

Approved by
RB Rail AS procurement "RB Rail AS procurement "Rail Baltica Global Project Design Review
and Approval Process Improvement (Six-Sigma)",
ID No RBR 2023/16,
Procurement commission's
decision made on 15 November 2023
session minutes No 1



REGULATIONS

FOR THE PROCUREMENT

**"RAIL BALTICA GLOBAL PROJECT DESIGN REVIEW AND APPROVAL PROCESS IMPROVEMENT
(SIX-SIGMA)"**

(IDENTIFICATION NO RBR 2023/16)



**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** - agreement between Contracting authority and a Contractor to provide Services defined in the aforementioned agreement;
- 1.3. **Contracting authority** (also, RB Rail AS) - the joint stock company RB Rail AS, registration number 40103845025, legal address: Satekles iela 2B, Riga, LV-1050, Latvia;
- 1.4. **Contractor** - Tenderer awarded the right to enter into the Contract in Procurement to provide Services in accordance with requirements stipulated in Regulations and Contract;
- 1.5. **Identification number** – designation, which includes the abbreviation of the name of the Contracting authority (the first capital letters), the relevant year and the procurement sequence number in ascending order (RBR 2023/16);
- 1.6. **Procurement** - procurement "Rail Baltica Global Project Design Review and Approval Process Improvement (Six-Sigma)" (identification number: RBR 2023/16) in which all interested Suppliers are entitled to submit their Proposals;
- 1.7. **Procurement commission** – commission which composition has been established by the joint stock company RB Rail AS, order 1.9-2023-29 dated 23 October 2023, issued by the Management Board of joint stock company RB Rail AS;
- 1.8. **Proposal** - documentation package the Tenderer submits to participate in the Procurement;
- 1.9. **Regulations** – regulations of the Procurement "Rail Baltica Global Project Design Review and Approval Process Improvement (Six-Sigma)" (identification number: RBR 2023/16), as well as all the enclosed annexes;
- 1.10. **Service** (also Services) - Rail Baltica Global Project Design Review and Approval Process Improvement (Six-Sigma) that is provided in accordance with terms and conditions set out in Regulations (especially in Annex No 1 "Technical specification" and Contract).
- 1.11. **Supplier** – a natural person or a legal person, a group or association of such persons in any combination thereof, which offers to provide Services;
- 1.12. **Tenderer** – a Supplier which has submitted a Proposal.

2. GENERAL INFORMATION

- 2.1. The Procurement is co-financed by the Contracting authority and Connecting Europe Facility (CEF).
- 2.2. The Tenderer shall submit a Proposal for the entire volume of the Procurement.
- 2.3. 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.
- 2.4. Procurement is organized in accordance with Section 9 of the Public Procurement Law of the Republic of Latvia (hereinafter – Public Procurement Law) in effect on the date of publishing the contract notice.
- 2.5. Procurement documentation is published using E-Tenders system which is subsystem of the Electronic Procurement System (<https://www.eis.gov.lv/EKEIS/Supplier>).
- 2.6. The Regulations is freely available in Contracting authority's profile in the E-Tenders system on webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/110429> and on the webpage of the Contracting authority <http://railbaltica.org/tenders/>.
- 2.7. Answers to Suppliers' questions will be published on the E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/110429> and on the Contracting authority's webpage <http://railbaltica.org/tenders/>. It is the Supplier's responsibility to constantly follow the information published on the webpages and to take it into consideration in preparation of its Proposal.
- 2.8. Contact person of the Contracting authority for the Procurement is Procurement Specialist Zane Nore, telephone: +371 28312829, e-mail address: zane.nore@railbaltica.org.

- 2.9. The exchange of information between the Procurement commission and the Supplier shall be in writing (by sending documents electronically to e-mail or using E-Tenders system) in English (if information is submitted in Latvian, it shall be accompanied by a translation into English).
- 2.10. If the Supplier does not have access to the E-Tenders system, the Supplier can follow the guidance for obtaining access to the system available on the Contracting authority's website at <http://www.railbaltica.org/procurement/e-procurement-system/>.
- 2.11. The Supplier can request additional information regarding the Regulations. Additional information can be requested in writing through the E-Tendering 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 Section 2.9 of the Regulations). Any additional information must be requested in a timely fashion, so that the Procurement commission can reply on time - no later than 4 (four) days prior to the deadline of the Proposal submission. The Procurement commission shall provide response within 3 (three) business days from the day of receipt of the request from 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 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 public data bases.
- 3.2. If the Tenderer submits document derivatives (e.g. copies), then, in case of doubt about the authenticity of the submitted document derivation, the Procurement commission can demand that the Tenderer presents to Procurement commission original documents.
- 3.3. During the Proposal evaluation, the Procurement commission has the right to request Tenderer to clarify the information included in its Proposal.
- 3.4. If the Procurement commission determines that the information about the Tenderer or persons upon whose capacity the Tenderer is relying that is included in submitted documents is unclear or incomplete, it demands that the Tenderer or a competent institution clarifies 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 requested 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 be 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 in Contracting authority's profile on the E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/110429> and on the webpage of the Contracting authority <http://railbaltica.org/tenders/>.
- 4.3. If an additional information has been requested according to Section 2.11 of the Regulations, Contracting authority sends this information to the Supplier who asked the question, publishes this information in Contracting authority's profile on the E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/110429> and on its webpage <http://railbaltica.org/tenders/> where Procurement documents are available, indicating the question asked.
- 4.4. 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 any information regarding the existence of other Proposals. During the time of Proposal evaluation, the Contracting authority does not disclose any information regarding the evaluation process until the announcement of the results.

- 4.5. The Procurement commission evaluates Tenderers and their Proposals based on the Public Procurement Law, Procurement documents, as well as other applicable regulatory enactments.

5. THE RIGHTS OF THE TENDERER

- 5.1. The Tenderer has the right to submit 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. 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.
- 5.3. 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 an application to the Administrative court according to the procedure stipulated in the Section 9, Paragraph 23 of the Public Procurement Law and Administrative Procedure Law of the Republic of Latvia regarding the Tenderer selection requirements, Technical specification or other requirements relating to Procurement, or relating to the activities by the Contracting authority or the Procurement commission during the Procurement.

6. SUBJECT-MATTER OF THE PROCUREMENT

- 6.1. The subject-matter of the Procurement is the provision of Services is Rail Baltica Global Project Design Review and Approval Process Improvement using Six-Sigma methodology according to the Annex No 1 "Technical specification" of the Regulations (hereinafter – Services).
- 6.2. The applicable CPV code is 72316000-3 (Data analysis services).
- 6.3. The Total estimated contract price is EUR 40 000,00 (forty thousand euros zero cents) without VAT.
- 6.4. Period of provision of Services is defined in Section 6 "Milestones" of Annex No 1 of the Regulations "Technical specification".

7. TENDERER

- 7.1. The Proposal can be submitted by:
 - 7.1.1. A Supplier who is a legal or natural person (hereinafter – the Tenderer) which offers on the market to provide Services and who complies with the selection criteria for Tenderers;
 - 7.1.2. A group of Suppliers (hereinafter also – the Tenderer, partnership) which offer on the market to provide Services and who complies with the selection criteria for Tenderers:
 - 7.1.2.1. A group of Suppliers who have formed a partnership for Procurement. In this case all the members of the partnership shall be listed in Annex No 2 "Application". If it will be decided to award contracting rights to such partnership, then prior to concluding the Contract the partnership shall at its discretion either enter into a partnership agreement (within the meaning of The Civil Law of the Republic of Latvia, Sections 2241-2280) and shall submit one copy of this agreement to the Contracting authority or establish a general or limited partnership (within the meaning of The Commercial Law of the Republic of Latvia, 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 for Tenderers.
- 7.2 According to Article 5k of Council Regulation (EU) 2022/576 of 8 April 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine¹ it is prohibited to participate in the Procurement:
- 7.2.1 a Russian national, or a natural or legal person, entity or body established in Russia;
- 7.2.2 a legal person, entity or body whose proprietary rights are directly or indirectly owned for more than 50% by an entity referred to in Sub-Section 7.2.1. of this Section;
- or
- 7.2.3 a natural or legal person, entity or body acting on behalf or at the direction of an entity referred to in Sub-Section 7.2.1. or 7.2.2. of this Section, including, where they account for more than 10% of the Contract value, subcontractors, suppliers or entities whose capacities are being relied on within the meaning of the Public Procurement Law.
- 7.3 With reference to Section 15 of the Public Procurement Law and the Contracting Authority's discretion in the application of Section 15 of the Public Procurement Law, participation of any entities from the Russian Federation and/or the Republic of Belarus is prohibited.

8. SELECTION CRITERIA FOR TENDERERS

8.1. Exclusion grounds

The Contracting authority shall exclude the Tenderer from further participation in the Procurement in any of the following circumstances:

No	Requirement	Documents to be submitted ²
8.1.1.	Within previous 3 (three) years before submission of the Proposal: <ul style="list-style-type: none"> - The Tenderer; - Person who is Tenderer's management board or supervisory board member; - Person with representation rights or a procura holder; - Person who is authorised to represent the Tenderer in operations in relation to a branch; - Subcontractor whose value of works to be performed or services to be provided is equal to or exceeds 10`000 (ten thousand) euros of the contract price; - Person on whose capacity Tenderer is relying to certify its compliance with the requirements; - Beneficial owner of the Tenderer;³ 	<ul style="list-style-type: none"> - For a Tenderer and a person who is Tenderer's management board or supervisory board member, person with representation rights or a procura holder, or a person who is authorised to represent the Tenderer in operations in relation to a branch; - For subcontractor whose value of works to be performed or services to be provided is equal to or exceed 10`000 (ten thousand) euros of the contract price; - For a person on whose capacity Tenderer is relying to certify its compliance with the requirements; - For beneficial owner of the Tenderer; <u>who is registered or residing in Latvia</u>. Contracting authority will verify the information itself in publicly available databases; - For a Tenderer and a person who is Tenderer's management board or supervisory board member,

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

² Unless documents are specifically requested by the Procurement commission, no obligation to submit any.

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

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

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

No	Requirement	Documents to be submitted ²
	<p>- Person who has decisive influence on participation in the sense of the normative/regulatory acts;⁴</p> <p>has been found guilty of or has been subjected to coercive measures for committing any of the following criminal offences by such a public prosecutor's order regarding punishment or a court judgement that has entered into force and may not be challenged and appealed:</p> <p>a) establishment, management of, involvement in a criminal organization or in an organized group included in the criminal organization or other criminal formation, or participation in criminal offences committed by such organization,</p> <p>b) bribe-taking, bribery, bribe misappropriation, intermediation in bribery, unauthorized participation in property transactions, taking of prohibited benefit, commercial bribing, unlawful claiming of benefits, accepting or providing of benefits, trading influences,</p> <p>c) fraud, misappropriation or money-laundering,</p> <p>d) terrorism, terrorism funding, creation or organization of a terrorist group, traveling for terrorist purposes, justification of terrorism, calling to terrorism, terrorism threats or recruiting or training a person in performance of acts of terrorism,</p> <p>e) human trafficking,</p> <p>f) evasion from payment of taxes or similar payments.</p>	<p>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;</p> <ul style="list-style-type: none"> - For subcontractor whose value of works to be performed or services to be provided is equal to or exceed 10`000 (ten thousand) euros of the contract; - For a person on whose capacity Tenderer is relying to certify its compliance with the requirements; - For beneficial owner of the Tenderer; <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. - For a person who has decisive influence on participation in the sense of the normative/regulatory acts who is registered or residing in Latvia and who is registered or residing outside of Latvia, Tenderer shall submit a statement approved by competent authority, indicating persons who has decisive influence.⁵
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"> - The Tenderer; - Subcontractor whose value of works to be performed or services to be provided is equal to or exceeds 10`000 (ten thousand) euros of the contract price; - Person on whose capacity Tenderer is relying to certify its compliance with the requirements; - Beneficial owner of the Tenderer; - Person who has decisive influence on participation in the sense of the normative/regulatory acts; <p>has tax debts:</p>	<ul style="list-style-type: none"> - For a Tenderer; - For subcontractor whose value of works to be performed or services to be provided is equal to or exceeds 10`000 (ten thousand) euros of the contract price; - For a person on whose capacity Tenderer is relying to certify its compliance with the requirements; - For beneficial owner of the Tenderer; <u>who is registered or residing in Latvia</u>, Contracting authority will verify the information itself in publicly available databases; - For a Tenderer; - For subcontractor whose value of works to be performed or services to be provided is equal to or exceed 10`000 (ten thousand) euros of the contract price;

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

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

No	Requirement	Documents to be submitted ²
	a) in Latvia in accordance with the Law "On Taxes and Fees"; or b) in the country of registration or permanent residence in accordance with the laws and regulations of the country of registration or residence has unfulfilled obligations in the field of taxes (including state social insurance contributions debts).	<ul style="list-style-type: none"> - For a person on whose capacity Tenderer is relying to certify its compliance with the requirements; - For beneficial owner of the Tenderer; <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; - For a person who has decisive influence on participation in the sense of the normative/regulatory acts who is registered or residing in Latvia and who is registered or residing outside of Latvia, Tenderer shall submit a statement approved by competent authority, indicating persons with decisive influence.
8.1.3.	Insolvency proceeding have been announced (except where a set of measures aimed at restoring the solvency of the debtor is applied in the insolvency proceedings), the business activities have been suspended, the business is under liquidation for: -Tenderer; - Subcontractor whose value of works to be performed or services to be provided is equal to or exceeds 10`000 (ten thousand) euros of the contract price; -Person on whose capacity the Tenderer is relying to certify its compliance with the requirements.	<ul style="list-style-type: none"> - For a Tenderer; - For subcontractor whose value of works to be performed or services to be provided is equal to or exceeds 10`000 (ten thousand) euros of the contract price; - For a person on whose capacity the Tenderer is relying to certify its compliance with requirements; <u>who is registered or residing in Latvia</u>, the contracting authority will verify the information itself in publicly available databases; - For a Tenderer; - For subcontractor whose value or works to be performed or services to be provided is equal to or exceeds 10`000 (ten thousand) euros of the contract price; - For a person on whose capacity the Tenderer is relying to certify its compliance with the requirements; - <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.	In case a person who drafted the procurement procedure documents (Contracting authority's official or employee), Procurement commission member, Procurement commission secretary or expert is related to the Tenderer or is interested in selection of some Tenderer and the Contracting authority cannot prevent this situation by measures that cause less restrictions on Tenderer. A person who drafted the procurement procedure documents (Contracting authority's official or employee), Procurement commission member, Procurement commission secretary or expert is presumed to be related to the Tenderer in any of the following cases: a) If he or she is a current and/or an ex-employee, official, shareholder, procura holder or member of a Tenderer or a subcontractor which is legal	No obligation to submit documents, unless specifically requested by the Procurement commission.

No	Requirement	Documents to be submitted ²
	<p>person and if such relationship with the legal person was terminated within the last 24 (twenty-four) months;</p> <p>b) If he or she is the father, mother, grandmother, grandfather, child, grandchild, adoptee, adopter, brother, sister, half-brother, half-sister or spouse (hereinafter – relative) of a Tenderer's or subcontractor's, which is a legal person, shareholder who owns at least 10% of the shares in a joint-stock company, shareholder in a limited liability company, procure holder or an official;</p> <p>c) If he or she is a relative of a Tenderer or a subcontractor which is a natural person.</p> <p>d) If he or she is current or former beneficial owner of a Tenderer which is a legal person and if such relationship with the legal person was terminated within the las 24 (twenty-four) months;</p> <p>e) If he or she is a relative of the beneficial owner which is a legal person.</p> <p>If the Tenderer is a partnership, consisting of natural or legal persons, a relation to the Tenderer is presumed also if a person who drafted the procurement procedure documents (Contracting authority's official or employee), Procurement commission member or expert is related to a member of a partnership in any of the above-mentioned ways.</p>	
8.1.5.	<p>-Tenderer;</p> <p>-Subcontractor whose value of works to be performed or services to be provided is equal to or exceeds 10`000 (ten thousand) euros of the contract price;</p> <p>-Person on whose capacity Tenderer is relying to certify its compliance with the requirements;</p> <p>-Person who has decisive influence in the sense of the normative/regulatory acts is a legal person or association of persons <u>is registered in an offshore</u>⁶.</p>	<ul style="list-style-type: none"> - For a Tenderer; - For subcontractor whose value of works to be performed or services to be provided is equal to or exceeds 10`000 (ten thousand) euros of the contract price; - For a person on whose capacity Tenderer is relying to certify its compliance with the requirements; <u>who is registered or residing in Latvia</u>, the Contracting authority will verify the information itself in publicly available databases; - For a Tenderer; - For subcontractor whose value of works to be performed or services to be provided is equal or exceed 10`000 (ten thousand) euros of the contract price; - For a person on whose capacity Tenderer is relying to certify its compliance with the requirements; <u>who is registered or residing outside of Latvia</u> shall submit a copy of a valid registration certificate or a similar document issued by a competent authority,

⁶ **Offshore:** low tax or tax-free country or territory in accordance with Corporate income tax law of the Republic of Latvia except Member Dates of EEA (European Economic Area) or its territories, Member States of the World Trade Organization Agreement on State Treaties or territories and such countries and territories with which European Union and Republic of Latvia has international agreements for open market in public procurement area.

No	Requirement	Documents to be submitted ²
		<p>wherefrom at least the fact of registration country of the Tenderer can be determined;</p> <p>For a person who has decisive influence on participation in the sense of the normative/regulatory acts who is registered or residing in Latvia and who is registered or residing outside of Latvia, Tenderer shall submit a statement approved by competent authority, indicating persons with decisive influence.</p>
8.1.6.	<p>The owner or shareholder (with more than 25% of share capital) of:</p> <ul style="list-style-type: none"> -Tenderer; -Subcontractor whose value of works to be performed or services to be provided is equal or exceeds 10`000 (ten thousand) euros of the contract price; -Person on whose capacity Tenderer is relying to certify its compliance with requirements; -Person who has decisive influence on participation in the sense of the normative/regulatory acts <p>who is registered in Republic of Latvia, is a registered offshore company (legal person) or offshore association of persons.</p>	<p>For:</p> <ul style="list-style-type: none"> - A Tenderer who is registered in Latvia; - A subcontractor whose value of works to be performed or services to be provided is equal to or exceeds 10`000 (ten thousand) euros or the contract price who is registered in Latvia; - A person on whose capacity the Tenderer is relying to certify its compliance with the requirements who is registered in Latvia; - A Person who has decisive influence on participation in the sense of the normative/regulatory acts who is registered in Latvia; <p>Contracting authority will verify the information itself in publicly available databases.</p> <ul style="list-style-type: none"> - If such information by publicly available data bases is not provided, Tenderer shall submit self – declaration which approves the fact that there are no registered owners or shareholders of the Tenderer (with more than 25% of share capital) who are registered offshore.
8.1.7.	<p>International or national sanctions or substantial sanctions by the European Union (EU) or the North Atlantic Treaty Organization (NATO) Member State affecting the interests of the financial and capital market has been imposed to the:</p> <ul style="list-style-type: none"> a) Tenderer or a person who is the Tenderer's management board or supervisory board member, beneficial owner, person with representation rights or a procura holder, or a person who is authorised to represent the Tenderer in operations in relation to a branch, b) member of the partnership or a person who is the partnership's management board or supervisory board member, beneficial owner, person with representation rights or a procura holder (if the Tenderer is a partnership), <p>and such sanctions can affect the execution of the Contract.</p>	<ul style="list-style-type: none"> - For a Tenderer registered or residing in Latvia, the Contracting authority will verify the information itself in publicly available databases. - For a Tenderer registered or residing outside of Latvia, Tenderer shall submit an appropriate statement from the competent authority of the country of registration or residence 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.

8.2. Legal standing and suitability to pursue the professional activity

No	Requirement	Documents to be submitted
8.2.1.	<p>The Tenderer or all members of the partnership (if the Tenderer is a partnership) must be registered in the Registry of Enterprises or Registry of Inhabitants, or an equivalent register in their country of residence, if the legislation of the respective country requires registration of natural or legal persons.</p>	<ul style="list-style-type: none"> - For a Tenderer (or a member of a partnership), a person on whose capacity a Tenderer relies, which is a legal person registered in Latvia, the Contracting authority will verify the information itself in publicly available databases. - For a Tenderer (or a member of a partnership), a person on whose capacity a Tenderer relies, which is a natural person – a copy of an identification card or passport. - For a Tenderer (or a member of a partnership), a person on whose capacity a Tenderer relies, which is a legal person registered abroad (with its permanent place of residence abroad) – a copy of a valid registration certificate or a similar document issued by a foreign authority in charge of the registration of legal persons in the country of their residence wherefrom at least the fact of registration, shareholders, officials and procura holders (if any) can be determined. - If a Proposal is submitted by a partnership, the Proposal shall include an agreement (or letter of intent to enter into agreement) signed by all members on the participation in the Procurement which lists responsibilities of each and every partnership members and which authorizes one key member to sign the Proposal and other documents, to receive and issue orders on behalf of the partnership members, and with whom all payments will be made. The Tenderer additionally indicates (in this document) the member of the partnership on whose capacity it relies to certify its financial and economic performance and who will be financially and economically responsible for the fulfilment of the Contract. - If the Proposal or any other document, including any agreement, is not signed by the legal representative of the Tenderer, members of the partnership or person on whose capacity the Tenderer relies, then a document certifying the rights of the persons who have signed the Proposal or any other documents to represent the Tenderer, a member of the partnership or a person on whose capacity the Tenderer is relying (powers of attorney, authorization agreements etc.) must be attached.
8.2.2.	<p>The representative of the Tenderer, or a member of a partnership, or a person on whose capacity a Tenderer relies 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.</p>	<ul style="list-style-type: none"> - A document confirming the right of signature (representation) of the representative of the Tenderer or a member of a partnership, or a person on whose capacity a Tenderer relies, who signs the Proposal. For a Tenderer (or a member of a partnership), a person on whose capacity a Tenderer relies, which is a legal person registered in Latvia, the Contracting authority will verify the information itself in publicly available databases. - If the Tenderer (or a member of a partnership), or a person on whose capacity a Tenderer relies, submits a power of attorney (original or a copy certified by the Tenderer) additionally there shall be submitted

No	Requirement	Documents to be submitted
		documents confirming that the issuer of the power of attorney has the right of signature (representation) of the Tenderer.

8.3. Economic and financial standing

No	Requirement	Documents to be submitted
8.3.1.	<p>The Tenderer's or all members of the partnership together (if the Tenderer is a partnership and confirms the average financial turnover jointly), average financial turnover within the last 3 (three) financial years, i.e. 2020, 2021, 2022 is not less than EUR 40 000, 00 (forty thousand euros, 00 euro cents).</p> <p>In the event the average financial turnover of a limited liability member of a limited partnership (within the meaning of Latvian Commercial Law, Chapter X) exceeds its investment in the limited partnership, the average financial turnover shall be recognized in the amount of the investment in the limited partnership.</p> <p>In the event the Tenderer or a member of a partnership (if the Tenderer is a partnership) or entity on whose capabilities the Tenderer is relying to certify its financial and economic performance 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>	<ul style="list-style-type: none"> - Filled in and signed Annex 8 “Confirmation of financial standing” (by the Tenderer or each member of the partnership (if the Tenderer is a partnership) or entity on whose capabilities the Tenderer is relying on to certify its financial and economic performance and who will be financially and economically responsible for fulfilment of the Contract). - Audited or self-approved (if the annual financial statement is not required by the law of the country of residence of the Tenderer) annual financial statements for financial years 2020, 2021, 2022 showing the turnover of the Tenderer or each member of the partnership on whose capacity Tenderer is relying to certify its financial and economic performance and who will be financially responsible for the fulfilment of the Contract (if the Tenderer is a partnership), or other entity on whose capacity Tenderer is relying to certify its financial and economic performance and who will be financially responsible for the fulfilment of the Contract. - If an application is submitted by a partnership or in case the Tenderer is relying on capabilities of other entity to certify its financial and economic performance, the Tenderer shall indicate the member of the partnership or entity on whose capabilities the Tenderer is relying to certify its financial and economic performance and who will be financially and economically responsible for fulfilment of the contract including this information in the agreement of cooperation (or letter of intention to enter into such agreement) and in addition indicate it in the Annex 8. - For a limited partnership (within the meaning of Latvian Commercial Law, Chapter X) an additional document evidencing the amount of the investment by the limited liability partner (the partnership agreement or a document with a similarly binding legal effect). - In the case the previous three financial years of particular Tenderer differs from financial years (2020, 2021, 2022) stated in Regulation or the financial report isn't available, financial turnover shall be indicated for the previous three financial years where audited or approved financial report is available.

8.4. Technical and professional ability

No	Requirement	Documents to be submitted
8.4.1.	The Tenderer within in last 10 (years) until the date of submission of the Proposals has gained experience in at least 5 (five) projects where it was successfully implementing process improvement projects using Six-Sigma methodology in infrastructure construction domain or similar.	<ul style="list-style-type: none"> - Filled and signed Annex No 3 “Description of the Tenderer’s experience” of the Regulations where the Tenderer’s experience is clearly specified. - Copies of references from respective clients or similar documents provided by the third party (the Client/ Contracting Authority) evidencing the experience.
8.4.2.	<p>The Tenderer should propose a Project Manager who meets the following requirements:</p> <ul style="list-style-type: none"> a) In the previous 10 (ten) years (2013-2023) until the submission date of the Proposals Project manager has gained experience in personally managing and successfully implementing process improvement in the projects using Six-Sigma methodology, in infrastructure construction domain or similar in at least 5 (five) projects; b) Project manager has Six-Sigma Black Belt certificate; c) Project manager shall have English skills (C₂ Level – based on Common European Framework of Reference for Languages⁷). 	<ul style="list-style-type: none"> - Filled in Annex No 4 “Description of Project manager’s experience” of the Regulations signed by the Project manager. - Copy of the Six-Sigma certification confirming Six-Sigma expert qualification. - Copies of reference from respective clients or similar documents provides by the third party (the Client/ Contracting Authority) evidencing the experience.
8.4.3.	<p>To support the Project Manager, the Tenderer can propose a list of experts with Six-Sigma certification who meets the following requirements:</p> <ul style="list-style-type: none"> - Six-Sigma certificate (black, green or yellow); - English skills (c₂ Level – based on Common European Framework of Reference for Languages.) 	<ul style="list-style-type: none"> - Copy of the Six-Sigma certification confirming Six-Sigma expert qualification.

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

8.6. Notices and other documents which are issued by Latvian competent institutions are accepted and recognized by the Procurement commission, if they are issued no earlier than 1 (one) month prior to the date of submission of particular notices and documents. Notices and other documents which are issued by foreign competent institutions are accepted and recognized by the Procurement commission, if they are issued no earlier than 6 (six) month prior to the date of submission of notices and documents, if the issuer of the notice or document has not set shorter period of validity.

8.7. If the documents with which a Tenderer registered or permanently residing abroad can certify its compliance with the requirements of Section 8.1 of the Regulations are not issued or these documents

⁷ Please see: <http://europass.cedefop.europa.eu/resources/european-language-levels-cefr>

are insufficient, such documents can be replaced with an oath or; if the regulatory enactments of the country in question do not allow for an oath, - with a certification by the Tenderer or by another person mentioned in Section 8.1 of the Regulations before a competent executive governmental or judicial institution, a sworn notary or a competent organization of a corresponding industry in their country of registration (permanent residence). Regarding all documents submitted based on an oath given under law (e.g. sworn-statements, declarations on oath etc.), the Tenderer must provide (indicate) legal grounds to law or enactment in accordance with such statements or declarations on oath have been given.

- 8.8. Exclusion grounds will be verified in accordance with the Regulations stipulated in Section 8 and Section 9 of Article 9 of the Public Procurement Law. If the Tenderer is subject to any of the exclusion grounds under Section 8.1. 1. and 8.1.5. – 8.1.6., the Tenderer shall indicate this fact in application (Annex No 1) and provide explanations and evidence regarding the reimbursement of the damage caused or an agreement on the reimbursement of the damage caused, cooperation with the investigating authorities and the technical, organizational or personal management measures taken to demonstrate their reliability and prevent recurrence of the same and similar cases in the future.
- 8.9. If the Tenderer doesn't submit explanations and evidence, Contracting Authority shall exclude the Tenderer from participating in the procurement procedure as compliant to the exclusion grounds under Section 8.1.1. and 8.1.5. – 8.1.6.
- 8.10. Contracting Authority shall evaluate the measures taken by the Tenderer, member of the partnership (if the Tenderer is a partnership) and evidences thereof, taking into account the severity of the criminal offence or infringement and the specific circumstances. The Contracting Authority may request from the competent authorities in the relevant field of criminal offence or infringement concerned opinions whether the measures taken by the Tenderer are sufficient to restore reliability and to prevent the same or similar cases in the future. The opinion shall not be requested if it is already available for the Contracting Authority or the Tenderer has submitted an opinion of the relevant authority in the field of criminal offence or infringement regarding the sufficiency of the measures taken by the relevant Tenderer for the restoration or reliability and for the prevention of the same and similar cases in the future.
- 8.11. If the Tenderer considers the measures taken to be sufficient to restore reliability and prevent similar cases in the future, Contracting Authority shall take a decision not to exclude the relevant Tenderer from participating in the procurement procedure. If the measures taken are insufficient, the Contracting Authority shall take a decision to exclude the Tenderer from further participating in the procurement procedure.
- 8.12. In case any of requirements related to the exclusion grounds and stipulated in this Regulations differs from the requirements established in the Public Procurement Law of Republic of Latvia, Regulations of the Public Procurement Law of Republic of Latvia shall prevail, and the Procurement Commission will act in accordance with the requirements established in the respective law.

9. RELIANCE ON THE CAPACITY OF OTHER PERSONS

- 9.1. For the fulfilment of the Contract, to comply with the selection requirements for the Tenderers relating to the 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 indicates in the Proposal all persons on whose capacity it relies by filling in the table which is attached as Annex No 5 "Other entities on whose capacity Tenderer relies" and proves to the Contracting authority that the Tenderer shall have available all the necessary resources for the fulfilment of the Contract by submitting a signed 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 by the Tenderer with any other type of documents with which the Tenderer is able to prove that the necessary resources will be available to the Tenderer and will be used during the term of fulfilment of the Contract.
 - 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 the Contract, as well as that

during the validity of the Contract the Tenderer will in fact use the resources of such person upon whose capacity the Tenderer relies.

- 9.2. The Contracting authority will evaluate the person on whose capacity the Tenderer to whom the rights to conclude the Contract should be assigned is relying according to Section 8.1.1 - 8.1.3 of the Regulations.

10. SUBCONTRACTING

- 10.1. In the fulfilment of the Contract the Tenderer may involve sub-contractors. In this case the Tenderer indicates in the Proposal all sub-contractors by filling in the table which is attached as Annex No 6, fills necessary information in E-Tenders system and proves to the Contracting Authority that the Tenderer shall have available all the necessary resources for the fulfilment of the Contract, by submitting a signed document (statement, confirmation or agreement on cooperation and/or passing of resources to the Tenderer between such sub-contractors and the Tenderer or letter of intention to enter in such agreement or any other similar document). The documents named before can be replaced by the Tenderer with any other type of documents with which the Tenderer is able to prove that the necessary resources will be available to the Tenderer and will be used during the term of fulfilment of the Contract.
- 10.2. The Contracting Authority shall evaluate the sub-contractor whose share of services is equal to or exceeds 10'000 (ten thousand) euros of the Contract price of the Tenderer to whom the rights to conclude the Contract should be assigned according to Sections 8.1.1. to 8.1.6. of the Regulations. In case sub-contractor whose share of services is equal to or exceeds 10'000 (ten thousand) euros of the Contract price, will comply with any of the exclusion grounds, the Contracting Authority shall request Tenderer to change such sub-contractor. If the Tenderer shall not submit documents about another sub-contractor which complies with the selection criteria within 10 (ten) business days from the date when the request was issued or sent to the Tender, the Contracting Authority shall exclude such Tenderer from further participation in the open competition.
- 10.3. Contracting Authority reserves the right to request the Tenderer to identify all the sub-contractors involved in delivery of services irrespective of the amount of participation in the provision of services upon signing the contract.

11. TECHNICAL PROPOSAL

- 11.1. Tenderers shall prepare and submit a technical proposal considering aspects of Annex No 1 "Technical specification" and include description of DMAIC⁸ methodology description proposed for this specific project, Tenderers experience in different projects, Project Manager's experience using Six-Sigma methodology in different projects.

12. FINANCIAL PROPOSAL

- 12.1. The Financial proposal shall be submitted as part of Annex No 7 "Financial proposal" of the Regulations.
- 12.2. Tenderer shall indicate:
- 12.2.1. Total proposed price for the full scope of Services.⁹
- 12.3. The proposed price shall include all taxes, fees and payments, and all costs related to the fulfilment of the Services except VAT.

⁸ The define, measure, analyse, improve, and control process is a data-driven quality strategy used to improve processes. It is an integral part of a Six Sigma initiative, but can also be implemented as a standalone quality improvement procedure or as part of other process improvement initiatives such as lean

⁹ In Electronic Procurement System Tenderer shall indicate the price for the full scope of the services and this will be the price that is shown publicly.

- 12.4. Tenderer shall include any travel expenses (if any arise) in proposed contract price. Contracting authority will not additionally reimburse any travel expenses incurred by Tenderer during the provision of Services.

12.4.1. While including the travel expenses Tenderer shall consider the requirement set in Annex 1 "Technical specification" that Project manager will need to visit the RB Rail AS office starting the task of reviewing the existing documentation and revisit RB Rail AS office to review the implementation process.

- 12.5. The proposed price shall be specified in EUR.
- 12.6. 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.

13. CONTENTS AND FORM OF THE PROPOSAL

- 13.1. Proposal must be submitted electronically on E-Tenders subsystem of the Electronic Procurement System in accordance with the following options for the Tenderer:

13.1.1. by using the available tools of E-Tenders subsystem, filling the attached forms of the E-Tenders subsystem for Procurement;

13.1.2. by preparing and filling the necessary electronic documents outside the E-Tenders subsystem and attaching them to relevant requirements (in this situation the Tenderer takes responsibility for the correctness and compliance of the forms to requirements of documentation and form samples);

13.1.3. by encrypting electronically prepared Proposal outside of E-Tenders subsystem with data protection tools provided by third parties, and protection with electronic key and password (in this situation, Tenderer takes responsibility for the correctness and compliance of the forms to requirements of documentation and form samples as well as ensuring capability to open and read the document by the Contracting authority).

- 13.2. During preparation of the Proposal, Tenderer shall respect the following requirements:

13.2.1. Each document mentioned in Section 13.3 of the Regulations must be filled separately, each in a separate electronic document in line with forms attached to Procurement on Contracting authority's profile in E-Tenders subsystem (<https://www.eis.gov.lv/EKEIS/Supplier/Procurement/110429>) in a Microsoft Office 2010 (or later) format and attached to the Procurement;

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-stamp¹⁰ and sign Application form, Technical proposal, Financial proposal and other documents separately. The Proposal (its parts, if signed separately) is signed by an authorized person, including its authorization document (e.g. power of attorney) *expressis verbis* the authorisations to sign, submit and otherwise manage the documents.

- 13.3. Documents to be included in the Proposal:

13.3.1. Application for participation in the Procurement in accordance with Annex No 2 of the Regulations;

13.3.2. Technical proposal (please see Section 11 of the Regulations);

¹⁰ Qualified electronic signature within the meaning of REGULATION (EU) No 910/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC.

13.3.3. The Tenderer shall provide a resource plan that includes the following information:

13.3.3.1. allocation of the resources indicating Project managers and Six-Sigma experts who will provide the Services, work location plan, taking into account Section 12.4.1 of the Regulations;

13.3.3.2. how the Tenderer intends to distribute different tasks between Project manager and Six-Sigma experts. Clear task distribution in accordance with Section 6 of the Annex 1 "Technical specification" of the Regulations;

13.3.3.3. hourly rate for the Project manager with Six-Sigma Black belt mentioned in Section 8.4.2 of the Regulations;

13.3.3.4. hourly rate for the Six-Sigma expert mentioned in Section 8.4.3 of the Regulations

13.3.4. Financial proposal in accordance with Annex No 7 and Section 12 of the Regulations;

13.3.5. Information and documents confirming compliance of the Tenderer with the selection criteria for the Tenderers (set in Section 8 of the Regulations);

13.3.6. Information and documents relating to subcontractors and other entities on whose capacity the Tenderer is relying (in accordance with Annex No 5 and Annex No 6 of the Regulations).

- 13.4. The Proposal may contain original documents or their derivatives (e.g. copies). In the Proposal or in reply to a request of the Procurement commission Tenderer shall submit only such original documents which have legal force. For the document to gain legal force it must be issued and formatted in accordance with the Law on Legal Force of Documents of the Republic of Latvia (<https://likumi.lv/ta/en/id/210205-law-on-legal-force-of-documents>) but public documents issued abroad shall be formatted and legalized in accordance with the requirements of the Document Legalization Law of the Republic of Latvia (<https://likumi.lv/ta/en/en/id/155411-document-legalisation-law>). Public documents issued abroad can be self-approved by the Tenderer, if it is applicable by the legislation of the respective country. When submitting the Proposal, the Tenderer has the right to certify the correctness of all submitted documents' derivatives and translations with one certification.
- 13.5. The Proposal must be signed by a person who is legally representing the Tenderer or is authorized to represent the Tenderer in the Procurement (please see the Section 8.2.2 of the Regulations).
- 13.6. The Tenderer shall prepare Proposal in electronic form using the E-Tenders system available at <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/110429>.

14. ENCRYPTION OF THE PROPOSAL INFORMATION

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

15. SUBMISSION AND OPENING OF A PROPOSAL

- 15.1. The Proposal (documents referred to in the Section 13.3 of the Regulations) shall be submitted electronically using the E-Tenders system available at <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/110429> by:

1 December 2023 till 11:00 (Riga time).

- 15.2. The Tenderer may recall or amend its submitted Proposal before the expiry of the deadline for the submission of Proposals by using the E-Tenders system.

- 15.3. Only Proposals submitted through 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.
- 15.4. The Proposals will be opened on the E-Tenders system on **1 December 2023 15:00 (Riga time)** during the opening session. It is possible to follow the opening of submitted Proposals online on the E-Tenders system.
- 15.5. Proposals will be opened by using the tools offered by E-Tenders system. The public information of the Proposals will be published in the E-Tenders system.
- 15.6. The information regarding the Tenderer, the time of Proposal submission 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 in the E-Tenders system and the Contracting authority's webpage.

16. VERIFICATION OF PROPOSALS FOR COMPLIANCE

- 16.1. The Procurement commission opens and evaluates the Proposals in a closed session. Procurement commission is entitled to perform evaluation of the compliance only for the Tenderer to whom the rights to conclude the Contract may be assigned.
- 16.2. The Procurement commission verifies whether the submitted Proposals comply with the requirements stipulated in Section 13 of the Regulations and whether all required information and documents is submitted and selects for further evaluation the compliant Proposals.

17. VERIFICATION OF TECHNICAL PROPOSALS

The Procurement commission verifies whether the submitted Technical proposals comply with the requirements stipulated in the Section 11 of the Regulations.

18. VERIFICATION OF FINANCIAL PROPOSALS

- 18.1. The Procurement commission verifies whether Tenderers have completed Annex No 7 "Financial proposal" of the Regulations in accordance with the requirements.
- 18.2. The Procurement commission verifies whether there are any arithmetical errors in Financial proposals and assesses and compares the contract prices proposed.
- 18.3. If the Procurement commission finds arithmetical errors in Financial proposal, it corrects these errors. The Procurement commission informs the Tenderer whose arithmetical errors have been corrected about the correction of arithmetical errors and the corrected Financial proposal.
- 18.4. When evaluating the corrected Financial proposal, the Procurement commission takes corrections into account.
- 18.5. 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.
- 18.6. The Procurement commission further evaluates only compliant Proposals.

19. CONTRACT AWARD CRITERIA

- 19.1. The Proposal selection criterion is the most economically advantageous proposal according to the evaluation methodology described in this Section below.
- 19.2. The economically most advantageous proposal shall be the Proposal which will receive the highest sum of scored for the following criteria:

No.	Evaluation criteria	Maximum points
1	Technical proposal	60
	Description of the content of the DMAIC ¹¹ phases for this specific project	(15)
	Description of Tenderers experience in process improvement	(15)
	Description of Projects manager experience in process improvement	(30)
2	Financial proposal	40
	Total	100

19.3. The Procurement commission will sum up the points by each Tenderer and the Contract will be awarded to Tenderer whose Proposal obtains the highest score according to Section 19.6 and 19.7 of the Regulations.

19.4. The accuracy of number of points obtained in Criterion No 1 and No 2 is two decimal places. The third decimal place is considered when rounding the points – respectively, if its value is from 5 to 9, the second decimal place is rounded up.

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

19.6. Evaluation of the Technical Proposal

19.6.1. The maximum number of points Proposal can receive for criteria "Technical proposal" is 60 (sixty) points:

19.6.1.1 maximum of 15 (fifteen) points for the DMAIC methodology description proposed for the specific project;

19.6.1.2. maximum of 15 (fifteen) points for the Tenderers experience in different projects;

19.6.1.3 maximums of 30 (thirty) points for the Project Manager`s experience using Six-Sigma methodology in different projects.

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

No	Evaluation criteria of the Technical proposal	Maximum points awarded
19.6.3	DMAIC methodology description proposed for the specific project.	
	Outstanding level of detail	15

¹¹ The define, measure, analyse, improve, and control process is a data-driven quality strategy used to improve processes. It is an integral part of a Six Sigma initiative, but can also be implemented as a standalone quality improvement procedure or as part of other process improvement initiatives such as lean.

	The Tenderer has offered a Technical proposal that provides well-structured and detailed description of the information on the timeline of Project managers involvement in RB Rail AS Design Review and Approval process using DMAIC methodology description, in order for expert to deliver report within 2 (two) months.	
	Good level of detail The Tenderer has offered a Technical proposal that provides structured and description of the information on the timeline of Project manager’s involvement in RB Rail AS Design Review and Approval process using DMAIC methodology description, in order for expert to deliver report within 2 (two) months.	10
	Low level of detail The Tenderer has offered a Technical proposal that is structured but description and the information of Project manager’s involvement in RB Rail AS Design Review and Approval process using DMAIC ¹² methodology description is not sufficiently detailed, in order for expert to deliver report within 2 (two) months.	5
19.6.4	Tenderers experience in different projects	
	Outstanding level of detail Highly detailed step-by-step description of Tenderers experience in different projects in process improvement with examples using DMAIC methodology of how to improve Design Review and Approval process: <ul style="list-style-type: none"> - Type of the projects. What type of projects they were (construction, manufacturing, logistics, etc.); - Domain of the projects. Were the projects similar to RB Rail AS Global project (infrastructure, railway, aeronautic, etc.); - Process complexity. Complexity of the previous projects, is it linked to document review, how many stakeholders are involved in the process (high complexity project: more than 15 (fifteen) steps in the process and at least 5 (five) stakeholders involved); Duration of the project. How long did it take for the expert to execute the project. - Gains obtained for the project Costumer. What were the outcomes of the project. How much of the process reworked in the project improved. 	15
	Good level of detail Description of Tenderers experience in process improvement with examples using DMAIC methodology of how to improve Design Review and Approval process: <ul style="list-style-type: none"> - Type of the projects. What type of projects they were (construction, manufacturing, logistics, etc.); - Domain of the projects. Were the projects similar to RB Rail AS Global project (infrastructure, railway, aeronautic, etc.); - Process complexity. Complexity of the previous projects, is it linked to document review, how many stakeholders are involved in the process (high complexity project: more than 15 (fifteen) steps in the process and at least 5 (five) stakeholders involved); - Duration of the project. How long did it take for the expert to execute the project. - Gain obtains for the project Costumer. What were the outcomes of the project. How much of the process reworked in the project improved. 	10

¹² Please see the previous footnotes about DMAIC.

	<p>Low level of detail</p> <p>Description of Tenderers experience process improvement with using DMAIC methodology of how to improve Design Review and Approval process but no examples is provided;</p> <ul style="list-style-type: none"> - Type of the projects. What type of projects they were (construction, manufacturing, logistics, etc.); - Domain of the projects. Were the projects similar to RB Rail AS Global project (infrastructure, railway, aeronautic, etc.); - Process complexity. Complexity of the previous projects, is it linked to document review, how many stakeholders are involved in the process (high complexity project: more than 15 (fifteen) steps in the process and at least 5 (five) stakeholders involved); - Duration of the project. How long did it take for the expert to execute the project. - Gain obtains for the project Costumer. What were the outcomes of the project. How much of the process reworked in the project improved. 	5
19.6.4	Project Manager`s experience using Six-Sigma methodology in different projects	
	<p>Outstanding level of detail</p> <p>Highly detailed description on Project manager`s experience using Six-Sigma methodology in different projects:</p> <ul style="list-style-type: none"> - Type of the projects. What type of projects they were (construction, manufacturing, logistics, etc.); - Domain of the projects. Were the projects similar to RB Rail AS Global project (infrastructure, railway, aeronautic, etc.); - Process complexity. Complexity of the previous projects, is it linked to document review, how many stakeholders are involved in the process (high complexity project: more than 15 (fifteen) steps in the process and at least 5 (five) stakeholders involved); - Duration of the project. How long did it take for the expert to execute the project. - Gains obtained for the project Costumer. What were the outcomes of the project. How much of the process reworked in the project improved. 	30
	<p>Good level of detail</p> <p>Description on Project manager`s experience using Six-Sigma methodology in different projects:</p> <ul style="list-style-type: none"> - Type of the projects. What type of projects they were (construction, manufacturing, logistics, etc.); - Domain of the projects. Were the projects similar to RB Rail AS Global project (infrastructure, railway, aeronautic, etc.); - Process complexity. Complexity of the previous projects, is it linked to document review, how many stakeholders are involved in the process (high complexity project: more than 15 (fifteen) steps in the process and at least 5 (five) stakeholders involved); - Duration of the project. How long did it take for the expert to execute the project. - Gain obtains for the project Costumer. What were the outcomes of the project. How much of the process reworked in the project improved. 	20
	<p>Low level of detail</p> <p>Superficial information on Project manager`s experience using Six-Sigma methodology in different projects:</p>	20

	<ul style="list-style-type: none"> - Type of the projects. What type of projects they were (construction, manufacturing, logistics, etc.); - Domain of the projects. Were the projects similar to RB Rail AS Global project (infrastructure, railway, aeronautic, etc.); - Process complexity. Complexity of the previous projects, is it linked to document review, how many stakeholders are involved in the process (high complexity project: more than 15 (fifteen) steps in the process and at least 5 (five) stakeholders involved); - Duration of the project. How long did it take for the expert to execute the project. - Gain obtains for the project Costumer. What were the outcomes of the project. How much of the process reworked in the project improved. 	
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19.7. Evaluation of Financial proposal

- 19.7.1. The maximum number of points Proposal can receive for criteria "Financial proposal" is 40 (forty) points.
- 19.7.2. The Procurement commission will evaluate the price the Tenderer has indicated in the Financial proposal.
- 19.7.3. Financial proposal will receive points for total contract price mentioned in Section 12.2 of the Regulations in accordance with the following formulas:

$$points = \frac{\text{lowest proposed price for full scope of services from the compliant proposals}}{\text{Tenderer's proposed price for the full scope of services}} \times 40$$

- 19.8. The Procurement commission shall sum up the points obtained by each Proposal by summing up all points that Particular Proposal obtained in accordance with the procedures set out in Section 19.2 – 19.7 of the Regulations. In case several Tenderers will propose equal contract price, Procurement commission will invite representatives of those particular Tenderers and organize a draw. In situation, when representatives of Tenderers choose to not be present at the draw, Procurement commission will carry out the draw without representatives of Tenderers present by inviting impartial participant from the Contracting authority.

20. TENDERER CHECK PRIOR TO MAKING THE DECISION REGARDING THE CONCLUSION OF THE CONTRACT

- 20.1. Prior to making the decision about assigning rights to conclude the Contract, the Procurement commission performs a check regarding the existence of exclusion grounds, this shall apply for persons indicated in Section 8.1.1. of the Regulations.
- 20.2. If in accordance with the information published in the last day of the last data update in a public database on the last day of the Proposal submission or on the day when the decision regarding the possible assignment of rights to conclude a Contract is made
- The Tenderer;
 - Member of a partnership (if the Tenderer is a partnership);
 - Subcontractor whose value of works to be performed or services to be provided is at least 10`000 (ten thousand) euros of the contract price;
 - Person on whose capacity the Tenderer is relying to certify its compliance with the requirements;
 - Beneficial owner of the Tenderer;
 - Person who has decisive influence on participation in the sense of normative/regulatory acts; have tax debts, including state mandatory insurance contribution debts, in Latvia in accordance with the Law "On Taxes and Fees" or in a country where it has been incorporated or is permanently residing in, in accordance with the laws and regulations of the country of registration or residence has unfulfilled obligations in the field of taxes.

- 20.3. The Procurement commission informs the Tenderer and sets a deadline – 10 (ten) days from the day of issuing or receiving information – for the submission of a statement evidencing the absence of tax debt, including state mandatory insurance contributions debts, on the last day of Proposal submission or on the day when the decision regarding the possible assignment of the right to conclude a Contract has been made.
- 20.4. If the Tenderer fails to submit required evidence about itself before the deadline, the Procurement commission excludes the Tenderer from participation in the Procurement.

21. DECISION MAKING, ANNOUNCEMENT OF RESULTS AND ENTERING INTO A CONTRACT

- 21.1. The Procurement commission selects the 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 18 of the Regulations. Tenderer with the lowest price Proposal shall be selected.
- 21.2. Within 3 (three) business days from the date of decision about the Procurement results the Procurement commission informs all Tenderers about the decision made by sending the information by post or electronically (including through the E-Tenders system) and keeping the evidence of the date and means of sending the information. The Procurement commission announces the name of the successful Tenderer, indicating:
 - 21.2.1. to the rejected Tenderer - the reasons for rejecting its Proposal;
 - 21.2.2. to the Tenderer who has submitted an eligible Proposal - the characterization of the successful Proposal and the relative advantages;
 - 21.2.3. the deadline by which the Tenderer may submit an application to the Administrative court regarding violations of the public procurement procedure.
- 21.3. If the Procurement is terminated, the Procurement commission within 3 (three) business days simultaneously informs all Tenderers about the date of decision, all the reasons because of which the Procurement is terminated and informs about the deadline within which a Tenderer may apply to the Administrative court regarding the violations of the public procurement procedure.
- 21.4. The Procurement commission when informing of 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.
- 21.5. The selected Tenderer upon receiving the specific notification from Procurement commission must:
 - 21.5.1. within 5 (five) business days – to submit to the Contracting authority a copy of partnership agreement or notification regarding the establishment of the partnership, if required pursuant to requirements under Section 7.1.2.1 of the Regulations;
 - 21.5.2. within 10 (ten) days – to sign the Contract.
- 21.6. The Contract is concluded based on the Tenderer's Proposal and in accordance with Annex No 9 "Draft contract".
- 21.7. The Procurement commission has the right to choose the next most economically advantageous Proposal, if the Tenderer in the time stipulated by the Regulations:
 - 21.7.1. refuses to conclude a partnership contract or establish the partnership in the cases and deadlines defined by the Regulations or in the cases and deadlines defined by the Regulations does not submit a copy of the partnership contract, or does not inform of the founding of a partnership company;
 - 21.7.2. refuses to conclude the Contract or does not submit signed Contract within the deadlines defined in the Regulations.
- 21.8. In any of such a case mentioned in Section 21.7 of the Regulations the Procurement commission is entitled to terminate this Procurement without selecting any Proposal or to select the Proposal with the next lowest proposed contract price. For either of these decisions a written decision must be made.

- 21.9. Prior to making the decision regarding the conclusion of the Contract with the next Tenderer, the Procurement commission assesses whether the next Tenderer is one market participant together with the initially selected Tenderer. If the next selected Tenderer is found to be one market participant together with the initially selected Tenderer or it does not comply with requirements set in the Section 21.5 of the Regulations, the Procurement commission decides to terminate the Procurement without selecting any Proposal.
- 21.10. After signing the Contract, the Contracting Authority shall issue a Notice to Proceed to the Tenderer within 28 (twenty eight) days. Within 7 (seven) days from the date of receiving Notice to Proceed from the Contracting Authority, Tenderer shall proceed with the services of Rail Baltica Global Project Design Review and Approval Process Improvement.

ANNEXES:

1. Technical specification on 11 (eleven) pages;
2. Application for participation in the Procurement on 2 (two) pages;
3. Description of the Tenderer's experience on 1 (one) page;
4. Description of Project manager's experience on 2 (two) pages;
5. Other entities on whose capacity Tenderer relies on 1 (one) page;
6. A list of subcontractors on 1(one) page;
7. Financial proposal on 1 (one) page;
8. Confirmation of the Tenderers financial standing on 1 (one) page;
9. Draft contract on 32 (thirty two) pages.

“RB Rail AS procurement “Rail Baltica Global Project Design Review and Approval Process Improvement (Six-Sigma)”

ANNEX NO 1: TECHNICAL SPECIFICATION

PLEASE SEE SEPARATE FILE “TECHNICAL SPECIFICATION RAIL BALTICA GLOBAL PROJECT DESIGN REVIEW AND APPROVAL PROCESS IMPROVEMENT (SIX-SIGMA)”

ANNEX NO 2: APPLICATION

**APPLICATION FOR PARTICIPATION IN THE PROCUREMENT
 "RAIL BALTICA GLOBAL PROJECT DESIGN REVIEW AND APPROVAL PROCESS IMPROVEMENT (SIX-SIGMA)"
 (ID NO. RBR 2023/16)**

Name of the Tenderer or all members of the partnership	
Registration number of the Tenderer or all members of the partnership¹³	
VAT payer registration number of the Tenderer or all members of the partnership	
Name, surname and position of the person authorized to represent the Tenderer or name of nominated representative (in case of established partnership)	
Legal address of the Tenderer or all members of the partnership	
Correspondence address of the Tenderer or all members of the partnership	
Bank of the Tenderer or all members of the partnership	
Bank code (SWIFT) of the Tenderer or all members of the partnership	
Bank account (IBAN) of the Tenderer or all members of the partnership	
Contact person and contact information of the Tenderer (name, surname, position, telephone number, e-mail)	

By submitting the Proposal, the Tenderer hereby:

1. Confirms participation in the Procurement "Rail Baltica Global Project Design Review and Approval Process Improvement (Six-Sigma)", ID No RBR 2023/16;
2. Confirms that, if the Tenderer will be awarded the Contract, the Tenderer will provide quality and timely performance of the contractual liabilities for the offered price and in accordance with the requirements of the Annex No 1 "Technical specification" of the Regulations and its Technical proposal;
3. 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 will fulfil all conditions of the Regulations as well as enter into a Contract in accordance with the Draft contract enclosed with the Regulations (Annex No 9) "Draft contract" of the Regulations);
4. Confirms that in the preparation and submission of its Proposal, Tenderer has fully considered all the clarifications issued by the Contracting authority;

¹³ Tenderer registered or residing outside of Latvia, if applicable, shall indicate VAT payer registration number assigned by the State Revenue Service in Latvia.

"RB Rail AS procurement "Rail Baltica Global Project Design Review
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5. 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;
6. Confirms that Tenderer's offered services are free from all liens, interests or other rights of third parties;
7. Confirms that Tenderer is not under investigation in relation with and has not been charged for any unlawful activity,
8. Agrees that the Contracting authority reserves itself the right to reject any or all Proposals and cancel the Procurement 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. Confirms¹⁴ that meets the criteria of (please indicate by ticking relevant box):

a small medium other

sized enterprise¹⁵ as defined in the Article 2 of the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprise.¹⁶

[date of signing]

[name and position of the representative of the Tenderer]

¹⁴ Tenderer must indicate size of enterprise for each member of the partnership, if the Tenderer is a partnership.

¹⁵ 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.

¹⁶ Available here - http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2003.124.01.0036.01.ENG&toc=OJ:L:2003:124:TOC

ANNEX NO 3: DESCRIPTION OF THE TENDERERS EXPERIENCE

**DESCRIPTION OF THE TENDERER’S EXPERIENCE FOR THE PROCUREMENT
“RAIL BALTICA GLOBAL PROJECT DESIGN REVIEW AND APPROVAL PROCESS IMPROVEMENT (SIX-SIGMA)”
(ID NO. RBR 2023/16)**

No	Client, client’s contact information for references (name of representative, phone, e-mail) ¹⁷	Period of the contract (month/year – month/year)	Description of the services provided what characterize required experience, stated in Section 8.4.1 of the Regulations ¹⁸ (The type of process/ project improved, The process/project complexity, The duration of the process improvement plan and implementation)
1.			
2.			
3.			
n+1			

[date of signing]

[name and position of the representative of the Tenderer]

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

¹⁸ Please provide detailed description of the previous experience.

ANNEX NO 4: DESCRIPTION OF PROJECT MANAGER’S EXPERIENCE

DESCRIPTION OF THE PROJECT MANAGER’S EXPERIENCE FOR THE PROCUREMENT “RAIL BALTICA GLOBAL PROJECT DESIGN REVIEW AND APPROVAL PROCESS IMPROVEMENT (SIX-SIGMA)” (ID NO. RBR 2023/16)

GENERAL INFORMATION:

_____ (Name, Surname), _____ (phone, e-mail) _____ (certification)

EXPERIENCE

For Project manager mentioned in Section 8.4.2 of the Regulations

No	Client, client’s contact information for references (name of the representative, phone, e-mail) ¹⁹	Period of provision of services (month/year – month/year)	Project	Description of the services provided (Type of process, the duration of the process improvement plan and implementation) ²⁰	Project is completed (please indicate “Yes” or “No”)
1.					
2.					
n+1					

ENGLISH LANGUAGE SKILLS²¹

Understanding		Speaking		Writing
Listening	Reading	Spoken interaction	Spoken production	
<i>Enter level</i>	<i>Enter level</i>	<i>Enter level</i>	<i>Enter level</i>	<i>Enter level</i>

Levels: A1/A2 - Basic user; B1/B2 - Independent user; C1/C2 - Proficient user.

¹⁹ In case of doubt, the Contracting authority has the right to contact the Client to verify that the services specified complies with the requirements set in Section 8.3.3.1 of the Regulations.

²⁰ If any, personal experience regarding Design and Engineering process improvement projects shall be added, as well as railway project experience.

²¹ Language skill level is based on Common European Framework of Reference for Languages (see <http://europass.cedefop.europa.eu/resources/european-language-levels-cefr>)

I confirm that I have consented that my candidature is proposed in the procurement "Rail Baltica Global Project Design Review and Approval Process Improvement (Six-Sigma)", ID No RBR 2023/16.

I confirm that in case the Tenderer [name of the tenderer or members of the partnership] will conclude the Contract as the result of the Procurement, I will participate as Project manager in the execution of the Contract.

[date of signing]

[signature]

[name of the Project manager]

ANNEX NO 5: OTHER ENTITIES ON WHOSE CAPACITY TENDERER RELIES**A LIST OF OTHER ENTITIES ON WHOSE CAPACITY
TENDERER RELIES TO MEET THE REQUIREMENT OF THE PROCUREMENT****"RAIL BALTICA GLOBAL PROJECT DESIGN REVIEW AND APPROVAL PROCESS IMPROVEMENT (SIX-SIGMA)"
(ID NO. RBR 2023/16)**

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 6: SUBCONTRACTORS

**A LIST OF THE SUBCONTRACTORS FOR THE PROCUREMENT
“RAIL BALTICA GLOBAL PROJECT DESIGN REVIEW AND APPROVAL PROCESS IMPROVEMENT (SIX-SIGMA)”
(ID NO RBR 2023/16)**

No	Name of the sub-contractor (registration No., legal address)	Description of the sub-contracted task	Sub-contracted tasks		Size of the enterprise ²²
			Amount, EUR (without VAT)	% from the proposed price	
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					
Total:					
II	Subcontractors the value of services to be provided by which amounts below EUR 10 000 (ten thousand euros)				
1					
2					
n+1					
Total:					
Total (I+II)					

[date of signing]

[signature]

[name and position of the representative of the Tenderer]

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

FINANCIAL PROPOSAL FOR THE PROCUREMENT**"RAIL BALTICA GLOBAL PROJECT DESIGN REVIEW AND APPROVAL PROCESS IMPROVEMENT (SIX-SIGMA)"
(ID NO. RBR 2023/16)**

The Tenderer [*name of the Tenderer*] offers to deliver Services in accordance with the Annex No 1 "Technical specification" for the following cost²³:

Total proposed contract price (EUR, without VAT)	
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Total proposed price EUR (excl. VAT) in words: _____.

[date of signing]

[name and position of the representative of the Tenderer]

²³ When preparing the Financial proposal, the rules of Section 12 of the Regulations shall be considered.

ANNEX NO 8: CONFIRMATION OF FINANCIAL STANDING

CONFIRMATION OF TENDERER’S FINANCIAL STANDING FOR THE PROCUREMENT “RAIL BALTICA GLOBAL PROJECT DESIGN REVIEW AND APPROVAL PROCESS IMPROVEMENT (SIX-SIGMA)” (ID NO. RBR 2023/16)

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 **EUR 40 000, 00 (forty thousand euros, 00 euro cents)**.

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		
Average annual turnover			
within the last 3 (three) financial years			

**If the financial turnover is in another currency than euro, for this Proposal it should be recalculated in euro in accordance with the currency exchange rate published by the European Central Bank on the proposal submission date²⁴.*

[date of signing]

[name and position of the representative of the Tenderer]

²⁴ Available here: https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/index.en.html

PLEASE SEE SEPARATE FILE "AGREEMENT FOR RAIL BALTICA GLOBAL PROJECT DESIGN REVIEW AND APPROVAL
PROCESS IMPROVEMENT (SIX-SIGMA)"