

REGULATIONS

FOR THE OPEN COMPETITION

“AUDIT SERVICES FOR 2025 - 2027”

(IDENTIFICATION NO RBR 2024/8)



**Co-funded by
the European Union**

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2024

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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 Services, substantially in the form enclosed in Annex No 9 "Draft Contract" of the Regulations;
- 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 2024/8);
- 1.6. **Key expert** – In the sense of this procurement procedure, the "Key expert" means the person proposed by Tenderer who is part of its personnel, and who, according to the conditions of the Technical Specification and Contract, will play an active role in the execution of the Contract in the service provision process.
- 1.7. **Open competition (also the Procurement)** - a procurement procedure "Audit services for 2025 - 2027" (identification number: RBR 2024/8) in which all interested Suppliers are entitled to submit their Proposals;
- 1.8. **Procurement commission** – commission the composition of which has been established by the Contracting authority, order No 1.9-2024-39 dated 20 September 2024;
- 1.9. **Proposal** - documentation package the Tenderer submits to participate in the Open competition.
- 1.10. **Regulations** – regulations of the Open competition "Audit services for 2025 - 2027" (identification number: RBR 2024/8), as well as all the enclosed annexes;
- 1.11. **Services** – the subject-matter of the Open competition is Audit services provision for 2025-2027 for RB Rail AS;
- 1.12. **Supplier** – a natural person or a legal person, a group or association of such persons in any combination thereof which offers to perform works, supply products or provide services accordingly;
- 1.13. **Tenderer** – a Supplier which has submitted a Proposal;
- 1.14. **VAT** – Value Added Tax.

2. GENERAL INFORMATION

- 2.1. The identification number of the Open competition is RBR 2024/8.
- 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 of the Republic of Latvia (hereinafter – 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 in Contracting authority's profile in the E-Tenders system on webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/134465> and on the webpage of the Contracting authority <http://railbaltica.org/tenders/>.
- 2.6. Amendments to the Regulations and answers to Suppliers' questions shall be published in Contracting authority's profile in the E-Tenders system on webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/134465> and 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 Open competition is Procurement Specialist, Ieva Zulkē, telephone: +371 27811589, e-mail: Ieva.Zulke@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 shall be requested in writing on the E-Tenders system or (only in case the Supplier does not have an access to the system yet) by sending it to the Procurement commission electronically to e-mail (please see Section 2.7 of the Regulations). 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) business days from the day of receipt of the request from the Supplier.
- 2.11. The Supplier covers all expenses which are related to the preparation of the Proposal and its submission to the Contracting authority. Under no circumstances will the Contracting authority be liable for compensation of any costs and damages related to the preparation and submission of the Proposal or the Supplier's participation in the Procurement exercise.

3. THE RIGHTS OF THE PROCUREMENT COMMISSION

- 3.1. The Procurement commission has the right to demand at any stage of the Open competition that the Tenderer submits all or part of the documents which certify Tenderer's compliance to the requirements for the selection of Tenderers. The Procurement commission does not demand documents or information which is already at its disposal or is available in public data bases.
- 3.2. If the Tenderer submits document derivatives (e.g. copies), then, in case of doubt about the authenticity of the submitted document derivation, the Procurement commission can demand that the Tenderer shows the original documents.
- 3.3. During the Proposal evaluation, 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 Open competition documents on Contracting authority's profile at the E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/134465> 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 publishes this information in Contracting authority's profile on the E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/134465> 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 in Contracting authority's profile on the E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/134465> 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 regarding the Procurement exercise (e.g., when amendments to the procurement package documentation are published) by email, Supplier shall register as an interested supplier on the E-Tenders system for the particular Procurement exercise accordingly.
- 4.5. The exchange and storage of information is carried out in such a way that all data included in the Proposals are 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.
- 4.6. The Procurement commission evaluates Tenderers and their Proposals based on the Public Procurement Law, Open competition documents, as well as other applicable regulatory enactments.
- 4.7. The Procurement commission prepares a report on the Open competition and publishes it in Contracting authority's profile on the E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/134465> and on the Contracting authority's <https://www.railbaltica.org/lv/tenders/> within 5 (five) business days from the day when the decision about the results of the Open competition is made.

5. THE RIGHTS OF THE TENDERER

- 5.1. The Tenderer has the right to submit registration documents for the registration on the Electronic Procurement System (if the Tenderer is not registered in Electronic Procurement System) in State Digital 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 session 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 related to Open competition, or related 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 Procurement is provision of audit services for 2025-2027 for RB Rail AS. The subject-matter of the Open competition is **not** divided into lots but service provision contains two service parts:

No	Service part
1.	Audit on annual RB Rail AS Financial statements
2.	Audit on Rail Baltica Global Project expenditure (eligible costs)

- 6.2. Services must be provided in accordance with Technical Specification of Regulations for Service part No 1 "Audit on annual RB Rail AS Financial statements" and Service part No 2 "Audit on Rail Baltica Global Project expenditure (eligible costs)."
- 6.3. **The Tenderer is not entitled to submit variants of the proposal. If variants of the Proposal will be submitted, the Proposals will not be reviewed.**
- 6.4. The applicable CPV code is: 79212000-3 (Auditing services).
- 6.5. **The contract price estimated by the Contracting authority is 570 000 EUR (five hundred seventy thousand euros), excluding VAT, and contract price proposed by Tenderer may not exceed this estimation (please see the Section 11.9 of the Regulations).**
- 6.6. The delivery of the Services will take place in Latvia, Lithuania and Estonia:
- 6.6.1. The delivery of Service for Service Part 1 will take place in Latvia;
- 6.6.2. The delivery of Service for Service Part 2 will take place in Latvia, Lithuania and Estonia.
- 6.7. Period of provision of Services is till 31 December 2028.

7. TENDERER

- 7.1. The Proposal can be submitted by:
- 7.1.1. A Supplier who is a legal or natural person (hereinafter – the Tenderer) which offers on the market to perform works, supply products or provide services accordingly and who complies with the selection criteria for Tenderers;
- 7.1.2. A group of Suppliers (hereinafter also – the Tenderer, partnership) which offer on the market to perform works, supply products or provide services accordingly and who complies with the selection criteria for Tenderers:
- (a) A group of Suppliers who have formed a partnership for the Open competition. In this case all the members of the partnership shall be listed in Annex No 2 "Application for participating in the Open competition". 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 (hereinafter – the Commercial Law), Division IX and X) and notify the Contracting authority in writing;
- (b) An established and registered partnership (a general partnership or a limited partnership within the meaning of the Commercial Law, 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 Open competition:**
- 7.2.1. **A Russian national, or natural 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 point 7.2.1. of this paragraph;**

or

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

7.2.3. a natural or legal person, entity or body acting on behalf or at the direction of an entity referred to in point 7.2.1. or 7.2.2. of this paragraph, including, where they account for more than 10% of the Contract value, subcontractors, suppliers or entities whose capacities are being relied on within the meaning of the Public Procurement Law of Latvia.

7.3. With reference to Section 15 of the Public Procurement Law and the Contracting Authority's discretion in the application of Section 15 of the Public Procurement Law, participation of any entities from the Russian Federation and/or the Republic of Belarus is prohibited.

8. SELECTION CRITERIA FOR TENDERERS

8.1. Exclusion grounds

Before making the decision to award the Contract, the Procurement commission 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 ²
8.1.1	<p>Within previous 3 (three) years before submission of the Proposal the:</p> <ul style="list-style-type: none"> - 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; - 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; - 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; - person on whose capacity Tenderer 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; 	<p>For a</p> <ul style="list-style-type: none"> - 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; - 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; - 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; - person on whose capacity Tenderer 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; - 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

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

No	Requirement	Documents to be submitted ²
	<ul style="list-style-type: none"> - beneficial owner³ of the Tenderer; - 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)⁴ 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>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> <ul style="list-style-type: none"> 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; 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; c) fraud, misappropriation, or money laundering; 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; e) human trafficking, f) of tax payments or payments equivalent thereto. 	<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"> - 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; - 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; - 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; - person on whose capacity Tenderer 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; - 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; <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>

³ 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.

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

No	Requirement	Documents to be submitted ²
		<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.⁵ 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"> - Tenderer; - partnership member, if 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 Tenderer is relying to certify its compliance with the requirements; - beneficial owner of the Tenderer; - 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) <p>have outstanding tax liabilities (including in the field of mandatory State social insurance):</p> <ol style="list-style-type: none"> a) in Latvia in accordance with the law “On Taxes and Fees” or b) in the country of registration or permanent place of residence thereof in accordance with the legal acts of the relevant foreign country 	<p>For a:</p> <ul style="list-style-type: none"> - Tenderer; - partnership member, if 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 Tenderer is relying to certify its compliance with the requirements; - beneficial owner of the Tenderer <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"> - Tenderer; - partnership member, if 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 Tenderer is relying to certify its compliance with the requirements; - beneficial owner of the Tenderer; <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>

⁵ 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 ²
		<p>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>
8.1.3.	<p>Insolvency proceedings have been announced, the business activities have been suspended, the business is under liquidation for a:</p> <ul style="list-style-type: none"> - Tenderer; - partnership member, if 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 Tenderer is relying to certify its compliance with the requirements. 	<p>For a:</p> <ul style="list-style-type: none"> - Tenderer; - partnership member, if 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 requirements; <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"> - Tenderer; - partnership member, if 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 requirements; <p><u>who is registered or residing outside of Latvia</u>, the person shall submit an appropriate statement from the competent authority of the country of registration or residence.</p>
8.1.4.	<p>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:</p> <ul style="list-style-type: none"> - Tenderer; - partnership member, if 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 Tenderer is relying to certify its compliance with the requirements; - beneficial owner of the Tenderer <p>within the meaning of Section 25, Paragraph one or two of the Public Procurement Law⁶ or is interested in the selection of one specific Tenderer and the Contracting authority has no</p>	<p>No obligation to submit documents, unless specifically requested by the Procurement commission.</p>

⁶ Here and hereinafter please see here: <https://likumi.lv/ta/id/287760-publisko-iepirkumu-likums>.

No	Requirement	Documents to be submitted ²
	possibility to prevent this situation by less restrictive measures with respect Tenderer.	
8.1.5.	<p>A:</p> <ul style="list-style-type: none"> - Tenderer; - partnership member, if 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 Tenderer is relying to certify its compliance with the requirements <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"> - Tenderer; - partnership member, if 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 Tenderer is relying to certify its compliance with the requirements <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"> - Tenderer; - partnership member, if 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 Tenderer is relying to certify its compliance with the requirements <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"> - Tenderer; - partnership member, if 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 Tenderer is relying to certify its compliance with the requirements <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 ²
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"> - Tenderer; - partnership member, if 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 Tenderer is relying to certify its compliance with the requirements <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"> 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 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. 	<p>No obligation to submit documents, unless specifically requested by the Procurement commission.</p>
8.1.8.	<p>Within the previous 3 (three) years before the submission of the Proposals a:</p> <ul style="list-style-type: none"> - Tenderer; - partnership member, if 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 Tenderer is relying to certify its compliance with the requirements <p>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</p>	<p>No obligation to submit documents, unless specifically requested by the Procurement commission.</p>

No	Requirement	Documents to be submitted ²
	<p>partner, or representative of the public partner has unilaterally withdrawn from the procurement contract, framework agreement, partnership procurement contract, or concession contract⁷.</p>	
<p>8.1.9.</p>	<p>Within the previous 3 (three) years before submission of the Proposals a:</p> <ul style="list-style-type: none"> - Tenderer; - partnership member, if 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 Tenderer is relying to certify its compliance with the requirements <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> <ol style="list-style-type: none"> 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 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>For a:</p> <ul style="list-style-type: none"> - Tenderer; - partnership member, if 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 Tenderer 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. <hr/> <p>For a:</p> <ul style="list-style-type: none"> - Tenderer; - partnership member, if 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 Tenderer 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.
<p>8.1.10.</p>	<p>A:</p> <ul style="list-style-type: none"> - Tenderer; - partnership member, if 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 Tenderer is relying to certify its compliance with the requirements <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</p>	<p>No obligation to submit documents, unless specifically requested by the Procurement commission.</p>

⁷ 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 ²
	<p>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>8.1.11.</p>	<p>A:</p> <ul style="list-style-type: none"> - Tenderer; - partnership member, if 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 Tenderer is relying to certify its compliance with the requirements <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>
<p>8.1.12.</p>	<p>A:</p> <ul style="list-style-type: none"> - Tenderer; - partnership member, if 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 Tenderer is relying to certify its compliance with the requirements; - 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) <p>is a legal person or association of persons is registered in an offshore⁸.</p>	<p>For a:</p> <ul style="list-style-type: none"> - Tenderer; - partnership member, if 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 requirements <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"> - Tenderer; - partnership member, if 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 requirements <p><u>who is registered or residing outside of Latvia</u>, the person shall submit an appropriate statement from the competent authority of the country of registration or residence.</p>

⁸ 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 ²
		<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"> - Tenderer; - partnership member, if 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 Tenderer is relying to certify its compliance with the requirements; - 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) <p>registered in Republic of Latvia, is a registered offshore company (legal person) or offshore association of persons.</p>	<p>For a:</p> <ul style="list-style-type: none"> - Tenderer; - partnership member, if 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 requirements; - person who has decisive influence on participation in the sense of the normative/regulatory acts who is registered in Latvia, the Contracting authority will verify the information itself in publicly available databases. <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> <p>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</p>	<p>- 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.</p>

No	Requirement	Documents to be submitted ²
	<p>Tenderer in operations in relation to a branch,</p> <p>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> <p>and such sanctions can affect the execution of the Contract.</p>	

8.2. Legal standing and suitability to pursue the professional activity

No	Requirement	Documents to be submitted
8.2.1.	<p>The Tenderer, all members of the partnership (if the Tenderer is a partnership), a person on whose capacity Tenderer relies and a subcontractor whose value of works to be performed or services to be provided is at least 10`000 euros of the contract price 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 the natural or legal persons.</p>	<ul style="list-style-type: none"> - For a Tenderer, a member of a partnership, a person on whose capacity Tenderer relies, a subcontractor, which is a legal person registered in Latvia, the Contracting authority will verify the information itself in publicly available databases. - For a Tenderer, a member of the partnership, a person on whose capacity Tenderer relies who is a natural person – a copy of an identification card or passport. - For a Tenderer, a member of a partnership, a person on whose capacity Tenderer relies, a subcontractor, which is a legal person registered abroad (with its permanent place of residence abroad) – a copy of a valid registration certificate or a similar document issued by a foreign authority in charge of the registration of legal persons in the country of their residence where from at least the fact of registration, shareholders, officials and procura holders (if any) can be determined. - If the Proposal is submitted by a partnership, the Proposal shall include an agreement (or 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. - If the Proposal or any other document, including any agreement, is not signed by the legal

No	Requirement	Documents to be submitted
		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.
8.2.2.	The representative of the Tenderer, a member of the partnership or a person on whose capacity 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, a member of a partnership or a person on whose capacity Tenderer relies respectively.	<ul style="list-style-type: none"> - For a Tenderer or a member of a partnership, or 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, or a person on whose capacity a Tenderer relies, which is a legal person registered outside of Latvia, Tenderer shall submit 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 documents contained in the Proposal. - 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 documents confirming that the issuer of the power of attorney has the right of signature (representation).

8.3. Economic and financial standing

No	Requirement	Documents to be submitted
8.3.1.	<p>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 (2021, 2022, 2023) is not less than 570 000 EUR (five hundred seventy thousand euros) per year.</p> <p>In the event the average annual financial turnover of a limited partner of the limited partnership (within the meaning of The Commercial Law, Division X) exceeds its investment in the limited partnership, the average financial turnover shall be recognized in the amount of the investment in the limited partnership.</p>	<ul style="list-style-type: none"> - Filled and signed Annex No 3 “Confirmation of Tenderer's financial standing”. - Audited or self-approved (if the annual financial statement is not required by the law of the country of residence of the Tenderer) annual financial statements for financial years 2021, 2022, 2023, 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

No	Requirement	Documents to be submitted
	<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>Contracting authority will verify the information itself in publicly available databases.</p> <ul style="list-style-type: none"> - For a limited partnership (within the meaning of the Commercial Law, Division X) - an additional document evidencing the amount of the investment by the limited partner (the partnership agreement or a document with a similarly binding legal effect). - If the previous 3 (three) reporting years of the Tenderer differ from the years specified in this Section 8.3.1 of the Regulations (2021, 2022, 2023), the financial turnover necessary must be indicated for the Tenderer's previous 3 (three) reporting years. - If the Proposal is submitted by a partnership, Tenderer shall indicate the member of the partnership on whose capacity Tenderer is relying to certify its financial and economic performance and who will be financially and economically responsible for fulfilment of the Contract including this information in the agreement of cooperation (or letter of intent to enter into agreement) stipulated in Section 8.2.1 of the Regulations. - 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, 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).
8.3.2.	<p>The Tenderer and each member of the partnership (if the Tenderer is a partnership) on whose capacity Tenderer is relying to certify its financial and economic performance and who will be financially and economically responsible for the fulfilment of the Contract and other entity on whose capacity Tenderer is relying to certify its financial and economic performance and who will be financially and economically responsible for the fulfilment of the Contract, shall have stable financial and economic performance, namely, <u>in the last audited financial year</u> liquidity ratio (current assets divided by short-term liabilities) shall be equal to or exceed 1 (one) and shall have positive equity.</p>	<ul style="list-style-type: none"> - Filled and signed Annex No 3 “Confirmation of Tenderer’s financial standing”. - Audited or self-approved (if the audited annual financial statement is not required by the law of the country of residence of the Tenderer) annual financial statement for the last audited financial year, showing the balance and calculation that proves liquidity ratio and positive equity. 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. - If the Tenderer is a partnership, 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, including this information in the agreement of cooperation or letter of intent to enter into agreement or in any other similar document, signed by all parties involved and submits it along

No	Requirement	Documents to be submitted
		with the Proposal (please see Section 9 of the Regulations for detailed information). - 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, 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 Section 9 of the Regulations for detailed information).
8.3.3.	Tenderer or at least one member of the partnership (if the Tenderer is a partnership) shall have a valid professional risk indemnity insurance: - with limit of liability at least in the amount set in Section 42, Paragraph 1 (for individual) or Paragraph 2 (for legal person) of the Law on Audit Services of Republic of Latvia ⁹ ; - limit mentioned before shall be for any insurance claim and in the aggregate for the policy period during whole term of performance of the Contract.	Documentation that proves its possession of a valid insurance certificate that meets requirements set in Section 8.3.3 of the Regulations or a written statement <u>of an insurance institution</u> specifying that in case the Tenderer is awarded the Contract, the insurance institution will issue the insurance certificate that meets requirements set in Section 8.3.3 of the Regulations.

8.4. Technical and professional ability

No	Requirement	Documents to be submitted
8.4.1.	The Tenderer is included in the Register of Certified Auditors of the Latvian Association of Certified Auditors and validity of its certificate has not been suspended and certificate has not been cancelled (for individual) or Tenderer is included in the Register of Companies of Certified Auditors of the Latvian Association of Certified Auditors and validity of its license has not been suspended and licence has not been cancelled (for legal person).	The Contracting authority shall verify the information itself in publicly available databases.
8.4.2.	Within the past 3 (three) years (2021, 2022, 2023) until the submission date of the Proposal Tenderer has provided audit services to at least 2 (two) companies where (both requirements were met within the framework of a single company audit): a) financial statements have been prepared in accordance with International Financial Reporting Standards (IFRS); and	Filled and signed Annex No 4 “Description of the Tenderer's experience” where the Tenderer's experience is clearly specified.

⁹ More information please see here: <https://likumi.lv/ta/en/en/id/20946-law-on-audit-services>

No	Requirement	Documents to be submitted
	b) audited company's balance sheet value in the audited year was at least 40 (forty) million euros and turnover in the audited year – at least 40 (forty) million euros.	
8.4.3.	Within the past 3 (three) years (2021, 2022, 2023) until the submission date of the Proposal Tenderer has audited at least 2 (two) European Union funded projects with the projects value at least 3 000 000 EUR (three million euros) each.	Filled and signed Annex No 4 "Description of the Tenderer's experience" where the Tenderer's experience is clearly specified.
8.4.4.	The impartiality and neutrality of the Tenderer or any of involved experts will not be jeopardised during the provision of audit services and the Tenderer or any of involved experts will not be in a conflict of interest when providing audit services. Impartiality and neutrality of the Tenderer or any of involved experts must be observed already on the last day of the proposal submission deadline.	<ul style="list-style-type: none"> - For Tenderer "Filled and signed Annex No 2 "Application for participation in the Open competition" where inter alia confirmation of impartiality and neutrality is stated from the Tenderer. - For proposed Key experts by Tenderer Filled and signed Annex No 5 "Description of the Expert's experience" where inter alia confirmation of impartiality and neutrality is stated from the proposed Key expert's. - <i>In case of doubt, the Procurement commission is entitled to request additional evidence.</i>
8.4.5.	The Tenderer ensures the involvement of at least the following Key experts in the performance of the Agreement, as well as ensures their availability:	Filled and signed Annex No 5 "Description of the Expert's experience" where the proposed Key expert's experience is clearly specified (please fill the relevant tables, e.g., Table 1 and/or Table 2 etc.).
8.4.5.1.	<p>A responsible sworn auditor (Key expert) who has:</p> <ol style="list-style-type: none"> 1) Valid Sworn Auditor's certificate issued by Latvian Association of Sworn Auditors (<i>Latvijas Zvērinātu revidentu asociācija</i>); 2) In the past 3 (three) years (2021, 2022 and 2023) until the submission date experience in at least 2 (two) audits of annual reports prepared in accordance with IFRS. 	The Tenderer can propose the same expert to fulfill the requirements of Section 8.4.5.1. and 8.4.5.2. of the Regulations.
8.4.5.2.	In the past 3 (three) years (2021, 2022 and 2023) until the submission date at least 1 (one) Key expert(s) has gained an experience in the audit ¹⁰ of public procurement procedures for at least 1 (one) client who is subject to national law on public procurement.	*Key experts proposed by the Tenderer, who will have acquired additional experience/certification in accordance with the requirements stipulated in the Section 18.2 of the Regulations, will be evaluated with points (please pay attention to the Section 18 "Contract Award Criteria" of Regulations for detailed explanation).

8.5. Information, provided in the Proposal to prove the compliance with above-mentioned requirements for Economic and financial standing (Section 8.3 of the Regulations) and Technical and professional ability (Section 8.4 of the Regulations) shall be clear and understandable without any additional analysis or

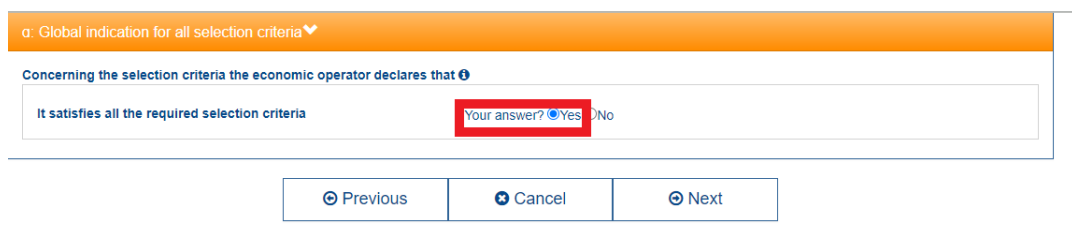
¹⁰ The term "audit" in this context (Section 8.4.5.2.) refers to a process that may include various forms of examination, review, verification, or assessment of public procurement procedures. It is not limited to formal audits and includes various methods of evaluation ensuring compliance with national procurement regulations.

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. Statements and other documents issued by competent authorities of the Republic of Latvia in the cases referred to in Public Procurement Law of the Republic of Latvia shall be accepted and recognised 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 recognised 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. This rule does not apply to specialist's diploma providing relevant level of education, fact of registration supporting documents, copies of ID cards, passports, marriage certificates or documents certifying economic standing of the Tenderer.
- 8.7. If the documents with which a Tenderer registered or permanently residing abroad can certify its compliance with the requirements of Section 8.1 of the Regulations are not issued or these documents are insufficient, such documents can be replaced with an oath or, if the regulatory enactments of the country in question do not allow for an oath, - with a certification by the Tenderer or by another person mentioned in Section 8.1 of the Regulations before a competent executive governmental or judicial institution, a sworn notary or a competent organization of a corresponding industry in their country of registration (permanent residence). Regarding all documents submitted based on an oath given under law (e.g., sworn-statements, declarations on oath etc.), the Tenderer must provide (indicate) legal grounds to law or enactment in accordance with such statements or declarations on oath have been given.
- 8.8. Exclusion grounds mentioned in the Section 8.1 of the Regulations applies to the Tenderer and any of the following persons:
 - 8.8.1. 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;
 - 8.8.2. a member of a partnership, if the Tenderer is a partnership – exclusion grounds mentioned in the Section 8.1.14 of Regulations;
 - 8.8.3. 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;
 - 8.8.4. Tenderer's beneficial owner – exclusion grounds mentioned in the Section 8.1.1 – 8.1.2 and 8.1.4 of the Regulations.
- 8.9. 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.
- 8.10. 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. If any of the requirements related to the exclusion grounds (Section 8.1. of the Regulations) differ from the requirements specified in the Public Procurement Law and Section 11.¹ of the Law On International Sanctions and National Sanctions of the Republic of Latvia, the requirements of regulatory enactments

shall prevail and the Procurement commission shall act in accordance with requirements specified in the relevant regulatory enactments.

- 8.11. 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. If the Tenderer complies with any of the exclusion grounds mentioned in Section 8.1 of the Regulations (except Section 8.1.2 of the Regulations), the Tenderer indicates this fact in the Annex No 2 "Application for participating in the Open competition" of the Regulations. If the Tenderer to whom the Contract should be awarded will comply with any of exclusion grounds mentioned in this Section, 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 all persons on whose capacity it relies in the Proposal by filling in the table which is attached as an Annex No 6 "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 can 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 Tenderer will in fact use the resources of such person upon whose capacity it relies.

- 9.1.3. If the Tenderer relies on the capacities of a person, which is partially owned by the Tenderer, or which partially owns the Tenderer, such a party must also submit the document specified in this Section.
- 9.1.4. The Contracting authority shall require joint and several liability for the execution of the Contract between the:
 - (a) 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;
 - (b) 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 all subcontractors of the Tenderer in the Proposal by filling in the table which is attached as Annex No 7 “Subcontractors” 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 as Annex No 8 “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:
 - 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 if applicable.

- 11.3. 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. The costs shall be specified in EUR.
- 11.5. 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.
- 11.6. The prices are fixed for all the term of the fulfillment of the Contract and are not recalculated except in cases stipulated in the Contract (if any).
- 11.7. If 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.
- 11.8. If the Tenderer indicated the offered contract price in 00,00 EUR for any of the offered services in the Financial proposal, the Tenderer must provide detailed explanation of the essential conditions of the proposal (service costs, particularly favorable service conditions, service characteristics and originality, opportunities to receive business support) available to cover the specified service costs.
- 11.9. **If the total proposed contract price for the Services will exceed 570 000 EUR (five hundred seventy thousand euros) excl. VAT, the Financial proposal will be deemed non-compliant and will not be evaluated.**

12. CONTENTS AND FORM OF THE PROPOSAL

- 12.1. Proposal must be submitted electronically on E-Tenders subsystem of the Electronic Procurement System in accordance with the following options for the Tenderer:
 - 12.1.1. by using the available tools of E-Tenders subsystem, filling the attached forms of the E-Tenders subsystem for the Open competition;
 - 12.1.2. 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);
 - 12.1.3. 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).
- 12.2. During preparation of the Proposal, Tenderer shall respect the following requirements:
 - 12.2.1. Each document mentioned in Section 12.3 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/134465>) in a Microsoft Office 2010 (or later) format and attached to the Procurement;
 - 12.2.2. Upon submission, the Tenderer must sign the Proposal with a secure electronic signature and a time seal **or** with electronic signature provided by Electronic Procurement System. The Tenderer can use a certified electronic signature¹¹ and valid time seal and sign each document mentioned in Section 12.4 of the Regulations and other documents separately. The Proposal (its parts, if signed separately) shall be signed by an authorised person, including its authorisation document

¹¹ Issued by organisation, which is included in the Trusted list according to the 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.

(e.g. power of attorney) *expressis verbis* stating the authorisations to sign, submit and otherwise manage the documents.

- 12.3. Documents to be included in the Proposal:
- 12.3.1. Application for participating in the Open competition (form enclosed as Annex No 2 of the Regulations);
 - 12.3.2. Financial proposal (please see the Section 11 of the Regulations; form enclosed as Annex No 8 of the Regulations);
 - 12.3.3. Information and documents confirming compliance of the Tenderer with the selection criteria for the Tenderers (please see the Section 8 of the Regulations; forms enclosed as Annex No 3 and 4 of the Regulations) or the corresponding ESPD;
 - 12.3.4. Information and documents confirming compliance of the Key expert with the selection criteria for the Key expert (please see the Section 8 of the Regulations; forms enclosed as Annex No 5 of the Regulations) or the corresponding ESPD;
 - 12.3.5. Information and documents related to other entities on whose capacity the Tenderer relies (please see the Section 9 of the Regulations; form enclosed as Annex No 6 of the Regulations), or the corresponding ESPD;
 - 12.3.6. Information and documents related to subcontractors (please see the Section 10 of the Regulations; form enclosed as Annex No 7 of the Regulations) or the corresponding ESPD;
 - 12.3.7. Document (a certified copy of certificate or any other document proving relevant qualification) confirming compliance of the Tenderer with the evaluation criteria for the Tenderers set in Section 18.2.3 of the Regulation, and Annex No 5 of the Regulations;
 - 12.3.8. Annex No 5 of the Regulations filled in and signed by the relevant Key expert confirming compliance of the Tenderer with the evaluation criteria for the Tenderers set in Section 18.2.4 of the Regulations.
- 12.4. 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.
- 12.5. The Proposal must be signed by a person who is legally representing the Tenderer or is authorized to represent the Tenderer in this Open competition (please see the Section 8.2.2 of the Regulations).
- 12.6. The Tenderer shall prepare Proposal in electronic form using the E-Tenders system available at <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/134465>.
- 12.7. **The Proposal must be submitted in English or Latvian (if submitted in Latvian, translation in English must be provided together with the Proposal).**

13. ENCRYPTION OF THE PROPOSAL INFORMATION

- 13.1. E-Tenders system which is a subsystem of the Electronic Procurement System ensures first level encryption of the information provided in the Proposal documents.
- 13.2. If the Tenderer applied additional encryption to the information in the Proposal (according to Section 12.1.3 of the Regulations), Tenderer must provide the Procurement commission the electronic key with the password to unlock the information not later than in 15 (fifteen) minutes after the deadline of the Proposal submission.

14. SUBMISSION OF A PROPOSAL

- 14.1. The Proposal (documents referred to in the Section 12.3 of the Regulations) shall be submitted electronically using the E-Tenders system available at <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/134465> by:

16 December 2024 till 11:00 (Riga time).

- 14.2. 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.
- 14.3. Only Proposals submitted on E-Tenders system will be accepted and evaluated for participation in the Open competition. Any Proposal submitted outside the E-Tenders system will be declared as submitted in a non-compliant manner and will not participate in the Open competition.

15. OPENING OF PROPOSALS

- 15.1. The Proposals will be opened on the E-Tenders system on **16 December 2024** 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.
- 15.2. The Proposals will be opened by using the tools offered by E-Tenders system. The proposed contract price and other information that characterizes the Proposal (excluding confidential information) will be published in the E-Tenders system.
- 15.3. The information regarding the Tenderer, the time of submission of Proposal, the proposed contract price and other information that characterizes the Proposal is generated by E-Tenders system at the opening of the Proposals and written down in the Proposal opening sheet which will be published on E-Tenders system and Contracting authority's webpage.

16. VERIFICATION OF PROPOSALS FOR COMPLIANCE

- 16.1. Following of the opening of Proposals the Procurement commission shall proceed with the verification of compliance of Proposals received. The Procurement commission evaluates the Proposals in a closed session. The Procurement commission is entitled to perform evaluation of the compliance for the Tenderer to whom the rights to conclude the Contract may be assigned only.
- 16.2. The Procurement commission verifies whether the submitted Proposals comply with the requirements stipulated in Section 12 of the Regulations and whether all required information and documents are submitted and selects for further evaluation the compliant Proposals.
- 16.3. The Procurement commission verifies whether the Tenderers comply with the selection criteria stipulated in the Section 8.2. – 8.4 of the Regulations and selects compliant Tenderers for further evaluation.

17. VERIFICATION OF FINANCIAL PROPOSALS

- 17.1. The Procurement commission verifies whether the submitted Financial proposal comply with the requirements stipulated in the Section 11 of the Regulations and Tenderers have filled-in the Annex No 8 “Financial proposal” of the Regulations in accordance with the requirements.
- 17.2. The Procurement commission verifies whether there are any arithmetical errors, whether an abnormally low Proposal has been received, as well as assesses and compares the contract prices proposed.
- 17.3. The Procurement commission informs the Tenderer whose arithmetical errors have been corrected about the correction of arithmetical errors and the corrected Financial proposal.
- 17.4. When evaluating the Financial proposal, Procurement commission takes corrections into account.
- 17.5. The Procurement commission has the right to demand that Tenderer explains the calculation upon which the Financial proposal is based and other related aspects to ascertain the objectivity of the Financial proposal and whether an abnormally low Proposal has been submitted.

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

18. CONTRACT AWARD CRITERIA

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

No	Evaluation criteria	Maximum possible score
18.2.1.	Financial proposal for Service Part I "Audit on annual RB Rail AS financial statements" which will be evaluated in accordance with Section 18.3 sub-section a) of the Regulations.	40
18.2.2.	Financial proposal for Service Part II "Audit on Rail Baltica Global Project expenditure (eligible costs)" which will be evaluated in accordance with Section 18.3 sub-section b) of the Regulations.	30
18.2.3.	At least 1 (one) Key expert has the Association of Chartered Certified Accountants (ACCA) qualification or equivalent international qualification for certified accountants.	15
18.2.4.	At least 1 (one) Key expert in the past 3 (three) years (2021, 2022 and 2023) until the submission date has gained an experience in audits on Connecting Europe Facility (CEF) funded projects.	15
Total		100

- 18.3. **Financial proposals for each Service part shall receive points in accordance with the following formulas:**

- a) Financial proposal for Service Part I "Audit on annual RB Rail AS financial statements":

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

- b) Financial proposal for Service Part II "Audit on Rail Baltica Global Project expenditure (eligible costs)":

$$points = \frac{\text{lowest proposed Unit price from the compliant proposals}}{\text{Tenderer's proposed Unit price}} \times 30$$

- 18.4. **Qualification mentioned in Section 18.2.3 of the Regulations will be evaluated as follows:**

- 18.4.1. if Tenderer propose at least 1 (one) Key expert who has the ACCA qualification or equivalent international qualification for certified accountants, the Proposal will receive 15 (fifteen) points;
- 18.4.2. 15 (fifteen) points are the maximum possible amount of points that one Key expert can obtain for qualification required according to Section 18.2.3 of the Regulations. Extra points for additional expert are not envisaged, but Tenderer can propose more than 1 (one) Key expert for execution of the contract.

- 18.5. **Qualification mentioned in Section 18.2.4 of the Regulations will be evaluated as it follows:**

- 18.5.1. if Tenderer propose at least 1 (one) Key expert who in the past 3 (three) years (2021, 2022 and 2023) until the submission date of the Proposal has gained an experience in audits on Connecting Europe Facility (CEF) funded projects, the Proposal will receive 15 (fifteen) points;
- 18.5.2. 15 (fifteen) points are the maximum possible amount of points that one Key expert can obtain for experience required according to Section 18.2.4 of the Regulations. Extra points for additional expert are not envisaged, but Tenderer can propose more than 1 (one) Key expert for execution of the contract.
- 18.6. The Tenderer can propose the same expert to fulfill the requirements of Section 18.2.3. and 18.2.4. of the Regulations.
- 18.7. The Procurement commission shall obtain the final score for each Proposal by summing up all points that particular Proposal obtained in accordance with the procedures set out in Section 18.3 – 18.5 of the Regulations and dividing by the number of members of Procurement commission participated in the evaluation. The points obtained are calculated and indicated with an accuracy of 2 (two) decimal places after comma. The Contract will be awarded to the Tenderer whose Proposal obtains the highest final score according to Section 18.2 – 18.5 of the Regulations.
- 18.8. In case several Proposals will obtain equal highest final score (points), the Procurement commission will award the right to conclude the Contract to the Tenderer which will obtain higher score for its Financial proposal for Service Part I “Audit on annual RB Rail AS financial statements”. 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.

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

- 19.1. Prior to making the decision about assigning rights to conclude the Contract, Procurement commission performs a check regarding the existence of grounds of exclusion for Tenderers, members of a partnership (if the Tenderer is a partnership), persons on whose capacity Tenderer is relying to certify its compliance with the requirements and subcontractors.
- 19.2. 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.
- 19.3. If the Tenderer fails to submit required evidence before the deadline, the Procurement commission excludes the Tenderer from participation in the Open competition.

- 19.4. 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.
- 19.5. 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 – 8.1.14 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 the information and if the Procurement commission deems the measures taken to be sufficient for the restoration of reliability and the prevention of similar cases in the future, it makes the decision not to exclude the 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, the Procurement commission excludes the Tenderer from participation in the Open competition.

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

- 20.1. The Procurement commission selects Tenderers in accordance with the set selection criteria for the 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.
- 20.2. Within 3 (three) business days from the date of decision about the Open competition results 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:
 - 20.2.1. to the rejected Tenderer - the reasons for rejecting its Proposal;
 - 20.2.2. to the Tenderer who has submitted compliant Proposal - the characterization of the successful Proposal and the relative advantages;
 - 20.2.3. the deadline by which the Tenderer may submit a complaint to the Procurement Monitoring Bureau regarding violations of the public procurement procedure.
- 20.3. If only 1 (one) Tenderer complies with all Tenderer selection requirements, the Procurement commission prepares and includes in the Open competition report a justification of the fact that the set requirements for Tenderer selection are objective and commensurate. If the Procurement commission cannot justify that the set requirements for Tenderer selection are objective and commensurate, Procurement commission makes the decision to terminate the Procurement.
- 20.4. If the Procurement is terminated, the Procurement commission within 3 (three) business days simultaneously informs all Tenderers about all the reasons because of which the Open competition is terminated and informs about the deadline within which a Tenderer may apply to the Procurement Monitoring Bureau regarding the violations of the public procurement procedure.
- 20.5. 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.
- 20.6. As soon as possible but not later than within 5 (five) working days from day when the decision about the results of the Open competition is taken, Procurement commission prepares a report on 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/134465> and on Contracting authority's webpage <https://www.railbaltica.org/lv/tenders/>.

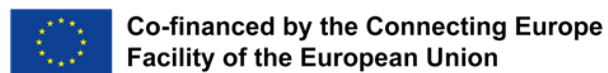
- 20.7. **The selected Tenderer upon receiving the notification from Procurement commission must:**
- 20.7.1. within 5 (five) business days – to submit to the Contracting authority a copy of partnership agreement or notification regarding the establishment of the partnership, if required pursuant to requirements under Section 7.1.2. (a) of the Regulations;
 - 20.7.2. within 5 (five) business days – to submit to the Contracting authority a copy valid insurance certificate that meets the requirements set in Section 8.3.3 of the Regulations;
 - 20.7.3. within 10 (ten) days upon receiving the invitation - to sign the Contract.
- 20.8. The Contract shall be concluded based on the selected Tenderer's Proposal and in accordance with Annex No 9 "Draft contract" of the Regulations.
- 20.9. The Procurement commission has the right to choose the next most economically advantageous proposal, if the Tenderer in the time stipulated by the Regulations:
- 20.9.1. refuses to conclude a partnership contract 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 contract, or does not inform of the founding of a partnership company;
 - 20.9.2. does not submit a copy of valid insurance certificate that meets the requirements set in Section 8.3.3 of the Regulations;
 - 20.9.3. refuses to conclude the Contract or does not submit a signed Contract within the deadlines defined in the Regulations.
- 20.10. In any of such a case mentioned in Section 20.9 of the Regulations the Procurement commission is entitled to terminate this Open competition without selecting any Proposal or to select the next most economically advantageous proposal. For either of these decisions a written decision must be made.
- 20.11. 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 20.7 of the Regulations, the Procurement commission decides to terminate the Open competition without selecting any Proposal.
- 20.12. Contracting authority may suspend the announced procurement procedure at any time, if there is an objective reason for that.

ANNEXES:

1. Technical specification on 9 (nine) pages;
2. Application for participation in the Open competition on 3 (three) pages;
3. Confirmation of the Tenderer's financial standing on 2 (two) pages;
4. Description of the Tenderer's experience on 1 (one) page;
5. Description of the Expert's experience on 5 (five) pages;
6. A list of other entities on whose capacity Tenderer relies on 1 (one) page;
7. A list of the subcontractors on 1 (one) page;
8. Financial proposal on 1 (one) page;
9. Draft contract on 29 (twenty - nine) pages.

ANNEX NO 1: TECHNICAL SPECIFICATION

**TECHNICAL SPECIFICATION FOR THE OPEN COMPETITION
"AUDIT SERVICES FOR 2025 - 2027"
(ID NO RBR 2024/8)**



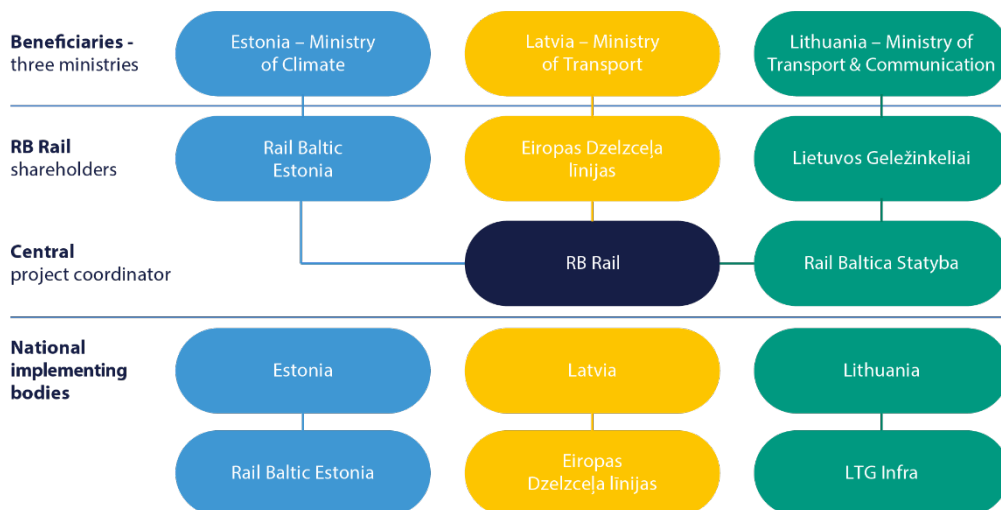
Riga
2024

1. INTRODUCTION TO RAIL BALTICA

Rail Baltica is a greenfield rail transport infrastructure project aiming to integrate the Baltic States into the European rail network. Spanning five European Union countries—Poland, Lithuania, Latvia, Estonia, and indirectly, Finland—it will connect major cities including Helsinki, Tallinn, Pärnu, Riga, Panevežys, Kaunas, Vilnius, and Warsaw. Rail Baltica is a part of the EU’s North Sea-Baltic TEN-T corridor as well as to become a part of the Baltic Sea - Black Sea - Aegean Sea TEN-T corridor.

With a length of almost 900 km, Rail Baltica is designed for both passenger and freight traffic, featuring a maximum speed of 249 km/h for passengers and 120 km/h for freight. Environmentally friendly, it will be fully electrified, producing less noise and vibration. The project represents a substantial investment of over €5 billion and is spearheaded by Estonia, Latvia, and Lithuania, supported by EU funding through the Connecting Europe Facility (CEF).

The Baltic States are the owners of Rail Baltica future infrastructure. The central coordinator and delivery organization of the global project is RB Rail AS – a joint venture of the Baltic States. The national implementing bodies Rail Baltic Estonia in Estonia, Eiropas Dzelzceļa līnijas in Latvia and LTG Infra in Lithuania are responsible for national track construction, design and build of Rail Baltica international and regional stations and terminals under the supervision of the joint venture.



Rail Baltica prioritizes sustainability, safety, and modernity. Utilizing the latest technologies and materials, it adheres to stringent safety standards, including the European Railway Traffic Management System (ERTMS) for train control and safety measures such as two-level crossings and full fencing. Passenger stations will offer convenient access and amenities, while new intermodal freight terminals will facilitate efficient cargo transfer between transport modes. In addition to passenger travel, businesses will be able to use Rail Baltica for freight transport and logistics.

The new railway will make it easier for companies to provide services across the entire region and take advantage of new growth opportunities. Fast and reliable cargo services will ensure better access to the European market and companies in the Baltic States will become more competitive at global level. Railways are significantly and measurably more environmentally friendly than other forms of transport. Rail Baltica will be fully electrified, thereby reducing CO2 emissions to the lowest possible levels.

Rail Baltica will contribute to the security of the Baltic States by establishing railway connectivity with their allies in Europe and improving military logistics in the entire region. By aligning rail gauge and other technical

parameters with the European railways, Rail Baltica will be part of European Military mobility Rail Baltica aims for full interoperability, enhancing connectivity within the North Sea Baltic transport corridor.

By 2030, it aims to complete the corridor with its emphasis on sustainability, safety, and modernity, Rail Baltica represents a significant step towards a more integrated, efficient, and environmentally friendly transportation network in the Baltic region and beyond.

2. SCOPE OF THE SERVICES

The below-mentioned Services (Service Part I and Service Part II) should be provided for the reporting periods 2025 – 2027.

Only audit services for the Contracting authority described in the Service Part I is guaranteed amount of Service. Audit services under the Service Part II is subject to audit needs (please see indicative number of audits in Section 2.2.1 of the Technical specification) and audit requirements (please see information about conditions and requirements for audit in Section 2.2.3 of the Technical specification).

2.1. SERVICE PART I - AUDIT ON ANNUAL RB RAIL AS FINANCIAL STATEMENTS

The Contractor undertakes to carry out an audit of the RB Rail AS financial statements for the financial year 2025, 2026 and 2027. The audit shall be carried out in accordance with the Law of Audit Services of the Republic of Latvia and the International Standards on Auditing (ISA).

All financial data of RB Rail AS branches (including invoices and other supporting documents) are available in Riga. Currently, the branch in Lithuania is obliged to submit an annual Corporate Income Tax return and the branch in Estonia prepares a concise annual report, consisting of management report, balance sheet, income statement and selective notes. Currently, no formal auditor’s report on any of these branch documents is required in Lithuania and Estonia.

At present the RB Rail AS prepares two sets of financial statements each year (both are subject to audit by the Contractor):

1. Statutory financial statements in line with the Law on the Annual Financial Reports and Consolidated Financial Reports of the Republic of Latvia;
2. Financial statements prepared according to International Financial Reporting Standards (IFRS) required by the shareholders.

The two principal differences in accounting policies used in those reports arise from not applying requirements of IFRS 9 and IFRS 16 in the annual reports of RB Rail AS prepared in accordance with the Law on Annual Financial Reports and Consolidated Financial Reports of the Republic of Latvia.

RB Rail AS performs monthly closing every month, but recognizes financing income once a year based on actual costs incurred for the calendar year, therefore audit of income can start only after closing costs for the year. General ledger entries are to be closed by 7th of February, draft annual reports to be prepared by 14th of February. Auditors’ reports on both annual reports have to be ready by 1st March and presented in Latvian and English.

RB Rail AS financial information*

Indicator	2023	2024**	2025**	2026**	2027**
	mEUR	mEUR	mEUR	mEUR	mEUR
Operating (financing) income	24.6	35.4	51.7	49.0	43.0
Profit/ (Loss)	0	-	-	-	-
Total assets	62.9	69.5	72.0	70.0	44.0
Non-current assets	0.6	0.7	0.7	0.8	0.9

Number of staff	201	242	241	237	233
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*Based on accounting statements in line with the Law on the Annual Financial Statements and Consolidated Financial Statements of the Republic of Latvia. Full Annual Reports are available on Rail Baltica web-site <https://www.railbaltica.org/project-implementers/main-coordinator/rb-rail-as-documentation/>.

** 2024 – budgeted, 2025-2027 –forecast

Contractor may be required to provide information to auditors of RB Rail AS shareholders, which own 33,33% of its shares each, as a component auditor according to ISA 600. Formal full group reports are not required, and the total time spent on such requests is expected to be limited to 8 (eight) hours each year.

2.2. SERVICE PART II - AUDIT ON RAIL BALTICA GLOBAL PROJECT EXPENDITURE (ELIGIBLE COSTS)

The Contractor undertakes to perform agreed upon procedures regarding the eligibility of the costs (and, if relevant, also revenues) declared under Grant agreements on Rail Baltica Global Project and to issue Certificates on the Financial Statements¹² (hereinafter – CFS) referred to in Article 24 of the Grant Agreements concerning the Financial Statements of for reporting periods covering years 2025, 2026 and 2027 drawn up by RB Rail AS and entities that participate as beneficiaries or affiliated entities of the respective Grant Agreement (hereinafter together – Participants, please see Section 2.2.2 of the Technical specification). Financial statements prepared by the Participants may include previous years for which a CFS has not been submitted.

CFS must be provided for Participants, provided that it is required under the respective Grant agreement and that certain thresholds are met (as indicated in Section 2.2.3). The purpose of the CFS is to provide the EU granting authority (CINEA) with findings to be able to assess whether costs that are declared on the basis of actual costs or costs according to usual cost accounting practices (if any) and, if relevant, also revenues comply with the conditions set out in the Grant agreement. Financial statements prepared by the Participants will include reporting periods in accordance with the Grant Agreements, CINEA requirements, Technical Specifications and also in accordance with the requirements of other national legislation and standards.

2.2.1. Information about the Grant Agreements and audit needs

Currently there are 6 (six) signed Grant Agreements financed under CEF for the implementation of Rail Baltica Global Project with reporting periods that covers years 2025, 2026, 2027.

Please see detailed information below.

No	Grant Agreement No. - Abbreviation	Signed on	Eligibility Period	Total eligible costs as per signed Grant Agreement, EUR	Number of Participants	Total reporting periods	Indicative number of audits for period 2025-2027*
1.	101079279-21- EU-TC-RBGP Part VII C – CEF8	19.10.2022	01.01.2022 - 31.12.2026	422 629 844,00	7	3	14
				15 469 179,44	RB Rail AS		
				1 671 569,03	MoC-EE		
				139 089 800,00	MoT-LV		
				30 320 772,28	MoTC-LT		
				6 908 248,37	EDzL		
				132 233 526,75	RBE		
96 936 748,13	LTGI						
2.	101122614-22- EU-TC-RBGP Part VIII C – CEF9 COH	09.10.2023	01.02.2023 - 31.12.2027	411 321 203,26	9	3	15
				21 951 134,01	RB Rail AS		
				8 076 010,87	MoC-EE		

¹² Available https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/common/temp-form/report/cfs_en.docx, CFS template subject to updates from CINEA, to be published here: <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/reference-documents>

				96 742 385,53	MoT-LV		
				22 922 666,85	MoTC-LT		
				8 251 200,00	EDzL		
				63 079 444,58	RBE		
				189 698 361,42	LTGI		
				570 000,00	Maa-met		
				30 000,00	TTJL		
3.	101122611-22- EU-TG-RBGP Part VIII G – CEF9 GEN	09.10.2023	01.02.2023 - 31.12.2027	713 437 284,92	9	3	14
				35 215 686,98	RB Rail AS		
				2 451 701,23	MoC-EE		
				248 863 480,90	MoT-LV		
				232 666,67	MoTC-LT		
				23 768 984,35	EDzL		
				156 357 177,64	RBE		
				246 347 587,15	LTGI		
				100 000,00	Maa-met		
				100 000,00	TTJL		
4.	101175270- 23- EU-TC-RBGP Part IX C – CEF10 COH	18.10.2024	01.02.2024 - 31.12.2028	858 773 302,96	8	3	16
				14 757 274,96	RB Rail AS		
				7 327 447,50	MoC-EE		
				196 509 200,00	MoT-LV		
				669 208,00	MoTC-LT		
				8 828 172,00	EDzL		
				236 077 530,50	RBE		
				388 924 470,00	LTGI		
				5 680 000,00	Maa-met		
5.	101175278-23- EU-TG-RBGP PART IX G - CEF10 GEN	16.10.2024	01.02.2024 - 31.12.2028	536 201 985,27	7	3	14
				14 037 804,15	RB Rail AS		
				250 000,00	MoC-EE		
				187 484 800,00	MoT-LV		
				224 260,00	MoTC-LT		
				4 428 815,00	EDzL		
				190 348 134,01	RBE		
				139 428 172,11	LTGI		
6.	101155871 — 23-LV-TM- RBMMLV-CEF2- 3MM – MM3	25.03.2024	01.07.2024 - 30.07.2027	103 102 358,00	1**	1	1
				1 399 921,00	RB Rail AS		
7.	Other Grant Agreements***	n/a	n/a	n/a	n/a	n/a	16
Total:							90

* CFS is subject to Grant Agreement requirements and condition if the Participant requests CINEA a reimbursement of actual costs of at least EUR 325 000.

** Audit is expected only for Contracting authority (RB Rai AS).

*** Other Grant Agreements may become available within the auditing period (2025-2027). Information on future Grant Agreements, audit needs and requirements is not yet readily available.

2.2.2. Information about the Participants

According to Grant Agreements, Participants are entities participating in the action as beneficiaries, affiliated entities, associated partners, third parties giving in-kind contributions, subcontractors or recipients of financial support to third parties. Whereas beneficiaries are the signatories of Grant Agreements, affiliated entities are

entities affiliated to a beneficiary which participate in the action with similar rights and obligations as the beneficiaries (obligation to implement action tasks and right to charge costs and claim contributions).

Participants of the Grant Agreements with the obligation to implement action tasks and right to charge costs and claim contribution, are:

- 1) RB Rail AS (RBR) – the Coordinator;
- 2) Ministry of Transport of the Republic of Latvia (MoT-LV) – the Beneficiary;
- 3) Ministry of Transport and Communications of the Republic of Lithuania (MoTC-LT) – the Beneficiary;
- 4) Ministry of Climate of the Republic of Estonia (MoC – EE) – the Beneficiary;
- 5) Rail Baltic Estonia OU (RBE) – Affiliated Entity;
- 6) Sabiedriba ar ierobežotu atbildību “Eiropas dzelzceļa līnijas” (EDzL) - Affiliated Entity;
- 7) AB “LTG Infra” (LTGI) – Affiliated Entity;
- 8) MAA-AMET (Maa-amet) – Affiliated Entity;
- 9) TARBIJAKAITSE JA TEHNILISE JARELEVALVE AMET (TTJA) – Affiliated Entity.

2.2.3. Information about conditions and requirements for audit

In accordance with Article 21.2 of the Grant Agreement, the Coordinator (Contracting authority, within the meaning of these Regulations) shall submit a Periodic report to request payments to CINEA in accordance with the schedule and modalities set out in the Data Sheet (Point 4.2) of the Grant Agreements at least every two years. Periodic report includes a technical and financial part, and financial part shall consist of Financial statements and Detailed costs reporting tables for all Participants.

In accordance with Article 21.2. and 24.2 of the Grant Agreement, the Periodic report shall be accompanied by the CFS which shall be produced by a qualified approved external auditor and drawn up in accordance with template provided by CINEA¹³. Verification must be carried out according to the highest professional standards to ensure that the financial statements comply with the provisions under the Grant Agreements, that the costs declared are eligible and that they are accurately recorded in the Participants accounting system.

In accordance with Article 21.2 and 24.2 and the Data Sheet (Point 4.3) of the Grant Agreement, CFS is mandatory if Participant requests reimbursement of actual costs at least EUR 325 000 (including previous reporting periods without CFS) for each Beneficiary and Affiliated entity separately.

Periodic report normally should be submitted within 60 days after the end of the reporting period. Extension may be requested to CINEA not exceeding 120 days of additional time (on top of the 60 days) to submit the periodic report.

The certificate on the financial statements is composed of three separate documents:

- 1) **the Terms of Reference** - to be signed by the Participant and the Auditor;
- 2) **Agreed-upon procedures (AUP) checklist** – includes procedures to be carried out by the Auditor, checklist to be signed by the Auditor;
- 3) **Agreed-upon procedures Report on the Certificate on the Financial Statement (CFS)** - to be issued on the Auditor’s letterhead, dated, stamped and signed by the Auditor.

The following standards apply:

- 1) the International Standard on Related Services 4400 (revised) Agreed-upon Procedures Engagements as issued by the International Auditing and Assurance Standards Board (IAASB);
- 2) the International Code of Ethics for Professional Accountants (including International Independent Standards) issued by the International Ethics Standards Board for Accountants, including the independence requirements;
- 3) the International Standard on Quality Control 1 Quality Control for Firms that Perform Audits and Reviews of financial statements, and Other Assurance and Related Services Engagements (or equivalent).

¹³ Available https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/common/temp-form/report/cfs_en.docx, CFS template subject to updates from CINEA, to be published here: <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/reference-documents>

3. SERVICE CONTRACT MANAGEMENT

3.1. Contractor's obligations

- 3.1.1. The Contractor should submit the information request to the Contracting authority (for Service Part I) and to the Parties (for Service Part II) not later than at least 2 (two) weeks before commencement of the audit.
- 3.1.2. For the provision of Services, the Contractor shall remain fully responsible for the results of its Services during and after the provision of Services. Any additional expenses arising due to the correction of the unacceptable results shall be covered solely by the Contractor.
- 3.1.3. The Contractor shall ensure necessary effort, means, resources and personnel required for the successful provision of Services.
- 3.1.4. The Contractor shall be responsible for ensuring that its Key experts involved in Service provision are available throughout whole Contract period.
- 3.1.5. The Contractor shall make its own arrangements for office facilities, personal computers and other facilities of appropriate performance and security standard for Service provision.
- 3.1.6. The Contractor shall ensure that its team members (experts etc.) involved in Service provision are adequately supported and equipped. Costs for administration of service contract and office operation including telecommunication costs shall be included in the price of service proposed in the Financial proposal.

3.2. Provision of Services

- 3.2.1. The Contractor must perform the Contract in compliance with its provisions and all legal obligations under applicable EU, international and national law within the set due dates and to the highest professional, diligence and ethical standards.
- 3.2.2. The Contractor shall request and receive the documents necessary for the audit itself taking into account that Participants (for Service Part II) are located in Estonia, Latvia and Lithuania (please see Section 2.2.2 of the Technical specification). Minimum time required for Participants to prepare the information for an audit request is 3 (three) business days. The auditors shall agree with the Participants on the method of exchanging information (on a case-by-case basis).
- 3.2.3. The Contractor shall carry out the tasks, prepare and provide all documents, reports and any other information, material required for the provision of the Services.
- 3.2.4. During the implementation of Services, the Contractor shall identify possible risks at early stage and propose a mitigation measures in order to successfully deliver Services on time.
- 3.2.5. During the implementation of Services Part II, Contractor shall coordinate with Contracting authority the audit delivery schedule for each Participant and inform about the list of accounting, legal and other documents required for the audit not later than 2 (two) weeks prior to the commencement of the audit.

3.3. Confidentiality, independence and absence of conflict of interest

- 3.3.1. The Contractor is expected to ensure that its contractual and professional obligations in particular with regard to confidentiality, independence, objectivity and absence of conflict of interests are well understood and upheld throughout and after Services provision.
- 3.3.2. During the provision of Services, the Contractor shall provide independent view based on its expertise, education and experience.
- 3.3.3. During provision of Service Part II, the Contractor must be independent from the Participants (please see Section 2.2.2 of the Technical specification) and comply with independence requirements of the Code of Ethics for Professional Accountants. In particular, it must not have been involved in preparing the Participant's Financial Statement(s) or providing consultancy advice on the related operations and underlying transactions.

3.4. Miscellaneous

- 3.4.1. Communication with the Contracting authority under Contract (e.g., information, requests, submissions, formal notifications, etc.) must be carried out in Latvian and English.
- 3.4.2. Communication channels: e-mail, MS Teams, telecommunications etc.
- 3.4.3. All written materials shall meet the highest standards and technical terminology proficiency. The Contractor shall engage professional proofreading Services at its own expense, if needed for ensuring quality materials.
- 3.4.4. The Contractor shall include any travel expenses (if any arise) in proposed contract price. The Contracting authority will not additionally reimburse any travel expenses incurred by Contractor during the provision of Services.
- 3.4.5. During the implementation of Services Part II, The Contractor must comply with the Terms of Reference, including the agreed-upon procedures checklist and report template — without modifying them.

3.5. Deliverables and due dates

3.5.1. Services shall be delivered by the Contractor according to the following due dates:

No	Tasks	Deliverable	Due Date	Terms of Cooperation
1	Audit on RB Rail AS annual financial statements	Auditor's report	By 1 March of the following year	<p>Independent auditor's report on statutory financial statements shall be issued and submitted to the Contracting authority in hard (paper) format (2 (two) copies). Report shall be issued in Latvian and in English.</p> <p>Independent auditor's report on IFRS financial statements shall be issued and submitted to the Contracting authority in hard (paper) format (2 (two) copies) or electronically signed with secure electronic signature and time stamp.</p> <p>Draft of auditor's report shall be issued and submitted to the Contracting authority at least 3 (three) business days before the due date.</p> <p>Report shall be issued in English.</p>
		Letter to the RB Rail AS management	By 15 March of the following year	<p>Letter to the RB Rail AS management shall be issued and submitted to the Contracting authority in hard (paper) or electronic format.</p> <p>Letter to the RB Rail AS management shall be issued in English.</p>
2	Audit on Rail Baltica Global Project expenditure (eligible costs)	Certificate on the financial statements (CFS)	30 days before reporting deadline set by CINEA	<p>The Service will be ordered on demand bases. Scope and timing will be agreed in each case separately, always provided that the Contractor shall have at least 30 (thirty) days for performance of the CEF Audit Services following the issuance of the Request Notice(s).</p> <p>Result of the audit is the Certificate on the financial statements on costs declared under the Grant Agreements financed under the CEF, which is composed of three separate documents:</p> <ol style="list-style-type: none"> 1) the Terms of Reference - to be signed by the Participant and the Auditor;

				<p>2) Agreed-upon procedures (AUP) checklist – includes procedures to be carried out by the Auditor, checklist to be signed by the Auditor;</p> <p>3) Agreed-upon procedures Report on the Certificate on the Financial Statement (CFS) - to be issued on the Auditor's letterhead, dated, stamped and signed by the Auditor.</p> <p>Certificate on the financial statements shall be drawn up based on the compulsory reporting templates stipulated by the European Commission prescribed by the Grant Agreements. The Contractor must comply with the Terms of Reference, including the agreed-upon procedures checklist and report template — without modifying them.</p> <p>Result of the audit should be issued and submitted to the respective Participant and Contracting authority in hard (paper) format or electronically signed with secure electronic signature and time stamp.</p> <p>Draft of Auditor's report shall be issued and submitted to the respective Participant and Contracting authority electronically at least 10 (ten) days before the due date.</p> <p>All deliverables shall be issued in English.</p>
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3.5.2. The Contracting authority will accept Services only if they will be provided fully in good and sufficient quality and will cover full scope defined in Technical specification.

Date of preparation of the Technical specification: 23.09.2024

Date of the updated version of the Technical specification: 07.11.2024

ANNEX NO 2: APPLICATION

APPLICATION FOR PARTICIPATION IN THE OPEN COMPETITION "AUDIT SERVICES FOR 2025 - 2027" (ID NO RBR 2024/8)

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	
Tender's or all members of partnership taxpayer number in Latvia <i>(must be filled in about all relevant persons if a taxable person's number has been assigned in Latvia, otherwise please fill "N/A")</i>	
Name, surname and position of the person authorized to represent the Tenderer or name of nominated representative (in case of established partnership)	
Legal address of the Tenderer or all members of the partnership	
Correspondence address of the Tenderer or all members of the partnership	
Bank of the Tenderer or all members of the partnership	
Bank code (SWIFT) of the Tenderer or all members of the partnership	
Bank account (IBAN) of the Tenderer or all members of the partnership	
Contact person and contact information of the Tenderer (name, surname, position, telephone number, e-mail)	

By submitting the Proposal, the Tenderer hereby:

1. Confirms participation in the Open competition "Audit services for 2025 - 2027", ID No RBR 2024/8;
2. Informs that the following entities and/or persons comply with the following exclusion grounds (if any):

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

3. Confirms that, if the Tenderer will be awarded the Contract, the Tenderer will provide quality and timely performance of the contractual liabilities for the proposed price and in accordance with the requirements of the Annex No 1 "Technical specification" of the Regulations;

4. Confirms that Regulations is clear and understandable, that it does not have any objections and complaints and that in the case of granting the right to enter into a Contract it shall fulfil all conditions of the Regulations as well as enter into a Contract in accordance with the draft Contract enclosed with the Regulations (Annex No 9 of the Regulations);
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. Confirms the period of validity of the proposal for at least 180 (one hundred and eighty) days from the day it is opened;
9. Confirms the impartiality and neutrality of the Tenderer or any of involved Key experts in accordance with Regulations, and confirms that the Tenderer or any of the proposed Key experts will not be jeopardised during the provision of audit services, and will not be in a conflict of interest when providing audit services.
10. 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;
11. Guarantees that all information and documents provided are true;
12. 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

13. Information on persons which have a decisive influence¹⁷ in the Tenderer on the basis of participation within the meaning of the laws and regulations regarding groups of companies (*if applicable*):

No	Name of the person and other related information which identifies person
1.	
...	

14. Information on beneficial owners¹⁸ of the Tenderer:

No	Name of the beneficial owner and other related information which identifies person
1.	

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

¹⁷ According to Section 3 of Group of Companies Law of Latvia a decisive influence arises on the basis of a group of companies contract, as well as on the basis of participation in the following cases - an undertaking has a decisive influence over a company on the basis of participation, if at least one of the following circumstances exist: 1) the undertaking has the majority of voting rights in the company; 2) the undertaking as a shareholder of the company has the right to appoint or remove the majority of members of the executive body or of the supervisory body of the company; 3) the undertaking is a shareholder of the company and, exercising only its rights of a shareholder, during the accounting year has appointed the majority of members of the executive body or of the supervisory body of the company; or 4) the undertaking is a shareholder of the company and, on the basis of agreement with other shareholders, has sole control of the majority of voting rights in the company.

¹⁸ 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.

...	
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[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 “AUDIT SERVICES FOR 2025 - 2027” (ID NO RBR 2024/8)

1. Section 8.3.1 of the Regulations

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 (2021, 2022, 2023) is not less than 570 000 EUR (five hundred seventy thousand euros) per year.

In the event the average annual financial turnover of a limited partner of the limited partnership (within the meaning of The Commercial Law, Division X) exceeds its investment in the limited partnership, the average financial turnover shall be recognized in the amount of the investment in the limited partnership.

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

No	Year	Total Turnover in EUR	Notes
<p>The Tenderer or each member of the partnership (if the Tenderer is a partnership) <u>on whose capacity Tenderer is relying to certify its financial and economic performance</u> (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:</p> <p>_____</p> <p>Name of the Tenderer/member of a partnership/other entity</p>			
1.	2023		
2.	2022		
3.	2021		
Average annual turnover within the last 3 (three) financial years			

2. Section 8.3.2 of the Regulations

The Tenderer and each member of the partnership (if the Tenderer is a partnership) on whose capacity Tenderer is relying to certify its financial and economic performance and who will be financially and economically responsible for the fulfilment of the Contract and other entity on whose capacity Tenderer is relying to certify its financial and economic performance and who will be financially and economically responsible for the fulfilment of the Contract, shall have stable financial and economic performance, namely, in the last audited financial year liquidity ratio (current assets divided by short-term liabilities) shall be equal to or exceed 1 (one) and shall have positive equity.

Name of the Tenderer/member of partnership/other entity

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

equity = total assets – total liabilities = _____

[date of signing]

[name and position of the representative of the Tenderer]

ANNEX NO 4: EXPERIENCE OF THE TENDERER

**DESCRIPTION OF THE TENDERER'S EXPERIENCE FOR THE OPEN COMPETITION
"AUDIT SERVICES FOR 2025 - 2027"
(ID NO RBR 2024/8)**

TABLE NO 1 (SECTION 8.4.2 OF THE REGULATIONS)

No	Client, client's contact information for references (name of representative, phone, e-mail) ¹⁹	Period of the contract (dd/mm/yyyy – dd/mm/yyyy)	Financial statements have been prepared in accordance with International Financial Reporting Standards (IFRS) (indicate by "Yes"/"No")		Client's balance sheet value in the audited year	Client's turnover in the audited year	Description of the services
			YES	NO			
1.			<input type="checkbox"/>	<input type="checkbox"/>			
2.			<input type="checkbox"/>	<input type="checkbox"/>			
n+1			<input type="checkbox"/>	<input type="checkbox"/>			

TABLE NO 2 (SECTION 8.4.3 OF THE REGULATIONS)

No	Client, client's contact information for references (name of representative, phone, e-mail) ²⁰	Period of the contract (dd/mm/yyyy – dd/mm/yyyy)	Audited project	Audited project's funding source	Project's value (EUR)	Description of the services
1.						
2.						
n+1						

[date of signing]

[name and position of the representative of the Tenderer]

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 8.4.2 of the Regulations.

²⁰ 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 8.4.3 of the Regulations.

ANNEX NO 5: EXPERIENCE OF THE EXPERT**DESCRIPTION OF THE EXPERT'S EXPERIENCE FOR THE OPEN COMPETITION
"AUDIT SERVICES FOR 2025 - 2027"
(ID NO RBR 2024/8)**

The Tenderer submits the applicable completed form for the proposed Key expert(s)

TABLE NO 1 (SECTION 8.4.5.1 OF THE REGULATIONS)

GENERAL INFORMATION:

Key expert _____ (Name, Surname), _____ (phone, e-mail) _____

TABLE NO 1 (SECTION 8.4.5.1 OF THE REGULATIONS)

No	Client, client's contact information for references (name of representative, phone, e-mail) ²¹	Period of the contract (dd/mm/yyyy – dd/mm/yyyy)	Annual reports have been prepared in accordance with International Financial Reporting Standards (IFRS) (indicate by "Yes"/"No")		Description of the services
			YES	NO	
1.			<input type="checkbox"/>	<input type="checkbox"/>	
2.			<input type="checkbox"/>	<input type="checkbox"/>	
N+1			<input type="checkbox"/>	<input type="checkbox"/>	

I confirm that I have consented that my candidature is proposed in the Open competition "Audit services for 2025 - 2027", ID No RBR 2024/8.

I confirm that my objectivity and neutrality as proposed Key expert is valid on the last day of the proposal submission deadline, and confirm that I will not be in a conflict of interest during execution of the Contract.

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 Open competition I will participate as Key expert in the execution of the Contract.

Enclosed:

Valid Sworn Auditor's certificate issued by Latvian Association of Sworn Auditors (*Latvijas Zvērinātu revidentu asociācija*).

[date of signing]

[signature]

[name of the expert]

²¹ 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 8.4.5.1. of the Regulations.

TABLE NO 2 (SECTION 8.4.5.2. OF THE REGULATIONS)
GENERAL INFORMATION:

Key expert _____ (Name, Surname), _____ (phone, e-mail)_____

No	Client, client's contact information for references (name of the representative, phone, e-mail) ²²	Period of provision of services (dd/mm/yyyy – dd/mm/yyyy)	Description of the audit ²³ services (please identify procurement procedure subject-matter and its agreement amount)	Client's profile (indicating whether the Client is a subject of national law on public procurement)
1.				
2.				
n+1				

I confirm that I have consented that my candidature is proposed in the Open competition "Audit services for 2025 - 2027", ID No RBR 2024/8.

I confirm that my objectivity and neutrality as proposed Key expert is valid on the last day of the proposal submission deadline, and confirm that I will not be in a conflict of interest during execution of the Contract.

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 Open competition I will participate as Key expert in the execution of the Contract.

[date of signing]
[signature]
[name of the expert]

²² In case of doubt, the Contracting authority has the right to contact the Client to verify that it complies with the requirements set in Section 8.4.5.2. of the Regulations.

²³ The term "audit" in this context (Section 8.4.5.2. of the Regulations) refers to a process that may include various forms of examination, review, verification, or assessment of public procurement procedures. It is not limited to formal audits and includes various methods of evaluation ensuring compliance with national procurement regulations.

TABLE NO 3 (SECTION 18.2.3 OF THE REGULATIONS)

GENERAL INFORMATION:

Key expert _____ (Name, Surname), _____ (phone, e-mail) _____

Proposed Key expert has the Association of Chartered Certified Accountants (ACCA) qualification or equivalent international qualification for certified accountants:

Type of certificate: Association of Chartered Certified Accountants (ACCA) qualification or equivalent ²⁴			
Yes		No	
	<input type="checkbox"/>		<input type="checkbox"/>
Data of the certificate			
Number		Issue date	

I confirm that I have consented that my candidature is proposed in the Open competition "Audit services for 2025 - 2027", ID No RBR 2024/8.

I confirm that my objectivity and neutrality as proposed Key expert is valid on the last day of the proposal submission deadline, and confirm that I will not be in a conflict of interest during execution of the Contract.

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 Open competition I will participate as Key expert in the execution of the Contract.

Enclosed:

Valid Association of Chartered Certified Accountants (ACCA) qualification certificate or equivalent.

[date of signing]
[signature]
[name of the expert]

²⁴ If Tenderer for proposed Key expert propose the equivalent certificate of Association of Chartered Certified Accountants, then the Tenderer should justify why the relevant certificate is recognized as equivalent (for example, by submitting an explanation with reference to regulatory enactments etc.). Appropriate evidence must be submitted with the proposal.

TABLE NO 4 (SECTION 18.2.4 OF THE REGULATIONS)

GENERAL INFORMATION:

Key expert _____ (Name, Surname), _____ (phone, e-mail) _____

No	Client, client's contact information for references (name of representative, phone, e-mail) ²⁵	Period of the contract (dd/mm/yyyy – dd/mm/yyyy)	Audited project	Audit project funding source was Connecting Europe Facility (CEF) (indicate by "Yes"/ "No")		Description of the services
				YES	NO	
1.				<input type="checkbox"/>	<input type="checkbox"/>	
2.				<input type="checkbox"/>	<input type="checkbox"/>	
n+1				<input type="checkbox"/>	<input type="checkbox"/>	

I confirm that I have consented that my candidature is proposed in the Open competition "Audit services for 2025 - 2027", ID No RBR 2022/8.

I confirm that my objectivity and neutrality as proposed Key expert is valid on the last day of the proposal submission deadline, and confirm that I will not be in a conflict of interest during execution of the Contract.

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 Open competition I will participate as Key expert in the execution of the Contract.

[date of signing]

[signature]

[name of the expert]

²⁵ 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 18.2.4. of the Regulations.

ANNEX NO 6: 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
"AUDIT SERVICES FOR 2025 - 2027"
(ID NO RBR 2024/8)**

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 7: SUBCONTRACTORS

A LIST OF THE SUBCONTRACTORS FOR THE OPEN COMPETITION
"AUDIT SERVICES FOR 2025 - 2027"
(ID NO RBR 2024/8)

No	Name of the sub-contractor (registration No., legal address)	Sub-contracted tasks			
		Description of the sub-contracted task	Amount, EUR (without VAT)	% from the proposed price	Size of the enterprise ²⁶
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]

[name and position of the representative of the Tenderer]

²⁶ Please indicate the size of enterprise (small, medium or other) as defined in the Article 2 of Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprise. Available here: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2003.124.01.0036.01.ENG&toc=OJ:L:2003:124:TOC

ANNEX NO 8: FINANCIAL PROPOSAL

FINANCIAL PROPOSAL FOR THE OPEN COMPETITION "AUDIT SERVICES FOR 2025 - 2027" (ID NO RBR 2024/8)

The Tenderer [*name of the Tenderer*] offers to deliver Services in accordance with the Annex No 1 "Technical specification" of the Regulations for the total price²⁷ of _____EUR (*total price in words*)²⁸, excl. VAT. The total price for the Services includes the following costs:

SERVICE PART I

No	Service	Price (EUR without VAT)
1.	Audit on annual RB Rail AS financial statements of financial year 2025	
2.	Audit on annual RB Rail AS financial statements of financial year 2026	
3.	Audit on annual RB Rail AS financial statements of financial year 2027	
TOTAL PRICE (EUR) EXCL. VAT FOR SERVICE PART 1		*

Total price (Sum of positions No 1 - 3) EUR (excl. VAT) in words: _____.

* Financial proposal that will be evaluated in accordance with Section 18.3, Subsection a) of the Regulations.

SERVICE PART II

No	Service	Unit	Unit price	Indicative maximum number of audits**	Total price (EUR without VAT) taking into account the indicative maximum number of audits
1.	Audit on Rail Baltica Global Project expenditure (eligible costs)	1 CEF Audit service		90	***

Total price EUR (excl. VAT) in words: _____.

** Specified according to the Section 2.2.1 of the Technical specification (Annex No 1 of the Regulations) in order to determine total scope and value of the Contract. Maximum number of audits is **indicative and not guaranteed** to the Contractor during the Contract period.

*** Financial proposal that will be evaluated in accordance with Section 18.3, Subsection b) of the Regulations.

²⁷ When preparing the Financial proposal, the rules of Section 11 of the Regulations must be considered.

²⁸ Total price for the Services shall be obtained by summing up total price for the Service Part I and total price for Service Part II (unit price proposed by the Tenderer multiplied by indicative maximum number of audits). Total price for the Services proposed by Tenderer has to meet the requirements stipulated in the Section 6.5 and 11.9 of the Regulations.

[date of signing]

[name and position of the representative of the Tenderer]

ANNEX NO 9: DRAFT CONTRACT (PLEASE REFER TO A SEPARATE DOCUMENT)