

REGULATION

FOR THE OPEN COMPETITION

**“IDENTIFICATION OF UNEXPLODED ORDNANCE AND GEOTECHNICAL WORKS IN
FORMER CEKULE MILITARY AREA”**

(IDENTIFICATION NO RBR 2021/10)



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

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REGULATION

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 (also agreement)** - signed agreement between Contracting authority and a Contractor to provide services defined in this agreement.
- 1.3. **Contracting authority (also the Contracting entity)** - the joint stock company RB Rail AS, registration number 40103845025, legal address: K. Valdemara iela 8-7, Riga, LV-1010, Latvia.
- 1.4. **Contractor (also Supplier)** - service provider awarded the right to enter the Contract in open competition to provide services in accordance with requirements stipulated in Regulation and Contract.
- 1.5. **Identification number** – designation which includes the abbreviation of the name of the Contracting authority (the first capital letters), the relevant year and the procurement sequence number in ascending order (RBR 2021/10).
- 1.6. **Open competition (also Competition)** - a procurement procedure “Identification of unexploded ordnance and geotechnical works in former Cekule military area” (identification number: RBR 2021/10) in which all interested Suppliers are entitled to submit their Proposals.
- 1.7. **Procurement Commission** – commission the composition of which has been established by the joint stock company RB Rail AS, order No 1.9-2021-10, dated 23 April 2021, issued by A. Driksna, Chairman of Management Board of joint stock company RB Rail AS.
- 1.8. **Proposal** - documentation package the Tenderer submits to participate in the Competition.
- 1.9. **Regulation** – regulation of the open competition “Identification of unexploded ordnance and geotechnical works in former Cekule military area” (identification number: RBR 2021/10), as well as all the enclosed annexes.
- 1.10. **Subcontractor** - a person contracted by the Tenderer or a person contracted by such person, in its turn, who provides services for the performance of the procurement contract.
- 1.11. **Supplier** – a natural person or a legal person, a group or association of such persons in any combination thereof which offers to perform works, supply products or provide services accordingly.
- 1.12. **Tenderer** – a Supplier which has submitted a Proposal for Competition.

2. GENERAL INFORMATION

- 2.1. The identification number of this open competition is No RBR 2021/10.
- 2.2. The applicable CPV codes are:
 - 2.2.1. Main CPV code: 71332000-4 (**Geotechnical engineering services**), additional CPV code: 90522000-2 (**Services relating to contaminated soil**).
- 2.3. The Contracting entity is joint stock company **RB Rail AS, legal address: K. Valdemara iela 8 - 7, Riga, LV-1010, Latvia** (hereinafter – **Contracting Authority**). The Contracting

Authority conducts this Competition for the benefit of the Ministry of Transport of the Republic of Latvia (hereinafter – Ministry).

- 2.4. The open competition is co-financed by the Contracting Authority and Connecting Europe Facility (CEF).
- 2.5. This Competition is organized in accordance with the Public Procurement Law of the Republic of Latvia in effect on the date of publishing the contract notice and is provided in accordance with order established in Cabinet of Minister Rules No 107 on Conducting procurement procedures and design contests (*Iepirkuma procedūru un metu konkursu norises kārtība*) of 28 February 2017.
- 2.6. This Competition is carried out using E-Tenders system which is subsystem of the Electronic Procurement System (<https://www.eis.gov.lv/EKEIS/Supplier>). Suppliers apply as users for the Electronic Procurement System (if Supplier is not registered in Electronic Procurement System) in State Regional Development Agency (please see information here <http://www.railbaltica.org/procurement/e-procurement-system/>).
- 2.7. The Competition regulation (hereinafter – **Regulation**) and all its annexes are freely available in Contracting Authority's profile of E-Tenders system (<https://www.eis.gov.lv/EKEIS/Supplier/Procurement/56827>) and on the webpage of the Contracting Authority (<http://railbaltica.org/tenders/>).
- 2.8. Amendments to the open competition Regulation and answers to the questions received from the Suppliers shall be published in the E-Tenders system (<https://www.eis.gov.lv/EKEIS/Supplier/Procurement/56827>) and on the webpage (<http://railbaltica.org/tenders/>) of the Contracting Authority. It is responsibility of the Supplier to constantly follow the information published on the webpage and E-Tenders system and to take it into consideration in its proposal.
- 2.9. Contact person of the Contracting Authority for this open competition: Procurement Specialist Mr. Jānis Lukševics, telephone: +371 29188156, e-mail address: janis.luksevics@railbaltica.org. All requests for information or additional explanations must be submitted solely through the E-Tenders system. Answers to the questions or explanations from the Contracting Authority are also provided through the E-Tenders system.
- 2.10. The Procurement Commission and the Supplier/ Tenderer exchange information in writing in English or Latvian (accompanied by a translation in English), by sending documents electronically via E-Tenders system.
- 2.11. The Supplier can request additional information regarding the Regulation. Additional information can be requested in writing, by sending it to the Procurement Commission electronically using E-Tenders system. Additional information must be requested in a timely fashion, so that the Procurement Commission can give it a reply no later than 6 (six) days prior to the deadline for proposal submission. The Procurement Commission shall provide additional information within 5 (five) Business days from the day of receipt of the request.
- 2.12. The Supplier covers all expenses, which are related to the preparation of the Proposal and its submission to the Contracting Authority. Under no circumstances will the Contracting Authority be liable for compensation of any costs and damages related to the preparation and submission of the Proposal (including, inter alia, costs associated with any site visits) 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 without charge 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 proposal assessment, the Procurement Commission has the right to demand that the included information is clarified.
- 3.4. According to Article 230 of the Cabinet of Minister Rules No 107 of the Republic of Latvia on Conducting Procurement Procedures and Design Competitions, of 28 February 2017 (*Latvijas Republikas Ministru kabineta 2017. gada 28. februāra noteikumi Nr. 7 "Iepirkuma procedūru un metu konkursu norises kārtība"*), in a case of lack of funds (budgetary constraints) or other objective reason the Contracting Authority can at any moment terminate the Procurement procedure.

4. THE OBLIGATIONS OF THE PROCUREMENT COMMISSION

- 4.1. The Procurement Commission ensures the documentation of the process of the Competition.
- 4.2. The Procurement Commission ensures free and direct electronic access to the open competition procedure documents in Contracting Authority's profile of the E-Tenders system (<https://www.eis.gov.lv/EKEIS/Supplier/Procurement/56827>) and on the webpage of the Joint-Stock Company RB Rail AS (<http://railbaltica.org/tenders/>).
- 4.3. If an interested Supplier has in a timely fashion in writing by post or electronically, or delivering in person, requested additional information about the requirements included in open competition procedure documents regarding the preparation and submission of the Proposal or regarding the selection of Tenderers, the Procurement Commission provides a response electronically via E-Tenders system within 5 (five) Business 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 of E-Tenders system (<https://www.eis.gov.lv/EKEIS/Supplier/Procurement/56827>) and on its webpage <http://railbaltica.org/tenders/>, where Competition documents are available, indicating the questions asked.
- 4.4. If the Contracting Authority has amended the open competition procedure documents, it publishes this information in Contracting Authority's profile of the E-Tenders system (<https://www.eis.gov.lv/EKEIS/Supplier/Procurement/56827>) and on the Contracting Authority's webpage <http://railbaltica.org/tenders/>, where Competition documents are available, no later than 1 (one) day after the notification regarding the amendments has been submitted to Procurement Monitoring Bureau for publication.
- 4.5. The exchange and storage of information is carried out in such a way that all data included in the Proposals is protected and the Contracting Authority can check the content of the Proposals only after the expiration of the deadline for their submission. In time between the day of the submission of Proposals till the moment of opening thereof the Contracting Authority does not disclose information regarding the existence of other Proposals. In the time of Proposal assessment till the moment of the announcement of the results the Contracting Authority does not disclose information regarding the assessment process.
- 4.6. The Procurement Commission assesses the Tenderers and their submitted Proposals based on the Public Procurement Law, open competition procedure documents, as well as other corresponding regulatory enactments.
- 4.7. If the Procurement Commission determines that the information about the Tenderer, its subcontractors and persons upon whose capabilities 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 or expand upon the submitted documents, but the Tenderer has not done this in accordance with the requirements stipulated by the Procurement Commission, the Procurement Commission is under no obligation to repeatedly demand that the information included in these documents be clarified or expanded upon.

- 4.8. The Procurement Commission prepares a report on the open competition procedure and publishes it in Contracting Authority's profile of the E-Tenders system (<https://www.eis.gov.lv/EKEIS/Supplier/Procurement/56827>) and on the Contracting Authority's webpage <http://railbaltica.org/tenders/> within 5 (five) Business days from day when the decision about the results of the open competition is taken.

5. THE RIGHTS AND OBLIGATIONS OF THE SUPPLIER/ TENDERER

- 5.1. The Supplier has the right to submit documents for Supplier's registration in Electronic Procurement System (if the Supplier is not registered in Electronic Procurement System) to the State Regional Development Agency (please see information here <http://www.railbaltica.org/procurement/e-procurement-system/>).
- 5.2. The Tenderer can request and within 3 (three) Business days after submitting the request receive a copy of the Proposal opening sheet, which is an Annex to the Proposal opening meeting minutes.
- 5.3. If the Contracting Authority gets the necessary information about the Tenderer directly from a competent institution, through data bases or other sources, the Tenderer in question has the right to submit a statement or a different document regarding the corresponding fact, if the information obtained by the Contracting Authority does not conform to the factual situation.
- 5.4. If a Supplier/ 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 Article 68 of the Public Procurement Law of the Republic of Latvia, regarding the Tenderer selection requirements, Technical Specifications or other requirements relating to this open competition, or relating to the activities by the Contracting Authority or the Procurement Commission during the open competition procedure.

6. SUBJECT-MATTER OF THE OPEN COMPETITION

- 6.1. Subject-matter of the open competition is identification of unexploded ordnance and geotechnical works in former "Cekule" military warehouse area (**hereinafter - Services**) according to Technical specification (Annex No 2 to Regulation).
- 6.2. Subject-matter of this open competition is not divided in parts (lots). The Tenderer may submit a Proposal only for the whole subject-matter of the open competition in total. From the Rail Baltica Global Project management and implementation perspective (e.g. resource planning, considering limited in-house human resources, demanding project time schedule, quality and safety assurance, as well as cost and time saving perspective, Contracting authority sees this as the most efficient way to manage the procurement and contract.
- 6.3. The Services shall be provided in English and Latvian language including all deliverables mentioned in Technical Specification.

- 6.4. The place of delivery of the Services shall be RB Rail AS, Kr. Valdemara iela 8-7, Riga, LV - 1010.
- 6.5. Total Contract period: 26 weeks after commencement date of the Contract.
- 6.6. Detailed information regarding the subject-matter and deadlines of the services provided in Technical Specification of the Regulation (Annex No 2).

7. TENDERER

- 7.1. The proposal can be submitted by:
 - 7.1.1. A supplier, who is a legal or natural person (hereinafter – Tenderer) and who complies with the selection criteria for the Tenderers;
 - 7.1.2. A group of Suppliers (hereinafter also – Tenderer, partnership) which complies with the selection criteria for Tenderers:
 - 7.1.2.1. A group of Suppliers who have formed a partnership for this open competition. In this case all the members of the partnership shall be listed in Annex 1 “Application”. If it will be decided to award contracting rights to such partnership, then prior to concluding the Contract the partnership shall at its discretion either enter into a partnership agreement (within the meaning of Latvian Civil Law 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 Latvian Commercial Law, Chapter IX and X) and notify the Contracting Authority in writing;
 - 7.1.2.2. An established and registered partnership (a general partnership or a limited partnership, within the meaning of Latvian Commercial Law, Chapter IX and X) (hereinafter also – Tenderer) which complies with the selection criteria for Tenderers.

8. SELECTION CRITERIA FOR TENDERERS

8.1. Exclusion grounds (will be verified according to Section 18 of Regulation)

The Contracting Authority shall exclude the Tenderer from further participation in the Competition in any of the following circumstances:

No	Requirement	Documents to be submitted ¹
8.1.1.	Within previous 3 (three) years before submission of the Proposal the Tenderer or a person who is the Tenderer’s management board or supervisory board member, person with representation rights or a procura holder, or a person who is authorised to represent the Tenderer in operations in relation to a branch, has been found guilty of or has been subjected to coercive measures for committing any of the following criminal offences by such a public prosecutor’s order regarding punishment or a court judgement	No obligation to submit documents (except cases stipulated in Section 18.4. of Regulation), unless specifically requested by the Procurement Commission according to Article 42 of the Public Procurement Law

¹ If the Tenderer submits the European Single Procurement Document as the initial proof, there is no obligation to submit other documents, unless specifically requested by the procurement commission.

No	Requirement	Documents to be submitted ¹
	<p>that has entered into force and may not be challenged and appealed:</p> <p>a) establishment, management of, involvement in a criminal organisation or in an organised group included in the criminal organisation or other criminal formation, or participation in criminal offences committed by such an organisation,</p> <p>b) bribe-taking, bribery, bribe misappropriation, intermediation in bribery, unauthorised participation in property transactions, taking of prohibited benefit, commercial bribing, unlawful claiming of benefits, accepting and providing of benefits, trading influences,</p> <p>c) fraud, misappropriation or money-laundering,</p> <p>d) terrorism, terrorism funding, formation or organization of terrorist group, travelling for terrorism purposes, justification of terrorism, calling to terrorism, terrorism threats or recruiting and training a person in performance of acts of terrorism,</p> <p>e) human trafficking,</p> <p>f) evasion of taxes and similar payments.</p>	
8.1.2.	<p>It has been detected that <u>on the last day of the term for submitting Proposals or on the day when a decision has been made</u> on possible granting of rights to conclude the procurement contract, the Tenderer has tax debts in Latvia or a country where it has been incorporated or is permanently residing, including debts of mandatory state social insurance contributions exceeding 150 euro in total in any of the countries.</p>	<p>No obligation to submit documents unless specifically requested by the Procurement Commission according to Article 42 of the Public Procurement Law</p>
8.1.3.	<p>Tenderer's insolvency proceedings have been announced, the Tenderer's business activities have been suspended, the Tenderer is under liquidation.</p>	<p>No obligation to submit documents (except cases stipulated in Section 18.4. of Regulation), unless specifically requested by the Procurement Commission according to Article 42 of the Public Procurement Law</p>
8.1.4.	<p>A person who drafted the procurement procedure documents (Contracting Authority's official or employee), Procurement Commission member or expert is related to the Tenderer, or is interested in selection of some Tenderer, and the Contracting Authority cannot prevent this situation by measures that cause less restrictions on Tenderer. A person who drafted the procurement procedure</p>	<p>No obligation to submit documents, unless specifically requested by the Procurement Commission according to Article 42 of the Public Procurement Law</p>

No	Requirement	Documents to be submitted ¹
	<p>documents (Contracting Authority's official or employee), Procurement Commission member or expert is presumed to be related to the Tenderer in any of the following cases:</p> <p>a) If he or she is a current and/or an ex-employee, official, shareholder, procurator holder or member of a Tenderer or a subcontractor which are legal persons and if such relationship with the legal person was terminated within the last 24 months.</p> <p>b) If he or she is the father, mother, grandmother, grandfather, child, grandchild, adoptee, adopter, brother, sister, half-brother, half-sister or spouse (hereinafter – relative) of a Tenderer's or subcontractor's, which is a legal person, shareholder who owns at least 10% of the shares in a joint-stock company, shareholder in a limited liability company, procurator holder or an official.</p> <p>c) If he or she is a relative of a Tenderer or a subcontractor which is a natural person.</p> <p>If the Tenderer is a partnership, consisting of natural or legal persons, a relation to the Tenderer is presumed also if a person who drafted the procurement procedure documents (Contracting Authority's official or employee), Procurement Commission member or expert is related to a member of a partnership in any of the above-mentioned ways.</p>	
8.1.5.	<p>The Tenderer has an advantage that limits competition in the procurement procedure if it or its related legal person consulted the Contracting Authority or otherwise was involved in preparing the Competition, and the advantage cannot be prevented by less restrictive measures, and the Tenderer cannot prove that its or its related legal person's participation in preparing the procurement procedure documents does not restrict competition.</p>	<p>No obligation to submit documents (except cases stipulated in Section 18.4. of Regulation), unless specifically requested by the Procurement Commission according to Article 42 of the Public Procurement Law</p>
8.1.6.	<p>Within the previous 12 (twelve) months before last day of the term for submitting Proposals by such a decision of a competent authority or a court judgment which has entered into force and may not be challenged and appealed, the Tenderer has been found guilty of violating competition laws manifested as a horizontal cartel agreement, except for the case when the relevant authority, upon detecting violation of competition laws, has released the</p>	<p>No obligation to submit documents (except cases stipulated in Section 18.4. of Regulation), unless specifically requested by the Procurement Commission according to Article 42 of the Public Procurement Law</p>

No	Requirement	Documents to be submitted ¹
	Tenderer from a fine or has decreased the fine for cooperation within a leniency program.	
8.1.7.	Within the previous 3 (three) years before last day of the term for submitting Proposals by such a decision of a competent authority or a court judgment, or a public prosecutor's order regarding punishment, which has entered into force and may not be challenged and appealed, the Tenderer has been found guilty of a violation manifested as employment of one or more persons who do not possess the required employment permit or if it is illegal for such persons to reside in a Member State of the European Union.	No obligation to submit documents (except cases stipulated in Section 18.4. of Regulation), unless specifically requested by the Procurement Commission according to Article 42 of the Public Procurement Law
8.1.8.	Within the previous 12 (twelve) months before last day of the term for submitting Proposals by such a decision of a competent authority or a court judgment or a public prosecutor's order regarding punishment which has entered into force and may not be challenged and appealed, the Tenderer has been found guilty of a violation manifested as employment of a person without a written employment contract, by failing within the term specified in regulatory enactments to submit an informative employee declaration regarding this person, which must be submitted about persons, who start working.	No obligation to submit documents (except cases stipulated in Section 18.4. of Regulation), unless specifically requested by the Procurement Commission according to Article 42 of the Public Procurement Law
8.1.9.	The Tenderer has provided false information to prove its compliance with provisions of this Section or has not provided the required information at all.	No obligation to submit documents, unless specifically requested by the Procurement Commission according to Article 42 of the Public Procurement Law
8.1.10	The Tenderer is a registered offshore ² company (legal person) or offshore association of persons (consortium).	No obligation to submit documents, unless specifically requested by the Procurement Commission according to Article 42 of the Public Procurement Law
8.1.11	The owner or shareholder (with more than 25% of share capital) of the Tenderer, which is registered in Republic of Latvia, is a registered offshore company (legal person) or offshore association of persons.	No obligation to submit documents, unless specifically requested by the Procurement Commission according to Article 42 of the Public Procurement Law

² **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 ¹
8.1.12	Person on whose capabilities Tenderer is relying, is a registered offshore company (legal person) or offshore association of persons.	No obligation to submit documents, unless specifically requested by the Procurement Commission according to Article 42 of the Public Procurement Law
8.1.13	The subcontractors indicated by the Tenderer whose share of services is equal to or exceeds 10% of the Contract price or person on whose capabilities Tenderer is relying, is a registered offshore company (legal person) or offshore association of persons.	No obligation to submit documents, unless specifically requested by the Procurement Commission according to Article 42 of the Public Procurement Law
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 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 Procurement contract.</p>	No obligation to submit documents, unless specifically requested by the Procurement Commission according to the Article 11 ¹ . of the Law on International Sanctions and National Sanctions of the Republic of Latvia
8.1.15	Exclusion grounds described in Section 8.1.1. to 8.1.8. shall be applied also to each member of the partnership if the Tenderer is a partnership, to each person on whose	No obligation to submit documents (except cases stipulated in Section 18.4. of Regulations), unless specifically requested by

^[1] **Beneficial owner:** a natural person who is the owner of the customer - legal person - or who controls the customer, or on whose behalf, for whose benefit or in whose interests business relationship is being established or an individual transaction is being executed, and it is at least:

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

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

No	Requirement	Documents to be submitted ¹
	capabilities the Tenderer is relying to meet qualification requirements.	the Procurement Commission according to Article 42 of the Public Procurement Law
	Exclusion grounds described in Section 8.1.2. to 8.1.8. shall be applied also to each subcontractor indicated by the Tenderer whose share of services is equal to or exceeds 10% of the total Contract price.	No obligation to submit documents, unless specifically requested by the Procurement Commission according to Article 42 of the Public Procurement Law

8.2. Legal standing and suitability to pursue the professional activity

No	Requirement	Documents to be submitted
8.2.1.	The Tenderer or all members of the partnership (if the Tenderer is a partnership) or persons on whose capabilities the Tenderer is relying and sub-contractors must be registered in the Registry of Enterprises or Registry of Inhabitants, or an equivalent register in their country of residence, if the legislation of the respective country requires registration of natural or legal persons.	<ul style="list-style-type: none"> - For a Tenderer, each member of the partnership (if the Tenderer is a partnership), a person on whose capabilities the Tenderer is relying and sub-contractor, which is a legal person registered in Latvia, the Contracting Authority shall verify the information itself in publicly available databases. - For a Tenderer, each member of the partnership (if the Tenderer is a partnership), a person on whose capabilities the Tenderer is relying and sub-contractor, which is a natural person – a copy of an identification card or passport. - For a Tenderer, each member of a partnership (if the Tenderer is a partnership), a person on whose capabilities the Tenderer is relying and sub-contractor, which is a legal person registered abroad (with its permanent place of residence abroad) – a copy of a valid registration certificate or a similar document issued by a foreign authority in charge of the registration of legal persons in the country of their residence wherefrom at least the fact of registration, beneficial owners, legal representatives (officials) and procura holders (if any) can be determined.
8.2.2.	The Tenderer for provision of geotechnical investigation services specified in Technical specification is registered (<i>if such registration is required according to requirements of regulatory enactments</i>) in the Register of Construction Merchants of the Republic of Latvia (<i>the requirement applies to entities registered in the Republic of Latvia</i>) or in the relevant register or registering institution of the professional activity abroad in the cases and in accordance with the procedures laid down in the regulatory enactments of the country concerned. If the Tenderer, which is	<ul style="list-style-type: none"> - For a Tenderer which is registered in Latvia, the Contracting Authority shall verify the information itself in publicly available databases (www.bis.gov.lv). - For a Tenderer which is registered abroad (with its permanent place of residence abroad) – a document issued by a competent foreign official authority that confirms the right of the Tenderer to provide the geotechnical investigation services specified in the Technical specification (if the laws and regulations of the country of registration in question require that such registration documents shall be issued) or information

No	Requirement	Documents to be submitted
	<p>registered abroad, is not registered in the Register of Construction Merchants of the Republic of Latvia, it must be registered in the Register of Construction Merchants of the Republic of Latvia at the moment of commencement of procurement contract, if the Tenderer has been recognized as the winner of the Competition.</p>	<p>that the laws and regulations of the country of registration do not require such registration (if not applicable).</p> <ul style="list-style-type: none"> - If a Tenderer is not registered in the Register of Construction Merchants of the Republic of Latvia, the Tenderer shall submit a self - statement confirming that if the Tenderer will be awarded the Contract, it will perform all necessary actions to be registered in the Register of Construction Merchants of the Republic of Latvia within 15 (fifteen) days after the waiting period specified in Part 6 and Part 7 of Clause 60 of the Public Procurement Law expires. The Contracting Authority may extend this deadline, if there are objective reasons to do so.
8.2.3.	<p>The Tenderer is licensed/ certified to perform commercial activities in field of investigation of potentially contaminated and contaminated territories with unexploded ordnance, search, identification, removal, collection and storage of unexploded ordnance in the Republic of Latvia (<i>the requirement applies to entities registered in the Republic of Latvia</i>) or in country where the Tenderer is registered (<i>if such license is required according to requirements of regulatory enactments of country where the Tenderer is registered</i>). If the Tenderer, which is registered abroad, is not licensed to perform commercial activities in field of investigation of potentially contaminated and contaminated territories with unexploded ordnance, detection, identification, retrieval, collection and storage of unexploded ordnance in the Republic of Latvia, it shall be licensed at the moment of commencement of Contract, if the Tenderer has been recognized as the winner of the Competition.</p>	<ul style="list-style-type: none"> - For a Tenderer which is registered in Latvia, the Contracting Authority shall verify the information itself in publicly available databases (https://www.mod.gov.lv/en/node/227) - For a Tenderer which is registered abroad (with its permanent place of residence abroad) – a document issued by a competent foreign official authority that confirms the right of the Tenderer to provide services related to investigation of potentially contaminated and contaminated territories with unexploded ordnance, search, identification, removal, collection and storage of unexploded ordnance (if the laws and regulation of the country of registration in question require that such license/ certificate shall be issued) or information that the laws and regulations of the country of registration do not require such license/ certificate (if not applicable). - If the Tenderer is not registered in Latvia (with its permanent place of residence in Latvia), the Tenderer shall submit a self - statement confirming that if the Tenderer will be awarded the contract it will perform all necessary actions to receive license to perform commercial activities in field of investigation of potentially contaminated and contaminated territories with unexploded ordnance, search, identification, retrieval, collection and storage of unexploded ordnance in the Republic of Latvia within 15 (fifteen) days after the waiting period specified in Part 6 and Part 7 of Clause 60 of the Public Procurement Law expires. The Contracting Authority may

No	Requirement	Documents to be submitted
		extend this deadline, if there are objective reasons to do so.

8.3. Economic and financial standing

No	Requirement	Documents to be submitted
8.3.1.	<p>The Tenderer's or all members of the partnership together (if the Tenderer is a partnership and confirms the average financial turnover jointly), average financial turnover within the last 3 (three) financial years, i.e. 2017, 2018, 2019 is not less than 140 000,00 EUR (one hundred forty thousand euros, zero cents).</p> <p>In the event the average financial turnover of a limited liability member of a limited partnership (within the meaning of Latvian Commercial Law, Chapter X) exceeds its investment in the limited partnership, the average financial turnover shall be recognised in the amount of the investment in the limited partnership.</p> <p>In the case the Tenderer or a member of a partnership (if the Tenderer is a partnership) has operated in the market for less than 3 (three) years, the requirement shall be met during the Tenderer's actual operation period.</p> <p>In the case the previous three financial years of particular Tenderer differs from financial years (2017, 2018, 2019) stated in Regulation or the financial report isn't available, financial turnover shall be indicated for previous three financial years where financial report is available.</p>	<ul style="list-style-type: none"> - Filled in and signed Annex No 6 by the Tenderer; - Audited or self-approved by the Tenderer (only in case if audited yearly financial report is not required by the law of the country of residence of the supplier) yearly reports for financial years 2017, 2018, 2019 showing the turnover of the Tenderer and each member of the partnership (only on whose abilities the Tenderer is relying to certify it's financial and economic performance and who will be financially responsible for the execution of the Tenderer (if the Tenderer is a partnership). If yearly report for financial year 2019 is not available yet, Tenderer has to submit other documents showing the annual financial turnover of the Tenderer for financial year 2019. - For a limited partnership (within the meaning of Latvian Commercial Law, Chapter X) an additional document evidencing the amount of the investment by the limited liability partner (the partnership agreement or a document with a similarly binding legal effect). - If Proposal is submitted by a partnership, the Tenderer shall indicate the member of the partnership on whose capabilities the Tenderer is relying to certify it's financial and economic performance and who will be financially and economically responsible for fulfilment of the Contract including this information in the agreement of cooperation (or letter of intention to enter into agreement) stipulated in Clause 11.4.3. and in addition indicate it in the Annex 6.
8.3.2.	<p>The Tenderer or each member of the partnership (if the Tenderer is a partnership) on whose financial and economic capabilities the partnership is relying and who shall be financially and economically responsible for fulfilment of the procurement contract shall have stable financial and economic performance, namely, in the last audited financial year (2019) shall have positive equity capital (<i>Total Assets minus Total Liabilities</i>).</p>	<ul style="list-style-type: none"> - Filled in and signed Annex 6 (by the Tenderer and each member of the partnership (only those on whose financial capabilities the Tenderer is relying to certify it's financial and economic performance and who will be financially and economically responsible for fulfilment of the Contract). - Audited or self-approved (if the audited annual financial report is not required by the law of the country of residence of the Tenderer) annual financial report for

No	Requirement	Documents to be submitted
		<p>financial year 2019, showing the balance and calculation that proves positive equity.</p> <ul style="list-style-type: none"> - If annual financial report for financial year 2019 is not available yet, Tenderer shall submit other documents showing the annual financial turnover and financial indicators in order to calculate equity of the Tenderer for the financial year 2019 (or last available financial year).

8.4. Technical and professional ability

No	Requirement	Documents to be submitted
8.4.1.	<p>The Tenderer within the last 5 (five) years before the date of submission of the tender (2020, 2019, 2018, 2017, 2016 and 2021 till the submission of the tender) has performed one or several contracts within which the following geotechnical investigation services were provided:</p> <ol style="list-style-type: none"> at least 6 (six) boreholes with total depth at least 180 meters were made; at least 9 (nine) PG (Percussion gouge drilling) with total depth at least 72 meters were made; at least 8 (eight) DPH (Dynamic Probing Heavy) with total depth at least 160 meters were made; at least 8 (eight) CPT (Cone penetration test) with total depth at least 160 meters were made. 	<ul style="list-style-type: none"> - Filled in and signed Annex 4; - Copies of references from respective clients or similar documents, evidencing the services provided by the Tenderer.
8.4.2.	<p>The Tenderer within the last 5 (five) years before the date of submission of the tender (2020, 2019, 2018, 2017, 2016 and 2021 till the submission of the tender) has performed one or several contracts/ projects within which the following services were provided: investigation of potentially contaminated or contaminated territories with unexploded ordnance, search, identification, removal and collection of unexploded ordnance.</p>	<ul style="list-style-type: none"> - Filled in and signed Annex 4; - Copies of references from respective clients or similar documents, deeds of conveyance or any other proof provided by the third party (the Client / Contracting Authority) evidencing the experience).

8.5. Team of Key experts

8.5.1. The Tenderer shall propose key-expert named in the table below. Key-expert shall meet all qualification requirements established in the table below.

No	Field of expertise / Role	Professional experience and qualification / education	Documents to be submitted
1	Geotechnical investigation engineer	<p>a) Professional qualification/education according to the Country's (Country, where the specialist has permanent place of practice) legislation for the provision of respective services in the field of his/her expertise (if applicable by the respective Country's legislation);</p> <p>b) proficiency of English language at least at B2 level.</p> <p>c) Within the last 5 (five) years before the date of submission of the tender (2020, 2019, 2018, 2017, 2016 and 2021 till the submission of the tender) has provided geotechnical investigation services for design or construction of Group III³ structure/-es within at least 3 (three) separate projects.</p>	<ul style="list-style-type: none"> - Filled and signed Annex 5; - For persons whose permanent place of practice is in Latvia, the Contracting Authority shall verify the information regarding the existence of certified geotechnical engineer status itself in publicly available databases (www.bis.gov.lv) - For persons, whose permanent place of practice is abroad, Tenderer shall submit document evidencing Professional qualification/education according to the Country's (Country, where the specialist has permanent place of practice) legislation for the provision of respective services in the field of his/her expertise (if applicable by the respective Country's legislation) and self-statement issued by the Tenderer with confirmation "The foreign specialists attracted by the Tenderer are entitled to provide specific services, as well as in case a procurement contract will be awarded to the Tenderer, it will submit a declaration on temporary professional services in a regulated profession in the Republic of Latvia to the recognition authority no later than within 5 (five) working days from the conclusion of the procurement contract.

8.6. In order to comply with the selection requirements for the Tenderers relating to the economic and financial standing and technical and professional ability (including key experts), the Tenderer may rely upon the capabilities of other persons, regardless of the legal nature of their

³ Division of structures into groups according to construction process provided in Annex No 1 to General Construction Regulations of the Republic of Latvia, Cabinet Regulation No 500, adopted 19 August 2014, available on: <https://likumi.lv/ta/en/en/id/269069>

mutual relationship and for the fulfilment of the Contract may involve sub-contractors. In this case:

8.6.1. The Tenderer indicates:

- (a) in the Proposal all **persons upon whose capabilities it relies and sub-contractors** by filling in the table which is attached as Annex No 3, fills necessary information in E-Tenders system
and
- (b) proves 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 passing of resources to the Tenderer between such persons and the Tenderer. The confirmations and agreements on cooperation and passing of resources can be replaced by the Tenderer with any other type of documents with which the Tenderer is able to prove that the necessary resources will be available to the Tenderer and will be used during the term of fulfilment of the Contract.

Documents on cooperation and passing of resources have to be sufficient to prove to the Contracting Authority that the Tenderer will have the ability to fulfil the Contract, as well as that during the validity of the Contract the Tenderer will in fact use the resources of such person upon whose capabilities the Tenderer relies.

- 8.7. The total value of the services to be provided by the subcontractor shall be determined, taking into account the value of the services to be provided by the subcontractor and by all associate undertakings thereof within the scope of the relevant procurement. The associate undertaking shall be considered to be the capital company in which, in accordance with the laws and regulations governing the status of group of companies, the subcontractor has a decisive influence, or which has a decisive influence in the subcontractor, or a capital company in which another company has the decisive influence and which concurrently has a decisive influence in the relevant subcontractor.
- 8.8. The Contracting Authority shall require establishing joint and several liability for the execution of the Contract between the members of a partnership (if the Tenderer is a partnership) on whose financial and economic capabilities the partnership is relying and who will be financially and economically responsible for the fulfilment of the Contract.
- 8.9. The Tenderer, in order 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 for the Tenderer and for each person upon whose capabilities the Tenderer relies, but if the Tenderer is a partnership – for each member thereof. The Tenderer may fill in the European single procurement document at the Internet webpage <http://espd.eis.gov.lv/> (Electronical Procurement system of Latvia).

9. THE RIGHTS OF THE TENDERER

- 9.1. The Supplier can request additional information regarding the Regulation. Additional information can be requested in writing, by sending it to the Procurement Commission electronically using the E-Tenders system. Additional information must be requested in a timely fashion, so that the Procurement Commission can provide a response no later than 6 (six) days prior to the deadline for submitting applications. The Procurement Commission shall provide a response within 5 (five) business days from the day of receipt of the request.
- 9.2. If the Contracting Authority receives 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 the 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.

- 9.3. If a Tenderer believes that its rights have been violated or such violation is possible due to possible violation of the laws of the European Union or other laws, the Tenderer has the right to submit a complaint to the Procurement Monitoring Bureau according to the procedure stipulated in the Public Procurement Law of Latvia regarding the Tenderer's selection requirements, technical specifications or other requirements relating to this Competition, or relating to the activities of the Contracting Authority or the Procurement Commission during the Competition.
- 9.4. The Supplier covers all expenses, which are related to the preparation of Proposal and its submission to the Contracting Authority. The submitted Proposals are not returned to the Tenderer, unless specifically envisaged in the Regulation.

10. FINANCIAL PROPOSAL

- 10.1. The Financial Proposal shall be submitted as part of Annex No 1.
- 10.2. The proposed Contract price shall be determined in *euro* without value added tax (hereinafter – VAT).
- 10.3. The proposed contract price and unit prices have to be calculated and indicated with an accuracy of 2 (two) decimal places after comma. If more than 2 (two) decimal places after comma are indicated, then only the first two decimal places will be taken into account.
- 10.4. The **proposed** contract price shall include all taxes, fees and payments, and all costs related to the fulfilment of the obligations specified in the Contract, except VAT.
- 10.5. The prices are fixed for all the term of the fulfilment of the Contract and are not recalculated, except in cases stipulated in the contract (if any).
- 10.6. Financial proposal consists of: **a) Basic package (mandatory part) services** and **b) Optional package services**. Services described under Optional package shall be delivered only on demand according separate order expressed by contracting Authority, but in any case at the same time together with delivery of the Base package if Contracting Authority will demand for these services. More detailed information provided in Draft Contract (Annex No 7).

11. CONTENTS AND FORM OF THE PROPOSAL

- 11.1. Proposal must be submitted electronically in E-Tenders subsystem of the Electronic Procurement System (<https://www.eis.gov.lv/EKEIS/Procurement/Edit/56827>) in accordance with the following options for the Tenderer:
 - 11.1.1. by using the available tools of E-Tender subsystem, filling the attached forms of the E-Tender subsystem for this procurement procedure;
 - 11.1.2. by preparing and filling the necessary electronic documents outside the E-Tenders subsystem and attaching them to the relevant requirements (in this situation, the Tenderer takes responsibility for the correctness and compliance of the forms to requirements of documentation and form samples);
 - 11.1.3. by encrypting electronically prepared proposal outside subsystem of E-Tenders with data protection tools, provided by third parties, and protection with electronic key and password (in this situation, the Tenderer takes responsibility for the correctness and compliance of the forms to the requirements of such documentation and form samples as well as ensuring the capability for the Contracting Authority to open and read the document).

- 11.2. During preparation of the Proposal, the Tenderer shall comply with the following:
- 11.2.1. Documents mentioned in Clause 11.4. of Regulation (Proposal) must be filled in a separate electronic document, in line with the forms attached to the procurement process of the E-Tenders subsystem in a Microsoft Office 2010 (or later) format and attached to the designated part of the procurement procedure;
- 11.2.2. Upon submission, the Tenderer signs the Proposal with a secure electronic signature and time-seal or with an electronic signature provided by the Electronic Procurement System.
- 11.3. The Proposal (its parts, if signed separately) are signed by an authorised person, including their authorisation document (e.g. power of attorney) *expressis verbis* stating the authorisations to sign, submit and otherwise manage the Proposal.
- 11.4. The following documents shall be included in the Proposal:

No	Document	Corresponding section in E-Tenders system (https://www.eis.gov.lv/EKEIS/Supplier/) where document shall be uploaded
11.4.1.	Filled Application form in accordance with Annex No 1	Technical requirements
11.4.2.	<p>Documents confirming right of signature (representation):</p> <p>A document confirming the right of signature (representation) of the representative of the Tenderer or each member of a partnership (if Tenderer is a partnership) who has signed proposal for this Competition and any other document (e.g. partnership agreement, agreement on cooperation, letter of intension etc.) included in the proposal.</p> <p>A document confirming the right of signature (representation) of the representative of subcontractor and the person on whose capabilities the Tenderer is relying to meet qualification criteria stipulated in Regulation and who has signed any documents (agreement on corporation, letter of intension etc.) included in proposal</p>	Other requirements
11.4.3.	<p>Documents confirming establishment of partnership (consortium)</p> <p>If Proposal is submitted by a partnership, the Proposal shall include an agreement (or letter of intention to enter into agreement or any similar document) signed by all members of the partnership on the</p>	Other requirements

	<p>participation in the Competition, which:</p> <ol style="list-style-type: none"> 1) lists responsibilities of each and every partnership member and a joint commitment to fulfil the Procurement Contract; 2) authorises one key member to sign the Application and other documents, to receive and issue orders on behalf of the partnership members, and with whom all payments will be made. 	
11.4.4.	Information and documents (including documents, but not limited to, according to Section 8.2. – 8.5.), confirming compliance of the Tenderer with the selection criteria for the Tenderers or the corresponding ESPD	Selection requirements
11.4.5.	Information and documents relating to the entities on whose capabilities the Tenderer is relying and sub-contractors (according to Section 8.6. of Regulation) (If applicable)	Other requirements
11.4.6.	Information and documents according to Section 18.4. (if applicable)	Other requirements

- 11.5. The Tenderer is not permitted to submit variants of the Proposal. If variants of the Proposal shall be submitted, the Proposal will not be reviewed.
- 11.6. The Tenderer may submit a Proposal only for the whole subject matter of the open competition in total.
- 11.7. The Proposal must be submitted in a written form in accordance with this Regulation, in English or Latvian language. If the application is submitted in Latvian language, then upon a request by the Procurement Commission the Tenderer shall provide a translation in English language within the deadline requested by the Contracting Authority's Procurement Commission. If the proposal is submitted in English language, upon a request by the Procurement Commission the Tenderer shall provide a translation in Latvian language within the deadline requested by the Contracting Authority's Procurement Commission.
- 11.8. The proposal may contain original documents or their derivatives (e.g. copies). In the Proposal or in the reply to a request of the Procurement Commission the Tenderer shall submit only such original documents which have legal force. For the document to gain legal force it has to be issued and formatted in accordance with the Law on Legal Force of Documents and Law on Electronic Documents of the Republic of Latvia, but public documents issued abroad shall be formatted and legalised in accordance with the requirements of the Document Legalization Law. When submitting the proposal, the Tenderer has the right to certify the correctness of all submitted documents' derivatives and translations with one certification.
- 11.9. The Proposal must be signed using an electronic signature according to the requirements indicated in 11.2.2. of this Regulation.

- 11.10. 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 procedure.
- 11.11. Proposals submitted after the expiry of the deadline for the submission of Proposals shall not be reviewed.

12. ENCRYPTION OF THE PROPOSAL INFORMATION

- 12.1. The E-Tender system ensures the first level encryption of the information provided in the Proposal documents.
- 12.2. If the Tenderer applied additional encryption to the information in the Proposal (according to Section 12.1.3.), the Tenderer has to provide the Contracting Authority's Procurement Commission representative listed in Section 2.9. with electronic key with the password to unlock the information not later than the deadline of the proposal submission.

13. SUBMISSION OF A PROPOSAL

- 13.1. Proposal (documents referred to in the Section 11.4.) shall be submitted electronically using the tools offered by the E-Tenders system available at <https://www.eis.gov.lv/EKEIS/Supplier/ProcurementProposals/56827> by **14 June 2021, before 15:00 o'clock (Time Zone EEST (Eastern European Summer Time), Riga (Latvia))**.
- 13.2. The Tenderer may recall or amend its submitted Proposal before the expiry of the deadline for the submission of proposals by using the tools offered by E-Tenders system.
- 13.3. Only Proposals submitted to the E-Tenders system and within the time indicated in Clause 13.1. will be accepted and evaluated for participation in the procurement procedure. Any Proposal submitted outside the E-Tenders system or submitted after the time indicated in Clause 13.1. will be declared as submitted in a non-compliant manner and will not participate in the procurement procedure.

14. OPENING OF PROPOSALS

- 14.1. The Proposals will be opened in the E-Tenders system by **14 June 2021, at 15:00 o'clock (Time Zone EEST (Eastern European Summer time), Riga (Latvia))** during the open meeting. It is possible to follow the opening of submitted proposals online in the E-Tenders system.
- 14.2. The Proposals are opened by using the tools offered by E-Tenders system, the proposed price and other information that characterizes the Proposal (excluding confidential information) shall be published in E-Tenders system, as well as notice of the presence of documents proving the Security.
- 14.3. The information regarding the Tenderer, the time of Proposal submission, the proposed price and other information that characterizes the Proposal is generated at the opening of the proposals by E-Tenders system and written down in the Proposal opening sheet, which shall be published in E-Tenders system and Contracting authorities web page.

15. VERIFICATION OF PROPOSAL

- 15.1. Procurement Commission verifies whether the submitted Proposals comply with the requirements stipulated in the Regulation (Section 11) and whether all required information and documents are submitted and selects for further evaluation only the compliant Proposals.

16. VERIFICATION OF FINANCIAL PROPOSALS

- 16.1. The Procurement Commission verifies whether Tenderers have completed Annex 1 "Application (Financial proposal)" in accordance with the requirements stipulated in Section 10 of Regulation.
- 16.2. 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. The Procurement Commission shall act in accordance with Article 53 of Public Procurement Law of Republic of Latvia to verify an abnormally low Proposal.
- 16.3. The Procurement Commission informs the Tenderer whose mathematical errors have been corrected about the correction of mathematical errors and the corrected Financial Proposal.
- 16.4. When evaluating the Financial Proposal, the Procurement Commission takes corrections into account.
- 16.5. The Procurement Commission has the right to demand that the Tenderer explains the calculation upon which the Financial Proposal is based and other related aspects in order to ascertain the objectivity of the Financial Proposal and whether an abnormally low Proposal has been submitted.
- 16.6. The Procurement Commission further evaluates the compliant Proposals which have not been declared as abnormally low Proposals and selects for further evaluation only the compliant Financial Proposals.

17. CONTRACT AWARD CRITERIA

- 17.1. The Proposal selection criterion is **the most economically advantageous proposal**, considering the sole criterion – lowest contract price.
- 17.2. The Procurement Commission shall sum up the points obtained by each Tenderer and the Contract shall be awarded to the Tenderer whose Proposal receives the highest score.
- 17.3. In case several Tenderers will obtain equal number of points, the Procurement Commission shall award the right to conclude the contract to the Tenderer which will obtain higher score for its Financial Proposal. If also this score will be equal, then the Procurement Commission will invite representatives of those particular Tenderers and organize a draw. In situation, when representatives of Tenderers choose to not be present at the draw, Procurement Commission will carry out the draw without representatives of Tenderers present.
- 17.4. **Evaluation of the Financial Proposal**
- 17.4.1. The Procurement Commission shall award the maximum available points (100 points) for the Financial Proposal with the lowest proposed total contract price for base part and optional part (together).
- 17.4.2. Other Financial Proposals shall receive score in accordance with the following formula:

$$\text{points} = \frac{\text{Lowest proposed total contract price among the compliant proposals}}{\text{Tenderer's proposed total contract price}} * 100$$

- 17.4.3. The points shall 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.

- 18. TENDERER CHECK PRIOR TO MAKING THE DECISION REGARDING THE CONCLUSION OF THE CONTRACT**
- 18.1. Prior to making the decision about assigning rights to conclude the Contract, the Procurement Commission verifies whether the exclusion grounds are applicable to the Tenderers, members of a partnership (if the Tenderer is a partnership), persons on whose capabilities the Tenderer is relying to certify its compliance with qualification requirements and subcontractors whose share of services is equal to or exceeds 10% of the Contract value.
- 18.2. If, in accordance with the information published on the day of the last data update in a public database, on the last day of Proposal submission or on the day when the decision regarding the possible assignment of rights to conclude a Contract is made, the Tenderer, member of a partnership (if the Tenderer is a partnership), a subcontractor whose share of work is equal to or exceeds 10% of the Contract value or a person on whose capabilities the Tenderer is relying have tax debts, including state mandatory insurance contributions debts, the total sum of which exceeds 150 euro, the Procurement Commission informs the Tenderer and sets a deadline – 10 days from the day of issuing or receiving information – for the submission of a certificate evidencing absence of tax debt or decision to prolong the deadline or postpone payment of the tax, an agreement on payment of the tax or other objective evidence proving absence of a tax debt.
- 18.3. If the Tenderer fails to submit required evidence about itself within the set deadline, the Procurement Commission excludes the Tenderer from participation in the open competition.
- 18.4. If the Tenderer is subject to any of the exclusion grounds under Section 8.1.1 and 8.1.3 – 8.1.8, the Tenderer shall indicate this fact in Application (Annex No 1) and provide explanations and evidences regarding the reimbursement of the damage caused or an agreement on the reimbursement of the damage caused, cooperation with the investigating authorities and the technical, organisational or personal management measures taken to demonstrate their reliability and prevent recurrence of the same and similar cases in the future.
- 18.5. If the Tenderer doesn't submit explanations and evidences, Contracting Authority shall exclude the Tenderer from participating in the procurement procedure as compliant to the exclusion grounds stipulated in Sections 8.1.1. and 8.1.3. – 8.1.8.
- 18.6. Contracting authority shall evaluate the measures taken by the Tenderer, member of the partnership (if the Tenderer is a partnership) and evidences thereof, taking into account the severity of the criminal offence or infringement and the specific circumstances. The Contracting authority may request from the competent authorities in the relevant field of criminal offence or infringement concerned opinions whether the measures taken by the Tenderer are sufficient to restore reliability and to prevent the same or similar cases in the future. The opinion shall not be requested if it is already available for the Contracting authority or the Tenderer has submitted an opinion of the relevant authority in the field of criminal offence or infringement regarding the sufficiency of the measures taken by the relevant Tenderer for the restoration or reliability and for the prevention of the same and similar cases in the future.
- 18.7. If the Contracting authority considers the measures taken to be sufficient to restore reliability and prevent similar cases in the future, Contracting authority shall take a decision not to exclude the relevant Tenderer from participating in the procurement procedure. If the measures taken are insufficient, the Contracting authority shall take a decision to exclude the Tenderer from further participating in the procurement procedure.

- 18.8. The Contracting Authority shall request the Tenderer to change person on whose capabilities the Tenderer is relying to meet qualification requirements for the tenderers stipulated in regulations, if such person is subject to any of exclusion grounds referred in Section 8.1.1. – 8.1.8. and 8.1.12. The Contracting Authority shall request the Tenderer to change sub-contractor whose share of services is equal to or exceeds 10% of the Contract value, if such person is subject to any of exclusion grounds referred in Section 8.1.2. – 8.1.8. and 8.1.13. If the Tenderer will not submit documents about another person on whose capabilities the Tenderer is relying to meet qualification requirements which complies with the selection criteria and sub-contractor whose share of services is equal to or exceeds 10% of the Contract value within 10 (ten) business days from the date when the request was issued or sent to the Tenderer, the Contracting authority shall exclude such Tenderer from further participation in the Competition.
- 18.9. If the Tenderer has failed to submit some of the documents which shall be submitted according to the Regulation (including evidences required by the Contracting authority in order to verify non-existence of exclusion grounds) or the contents of the submitted documents do not comply with the Regulation, the Procurement Commission decides to exclude the Tenderer from further participation in the Competition.
- 18.10. Notices and other documents which are issued by Latvian competent institutions in cases referred to check of non-existence of exclusion grounds, are accepted and recognised by the Procurement Commission, if they are issued no earlier than 1 (one) month prior to submission thereof or if the notice contains a shorter validity term. Notices and other documents, which are issued by foreign competent institutions in cases referred to check of non-existence of exclusion grounds, are accepted and recognized by the Procurement Commission, if they are issued no earlier than 6 (six) months prior to submission thereof or if the notice contains a shorter validity term. The Tenderer must verify the latter. This rule does not apply to expert'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.
- 18.11. If the documents, with which the Tenderer registered or permanently residing abroad (outside Latvia) can certify its compliance with the requirements of Section 8.1. (Exclusion grounds), 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. before a competent executive governmental or judicial institution, a sworn notary or a competent organisation of a corresponding industry in their country of registration (permanent residence).
- 19. DECISION MAKING, ANNOUNCEMENT OF RESULTS AND ENTERING INTO A CONTRACT**
- 19.1. The Procurement Commission selects the Tenderers in accordance with the set selection criteria for Tenderers, verifies the compliance of the Proposals with the requirements stipulated in the Regulation and chooses the Proposal in accordance with the contract award criteria as described in Section 17. The Tenderer whose Proposal will receive the best score shall be selected.
- 19.2. Within 3 (three) Business days from the date of decision about the open competition results the Procurement Commission informs all the Tenderers about the decision made by sending the information by post or electronically and keeping the evidence of the date and mode of sending the information. The Procurement Commission announces the name of the chosen Tenderer, indicating:
- 19.2.1. to the refused Tenderer the reasons for refusing its Proposal;

- 19.2.2. to the Tenderer who has submitted an eligible Proposal, the characterization of the chosen proposal and the relative advantages;
- 19.2.3. the deadline by which the Tenderer may submit a complaint to the Procurement Monitoring Bureau regarding violations of the public procurement procedure.
- 19.3. If only 1 (one) Tenderer complies with all the Tenderer selection requirements, the Procurement Commission prepares and includes in the open competition procedure 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, it makes the decision to terminate the public procurement procedure.
- 19.4. If the public procurement procedure is terminated, the Procurement Commission within 3 (three) Business days simultaneously informs all Tenderers about all the reasons because of which the open competition procedure is terminated and informs about the deadline within which a Tenderer may submit an application regarding the violations of the public procurement procedure to the Procurement Monitoring Bureau.
- 19.5. The Procurement Commission, when informing of the results, has the right not to disclose specific information, if it may infringe upon public interests or if the Tenderer's legal commercial interests or the conditions of competition would be violated.
- 19.6. As soon as possible, but not later than within 5 (five) Business days from day when the decision about the results of the open competition is taken, the Procurement Commission prepares a report on the open competition procedure and publishes it in Contracting Authority's profile of E-Tenders system (<https://www.eis.gov.lv/EKEIS/Supplier/Procurement/56827>) and on Contracting Authority's webpage <http://www.railbaltica.org/tenders/>.
- 19.7. **The selected Tenderer upon receiving the notification from Procurement Commission must:**
 - 19.7.1. within 5 (five) Business days submit cooperation or partnership agreement if required pursuant to requirements under Section 7.1.2.1;
 - 19.7.2. within 10 (ten) days from receiving the invitation, to sign the Contract.
- 19.8. The Contract is concluded on the basis of the Tenderer's Proposal and in accordance with Annex 7.
- 19.9. **The Procurement Commission has the right to choose the next most economically advantageous Proposal, if the Tenderer in the time stipulated by the Regulation:**
 - 19.9.1. refuses to conclude a partnership contract in the cases and deadlines defined by the Regulation, or in the cases and deadlines defined by the Regulation does not submit a copy of the partnership contractor does not inform of the founding of a partnership company;
 - 19.9.2. refuses to conclude the Contract or does not submit a signed Contract within the deadlines defined in the Regulation.
- 19.10. In such a case the Procurement Commission is entitled to terminate this open competition without selecting any Proposal, or to select the Proposal with the next best score. For either of these decisions a written decision must be made.
- 19.11. 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, the Procurement Commission makes a decision to terminate the open competition without selecting any Proposal. If the next chosen Tenderer also refuses to conclude the contract or does not submit a signed public procurement contract within

the deadline set by the Procurement Commission, the Procurement Commission makes the decision to terminate the open competition without selecting any Proposal.

20. ANNEXES:

1. Application (incl. Financial proposal) form;
2. Technical specification;
3. Table "Entities on whose capabilities the Tenderer is relying to certify its compliance with qualification requirements and sub-contractors";
4. Table "Experience of the Tenderer";
5. Table "Experience of Key-Expert";
6. Table "Confirmation of the Tenderers financial standing";
7. Draft Contract.

Chairman of the Procurement Commission

J. Lukševics

*Annex No 1 to open competition
"Identification of unexploded ordnance and
geotechnical works in former Cekule military area" regulation,
ID No RBR 2021/10*

ANNEX NO 1: APPLICATION

[form of the Tenderer's company]

2021.____._____

**APPLICATION FOR PARTICIPATION IN THE OPEN COMPETITION
"IDENTIFICATION OF UNEXPLODED ORDNANCE AND GEOTECHNICAL WORKS IN FORMER CEKULE
MILITARY AREA", NO RBR 2021/10**

Name of the Tenderer or members of the partnership

Registration number of the Tenderer or members of the partnership

VAT payer registration number

Legal address

Actual address

Bank

Bank account (IBAN)

Bank code (SWIFT)

telephone number

e-mail

Contact person of the Tenderer: name, surname, position

-
1. Confirms participation in the open competition "Identification of unexploded ordnance and geotechnical works in former Cekule military area", id. No RBR 2021/10.
 2. Proposes identification of unexploded ordnance and geotechnical works in former Cekule military area in accordance with the Technical Specification, this Proposal and Draft Contract for the following Total Contract price:

_____ EUR (excluding VAT) which consists of:

a) Basic package services according to Technical specification:

Point No	Name	Type of investigation point (PG - Percussion Gouge Drilling; CPT - Cone penetration test; DPSH - Dynamic Probing Super Heavy; BH – Bore Hole; DP – Dynamic Probing)	Depth	Price for investigation point, EUR without VAT*
1	PG_S2_443	PG	8	
2	PG_S2_445	PG	8	
3	CPT_S2_442	CPT+DPSH	≥25	
4	CPT_S2_444	CPT+DPSH	≥25	
5	BH_S2_441	BH+CPT or DP	≥35	
6	BH_S2_455+PZ	BH+CPT or DP	≥35	
7	BH_S2_458	BH+CPT or DP	≥35	
8	CPT_S2_456	CPT+DPSH	≥25	
9	BH_S2_619	BH+CPT or DP	≥35	
10	PG_S2_457	PG	10	
11	PG_S2_461	PG	6	
12	PG_S2_615	PG	10	
13	CPT_S2_616	CPT	20	
14	BH_S2_622	BH+CPT or DP	≥35	
15	BH_S2_673+PZ	BH+CPT or DP	≥35	
16	CPT_S2_617	CPT+DPSH	≥25	
17	PG_S2_618	PG	8	
18	PG_S2_621	PG	8	
19	CPT_S2_620	CPT+DPSH	≥25	
20	CPT_S2_671	CPT+DPSH	≥25	
21	CPT_S2_674	CPT+DPSH	≥25	
22	PG_S2_672	PG	8	
23	PG_S2_675	PG	8	
Total value, EUR without VAT:				

b) Optional package services according to Technical specification:

Investigation point type	Depth of investigation (m)	Structure type	Approximate area to be scanned and cleaned for access to Investigation point (m ²)	Price for 1 investigation point, EUR without VAT*	Maximum number of geotechnical investigations	Total price for 20 investigation points
				a	b	c=a * b
PG + Probing	8-12	Embankment	3000		20	

*Financial proposal includes all costs, related to provision of services according to Technical specification (including investigation of potentially contaminated or contaminated territories with unexploded ordnance, search, identification, removal and collection of unexploded ordnance).

3. (Only if applicable): Informs that the following persons comply with the following exclusion grounds:

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

*Financial proposal includes all costs, related to provision of services according to Technical specification (including investigation of potentially contaminated or contaminated territories with unexploded ordnance, search, identification, removal and collection of unexploded ordnance)

4. Confirms that the Regulation 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 Regulation as well as enter into a procurement Contract in accordance with the draft Contract enclosed with the Regulation.
5. Guarantees that all information and documents provided are true.
6. We meet the criteria of (*please mark*):
 a small medium other

sized enterprise⁴ as defined in the Article 2 of the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprise.⁵

Signature: _____
Date: [date of signing]
Name: [name of the representative of the Tenderer]
Position: [position of the representative of the Tenderer]

⁴ 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.

⁵ 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 2: TECHNICAL SPECIFICATION

FOR OPEN COMPETITION

**"GEOTECHNICAL INVESTIGATIONS IN THE FORMER MILITARY WAREHOUSE AREA IN
CEKULE"**

(IDENTIFICATION NO RBR 2021/10)



Co-financed by the European Union
Connecting Europe Facility

Riga, 2021

1. General information and Scope of services

The Contracting authority RB Rail AS (RBR) was established by the Republics of Estonia, Latvia and Lithuania, via state-owned holding companies, to coordinate the development and Construction of the fast-conventional standard gauge railway line on the North Sea – Baltic TEN-T Core Network Corridor (Rail Baltica II) linking three Baltic states with Poland and the rest of the EU. During the Value engineering stage of the design of Rail Baltica railway line, the track option that is crossing Cekule area was selected.

Cekule site area is wooded area, contaminated with unexploded ordinance (UXO). Contamination of this area started in 1920s when warehouses for Latvian National Armed Forces were located there. During the Second World War, the warehouses were blown up, scattering the munitions all throughout area. After this, 1-2 m of soil was backfilled over this area to make it "safer" for movement of troops and vehicles. The area was subject to heavy military use up until 1994 when USSR army egressed from the location. Previous clean-up activities in this area have uncovered different kinds of buried munitions as well as explosives without casings.

The area (cadastral number 80960060065) is in ownership of Stopiņi municipality, but the land is maintained by Ministry of Defense.

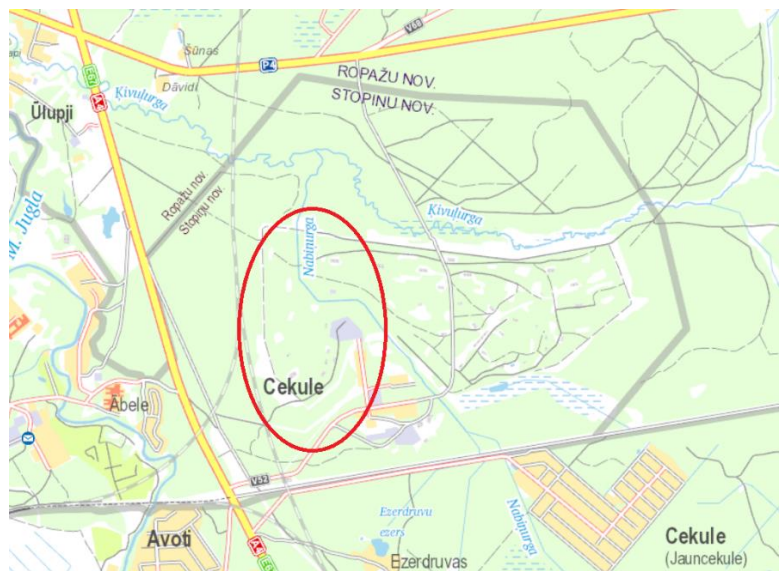
For the design of Rail Baltica railway line, the geotechnical investigations must be carried out in this area to ensure the design is suitably informed. As this area is heavily contaminated, the Consultant must carry out the geotechnical investigations in conjunction with a certified expert in Unexploded Ordinance removal. This is to ensure the safety for geotechnical drilling crew as well as the safety of future construction operations. The work area shall be cleaned as per the specifications.

In this area, several important structures for the Rail Baltica mainline will be located, therefore the Geotechnical investigations in this area must be carried out according to highest industry standards and practices applying requirements from these Specifications and all applicable EU standards and regulations.

All the necessary rights of access, access roads to works area, necessary tree cuttings and all other permits and licenses are included in the scope of this work.

The proposal will be separated into a Base proposal and an Optional package.

Location of area where Investigations will be carried out:



2. Base proposal work task and description

The proposed works shall include the full scope to deliver the Geotechnical investigations for the rail track and structures, as well as the associated factual reports (In accordance with EN 1997-2 section 6.2). The Cekule area is heavily polluted with unexploded ordnance, Therefore the Contractor must carry out works to detect the UXOs, as well as working with the appropriate authorities to ensure their safe disposal.

2.1 Unexploded ordnance

The location of unexploded ordnance in the area must be carried out initially by surface based methods i.e. magnetic, electromagnetic, or other appropriate geophysical scanning methods. Repeat scanning must be done to ensure the cleaning of the site at different depth levels before and after clearance. Ground scanning shall be carried out by a licensed organization, according to the Latvian legislation (Cabinet regulations Nr. 672). UXO removal by a certified UXO removal specialist and licensed organization according to Cabinet regulations Nr.672 "Ar militāra rakstura sprādzien bīstamiem priekšmetiem un nesprāgušu munīciju piesārņotu un potenciāli piesārņotu teritoriju izpētes un piesārņotu teritoriju sanācijas kārtība".

Removal of UXOs must be carried out according to Cabinet regulations Nr.672 "Ar militāra rakstura sprādzien bīstamiem priekšmetiem un nesprāgušu munīciju piesārņotu un potenciāli piesārņotu teritoriju izpētes un piesārņotu teritoriju sanācijas kārtība", Law : "On Pollution" and Law on Forests (if tree cutting is foreseen). Receival of all necessary permits and all the preparation works for carrying out this investigation is in the Scope of this contract. The works for site clean-up include, but are not limited to:

- a) Visit and assessment of work area
- b) Investigation on historical records, previously carried out investigations*
- c) Preparation of scanning program, assessment of necessary on-site preparation, based on geotechnical works plan. Alignment of work program with responsible authorities according to Cabinet regulations Nr.672 "Ar militāra rakstura sprādzien bīstamiem priekšmetiem un nesprāgušu munīciju piesārņotu un potenciāli piesārņotu teritoriju izpētes un piesārņotu teritoriju sanācijas kārtība"
- d) Preliminary scanning of area
- e) Report to Client on results of preliminary scanning and historical data analysis and alignment of site clean – up work program with responsible authorities according to Cabinet regulations Nr.672 "Ar militāra rakstura sprādzien bīstamiem priekšmetiem un nesprāgušu munīciju piesārņotu un potenciāli piesārņotu teritoriju izpētes un piesārņotu teritoriju sanācijas kārtība"
- f) Removal and collection of UXOs via liaison with the appropriate authorities for disposal (to be carried out by the Latvian Armed forces) according to process described in Cabinet regulations Nr.672 "Ar militāra rakstura sprādzien bīstamiem priekšmetiem un nesprāgušu munīciju piesārņotu un potenciāli piesārņotu teritoriju izpētes un piesārņotu teritoriju sanācijas kārtība"
- g) Cutting of trees, receival of tree- cutting permits - only where it is necessary for detection, removal of UXOs or to ensure access for Geotechnical investigation crews. Disposal of cut tress must be agreed with the landowner – Stopiņi municipality and Forestry service
- h) Cleaning and creation of access roads
- i) Report on cleaned area, report amount of removal of UXOs
- j) Clearance report on cleaned areas for Clients further use

All areas that will be cleaned as part of these GI works must be clearly defined and provided to the client in a digital geospatial format. The clearance works must be comprehensive as to ensure that these do not present risk to future investigation or construction activities.

* The Client shall not be responsible for the availability and content of the available historical information

2.2 Geotechnical investigations

Geotechnical investigations must be carried out by certified experts and a licensed organization.

Geodetic survey shall be carried out according to national legislation (LV "Ministru kabineta noteikumi Nr.281", "Noteikumi par Latvijas būvnormatīvu LBN 005-15 "Inženierizpētes noteikumi būvniecībā", LBN 207-15 "Ģeotehniskā projektēšana", EN 1997 parts 1 and 2, and other applicable standards, normative documents and legal acts.

The geotechnical investigations described in this document should be carried out with the purpose of providing information for the new construction, improvement and/or renovation of the project structures defined below.

The results of the investigations and respective laboratory tests shall be compiled in a factual report to enable the geotechnical designers to provide recommendations for the new structures regarding the following aspects:

- Type of foundation
- Depth of foundation
- Foundation construction
- Depth and area of possible soil replacement
- Possible soil improvements
- Load bearing capacity of the soil
- Estimates on expected settlement for defined loads
- Excavation of construction pits
- Groundwater management
- Geotechnical ground risk assessment and risk register
- Areas of unstable or weak soils
- Stability calculations
- Peat or soft soil condition, behaviour and extent

The investigations, field test and laboratory test data will be compiled into a comprehensive factual report (EN1997-2 section 6) and provided to the Client. The quality of the GI and information produced shall be regularly checked by both the Client during the progress of the works. To provide insight into the points outlined above the following base investigations shall be completed:

Investigation points

Point Nr.	Name	Location X	Location Y	Structure type	Investigation point type	Depth
1	PG_S2_443	524575,00	309612,50	Bridge Nabinurga 9+520	PG	8
2	PG_S2_445	524564,80	309592,70	Bridge Nabinurga 9+520	PG	8
3	CPT_S2_442	524579,60	309614,20	Bridge Nabinurga 9+520	CPT+DPSH	≥25*
4	CPT_S2_444	524569,20	309592,70	Bridge Nabinurga 9+520	CPT+DPSH	≥25*
5	BH_S2_441	524590,40	309640,20	Bridge Nabinurga 9+520	BH+CPT or DP	≥35*
6	BH_S2_455+PZ**	524433,70	309369,60	Bridge Junction branch 9+828	BH+CPT or DP	≥35*
7	BH_S2_458	524399,40	309287,60	Bridge Junction branch 9+828	BH+CPT or DP	≥35*
8	CPT_S2_456	524435,20	309341,80	Bridge Junction	CPT+DPSH	≥25*

				branch 9+828		
9	BH_S2_619	524528,20	309692,10	Bridge Nabinurga 1+590	BH+CPT or DP	≥35*
10	PG_S2_457	524424,00	309325,60	Bridge Junction branch 9+828	PG	10
11	PG_S2_461	524341,00	309220,80	Track alignment	PG	6
12	PG_S2_615	524613,80	309893,60	Track alignment	PG	10
13	CPT_S2_616	524574,10	309803,10	Track alignment	CPT	20
14	BH_S2_622	524511,10	309646,00	Bridge Nabinurga 1+590	BH+CPT or DP	≥35*
15	BH_S2_673+PZ**	524597,00	309596,10	Bridge Nabinurga 1+660	BH+CPT or DP	≥35*
16	CPT_S2_617	524536,00	309713,14	Bridge Nabinurga 1+590	CPT+DPSH	≥25*
17	PG_S2_618	524539,10	309711,20	Track alignment	PG	8
18	PG_S2_621	524521,60	309663,20	Bridge Nabinurga 1+590	PG	8
19	CPT_S2_620	524518,20	309665,70	Bridge Nabinurga 1+590	CPT+DPSH	≥25*
20	CPT_S2_671	524608,50	309624,50	Bridge Nabinurga 1+660	CPT+DPSH	≥25*
21	CPT_S2_674	524592,10	309577,50	Bridge Nabinurga 1+660	CPT+DPSH	≥25*
22	PG_S2_672	524610,10	309618,50	Track alignment	PG	8
23	PG_S2_675	524589,80	309573,70	Bridge Nabinurga 1+660	PG	8

*These are the minimum target depths, however, the final target depth must meet or exceed the specified depths in order to reach competent stratum or rock. If rock is encountered, termination at shallower depths may be implemented however the rock must be competent and proven continuously for at least 2m i.e. RQD≥70%, no voids or gypsum or cohesive units, field strength described in accordance with ISO 14689 and shall be more than 0.6MPa which can also be confirmed by point load tests in the field

** PZ: Standpipe piezometer for groundwater monitoring- return measurements required every two weeks up until the end of the 2022

Meaning of abbreviations:

BH - Core drilling

CPT - Cone Penetration tests

PG - Percussion gauge drilling

DPSH - Dynamic Probing Super Heavy

DP - Dynamic Probing

In the event of unforeseen complications on site, some of the investigation points may be relocated. These circumstances must be aligned with the Client to approve the proposed relocations or assess any solution to gain access. Each occasion will be decided separately, with written proposal and clearly provided on a GI plan with the location of the original and the proposed relocated points respectively. In no case can the relocation be further than 15m away from original location of the Investigation point.

The investigation shall provide information that will enable the Client's designer to complete the structural design. The contractor will provide field and laboratory test data, and factual reports. The GI must suitably assess the respective stratigraphic units by determining and providing the following information:

For soils:

- Soil classification, including:
 - particle size analysis and consistency limits according to EN 1997-2
 - UIC 719R QS classification
 - Water sensitivity classification according to Design Guidelines (MB_F value)
 - Frost susceptibility according to ISSMFE TC-8 criteria
- Water content, natural (according to EN 1997-2)
- Bulk density (according to EN 1997-2)
- Particle density (according to EN 1997-2)
- Density index (according to EN 1997-2)
- Necessary strength properties (according to EN 1997-2);
- Necessary compressibility and deformation properties (according to EN 1997-2)
- Permeability (according to EN 1997-2)
- Shrinking and swelling indices
- If necessary (e.g. for concrete and steel structures), additional chemical characterization shall be evaluated according to EN 1997-2 (organic content, carbonate content, sulfate content, pH value, acidity or alkalinity, chloride content)

For rockmass:

- Classification, identification, and description (according to EN 1997-2)
- Water content, density, and porosity (according to EN 1997-2)
- Necessary strength and deformation properties (according to EN 1997-2)
- If necessary, then also swelling properties (according to EN 1997-2)
- Discontinuities in the rockmass

The geotechnical investigation shall be carried out according to EN 1997 parts 1 and 2, taking into account the recommendations and national legislation (e.g. "Ministru kabineta noteikumi Nr.281", "Noteikumi par Latvijas būvnormatīvu LBN 005-15 "Inženierizpētes noteikumi būvniecībā"). The identification, description and classification of the investigated soil and rock shall be carried out according to the EN ISO 14688 and EN ISO 14689 respectively. Drilling and sampling must be in accordance with ISO 22475 and probing methods should conform to ISO 22476. The Geotechnical laboratory testing should also be aligned with the respective ISO 17892 standard and the data presented shall be aligned with the minimum mandatory reporting requirements.

Contractor shall submit laboratory schedule prior to conducting tests for approval by Client, based on preliminary borehole data.

In some areas, the water level may raise above ground level due to high groundwater level and/or during the heavy precipitation events. This must be taken into account for all considerations, also for drilling and planning of the works. These include rivers that can overflow their banks due to flooding. For this reason, investigations for groundwater conditions must be made.

Groundwater investigations must provide all important information needed for geotechnical design and construction. Details on groundwater conditions should be described as follows:

- Depth, thickness, extent, and permeability of the aquifers in the subsoil and the fissures in the rock

- Altitude of the free groundwater level or pressure level of aquifers, the evolution over time, and the current groundwater levels with the possible extremes and their annual exceedance probabilities
- Distribution of pore water pressure
- Chemical composition and temperature of groundwater

The test results must be sufficient to answer the following questions:

- Highest water level
- Possible groundwater lowering solutions
- Possible harmful effect of groundwater on excavations or embankments (e.g. hydraulic heave, frost susceptibility, stability)
- Any kind of measures that are necessary to protect the structure (e.g. groundwater drainage)
- Effect of groundwater lowering (including neighbouring areas and structures)
- The capacity of the water, which can occur during the construction
- Chemical interaction between groundwater and structures (e.g. concrete aggressiveness)

All groundwater measurements and sampling must be carried out according to EN ISO 22475-1. Furthermore, the specifications of EN 1997-2 must be observed.

2.2.1. Karst areas

There may be molded limestone, which are usually formed as karst, which can greatly affect the stability and safety of the railway structures. Prior to the investigation, these areas shall be investigated by means of non-destructive test methods (e.g. ground penetrating radar etc.). Depending on the location, these may be formed close to the surface.

If typical appearances related with karst area, such as ponors or sinkholes are to be found in the area, then caution is required when choosing the investigation points. If larger cavities are encountered during drilling or if drilling fluid loss occurs, then this must be reported to the Client immediately. If the drilling method is chosen incorrectly, the drill string may be lost. The Client shall not be responsible for any such loss.

In addition, it should be noted that in areas with limestone, the gypsum layers may exist, which can, if incorrectly handled, lead to long term and large-scale deformations, causing damages to infrastructure and buildings of the railway and neighbouring structures.

2.1.2.5 Environmental requirements

When operating machinery with internal combustion engines, additional measures shall be taken to reliably prevent seepage of oil and fuel into the subsoil.

When encountering contaminated soil, areas or groundwater, the Client shall be notified immediately to determine further measures.

The Consultant shall comply with the relevant local, national and EU environmental protection laws, e.g.:

- Water protection
- Nature conservation
- Nature and landscape protection
- Tree protection
- Soil and national monument protection

The relevant authorities shall be notified prior to the commencement of drilling operations. The notification must be submitted in the contractually agreed and legally prescribed form. Storage areas, repair areas, sanitary facilities, etc. are to be set up without the possibility of contamination of groundwater or open waters.

Customary conditions, such as the transport and use of clean water for the drilling fluid, the collection and disposal of unloaded flushing and pumped water, as well as the disposal of surplus cuttings, shall be considered.

2.4.1 Investigation point identification

The Consultant shall provide unique identification numbers or labels for the investigation points. The unique number or label shall provide information about the type, exact location of the investigation and investigation campaign. The Consultant shall provide a list with all planned and carried out ("as-built") investigations. Post investigation information should include the following:

- Investigation location with coordinates
- Absolute height or investigation ground level
- Planned and actual depth with reason for shallow termination (if applicable)
- Date of execution
- Photos from cores or bulk samples with colour chart and depth range for the respective boreholes (NB! It is important to prove borehole depth with photos)
- Photos and records of all UXO artifacts detected and cleared must be recorded (including type and quantity)

2.4.4.1 Exploration methods

During the exploratory work, a qualified driller and rig side geologist shall always be present at each drilling unit. The result shall be presented in the form of borehole logs complying with EN ISO 22475-1 and ISO 14688/9. The equipment used for investigations must be well maintained and newly calibrated.

2.4.4.2 Trial pit

Trial pits can be used to prove the location of pipes and cables or the absence thereof in the investigation area. A trial pit shall have a dimension (length x width x depth) minimum of 2,0 m x 1,0 m x 1,2 m.

For the purpose of the investigations within the Cekule area, the contractors **must/ shall** hand dig each position prior to drilling via careful hand digging and intermittent metal detection scanning to 1.2m bgl. Relocation may be required in the immediate vicinity if an anomaly is detected within the trial pit. This should be recorded (i.e. depth detected, method of detection and coordinates). The Client must be informed of any relocation as a result of detection of anomalous signals within the trial pit.

2.4.4.3 Percussion gouge drilling (EN ISO 22475-1)

"Percussion gouge drilling" is a small-scale-drilling technique to collect soil samples. For percussion gouge drilling a percussion hammer, extension rods (1 m) and percussion gouges in various diameters (30 mm – 80 mm) and lengths (0,5 – 2,0 m) must be used to assure investigation depths up to 10 m. To take out the percussion-gouge and extensions rods a hydraulic lifter shall be used. The sample quality and quantity collected by percussion gouge drilling is described in Ch.2.4.4.3.

2.4.4.4 Dynamic Probing Heavy (EN ISO 22476-2)

"Dynamic probing heavy" is especially suitable for the qualitative determination of a soil profile together with direct explorations (e.g. drilling and sampling according to EN ISO 22475) or as a relative comparison of other in situ tests.

The cone of steel shall have an apex angle of 90° and an upper cylindrical extension mantle and transition to the extension rods. The rod material/dimension and masses of the drive rids are given in ISO 22476-2 Ch. 4.4 and Table 1.

In general, dynamic probing is performed from the ground surface; the number of blows N10 is recorded continuously. Dynamic probing test equipment shall be set up with the penetrometer vertical, and in such a way that there will be no displacement during testing. The inclination of the driving mechanism and the driving rod projecting from the ground shall not deviate by more than 2 % from the vertical; in

difficult ground conditions deviations up to 5 % may be allowed provided that they are reported. If this is not the case, the dynamic probing test shall be started anew.

The drive rods and the cone shall be driven vertically and without undue bending of the protruding part of the extension rods above the ground. No load shall be applied to anvil and rods during lifting of the hammer. The penetrometer shall be continuously driven into the ground. The driving rate shall be kept between 15 and 30 blows per minute, except when known to be penetrating sand and gravel, where the driving rate may be increased up to 60 blows per minute. All interruptions longer than 5 minutes shall be recorded.

The rods shall be rotated 1½ turns at least every 1,0 m and the maximum torque required to turn the rods shall be recorded.

For rotating the rods, a torque measuring wrench or an equivalent torque measuring device shall be used. To decrease skin friction, drilling mud or water may be injected through horizontal or upwards holes in the hollow rods near the cone. A casing is sometimes used with the same purpose. The number of blows shall be recorded every 10 cm. The normal range of blows, especially in view of any quantitative interpretation of the test results according to ENV 1997-3, is between $N_{10} = 3$ and 50. For specific purposes, these ranges may be exceeded. In cases beyond these ranges, when the penetration resistance is low, e.g. in soft clays, the penetration depth per blow may be recorded. In hard soils or soft rocks, where the penetration resistance is very high, the penetration for a certain number of blows may be recorded.

2.4.4.5 Cone Penetration test EN ISO 22476-1

The cone penetration test can be used for interpretation of stratification, classification of soil type and evaluation of engineering soil parameters. The dynamic cone penetration test (CPT/CPTU) consists of pushing a cone penetrometer using a series of push rods into the soil at a constant rate of penetration. During penetration, measurements of cone resistance and sleeve friction are recorded. The piezocone penetration test also includes the measurement of pore pressures around the cone. The properties and dimension of the cone and rods is indicated in EN ISO 22476-1.

2.4.4.6 Standard penetration test (EN ISO 22476-3)

The standard penetration test was developed to provide geotechnical engineering properties for foundation design purposes. The test is carried out within a borehole and the results can be used to determine relative density, bearing capacity, settlement of granular soil and to correlate the approximate strength of cohesive soil.

The basis of the test consists in driving a sampler by dropping a hammer of 63,5 kg mass on to an anvil or drivehead from a height of 760 mm. The number of blows (N) necessary to achieve a penetration of the sampler of 300 mm (after its penetration under gravity and below a seating drive) is the penetration resistance.

The drilling equipment shall be capable of providing a clean hole to ensure that the penetration test is performed on essentially undisturbed soil. The area that is exposed in the base of the borehole prior to testing can influence the results and consequently the borehole diameter shall always be reported. A significant effect on the result can begin to occur when the diameter is 150 mm or more. The steel split barrel sampler, rods and hammer shall have the dimensions and properties indicated in EN ISO 22476-3, Ch. 4.2-4.4.

After the sampler and rods (with hammer at the head) have been lowered to the scheduled bottom of the borehole, a 150 mm initial ram shall be made with the 63.5 kg hammer from a 760 mm drop height and the number of blows N_0 registered. The initial ram must be 150 mm or 25 blows, whichever is reached first. If the initial ram can't reach 150 mm after 25 blows, the penetration depths after 25 blows must be recorded.

The sampler is now be driven into the ground in at least two sections (150 mm each) or four sections (75mm each) by dropping the hammer on the drivehead. The required number of blows for each interval shall be recorded (N_N). The sum of blows required to drive 300mm of penetration (after initial ramming) is termed the "standard penetration resistance" (N). In cases where 50 blows are insufficient to advance

the sample tube through a 300mm interval the penetration after 50 blows is recorded and the test may be terminated. The additional information in EN ISO 22476-3 should be respected.

2.4.4.7 *Drillings*

Several structures along the track require core drilling with depths up to at least 25 m.. It is the obligation of the Consultant to be familiar with the entire situation before entering the bidding process.

Structure investigations must be executed as rotary core drilling with single-tube or double-tube core barrel (diameter \geq 100 mm) for rock and as rotary dry core drilling with single-tube core barrel or hollow-stemmed auger for soils. The sampling technique has to ensure continuous recovery of drill cores. The quality of samples shall be at least grades 1-2 for both soil and rock (EN ISO 1997-2 and 22475-1). Every change in the layer structure and in soil conditions, including the intermediate storage of even low-grade layers, must be detected, and determined with certainty.

The pressure and quantity of the irrigation fluid must have the possibility to be exactly dosed. The speed, drilling progress, drilling pressure and fluid pressure as well as the irrigation fluid quantity must always be observed and adapted to the conditions. The drilling progress and the drilling pressure are necessarily recorded continuously during the drilling process.

For track investigations the drilling and sampling method should be selected as to meet the required quality class of at least 3 for bulk sampling and stratigraphic determination as a minimum (In accordance with EN 1997-2 and ISO 22475-5)

2.5.4 **Sampling**

2.5.4.1 **Quantity**

For Percussion gouge drilling mentioned in chapter 2.4.4.3 a continuous recovery of bulk samples is expected. For these methods at least one sample shall be taken for each change in ground conditions as per EN 1997-2 section 3.4.3 (7). Samples shall be placed in containers of relevant type and capacity, which have an airtight cover or seal so that the natural moisture content of the sample can be maintained.

The date of investigation, the unique investigation number or label and the depths of the collected sample shall be recorded on the container.

For core drillings mentioned in chapter 2.4.4.7 involving continuous core sample recovery, the cores shall be extruded from the barrel and placed in core boxes immediately after recovery. Care must be taken to ensure that they lie in their correct sequence. All cores should be protected from dehydration and frost in the core boxes by covering or wrapping them in plastic wrap. Sampling and testing every change in ground conditions shall be implemented as per EN 1997-2 section 3.4.3 (7).

The depths shall be recorded on core boxes at intervals of at least one metre and at the end of each core run, in cm. Additionally, each core box shall be marked externally to show the borehole investigation designation, the depth range and also direction of drilling.

For core losses in rock, the drill cuttings and/or sieve residue shall be collected in a container.

2.5.4.2 *Quality*

The quality of soil samples is classified according to the degree of disturbance in terms of the soil mechanics parameters and properties, which can be determined according to EN ISO 22475, chapter 6.2.

The quality of samples gathered by means of percussion gauge drilling shall be grade 3 (EN ISO 1997-2 and 22475-1). The quality of samples gathered by means of core drilling methods shall be at least grade 3 in soil and grade 2 in rock (EN ISO 1997-2 and 22475-1).

2.5.4.3 *Special samples*

To recover special samples from boreholes, the drilling process shall be interrupted. Special samples shall be taken from each stratum containing organic soil or pollutant. For recovering special samples from

boreholes, the general information (material/dimension) in EN ISO 1997-2 and 22475-1 chapter 6.4.2 shall be observed.

For groundwater sampling, clean sample bottles with an airtight cover, a pump, water sampler, thermally insulated box for the transport of sample bottles and a thermometer is required. The samples shall be taken from groundwater which has freshly entered to the investigated horizon. Care must be taken to ensure that any stagnant or contaminated water is pumped out prior to sampling. To ensure proper sampling from boreholes, measures shall be taken to prevent the inflow of water from the surface or from other aquifers or ingress of air by the action of drilling tools.

Water can be extracted by submersible pumps, water sampler or by vacuum bottles in cohesive soils (EN ISO 1997-2 and 22475-1 chapter 8.3).

2.5.5.5 *Borehole filling and sealing*

All boreholes must be filled and compacted after finishing the drilling. Care must be taken to reconstruct at least the condition prior to reconnaissance in terms of stability (e.g., compression) and dimensions (e.g. clean sealing). The associated costs must be included into the contract.

2.5.5.6 *Groundwater monitoring*

The entire groundwater monitoring must be carried out as described in chapter 2.2. to fulfil the required aims.

If boreholes are used for groundwater pumping wells, then a minimum drill diameter of 300 mm is required to create a pumping well (DN 125). In contrast to pumping well, observation wells serve to measure the GW-level and to take samples. They can be designed as a DN 80. Pumping wells may be required for the execution of groundwater pumping tests in the second phase of the investigation.

2.6: Geophysics

For areas where there is known to be a risk of encountering unexploded ordnance, impact assessments of the study areas can be made following the guidance given in CIRIA C681.

From the surface a grid form survey can be used:

- Magnetometer – This locates ferrous features to around 4 m – 5 m depth. Responses typical of UXOs can be differentiated in size and depth to some degree, though false anomalies can be expected. The value of this survey is dependent upon the localized environment being clear of ferrous debris, services, etc.
- Electromagnetic (EM) – This detects both non-ferrous and ferrous metallic objects. It is typically less sensitive to background noise than the Magnetometer and is slightly more limited in-depth penetration than the Magnetometer but provides additional information on the nature of the materials.
- GPR can be used for location of specific features but is not typically recommended for most sites.

The exact nature of the targets to be located with these techniques can only be determined by excavation. As such, these techniques are used to minimize risk of unforeseen obstructions.

When drilling, techniques such as combined magnetometer CPT cone can be used to minimize risk of encountering UXOs below the depth of resolution of surface techniques.

2.7 Reporting of results

Reporting of all results shall be in hardcopy and digital format. The digital format for text and tables shall be generally acceptable file formats (e.g. docx, xlsx, etc.). The digital format for drawings and map-based results shall be “.dxf/.dwg” format.

The geotechnical investigation report shall be made in accordance with the EN 1997-2, chapter 6, including:

- Purpose and scope of the geotechnical investigation, including a discussion on the extent and scope of the investigation.
- Brief description of the project for which the geotechnical report is being compiled, giving information about the location of the project.
- Dates when field and laboratory investigations were performed.
- Detailed description of methods used for the field work with reference to the accepted standards followed, and with discussion on rationale used to determine type, spacing, frequency and locations of the tests.
- Types of field equipment used.
- Presentation of field observations which were made by the supervising field personnel during the execution of the sub-surface explorations.
- The principal geological and topographical features of the area, with an appraisal of the terrain and hydrogeological conditions.
- A map showing the location by number of each investigation point in a scale of 1:1000. Each location and level of each of the investigation location should be accurately defined by geodetic survey to an accuracy of 10 cm horizontal and 10 cm vertical.
- A description of the investigation methodology, standards and scope of testing including an account of any site constraints encountered.
- A summary of each proposed construction item (earth- or engineering work) showing a minimum of:
 - the types of materials including their extent and variability, all test results the location and extent of any soft/wet areas.
 - the presence and extent of any core stones, weathered rock and “rock excavation materials”.
 - the factual excavation characteristics of the various materials.
- Data on fluctuations of ground water table with time in the boreholes during the performance of the fieldwork and in piezometers after completion of the fieldwork.
- Compilation of all individual boring logs including groundwater and executed field test at a vertical scale of 1:100
- Geotechnical cross-sections for each earth or engineering structure at a scale of 1:100 vertical and 1:500 horizontal.
- Geotechnical long sections along the alignment at a scale of 1:1000
- Grouping and presentation of field and test results in appendices and as summary tables
- List of samples (disturbed and undisturbed) with information on
 - Sampling location
 - Sample type
 - Sampling method
 - Depth of sample (from.. to... [m below ground level and absolute heights])
- List and map in a scale of 1:1000 for the investigations that have to be carried out in the second investigation campaign
- Photo-documentation of field work, which includes photos of every investigation point and observations made during the execution of exploration
- Report outlining the need for each investigation location for the second investigation campaign
- All the test results

3. DELIVERABLES AND SERVICE MILESTONES

All deliverables and related documentation (work program, reports, etc...) under the agreement must be created in Latvian and English.

3.1. Deliverables

The Services shall result in the provision of the following deliverables:

1. Inception report

Contains: Information gathered by visiting site, assessment of historical records, previously carried out investigations, proposed plans of site access, amount of tree cutting, area to be cleaned, work program with time table.

2. **Report on removed UXO`s**
 - a. Approval of UXO scanning program with Client and authorities according to Cabinet Regulations Nr.672 "Ar militāra rakstura sprādzien bīstamiem priekšmetiem un nesprāgušu munīciju piesārņotu un potenciāli piesārņotu teritoriju izpētes un piesārņotu teritoriju sanācības kārtība"
 - b. Site preparation – scanning for UXOs, removal of trees, underbrush
 - c. Approval of UXO clean-up program with Client and authorities according to Cabinet Regulations Nr.672 "Ar militāra rakstura sprādzien bīstamiem priekšmetiem un nesprāgušu munīciju piesārņotu un potenciāli piesārņotu teritoriju izpētes un piesārņotu teritoriju sanācības kārtība"
 - d. Report on removed UXOs* - information prepared in accordance with 2008.gada 25. augustā pieņemtie Ministru kabineta noteikumi Nr.672 "Ar militāra rakstura sprādzien bīstamiem priekšmetiem un nesprāgušu munīciju piesārņotu un potenciāli piesārņotu teritoriju izpētes un piesārņotu teritoriju sanācības kārtība". Additional cartographic material in LKS-92 co-ordinate system must be prepared showing the location, depth, size of found and removed UXOs
3. **Report on Geotechnical Investigation result.**
 - a. Site investigations under supervision of UXO removal specialist
 - b. Laboratory tests
 - c. Factual report

If additional UXOs are uncovered during Geotechnical investigations, they must be removed and additional report created.

3.2. Services Milestones

1. Inception report – 6 weeks after Commencement Date;
2. Report on removed UXOs – 18 weeks after Commencement Date;
3. Report on Geotechnical Investigation results – 26 weeks after Commencement Date.

For the Inception report the Services Milestone includes 14 calendar days review by Client and 7 calendar days for comment implementation by Supplier.

For Report on removed UXOs and Report on Geotechnical Investigation results the Services Milestones include 28 calendar days review by the Client and 14 calendar days for comment implementation by Supplier.

Deliverable	No. of copies	Submission date	Services Milestone
Inception report	1 hard copy	CD + 3 weeks	CD + 6 weeks
Report on removed UXOs	1 hard copy	CD + 12 weeks	CD + 18 weeks
Report on Geotechnical Investigation results	1 hard copy	CD + 20 weeks	CD + 26 weeks

4. HEALTH AND SAFETY

1. The Supplier shall comply with applicable regulations and directives in respect of health and safety, and those obligations specified in the Contract Conditions.
2. The Supplier shall take care of the health and safety of all persons entitled to be on the Site and other places (if any) where the Works are being executed, and keep the Site and Works in a proper manner to avoid danger to all persons entitled to be on Site.

3. The Supplier will provide written and signed Acknowledgement (in Latvian and English) in accordance with provided example:

Acknowledgement

Hereby "*name of legal entity*" acknowledge that systems of management of health and safety, fire safety and electric safety are established and implemented at least as per local legislation:

- 1) Types of work to be performed in accordance to this agreement are listed
- 2) Risk assessment for listed types of work is carried out and recorded
- 3) Risk control action plan is designed and signed by the most senior manager in the company. All risk controls have owners and they are aware of their responsibilities. Risk control action plan progress is being reviewed on regular basis
- 4) All "*name of legal entity*" employees involved in delivery of this contract are trained in risk recognition and risk management of work performed and their knowledge is tested and records available
- 5) Safe work performance, fire safety and electrical safety instructions are designed, signed off by most senior manager of the company and all employees involved in delivery of this contract are trained accordingly
- 6) All employees have undergone mandatory health surveillance

For the work site safety:

- 7) In case of accident, incident or high potential near miss on the work site "*name of legal entity*" will inform RB Rail project manager or health and safety manager over the phone or e-mail immediately however in 4 hours latest
- 8) "*name of legal entity*" site manager or project manager will be present at work site at all times as work is in process
- 9) All "*name of legal entity*" employees will be equipped with necessary personal protective equipment (PPE) at all times being on the work site. Minimum PPE requirements on the work site: a) helmet (EN 397); b) Hi-Viz vest (EN 471) with "*name of legal entity*" logo; 3) safety boots (S3). In addition to minimum stated PPE list employees must be equipped with PPEs according to risk assessment and risk control requirements stated by employer
- 10) Work site is properly barricaded and safety/warning signs are displayed in order to: a) prevent unauthorized persons to enter worksite; b) enclose dangerous work area where risks to general public may be exposed
- 11) Site manager or project manager will be responsible to remove all dangerous structures should be protected when the site is not occupied, which should include appropriate barriers or covers
- 12) "*name of legal entity*" health and safety representative runs safety walk and records results at least by-weekly
- 13) RB Rail representatives (health and safety manager, project team members etc) will have access to the site without previous warning at all times to run safety walks

RB Rail has all rights to request and receive evidences to prove all above stated with notice of 1 working day.

5. OPTIONAL SERVICE PACKAGE

In addition to the base proposal (described in chapter 2.) the Contractor will provide an estimate for the optional services. The additional Investigation points will be located in the same vicinity as the Investigations in the base proposal in relation to the footprint of the track and/ or structures which are without investigation. Cleaning and ensuring of access to the Investigation points is included in the amount of area shown in table below. The Client will have full discretion on awarding of this option and amounts of additional Investigation points, Maximum amount of possible additional points is 20.

When carrying out Investigations of the additional points, all of previously stated requirements in this Technical Specification (including deadlines) will be fulfilled and additional points will be added to the reports described in Specifications

The proposal will be made on per- unit bases according to the investigations scope in table below.

Investigation point type	Depth of investigation (m)	Structure type	Approximate area to be scanned and cleaned for access to Investigation point (m ²)	Maximum number of investigations
PG + Probing	8-12	Embankment	3000	20

ANNEX NO 3: ENTITIES ON WHOSE CAPABILITIES THE TENDERER IS RELYING TO CERTIFY ITS COMPLIANCE WITH QUALIFICATION REQUIREMENTS AND LIST OF SUB-CONTRACTORS

No	Name of the sub-contractor and/or person on whose capabilities the Tenderer is relying	Description of the sub-contracted task (if applicable)	Sub-contracted tasks (if applicable)		Description of the capabilities the Tenderer relies to certify its compliance with qualification requirements (Section 8.2. – 8.5. of Regulation) (if applicable)
			Amount, EUR (without VAT)	% from the proposed price	
1					
2					
[..]					

We meet the criteria of (please mark):

- a small medium other

sized enterprise⁶ as defined in the Article 2 of the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprise.⁷

NB! In case the Tenderer involves persons on whose capabilities the Tenderer is relying and/ or sub-contractors, this Annex must be accompanied with documents, as set per Section 8.6.1. of the Regulation.

Documents attached: _____ [Please fill in] _____ on __ [Please fill in] _____ pages.

Signature [signature of the representative of the Tenderer]: _____

Date: [date of signing]

Name: [name of the representative of the Tenderer]

Position: [position of the representative of the Tenderer]

⁶ 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.

⁷ 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 4: EXPERIENCE OF THE TENDERER

Clause 8.4.1. of the Regulation:

The Tenderer within the last 5 (five) years before the date of submission of the tender (2020, 2019, 2018, 2017, 2016 and 2021 till the submission of the tender) has performed one or several contracts within which the following geotechnical investigation services were provided:

- a) at least 6 (six) boreholes with total depth at least 180 meters;
- b) at least 9 (nine) PG (Percussion gouge drilling) with total depth at least 72 m;
- c) at least 8 (eight) DPH (Dynamic Probing Heavy) with total depth at least 160 m;
- d) at least 8 (eight) CPT (Cone penetration test) with total depth at least 160 meters.

All the services provided and used to demonstrate the Tenderer`s experience must be completed in accordance with the laws and regulations of the country concerned and this fact shall be reflected.

No	Description of the services and projects characterizing the required experience indicated in Clause 8.4.1. (above)	Number of boreholes and total depth, m	Number of PG and total depth, m	Number of DPH and total depth, m	Number of CPT and total depth, m	Date of commencement and completion of services provided (experience obtained) (month/year – month/year)	Value of the provided services (EUR*, excl. VAT)	Name of the Contracting Authority (Client)	Contact information of Contracting Authority (Client)
1.									
2.									
3.									
[..]									

NB! This Annex must be accompanied with copies of references from respective clients or similar documents evidencing the experience.

Signature [*signature of the representative of the Tenderer*]: _____

Date: [*date of signing*]

Name: [*name of the representative of the Tenderer*]

Position: [*position of the representative of the Tenderer*]

* If the value of the project / contract is in another currency than euro, for the purposes of this Proposal it should be recalculated in euro in accordance with the currency exchange rate published by the European Central Bank on the date of signing of this document.

Clause 8.4.2. of the Regulation:

The Tenderer within the last 5 (five) years before the date of submission of the tender (2020, 2019, 2018, 2017, 2016 and 2021 till the submission of the tender) has performed at least two contracts/ projects within which the following services were provided: investigation of potentially contaminated or contaminated territory with unexploded ordnance, search, identification, removal and collection of unexploded ordnance.

All the services provided and used to demonstrate the Tenderer`s experience must be completed in accordance with the laws and regulations of the country concerned and this fact shall be reflected.

No	Description of the services and projects characterizing the required experience indicated in Clause 8.4.2. (above)	Date of commencement and completion of services provided (experience obtained) (month/year – month/year)	Value of the provided services (EUR*, excl. VAT)	Name of the Contracting Authority (Client)	Contact information of Contracting Authority (Client)
1.					
2.					
[..]					

NB! This Annex must be accompanied with copies of references from respective clients or similar documents evidencing the provision of services.

Signature [*signature of the representative of the Tenderer*]: _____

Date: [*date of signing*]

Name: [*name of the representative of the Tenderer*]

Position: [*position of the representative of the Tenderer*]

* If the value of the project / contract is in another currency than euro, for the purposes of this Proposal it should be recalculated in euro in accordance with the currency exchange rate published by the European Central Bank on the date of signing of this document.

ANNEX NO 5: EXPERIENCE OF KEY-EXPERT

No	Geotechnical investigation engineer Key-expert`s role in team <i>(in accordance with Clause 8.5.1. of Regulation)</i>		Name, Surname
I Professional experience:			
	Name of the project/contract and Contracting Authority (Client), contact details of Contracting Authority	Time period for experience (date of commencement and completion of respective services: month/year - month/year)	Detailed description of the project/contract (e.g. Please specify structure and group of structure (Group I, II or III) according to Annex No 1 to General Construction Regulations of the Republic of Latvia, Cabinet Regulation No 500, adopted 19 August 2014, available on: https://likumi.lv/ta/en/en/id/269069 for which purpose the geotechnical investigation services were provided)
1.			
2.			
3.			
[..]			
II Professional qualification/education according to the Country`s (Country, where the qualification/education has been obtained) legislation, (if applicable by the respective Country`s legislation) for the provision of respective services in the field of his/her expertise (if applicable): [_____ <i>Please fill in</i>]			

III English language skills⁸ (with respective criteria in Section 8.5.1. key-expert is expected to have a very good (**at least B2 Level**) English language skills (based on Common European Framework of Reference for Languages) in understanding, speaking and writing.:

Understanding		Speaking		Writing
Listening	Reading	Spoken interaction	Spoken production	
<i>[Please enter level...]</i>	<i>[Please enter level...]</i>	<i>[Please enter level...]</i>	<i>[Please enter level...]</i>	<i>[Please enter level...]</i>

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

IV Document evidencing Professional qualification/education according to the Country`s (Country, where the qualification/education has been obtained) legislation for the provision of respective services in the field of his/her expertise (if applicable by the respective Country`s legislation) shall be attached to the Proposal (applicable to persons whose permanent place of professional practice is outside of Latvia).

I confirm that I have consented that my candidature is proposed in this open competition **“Identification of unexploded ordnance and geotechnical works in former Cekule military area”, id. No RBR 2021/10.** I confirm that in case the Tenderer [*name of the Tenderer:* _____] will conclude the Contract as the result of this open competition, I will participate in the execution of the Contract.

In addition, I confirm that I have consented that my personal data (name, surname and signature) are processed by the Contracting Authority during this open competition.

Signature: _____

Date: [*date of signing*]

Name: [*name of the expert*]

⁸ Language skill level is based on Common European Framework of Reference for Languages (see <http://europass.cedefop.europa.eu/resources/european-language-levels-cefr>)

ANNEX NO 6: CONFIRMATION OF TENDERER'S FINANCIAL STANDING (WITH RESPECT TO SECTION 8.3.1., 8.3.2.)

Clause 8.3.1. of Regulation:

The Tenderer's or all members of the partnership together (if the Tenderer is a partnership and confirms the average financial turnover jointly), average financial turnover within the last 3 (three) financial years, i.e. 2017, 2018, 2019 is not less than 140 000,00 EUR (one hundred forty thousand euros, zero cents).

No	Year	Total Turnover in EUR	Notes
1			
2			
3			
Average within the last 3 (three) financial years:			

Clause 8.3.2. of Regulation:

The Tenderer or each member of the partnership (if the Tenderer is a partnership) on whose financial and economic capabilities the partnership is relying and who shall be financially and economically responsible for fulfilment of the procurement contract shall have stable financial and economic performance, namely, in the last audited financial year (2019) shall have positive equity capital (*Total Assets minus Total Liabilities*).

$$\text{Equity capital} = \text{Total Assets} - \text{Total Liabilities} = \underline{\hspace{2cm}}$$

Signature: _____

Date: [date of signing]

Name: [name of the Tenderer / partnership / entity]

Position: [position of the representative of the Tenderer / partnership / entity]

*Annex No 7 to open competition
"Identification of unexploded ordnance and
geotechnical works in former Cekule military area" regulation,
ID No RBR 2021/10*

ANNEX NO 7: DRAFT CONTRACT (PLEASE REFER TO A SEPARATE DOCUMENT)