within the meaning of the laws and regulations regarding groups of companies (concern) complies with any of the exclusion grounds set out in Section 42, Paragraph two, Clause 1, 4 – 7 and 10 - 14 of the Public Procurement Law (Section 8.1.1, 8.1.3 – 8.1.11 of the Regulations) and the exceptions stipulated in the Section 42, Paragraph four, Clause 2 - 4 of the Public Procurement Law are not applicable, the Procurement commission informs the Tenderer about the fact 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.
- 8.9 The Procurement commission evaluates exclusion grounds in accordance with Section 42 of Public Procurement Law and Law of International Sanctions and National Sanctions of the Republic of Latvia.
- 8.10 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.

- 8.11 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 1 "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, the Procurement commission will follow the procedures specified in the Section 43, Paragraph one - seven of the Public Procurement Law.
- 8.12 The Tenderer to 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 to certify its compliance with the requirements stipulated in the Regulations and for each of their indicated subcontractors the value of services to be provided by which amounts to at least EUR 10 000 (ten thousand euros), but if the Tenderer is a partnership – for each member thereof. To fill in the ESPD the Tenderer uses the "ESPD.xml" file at the Internet webpage <http://espd.eis.gov.lv/>.
- 8.13 To certify compliance with Procurement selection criteria, the Tenderer 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.



- 8.14 If the Tenderer has chosen to submit an ESPD as initial proof, the ESPD for a person upon whose capacity Tenderer relies to certify its compliance with the requirements stipulated in the Regulations 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. The ESPD for a subcontractor the value of services to be provided by which amounts to at least EUR 10 000 (ten thousand euros) – the part regarding the exclusion grounds only.
- 8.15 If the Tenderer to whom the Contract should be awarded has chosen to submit an ESPD as initial proof, the 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 Contract, to comply with the selection requirements for the Tenderers related to the economic and financial standing and technical and professional capacity, 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 4 "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 by which the Tenderer is able to prove that necessary resources will be available to the Tenderer and will be used during the 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 The 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 to confirm that its qualification conforms to the requirements stipulated in the Regulations must provide the respective services for which the respective qualification was required.
- 9.4 The Procurement commission 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, the Procurement commission 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 Procurement commission 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 5 "A list of subcontractors for the Open competition" of the Regulations.
- 10.2 The Procurement commission will evaluate the subcontractor (the value of services to be provided by which amounts to at least EUR 10 000 (ten thousand euros)) of the Tenderer to whom the rights to conclude the Contract should be assigned according to Sections 8.1 of the Regulations. In case if subcontractor the value of services to be provided by which amounts to at least EUR 10 000 (ten thousand euros) will comply with any of the exclusion grounds mentioned in Section 8.1 of the Regulations, the Procurement commission 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 Procurement commission will exclude the Tenderer from further participation in the Procurement.

## 11 FINANCIAL PROPOSAL

- 11.1 The Financial proposal shall be submitted by filling in the form in the Annex No 6 "Financial proposal" of the Regulations.
- 11.2 The proposed contract price shall include all taxes, fees and payments, and all costs related to the fulfilment of the specific services, that can be reasonably estimated, except VAT, including but not limited to (if applicable):
- 11.2.1 cost of business trips, time of consultants and daily allowance,
  - 11.2.2 field research,
  - 11.2.3 purchase of external materials and researches,
  - 11.2.4 purchase of external experts.
- 11.3 The Tenderer shall include all travel expenses (if any arise) in proposed contract price. The Contracting authority will not additionally reimburse any travel expenses incurred by Tenderer during the provision of Services.
- 11.4 **All costs related expenses that are not specifically listed, but which are necessary for the overall performance of the Contract must be included in Financial proposal.**
- 11.5 The costs offered in the Financial proposal cannot be increased during the performance of the Contract.
- 11.6 The costs must be calculated and indicated with an accuracy of 2 (two) decimal places after comma. If more than 2 (two) decimal places after comma will be indicated, then only the first two decimal places will be considered.
- 11.7 The costs shall be indicated in euro without VAT.

- 11.8 If the Tenderer's Financial proposal will not comply with all the requirements of Section 11 of the Regulations, it will be considered as non-compliant and will not be evaluated further.

## 12 TECHNICAL PROPOSAL

- 12.1 The Tenderers shall submit a Technical proposal in accordance with this Section considering aspects in Annex No 2 "Technical specification" of the Regulations.
- 12.2 The Technical proposal must comply with the requirements of the Technical specification (Annex No 2 of the Regulations) determined for the specific Lot:
- 12.2.1 for the lot No 1 "Mobile Communications Services in Latvia" – please see the Annex 2.1 to the Regulations;
  - 12.2.2 for the lot No 2 "Mobile Communications Services in Lithuania" - please see the Annex 2.2 to the Regulations;
  - 12.2.3 for the lot No 3 "Mobile Communications Services in Estonia" - please see the Annex 2.3 to the Regulations.
- 12.3 If Tenderer applies for the lot No 1 "Mobile Communications Services in Latvia" to certify compliance with the Contract award criteria K1.10. – K1.18 of the Table No 1 mentioned in the Section 20.3.2 of the Regulations additionally to the Technical proposal mentioned in the Section 12.1 of the Regulations, Tenderer shall submit a graphical information on a map in PDF and GIS format (SHP, GDB or equivalent) that clearly identifies the territory provided with the service and the territory where it might not be provided.
- 12.4 The Tenderer shall fill in the Technical proposal form (Annex No 2 of the Regulations) by indicating "WE CONFIRM" or otherwise describing the ability to ensure compliance with the requirement.

## 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/EKEIS/Supplier/Procurement/107094>) 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 1 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 2 of the Regulations accompanied by the graphical information mentioned in the Section 12.3 of the Regulations (if applicable);
- 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 (please see the Section 9 of the Regulations; form enclosed as Annex No 4 of the Regulations) or the corresponding ESPD;
- 13.3.6 Information and documents relating to subcontractors (please see the Section 10 of the Regulations; form enclosed as Annex No 5 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 the Procurement.
- 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/107094>.
- 13.7 The Proposal must be submitted in a written form in English or in Latvian (if submitted in Latvian, translation of the Proposal in English must be provided together with the Proposal).

## 14 ENCRYPTION OF THE PROPOSAL INFORMATION

- 14.1 E-Tenders system which is a subsystem of the Electronic Procurement System ensures first level encryption of the information provided in the Proposal documents.
- 14.2 If the Tenderer applied additional encryption to the information in the Proposal (according to 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 opening.

## 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/107094> by:

**29 September 2023 till 11:00 (Riga time).**

- 15.2 The Tenderer may recall or amend 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 Procurement. Any Proposal submitted outside the E-Tenders system will be declared as submitted in a non-compliant manner and will not participate in the Procurement.

## 16 OPENING OF PROPOSALS

- 16.1 The Proposals will be opened on the E-Tenders system on **29 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 contract prices 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 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 Section 8.2. – 8.3 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 Tenderers have filled in the relevant part of Annex No 2 "Technical specification / Technical proposal form" in accordance with the requirements. The Procurement commission 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 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 proposed contract prices.
- 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 Procurement commission will determine the most economically advantageous proposal in each lot of the Procurement. The Tenderer whose Proposal will be recognized as the most economically advantageous, shall be recognized as the Tenderer who would be granted the right to enter into a contract.
- 20.2 The Proposal selection criterion is the most economically advantageous proposal, according to the evaluation methodology described in this Section below.
- 20.3 **The most economically advantageous criteria for lot No 1:**

20.3.1 Maximum possible number of points: 100 points. The most economically advantageous proposal is the proposal which has obtained the highest number of points (P), summing up the calculated points for the criteria according to the following calculation algorithm:  $P = K1 + K2$ , where:

K1 - number of points obtained for the evaluated criteria mentioned in Table No 1;  
K2 - number of points obtained for the evaluated criteria mentioned in Table No 2.

The number of points to be awarded to each Proposal for criterion K1 for the sub-criteria included in Table No 1 is calculated as follows:  $K1 = K1.1. + K1.2. + K1.3. + K1.4. + K1.5. + K1.6. + K1.7. + K1.8. + K1.9. + K1.10. + K1.11. + K1.12. + K1.13. + K1.14. + K1.15. + K1.16. + K1.17. + K1.18.$

The number of points to be awarded to each tender for criterion K2 for the sub-criteria included in Table No 2 is calculated as follows:  $K2 = K2.1. + K2.2. + K2.3. + K2.4.$

**Note:** When calculating the points, if the division is performed with 0 (zero), a value of 0,01 is added to each of the comparable indicators.

20.3.2 Points to determine the most economically advantageous proposal will be calculated in the following criteria:

TABLE NO 1

1. Availability and quality of mobile communications						
No	Evaluation criteria		Unit	Maximum points		Algorithm for calculating the points
1.1.	Level of Internet service quality in the mobile network (4G network)*	Declared connection speed range provided by the Internet service and which characterizes the maximum connection speed actually available to the end user (for upload)	Mbit/s	20	4	Proposal with the highest speed range will receive 4 points; Proposal with the next highest speed range – 3 points; Proposal with the lowest speed range – 1 point. If there will two Proposals received, Proposal with highest speed range will receive 4 points, another Proposal will receive 3 points. If there will be only one Proposal received, it will receive 4 points.
1.2.		Declared connection speed range provided by the Internet service and which characterizes the maximum connection speed actually available to the end user (for download)	Mbit/s		4	Proposal with the highest speed range will receive 4 points; Proposal with the next highest speed range – 3 points; Proposal with the lowest speed range – 1 point. If there will two Proposals received, Proposal with highest speed range will receive 4 points, another Proposal will receive 3 points. If there will be only

						one Proposal received, it will receive 4 points.
1.3.		Declared damage repair time	Hours		3	In each of the evaluation criteria No K 1.3 – K 1.6 the maximum number of points is awarded to the tenderer's proposal with the lowest numerical value. For other proposals, for each evaluation criterion, the evaluation is carried out according to the formula: $K_{cal} = C_{min} / C_{offered} \times P$ , where $K_{cal}$ - the number of points calculated for the evaluated Tender; $C_{min}$ - the lowest numerical value offered from all Tenderers; $C_{offered}$ - the numerical value offered in the evaluated Proposal; $P$ - the maximum (possible) number of points to be awarded in the respective criterion.
1.4.		Declared latency	Milliseconds		3	
1.5.		Declared jitter	Milliseconds		3	
1.6.		Declared packet loss rate	Percentage		3	
1.7.	Quality level of voice communication services in the mobile network**	Failed connections	Percentage	12	4	In each of the evaluation criteria No K 1.7 – K 1.8 the maximum number of points is awarded to the tenderer's proposal with the lowest numerical value. For other proposals, for each evaluation criterion, the evaluation is carried out according to the formula: $K_{cal} = C_{min} / C_{offered} \times P$ , where $K_{cal}$ - the number of points calculated for the evaluated Proposal; $C_{min}$ - the lowest numerical value offered from all Tenderers; $C_{offered}$ - the numerical value offered in the evaluated Proposal; $P$ - the maximum (possible) number of points to be awarded in the respective criterion.
1.8.		Average connection time	Seconds		4	
1.9.		Average quality of speech transmission	Points		4	

“Mobile Communications services in Latvia, Lithuania, Estonia”

						done according to the formula: $K_{cal} = C_{offered} / C_{max} \times P$ , where $K_{cal}$ – the number of points calculated for the evaluated Proposal; $C_{max}$ - the highest numerical value offered from all tenderers; $C_{offered}$ - numerical value offered in the evaluated Proposal.
1.10.	Provision of voice (including SMS) communication service in outdoor areas % of the administrative territory***	Bauska county	Percentage	6	2	Proposal in each criteria No K 1.10 – K 1.12 with the highest percentage will receive 2 points;  Proposal with the next highest percentage – 1 point;  Proposal with the lowest percentage – 0 points.  If there will two Proposals received, Proposal with highest speed range will receive 2 points, another Proposal will receive 1 point. If there will be only one Proposal received, it will receive 2 points.
1.11.		Limbaži county	Percentage		2	
1.12.		Saulkrasti county	Percentage		2	
1.13.	Provision of 4G Internet access service in outdoor areas % of the administrative territory***	Bauska county	Percentage	6	2	Proposal in each criteria No K 1.13 – K 1.15 with the highest percentage will receive 2 points;  Proposal with the next highest percentage – 1 point;  Proposal with the lowest percentage – 0 points.  If there will two Proposals received, Proposal with highest speed range will receive 2 points, another Proposal will receive 1 point. If there will be only one Proposal received, it will receive 2 points.
1.14.		Limbaži county	Percentage		2	
1.15.		Saulkrasti county	Percentage		2	
1.16.	Provision of 5G Internet access service in outdoor areas % of the	Bauska county	Percentage	6	2	Proposal in each criteria No K 1.16– K 1.18 with the highest percentage will receive 2 points;
1.17.		Limbaži county	Percentage		2	
1.18.		Saulkrasti county	Percentage		2	

	administrative territory***					Proposal with the next highest percentage – 1 point; Proposal with the lowest percentage – 0 points. If there will be two Proposals received, Proposal with highest speed range will receive 2 points, another Proposal will receive 1 point. If there will be only one Proposal received, it will receive 2 points.
<b>Total points:</b>				<b>50</b>		

\*For the Lot No 1 - The information will be compared with the Declared Service Quality Values on the Public Utilities Commission's website <https://www.sprk.gov.lv/content/pakalpojumu-kvalitate>;

\*\*For the Lot No 1 - The information will be compared with the Voice communication service quality measurement results (measurement period: 01.01.2023. – 31.07.2023.) on the Public Utilities Commission's website <https://www.sprk.gov.lv/content/pakalpojumu-kvalitate>.

\*\*\* Please see the documents that needs to be submitted indicated in Section 12.2.1 and 12.3 of the Regulations.

TABLE NO 2

2. Service costs					
No.	Evaluation criterion	Unit	Maximum points	Algorithm for calculating the points	
2.1.	Tariff plan "Mobile calls, SMS and Unlimited Internet on phone" with a fixed monthly fee (in accordance with Annex 2.1. of the Technical specification)	EUR	20	In each of the evaluation criteria No K 2.1 – K 2.4 the maximum number of points is awarded to the Proposal with the lowest numerical value. For other Proposals, for each evaluation criterion, the evaluation is carried out according to the formula: $K_{cal} = C_{min} / C_{offered} \times P$ , where K <sub>cal</sub> - the number of points calculated for the evaluated Proposal; C <sub>min</sub> - the lowest numerical value offered from all Tenderers; C <sub>offered</sub> - the numerical value offered in the evaluated Proposal; P - the maximum (possible) number of points to be awarded in the respective criterion.	
2.2.	Requirements for tariff plan "Unlimited Internet for tablet/laptop" with a fixed monthly fee (in accordance with Annex 2.1 of the Technical specification)	EUR	10		
2.3.	Requirements for tariff plan "Unlimited Internet for indoors" with a fixed monthly fee (in accordance with Annex 2.1 of the Technical specification)	EUR	10		
2.4.	Requirements for tariff plan "Landline communications in the office" with a fixed monthly fee (in accordance with Annex 2.1 of the Technical specification)	EUR	10		
<b>Total points:</b>			<b>50</b>		

20.3.2. It is not allowed to divide or combine the positions mentioned in Table No 2. If the Tenderer has divided or combined any position in the Table No 2, his Proposal will be deemed as non-compliant to the requirements stipulated in the Section 19.1 of the Regulation and will not be evaluated further.

20.3.3. In case several Proposals will obtain equal highest number of points (P), the Procurement commission will award the right to conclude the Contract to the Tenderer which will obtain higher score for criteria K2 described in the Table No 2. 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, the Procurement commission will carry out the draw without representatives of Tenderers presence by inviting impartial participant from the Contracting authority.

#### 20.4. The most economically advantageous criteria for lot No 2 and lot No 3:

20.4.1. Maximum possible number of points: 100 points. The most economically advantageous proposal is the proposal which has obtained the highest number of points (P), summing up the calculated points for the criteria according to the following calculation algorithm:  $P = K1 + K2$ , where:

K1 - number of points obtained for the evaluated criteria mentioned in Table No 1;

K2 - number of points obtained for the evaluated criteria mentioned in Table No 2.

The number of points to be awarded to each tender for criterion K1 for the sub-criteria included in Table No 1 is calculated as follows:  $K1 = K1.1. + K1.2. + K1.3.$

The number of points to be awarded to each tender for criterion K2 for the sub-criteria included in Table No 2 is calculated as follows:  $K2 = K2.1. + K2.2.$

**Note:** When calculating the points, if the division is performed with 0 (zero), a value of 0,01 is added to each of the comparable indicators.

20.4.2. Points to determine the most economically advantageous proposal in each lot will be calculated in the following criteria:

TABLE NO 1

1. Service costs				
No.	Evaluation criterion	Unit	Maximum points	Algorithm for calculating the points
1.1.	Tariff plan <b>“Mobile calls, SMS and unlimited internet on phone”</b> with a fixed monthly fee (in accordance with Annex 2.2. and 2.3. of the Technical specification accordingly)	EUR	30	In each of the evaluation criteria No K 1.1 – K 1.3 the maximum number of points is awarded to the Proposal with the lowest numerical value. For other Proposals, for each evaluation criterion, the evaluation is carried out according to the formula:  $K_{cal} = C_{min} / C_{offered} \times P$ , where  $K_{cal}$ - the number of points calculated for the evaluated Proposal;  $C_{min}$ - the lowest numerical value offered from all Tenderers;  $C_{offered}$ - the numerical value offered in the evaluated Proposal;  $P$ - the maximum (possible) number of points to be awarded in the respective criterion.
1.2.	Requirements for tariff plan <b>“Unlimited internet for indoors”</b> with a fixed monthly fee (in accordance with Annex 2.2. and 2.3. of the Technical specification accordingly)	EUR	25	
1.3.	Requirements for tariff plan <b>“Unlimited internet for tablet/laptop”</b> with a fixed monthly fee (in accordance with Annex 2.2. and 2.3 of the Technical specification accordingly)	EUR	15	
<b>Total points:</b>		<b>70</b>		

TABLE NO 2

2. Availability and quality of mobile communications*			
No.	Evaluation criterion	Maximum points	Algorithm for calculating the points
2.1.	Result of average internet download speed measurements: <ul style="list-style-type: none"> <li>• In Lithuania for the year 2022 in cities and roads (if Tenderer submits Proposal for lot No 2);</li> <li>• In Estonia (driving) for the year 2022 (if Tenderer submits Proposal for lot No 3)</li> </ul>	15	In each of the evaluation criteria No K 2.1 – K 2.2 the maximum number of points is awarded to the Proposal, whose corresponding position indicates the highest numerical value. For other Proposals, the evaluation is done according to the formula: $K_{cal} = C_{offered} / C_{max} \times P$ , where $K_{cal}$ – the number of points calculated for the evaluated Proposal; $C_{max}$ - the highest numerical value offered from all Tenderers; $C_{offered}$ - numerical value offered in the evaluated Proposal.
2.2.	Result of average internet download speed measurements: <ul style="list-style-type: none"> <li>• In Vilnius for the year 2022 (if Tenderer submits Proposal for lot No 2);</li> <li>• In Tallinn (driving) for the year 2022 (if Tenderer submits Proposal for lot No 3)</li> </ul>	15	
<b>Total points:</b>		<b>30</b>	

\*For the lot No 2 – The information will be compared with Communications Regulatory Authority of the Republic of Lithuania (RRT) report "MOBILIOSIOS INTERNETO PRIEIGOS PASLAUGŲ KOKYBĖS RODIKLIŲ ĮVERTINIMO ATASKAITA, 2023 m. vasario 23 Nr. ND-2 on the website [https://www.rrt.lt/wp-content/uploads/2023/02/2022m\\_MIP\\_PK\\_ataskaita.pdf](https://www.rrt.lt/wp-content/uploads/2023/02/2022m_MIP_PK_ataskaita.pdf)

\*For the lot No 3 – The information will be compared with Consumer Protection and Technical Regulatory Authority (TTJA) report "Mobiilse interneti andmesidekiirused Eestis, 2022"- <https://www.ttja.ee/media/2241/download>.

20.4.3. It is not allowed to divide or combine the positions mentioned in Table No 1. If the Tenderer has divided or combined any position in the Table No 1, his Proposal will be deemed as non-compliant to the requirements stipulated in the Section 19.1 of the Regulation and will not be evaluated further.

20.4.4. In case several Proposals will obtain equal highest number of points (P), the Procurement commission will award the right to conclude the Contract to the Tenderer which will obtain higher score for criteria K1 described in the Table No 1. 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, the Procurement commission will carry out the draw without representatives of Tenderers presence by inviting impartial participant from the Contracting authority.

## 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, the 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 the Procurement commission establishes that in the information system determined by the Cabinet of the Republic of Latvia, according to the information posted on the date of the last update of data in the public tax debtors' database and the Administration System of Immovable Property Tax of the State Revenue Service

- Tenderer;
- member of a partnership (if the Tenderer is a partnership);
- subcontractor the value of the services to be provided by which amounts to at least EUR 10 000;
- person on whose capacity the Tenderer is relying to certify its compliance with the requirements;
- beneficial owner of the Tenderer; or

- person who has decisive influence in the Tenderer on the basis of participation within the meaning of the laws and regulations regarding groups of companies (concern);
  - has outstanding tax liabilities on the last day of the time limit for the submission of Proposals or on the day when the decision is taken to possibly award the Contract, the Procurement commission will set the time limit - three working days after the day of sending an information request - for the submission of the evidence - a statement from the Electronic Declaration System of the State Revenue Service, a statement issued by a local government that the relevant person did not have debts of the immovable property tax or any other objective evidence regarding non-existence of tax debts or tax liabilities - that the Tenderer or any other person listed above in this Section of the Regulations did not have any outstanding tax liabilities on the relevant day.
- 21.4 If the Tenderer fails to submit required evidence before the deadline, the 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 the value of the services to be provided by which amounts to at least EUR 10 000 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, 8.1.12 – 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, the 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. In each lot 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 (in any particular lot or in general), the 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/107094> 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.
- 22.7 The Contract in each Lot will be concluded based on the selected Tenderer's Proposal and in accordance with the Annex No 7 "Draft contract" of the Regulations for specific Lot.
- 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 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 22.8 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.

## 23 ANNEXES

1. Annex No 1 – Application for participation in the Open competition (form) on 2 (two) sheets;
2. Annex No 2 – Technical specification / Technical proposal form on 17 (seventeen) sheets;
3. Annex No 3 – Confirmation of the Tenderer's financial standing (form) on 2 (two) sheets;
4. Annex No 4 – A list of entities on whose capacity Tenderer relies on (form) on 1 (one) sheet;
5. Annex No 5 – A list of subcontractors on 1 (one) sheet;
6. Annex No 6 – Financial proposal (form) on 2 (two) sheets;
7. Annex No 7 – Draft contract on 14 (fourteen) sheets.

**ANNEX NO 1: APPLICATION**

**APPLICATION FOR PARTICIPATION IN THE OPEN COMPETITION  
"MOBILE COMMUNICATIONS SERVICES IN LATVIA, LITHUANIA AND ESTONIA"  
(ID NO RBR 2023/10)**

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

By submitting the Proposal, the Tenderer hereby:

- Confirms participation in the Open competition "Mobile Communication Services in Latvia, Lithuania and Estonia" (ID No RBR 2023/10)<sup>10</sup>:
  - Lot No 1 "Mobile communication services in Latvia";
  - Lot No 2 "Mobile communication services in Lithuania";
  - Lot No 3 "Mobile communication services in Estonia".
- 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
[●]	
[●]	

<sup>10</sup> Please indicate by ticking relevant box.

[•]

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 2: "Technical specification / Technical proposal form" of the Regulations for specific lot;
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 for specific Lot enclosed to the Regulations as an Annex No 7 "Draft contract";
5. Confirms that in the preparation and submission of its Proposal, Tenderer has fully considered all the clarifications issued by the Contracting authority;
6. 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. Confirms<sup>11</sup> that meets the criteria of (please indicate by ticking relevant box):
  - a small
  - medium
  - other

sized enterprise<sup>12</sup> as defined in the Article 2 of the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprise.<sup>13</sup>

[date of signing]

[name and position of the representative of the Tenderer]

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

<sup>12</sup> 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.

<sup>13</sup> 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](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 2: TECHNICAL SPECIFICATION / TECHNICAL PROPOSAL FORM

### ANNEX NO 2.1: TECHNICAL SPECIFICATION / TECHNICAL PROPOSAL FORM FOR THE LOT NO 1 (Mobile communication services in Latvia)

Requirements for Service performance quality		Tenderer's proposal, indicating specific indicators, parameters
<b>Level of Internet service quality in the mobile network (4G network)</b>	Declared connection speed range provided by the Internet service and which characterizes the maximum connection speed actually available to the end user (for upload in Mbit/s).	
	Declared connection speed range provided by the Internet service and which characterizes the maximum connection speed actually available to the end user (for download in Mbit/s).	
	Declared damage repair time (in hours).	
	Declared latency (in milliseconds).	
	Declared jitter (in milliseconds).	
	Declared packet loss rate (in percentage).	
<b>Quality level of voice communication services in the mobile network</b>	Failed connections (in percentage).	
	Average connection time (in seconds).	
	Average quality of speech transmission (in points).	
<b>Provision of voice (including SMS) communication service in outdoor areas % of the administrative territory*</b>	In Bauska county (in percentage).	
	In Limbaži county (in percentage).	
	In Saulkrasti county (in percentage).	
<b>Provision of 4G Internet access service in outdoor areas % of the administrative territory*</b>	In Bauska county (in percentage).	
	In Limbaži county (in percentage).	
	In Saulkrasti county (in percentage).	
	In Bauska county (in percentage).	

Provision of 5G Internet access service in outdoor areas % of the administrative territory*	In Limbaži county (in percentage).	
	In Saulkrasti county (in percentage).	
Content and scope of mobile communication services:	<b>Tenderer shall ensure</b>	<b>Tenderer ensures**</b>
General requirements	Permanent availability of mobile communication services 24/7 in Latvia, European Economic Area (EEA) countries, other European countries, and other countries of the Tenderer's cooperation operators.	
	Automatic SMS for each Contracting authority's Subscriber individually regarding roaming charges to Latvia, call, SMS, and Internet costs, free of charge.	
	Support line accessibility 24/7 in Latvian and English while Contracting authority's Subscriber is abroad and using roaming services, free of charge.	
	Control mechanism of provided services with SMS individually for each Contracting authority's Subscriber for exceeding the limits, free of charge.	
	Tenderer provides the Contracting authority with access to the Customer Self-service portal, free of charge.	
	The Contracting authority is authorized on the Customer Self-Service Portal: <ul style="list-style-type: none"> <li>• indicate the name of each Subscriber;</li> <li>• access detailed transcripts of Subscriber's outgoing calls;</li> <li>• perform cost control for each Subscriber number during any billing period;</li> <li>• connect, disconnect, or change mobile communication services;</li> <li>• connect, disconnect, or change the Internet connection type;</li> <li>• get detailed information on each communication connection of the Contracting authority, for example - monthly communication service fee, included services,</li> </ul>	

	<p>type of connection, connected services, services used (calls, SMS, data, etc.);</p> <ul style="list-style-type: none"> <li>• get information on settlements;</li> <li>• close premium rate service calls and SMS;</li> <li>• temporarily close (reserve) the subscription numbers of the Contracting authority.</li> </ul>	
	<p>Each Subscriber is provided with free remote access to up-to-date information (read only) on the individual connection:</p> <ul style="list-style-type: none"> <li>• type of connection and included services;</li> <li>• the amount of services used.</li> </ul>	
	<p>Ensured monthly invoice to Contracting authority's e-mail address for the services provided, specifying the services (including calls) used by each Subscriber, free of charge. The invoice includes the name of each Subscriber.</p>	
	<p>Activation of new number or closing of the existing number by a specified date at the request of Contracting authority's authorized person in e-mail, free of charge.</p>	
	<p>Closure of premium rate services by providing the Contracting authority with the possibility to choose the permitted SMS codes (calls to 900 and 909 serial numbers and premium rate services for SMS, i.e., entertainment, telephone voting, donations, etc.) free of charge.</p>	
	<p>New or replaced SIM card ensured during one working day to the address specified by the Contracting authority in the territory of Latvia, free of charge.</p>	
	<p>Free choice of SIM card type (Mini, Micro, Nano, e-SIM) and change according to Subscriber's needs.</p>	
	<p>Prompt blocking of the SIM card and mobile phone in case of loss, theft, and other cases of the phone 24 /7 at the request of the Contracting authority, free of charge.</p>	
	<p>Re-registration of the subscriber number to the Contracting authority based on a written application, free of charge.</p>	

Requirements for a tariff plan “Mobile calls, SMS and unlimited Internet on phone” with a fixed monthly fee	Tenderer shall ensure	Tenderer ensures
	Free calls and SMS to all mobile networks in Latvia.	
	Free international calls and SMS to the European Economic Area (EEA) countries.	
	Roaming services in EEA countries – free incoming and outgoing calls, SMS to other EEA countries.	
	Free incoming call number identification.	
	Free call waiting.	
	Outgoing calls from Latvia to non-EEA countries and roaming services in non-EEA countries - in accordance with the price list on the official Tenderer’s website.	
	No limit for data transmission in the territory of Latvia.	
	Not less than 10 GB per month in the EEA countries.	
	Data transmission services in the EEA and in the rest of the world, exceeding the free data limit - in accordance with the price list on the official Tenderer’s website.	
Requirements for tariff plan “Unlimited Internet for tablet/laptop” with a fixed monthly fee	Tenderer shall ensure	Tenderer ensures
	No limit for data transmission in the territory of Latvia.	
	Not less than 10 GB per month in the EEA countries.	
	Data transmission services in the EEA and in the rest of the world, exceeding the free data limit - in accordance with the price list on the official Tenderer’s website.	
	If necessary, Tenderer must provide a mobile router. Purchase price of the router according to the price list published on the official Tenderer’s website.	

Requirements for tariff plan “Unlimited Internet for indoors” with a fixed monthly fee	<b>Tenderer shall ensure</b>	<b>Tenderer ensures</b>
	Requirements for the data transmission speed: <ul style="list-style-type: none"> <li>• Average download speed in 4G network – at least 20 Mbit/s;</li> <li>• Average upload speed in 4G network — at least 5 Mbit/s.</li> </ul> Router included (4G or 5G router according to the coverage provided by the Tenderer), free of charge. After the Contract expires, the router is returned to the Tenderer.	
Requirements for tariff plan “Landline communications in the office” with a fixed monthly fee	<b>Tenderer shall ensure</b>	<b>Tenderer ensures</b>
	Unlimited calls to all mobile and landline communication networks in Latvia.	
	Call transfer and forwarding feature included free of charge.	
	Free incoming call number identification.	
	Phone included.	
	International calls - in accordance with the price list on the official Tenderer’s website.	
Other requirements	<b>Tenderer shall ensure</b>	<b>Tenderer ensures</b>
	In case of entering into the Contract, the Tenderer shall ensure transfer of all Subscribers’ numbers at the disposal of the Contracting authority from the previous mobile Service provider, free of charge.	
	The Tenderer shall provide a contact person for communication with Contracting authority regarding provided services and settlements.	
	During contract period, the Contracting authority has the right to reduce or increase amount of the number of connections for each type of service within the total contract amount, as well as to choose other mobile services offered by the tenderer, which are not stipulated in the Contract, by concluding a separate agreement. Amount of the number of	



	connections may change within 10 – 15%, however these numbers are only indicative.	
Requirements for the amount of Service	<b>Tenderer shall ensure</b>	<b>Tenderer ensures</b>
	For tariff plans "Mobile calls, SMS and unlimited internet on phone" (preliminary 150 users), "Unlimited internet for tablet/laptop" (no more than 10 users), "Unlimited internet for indoors" (preliminary 50 connections). Please note that these numbers are only indicative!	
	For tariff plan "Landline communications in the office" Planned number of connections – 1.	
Service period	<b>Tenderer shall ensure</b>	<b>Tenderer ensures</b>
	Contract period is 24 (twenty-four) months after the Contract commencement date or until the Total contract price for Lot No 1 is reached, whichever comes first.	
	There will be an option to extend the term of the Contract for additional 6 (six) months, if the Total contract value for Lot No 1 is not reached within the initial period.	

\* Please pay attention that additionally information mentioned in the Section 12.3 of the Regulations shall be submitted.

\*\*Here and hereinafter In the Technical proposal form the Tenderer shall indicate in "Tenderer ensures" or otherwise describe the ability to ensure compliance with the requirement.

[date of signing]

[name and position of the representative of the Tenderer]

**ANNEX NO 2.2: TECHNICAL SPECIFICATION / TECHNICAL PROPOSAL FORM FOR THE LOT NO 2 (Mobile communication services in Lithuania)**

Requirements for service performance quality		Tenderer's proposal, indicating specific indicators, parameters
Availability and quality of mobile communications in accordance with the official report of the Regulatory Authority of the Republic of Lithuania (RRT) on quality indicators of mobile communication services assessment for the year 2022, dated February 23, 2023 (No ND-2)	Result of average internet download speed measurements in Lithuania for the year 2022 in cities and roads (in Mbit/s)	
	Result of average internet download speed measurements in Vilnius for the year 2022 (in Mbit/s)	
Content and scope of mobile communication services:	<b>Tenderer shall ensure</b>	<b>Tenderer ensures*</b>
General requirements	Permanent availability of mobile communication services 24/7 in Lithuania, and in European Economic Area (EEA) countries, other European countries, and other countries of the Tenderer's cooperation operators according to the coverage of the local cooperation operators' network.	
	Automatic SMS for each Contracting authority's Subscriber individually regarding roaming charges to Lithuania, call, SMS, and Internet costs, free of charge.	
	Support line accessibility 24/7 in Lithuanian and English while Contracting authority's Subscriber is abroad and using roaming services, free of charge.	
	Control mechanism of provided services with SMS individually for each Contracting authority's Subscriber for exceeding the limits, free of charge.	
	Tenderer provides the Contracting Authority with access to the Customer Self-service portal, free of charge.	

	<p>The Contracting authority is authorized on the Customer Self-Service Portal:</p> <ul style="list-style-type: none"> <li>• indicate the name of each Subscriber;</li> <li>• access detailed transcripts of Subscriber's outgoing calls;</li> <li>• perform cost control for each Subscriber number during any billing period;</li> <li>• connect, disconnect, or change the Internet connection type;</li> <li>• connect, disconnect, or change mobile communication services if such a technical possibility is available;</li> <li>• get detailed information on each communication connection of the Contracting authority, for example - monthly communication service fee, included services, type of connection, connected services, services used (calls, SMS, data, etc.);</li> <li>• get information on settlements;</li> <li>• close premium rate service calls and SMS;</li> <li>• temporarily close (reserve) the subscription numbers of the Contracting authority.</li> </ul>	
	<p>Each Subscriber is provided with free remote access to up-to-date information (read only) on the individual connection:</p> <ul style="list-style-type: none"> <li>• type of connection and included services;</li> <li>• the amount of services used.</li> </ul>	
	<p>Ensured monthly invoice to Contracting authority's e-mail address for the services provided, specifying the services (including calls) used by each Subscriber, free of charge. The invoice includes the name of each Subscriber.</p>	
	<p>Activation of new number or closing of the existing number by a specified date at the request of Contracting authority's authorized person in e-mail, free of charge.</p>	
	<p>Closure of premium rate services by providing the Contracting authority with the possibility to choose the permitted SMS codes (calls to 900 and 909 serial numbers</p>	

	and premium rate services for SMS, i.e., entertainment, telephone voting, donations, etc.) free of charge.	
	New or replaced SIM card ensured during one working day to the address specified by the Contracting authority in the territory of Lithuania.	
	Free choice of SIM card type (Mini, Micro, Nano, e-SIM) and change according to Subscriber’s needs.	
	Prompt blocking of the SIM card and mobile phone in case of loss, theft, and other cases of the phone 24 /7 at the request of the Contracting authority, free of charge.	
	Re-registration of the subscriber number to the Contracting authority based on a written application, free of charge.	
	M-Signature service to be provided.	
Requirements for a tariff plan <b>“Mobile calls, SMS and unlimited Internet on phone”</b> with a fixed monthly fee	<b>Tenderer shall ensure</b>	<b>Tenderer ensures</b>
	Free calls and SMS to all mobile networks in Lithuania.	
	Free international calls and SMS to the European Economic Area (EEA) countries.	
	Roaming services in EEA countries – free incoming and outgoing calls, SMS to other EEA countries.	
	Free incoming call number identification.	
	Free call waiting.	
	Outgoing calls from Lithuania to non-EEA countries and roaming services in non-EEA countries - in accordance with the price list on the official Tenderer’s website.	
	No limit for data transmission in the territory of Lithuania.	
	Not less than 10 GB per month in the EEA countries.	
	Data transmission services in the EEA and in the rest of the world, exceeding the free data limit - in accordance with the price list on the official Tenderer’s website.	

Requirements for tariff plan	Tenderer shall ensure	Tenderer ensures
<b>“Unlimited Internet for tablet/laptop”</b> with a fixed monthly fee	No limit for data transmission in the territory of Lithuania.	
	Not less than 10 GB per month in the EEA countries.	
	Data transmission services in the EEA and in the rest of the world, exceeding the free data limit - in accordance with the price list on the official Tenderer’s website.	
	If necessary, Tenderer must provide a mobile router. Purchase price of the router according to the price list published on the official Tenderer’s website.	
Requirements for tariff plan	Tenderer shall ensure	Tenderer ensures
<b>“Unlimited Internet for indoors”</b> with a fixed monthly fee:	Requirements for the data transmission speed: <ul style="list-style-type: none"> <li>• Average download speed in 4G network – at least 20 Mbit/s;</li> <li>• Average upload speed in 4G network — at least 5Mbit/s.</li> </ul>	
	Router included (4G or 5G router according to the coverage provided by the Tenderer), free of charge. After the Contract expires, the router is returned to the Tenderer.	
Other requirements	In case of entering to the contract, the Tenderer shall ensure transfer of all Subscribers’ numbers at the disposal of the Contracting authority from the previous mobile Service provider, free of charge.	
	The Tenderer shall provide a contact person for communication with Contracting authority regarding provided services and settlements.	
	During contract period, the Contracting authority has the right to reduce or increase amount of the number of connections for each type of service within the total contract amount, with the same service provision conditions but for the period not longer than initial contract period. Amount of the number of connections may change within 10 – 15%, however these numbers are only indicative.	

Requirements for the amount of Service	<b>Tenderer shall ensure</b>	<b>Tenderer ensures</b>
	For tariff plans "Mobile calls, SMS and unlimited internet on phone" (preliminary 47 users), "Unlimited internet for tablet/laptop" (no more than 10 users), "Unlimited internet for indoors" (preliminary 50 connections). Please note that these numbers are only indicative!	
Service period	<b>Tenderer shall ensure</b>	<b>Tenderer ensures</b>
	Contract period is 24 (twenty-four) months after the Contract commencement date or until the Total contract price for Lot No 2 is reached, whichever comes first.	
	There will be an option to extend the term of the Contract for additional 6 (six) months, if the Total contract value for Lot No 2 is not reached within the initial period.	

\*Here and hereinafter In the Technical proposal form the Tenderer shall indicate in "Tenderer ensures" or otherwise describe the ability to ensure compliance with the requirement.

[date of signing]

[name and position of the representative of the Tenderer]

**ANNEX NO 2.3: TECHNICAL SPECIFICATION / TECHNICAL PROPOSAL FORM FOR THE LOT NO 3 (Mobile communication services in Estonia)**

Requirements for service performance quality		Tenderer’s proposal, indicating specific indicators, parameters
Availability and quality of mobile communications in accordance with the official Consumer Protection and Technical Regulatory Authority TTJA) report on Mobile internet data speeds in Estonia in 2022	Result of average internet download speed measurements in Estonia (driving) for the year 2022 (in Mbit/s)	
	Result of average internet download speed measurements in Tallinn (driving) for the year 2022 (in Mbit/s)	
Content and scope of mobile communication services	<b>Tenderer shall ensure</b>	<b>Tenderer ensures*</b>
General requirements	Permanent availability of mobile communication services 24/7 in Estonia and in European Economic Area (EEA) countries, other European countries, and other countries of the Tenderer's cooperation operators according to the coverage of the local operators' network	
	Automatic SMS for each Contracting authority's Subscriber individually regarding roaming charges to Estonia, call, SMS, and Internet costs, free of charge.	
	Support line accessibility 24/7 in Estonian and English while Contracting authority's Subscriber is abroad and using roaming services, free of charge.	
	Control mechanism of provided services with SMS individually for each Contracting authority's Subscriber for exceeding the limits, free of charge.	
	Tenderer provides the Contracting authority with access to the Customer Self-service portal, free of charge.	

	<p>The Contracting authority is authorized on the Customer Self-Service Portal:</p> <ul style="list-style-type: none"> <li>• indicate the name of each Subscriber;</li> <li>• access detailed transcripts of Subscriber’s outgoing calls;</li> <li>• perform cost control for each Subscriber number during any billing period;</li> <li>• connect, disconnect, or change mobile communication services;</li> <li>• connect, disconnect, or change the Internet connection type;</li> <li>• get detailed information on each communication connection of the Contracting authority, for example - monthly communication service fee, included services, type of connection, connected services, services used (calls, SMS, data, etc.);</li> <li>• get information on settlements;</li> <li>• close premium rate service calls and SMS;</li> <li>• temporarily close (reserve) the subscription numbers of the Contracting authority.</li> </ul>	
	<p>Each Subscriber is provided with free remote access to up-to-date information (read only) on the individual connection:</p> <ul style="list-style-type: none"> <li>• type of connection and included services;</li> <li>• the amount of services used.</li> </ul>	
	<p>Ensured monthly invoice to Contracting authority’s e-mail address for the services provided, specifying the services (including calls) used by each Subscriber, free of charge. The invoice includes the name of each Subscriber.</p>	
	<p>Activation of new number or closing of the existing number by a specified date at the request</p>	



	of Contracting authority's authorized person in e-mail, free of charge.	
	New or replaced SIM card ensured during one working day to the address specified by the Contracting authority in the territory of Estonia, free of charge.	
	Free choice of SIM card type (Mini, Micro, Nano, e-SIM) and change according to Subscriber's needs.	
	Prompt blocking of the SIM card, and if possible also mobile phone, in case of loss, theft, and other cases of the phone 24 /7 at the request of the Contracting authority, free of charge.	
	Re-registration of the subscriber number to the Contracting authority based on a written application, free of charge.	
	The Provider guarantees the Contracting authority the possibility to use two numbers with one SIM card (for example, the number of the Contracting authority's representative and a private number).	
	The Contracting authority must be able to determine, on a number-by-number basis, which additional mobile services (m-services) users can use on behalf of the institution. The Tenderer must allow the same number to use the services prohibited by the Contracting authority as a private person, for which the Tenderer submits a private invoice directly to the user of the additional service.	
Requirements for a tariff plan “Mobile calls, SMS and unlimited Internet on phone” with a fixed monthly fee	<b>Tenderer shall ensure</b>	<b>Tenderer ensures</b>
	Free calls and SMS to all mobile networks in Estonia, Latvia and Lithuania	

	Free international calls and SMS to the other European Economic Area (EEA) countries at least 4000 minutes	
	Roaming services in EEA countries – free incoming and outgoing calls, SMS to other EEA countries.	
	Free incoming call number identification.	
	Free call waiting.	
	Outgoing calls from Estonia to non-EEA countries and roaming services in non-EEA countries - in accordance with the price list on the official Tenderer's website.	
	No limit for data transmission in the territory of Estonia.	
	Not less than 10 GB per month in the EEA countries.	
	Data transmission services in the EEA and in the rest of the world, exceeding the free data limit - in accordance with the price list on the official Tenderer's website.	
	Mobile ID contract.	
The user is guaranteed the maximum possible data communication speeds currently available by the network and the user's device at the user's location, i.e., the data communication speed of the users is not limited until the subscriber's contractual data communication capacity is filled.		
Requirements for tariff plan “Unlimited Internet for tablet/laptop” with a fixed monthly fee	<b>Tenderer shall ensure</b>	<b>Tenderer ensures</b>
	No limit for data transmission in the territory of Estonia.	

	Not less than 10 GB per month in the EEA countries.	
	Data transmission services in the EEA and in the rest of the world, exceeding the free data limit - in accordance with the price list on the official Tenderer's website.	
	If necessary, Tenderer must provide a mobile router. Purchase price of the router according to the price list published on the official Tenderer's website.	
Requirements for tariff plan “Unlimited Internet for indoors” with a fixed monthly fee	<b>Tenderer shall ensure</b>	<b>Tenderer ensures</b>
	Requirements for the data transmission speed: <ul style="list-style-type: none"> <li>• Average download speed in 4G network – at least 20 Mbit/s;</li> <li>• Average upload speed in 4G network — at least 5Mbit/s.</li> </ul>	
	Router included (4G or 5G router according to the coverage provided by the Tenderer), free of charge. After the Contract expires, the router is returned to the Tenderer.	
<b>Other requirements</b>	In case of entering of contract, the Tenderer shall ensure transfer of all Subscribers’ numbers at the disposal of the Contracting authority from the previous mobile Service provider, free of charge.	
	The Tenderer shall provide a contact person for communication with Contracting authority regarding provided services and settlements.	
	During contract period, the Contracting authority has the right to reduce or increase amount of the number of connections for each type of service within the total contract amount. Amount of the	

	number of connections may change within 10 – 15%, however these numbers are only indicative.	
Requirements for the amount of Service	<b>Tenderer shall ensure</b>	<b>Tenderer ensures</b>
	For tariff plans “ <b>Mobile calls, SMS and unlimited internet on phone</b> ” (preliminary 29 users), “ <b>Unlimited internet for tablet/laptop</b> ” (no more than 10 users), “ <b>Unlimited internet for indoors</b> ” (preliminary 50 connections). Please note that these numbers all only indicative!	
Service period	<b>Tenderer shall ensure</b>	<b>Tenderer ensures</b>
	Contract period is 24 (twenty-four) months after the Contract commencement date or until the Total contract price for Lot No 3 is reached, whichever comes first.	
	There will be an option to extend the term of the Contract for additional 6 (six) months, if the Total contract value for Lot No 3 is not reached within the initial period.	

\*Here and hereinafter In the Technical proposal form the Tenderer shall indicate in “Tenderer ensures” or otherwise describe the ability to ensure compliance with the requirement.

[date of signing]

[name and position of the representative of the Tenderer]

## ANNEX NO 3: CONFIRMATION OF FINANCIAL STANDING

### CONFIRMATION OF TENDERER'S FINANCIAL STANDING FOR THE OPEN COMPETITION "MOBILE COMMUNICATIONS SERVICES IN LATVIA, LITHUANIA AND ESTONIA" (ID NO RBR 2023/10)

#### 1. 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 (2020, 2021, 2022) is not less than:

- 1) EUR 276 000 (two hundred seventy-six thousand euros) per year (if Tenderer applies for Lot No.1);
- 2) EUR 88 000 (eighty-eight thousand euros) per year (if Tenderer applies for Lot No.2);
- 3) EUR 86 000 (eighty-six thousand euros) per year (if Tenderer applies for Lot No.3).

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.

If the previous 3 (three) reporting years of the Tenderer differ from the years specified in the Section 8.3.1 of the Regulations (2020, 2021, 2022), the financial turnover must be indicated for the Tenderer's previous 3 (three) reporting years.

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		
<b>Average annual turnover within the last 3 (three) financial years</b>			

*\*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<sup>14</sup>.*

#### 2. Section 8.3.2 of the Regulations

The Tenderer or each member of the partnership (if the Tenderer is a partnership) on whose financial and economic capabilities the partnership is relying and who shall be financially and economically responsible for fulfilment of the Contract shall have stable financial and economic performance, namely, in the last audited financial year (if auditing the financial report is required by the law applicable to the Tenderer or partnership member) preceding the year of the Procurement Tenderer shall have positive equity (Total Assets minus Total Liabilities).

<sup>14</sup> Available here: [https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/index.en.html](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/index.en.html)

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Name of the Tenderer/member of partnership/other entity

*equity = total assets [please indicate] – total liabilities [please indicate] = \_\_\_\_\_*

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[date of signing]

[name and position of the representative of the Tenderer]

**ANNEX NO 4: OTHER ENTITIES ON WHOSE CAPACITY TENDERER RELIES**

**A LIST OF OTHER ENTITIES ON WHOSE CAPACITY TENDERER RELIES  
TO MEET THE REQUIREMENT OF THE OPEN COMPETITION  
“MOBILE COMMUNICATIONS SERVICES IN LATVIA, LITHUANIA AND ESTONIA”  
(ID NO RBR 2023/10)**

No	Name of the entity (registration No., legal address)	Description of the capacity
1		
2		
n+1		

[date of signing]

[name and position of the representative of the Tenderer]

**ANNEX NO 5: SUBCONTRACTORS**

**A LIST OF THE SUBCONTRACTORS FOR THE OPEN COMPETITION  
"MOBILE COMMUNICATIONS SERVICES IN LATVIA, LITHUANIA AND ESTONIA"  
(ID NO RBR 2023/10)**

Sub-contracted tasks					
No	Name of the sub-contractor (registration No., legal address)	Description of the sub-contracted task	Amount, EUR (without VAT)	% from the proposed price	Size of the enterprise <sup>15</sup>
I	Subcontractors the value of services to be provided by which amounts to at least EUR 10 000 (ten thousand euros)				
1					
2					
n+1					
<b>Total:</b>					
II	Subcontractors the value of services to be provided by which amounts below EUR 10 000 (ten thousand euros)				
1					
2					
n+1					
<b>Total:</b>					
<b>Total (I+II)</b>					

[date of signing]    [signature]

[name and position of the representative of the Tenderer]

<sup>15</sup> 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](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 6: FINANCIAL PROPOSAL

### FINANCIAL PROPOSAL FOR THE OPEN COMPETITION "MOBILE COMMUNICATIONS SERVICES IN LATVIA, LITHUANIA AND ESTONIA" (ID NO RBR 2023/10)

The Tenderer [*name of the Tenderer*] offers to deliver Services in accordance with the Annex No 2 "Technical specification / Technical proposal form" of the Regulations for the following costs<sup>16</sup>:

#### LOT NO 1: MOBILE COMMUNICATIONS SERVICES IN LATVIA

Service costs		
Item No.	Item	EUR, excluding VAT
1.1.	Tariff plan " <b>Mobile calls, SMS and unlimited internet on phone</b> " with a fixed monthly fee (in accordance with Annex 2.1 of the Technical specification)	
1.2.	Requirements for tariff plan " <b>Unlimited internet for tablet/laptop</b> " with a fixed monthly fee (in accordance with Annex 2.1 of the Technical specification)	
1.3.	Requirements for tariff plan " <b>Unlimited internet for indoors</b> " with a fixed monthly fee (in accordance with Annex 2.1 of the Technical specification)	
1.4.	Requirements for tariff plan " <b>Landline communications in the office</b> " with a fixed monthly fee (in accordance with Annex 2.1 of the Technical specification)	

#### LOT NO 2: MOBILE COMMUNICATIONS SERVICES IN LITHUANIA

Service costs		
Item No.	Item	EUR, excluding VAT
1.1.	Tariff plan " <b>Mobile calls, SMS and unlimited internet on phone</b> " with a fixed monthly fee (in accordance with Annex 2.2. of the Technical specification)	
1.2.	Requirements for tariff plan " <b>Unlimited internet for indoors</b> " with a fixed monthly fee (in accordance with Annex 2.2 of the Technical specification)	

<sup>16</sup> When preparing the Financial proposal, the rules of Section 11 of the Regulations shall be considered. Please fill in the information only for the lot / lots for which the Tenderer submits a Proposal.

Service costs		
Item No.	Item	EUR, excluding VAT
1.3.	Requirements for tariff plan <b>"Unlimited internet for tablet/laptop"</b> with a fixed monthly fee (in accordance with Annex 2.2 of the Technical specification)	

**LOT NO 3: MOBILE COMMUNICATIONS SERVICES IN ESTONIA**

Service costs		
Item No.	Item	EUR, excluding VAT
1.1.	Tariff plan <b>"Mobile calls, SMS and unlimited internet on phone"</b> with a fixed monthly fee (in accordance with Annex 2.3. of the Technical specification)	
1.2.	Requirements for tariff plan <b>"Unlimited internet for indoors"</b> with a fixed monthly fee (in accordance with Annex 2.3 of the Technical specification)	
1.3.	Requirements for tariff plan <b>"Unlimited internet for tablet/laptop"</b> with a fixed monthly fee (in accordance with Annex 2.3 of the Technical specification)	

[date of signing]

[name and position of the representative of the Tenderer]

**ANNEX NO 7: DRAFT AGREEMENT**

PLEASE SEE SEPARATE FILES "AGREEMENT FOR "MOBILE COMMUNICATIONS SERVICES IN LATVIA,  
LITHUANIA AND ESTONIA"