

PROCUREMENT REGULATIONS

"TAX ADVISORY SERVICES"

(IDENTIFICATION NO RBR 2017/23)



Co-financed by the European Union
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REGULATION

1. GENERAL INFORMATION

- 1.1. The identification number of this procurement is No RBR 2017/23.
- 1.2. The applicable CPV code is: 79221000-9.
- 1.3. The contracting entity is joint stock Contracting authority RB Rail AS, legal address: K. Valdemara Street 8 - 7, Riga, LV-1010, Latvia (hereinafter – Contracting authority).
- 1.4. This procurement is organised in accordance with Section 9 of the Public Procurement Law of Latvia in effect on the date of publishing the Contract notice.
- 1.5. The procurement regulation and all its annexes are freely available at the Internet webpage of the Contracting authority <http://railbaltica.org/tenders/>.
- 1.6. Amendments to the procurement regulation and answers to Contractors' questions shall be published on the Contracting authority's Internet webpage <http://railbaltica.org/tenders/>. It is the Contractor's responsibility to constantly follow the information published on the webpage and to take it into consideration in its proposal.
- 1.7. Contact persons of the Contracting authority for this procurement:
 - (a) In administrative aspects of the procurement: Procurement specialist Toms Pelčers, telephone: +371 27292146, e-mail address: toms.pelcers@railbaltica.org, procurement@railbaltica.org;
 - (b) In aspects concerning subject-matter of Procurement: Accounting manager Anita Pūka, telephone +371 29266301, e-mail address: anita.puka@railbaltica.org, procurement@railbaltica.org.
- 1.8. The procurement commission and the Contractor exchange information in writing in English, by sending documents by post, electronically or by delivering in person.
- 1.9. The Contractor can request additional information regarding the Regulation. Additional information can be requested in writing, by sending it to the procurement commission by post or electronically to e-mail address procurement@railbaltica.org, or delivering in person. Additional information must be requested in a timely fashion, so that the procurement commission can give it a reply no later than 4 (four) days prior to the deadline for proposal submission. The procurement commission shall provide additional information within 3 (three) business days from the day of receipt of the request.
- 1.10. The Contractor covers all expenses, which are related to the preparation of the Proposal and its submission to the Contracting authority. The submitted proposals are not returned to the Tenderer, unless specifically envisaged in the Regulations.

2. THE RIGHTS OF THE PROCUREMENT COMMISSION

- 2.1. The procurement commission has the right to demand at any stage of the procurement that the Tenderer submits all or part of the documents which certify Tenderer's compliance to the requirements for the selection of tenderers. The procurement commission does not demand such documents or information which is already at its disposal or is available in public data bases.
- 2.2. 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.
- 2.3. In the course of proposal assessment the procurement commission has the right to demand that the information included in the proposal is clarified.

3. THE OBLIGATIONS OF THE PROCUREMENT COMMISSION

- 3.1. The procurement commission ensures the documentation of the process of the procurement procedure.
- 3.2. The procurement commission ensures free and direct electronic access to the procurement procedure documents at the Internet webpage of the Joint-Stock Contracting authority RB Rail AS <http://railbaltica.org/tenders/>.
- 3.3. If an interested Tenderer has in a timely fashion in writing by post or electronically, or delivering in person, requested additional information about the requirements included in procurement procedure documents regarding the preparation and submission of the Proposal or regarding the selection of Tenderers, the procurement commission provides a response electronically (if the Contractor has requested that the answer be given electronically or if it is impossible to send the response by fax) within 3 (three) business days, but not later than 4 (four) days before the deadline for submitting proposals. Simultaneously with sending this information to the Contractor who had asked the question, the Contracting authority publishes this information on its Internet webpage <http://railbaltica.org/tenders/>, where procurement procedure documents are available, indicating the question asked.
- 3.4. If the Contracting authority has amended the procurement procedure documents, it publishes this information on the Contracting authority's Internet webpage <http://railbaltica.org/tenders/>, where procurement procedure documents are available.
- 3.5. 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 period of Proposal assessment till the moment of the announcement of the results the Contracting authority does not disclose information regarding the assessment process.

- 3.6. The procurement commission assesses the Tenderers and their submitted Proposals based on the Public Procurement Law, procurement procedure documents, as well as other regulatory enactments.
- 3.7. 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 in order 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. THE RIGHTS AND OBLIGATIONS OF THE TENDERER

4.1. The rights of the Tenderer:

- 4.1.1. 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;
- 4.1.2. 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;
- 4.1.3. If a Tenderer believes that its rights have been violated or such violation is possible due to possible violation of the regulatory enactments of the European Union or other regulatory enactments, the Tenderer has the right to submit a complaint to the Administrative court according to the procedure stipulated in the Public Procurement Law and Administrative Procedure Law regarding the Tenderer selection requirements, technical specifications or other requirements relating to this procurement, or relating to the activities by the Contracting authority or the procurement commission during the procurement procedure.

4.2. The obligations of the Tenderer:

- 4.2.1. to prepare the Proposal in accordance with the requirements of the Regulations;
- 4.2.2. to provide true and accurate information about its qualification and the Proposal;
- 4.2.3. to provide answers to the inquiries of the Commission regarding additional information that is necessary for the selection of the Candidates, within the time limits specified by the Commission;
- 4.2.4. to cover all costs that are related to the preparation and submission of the Proposal;
- 4.2.5. until the end of the deadline for submission of the Proposal, to follow the information about the process of the procurement on the webpage of the Contacting authority <http://railbaltica.org/tenders/> taking

into account the fact that the Contacting authority ensures free and direct electronic access to the documents of the procurement.

5. SUBJECT-MATTER OF THE PROCUREMENT

- 5.1. The subject-matter of the procurement is tax advisory services related to operations of the RB Rail AS and its main partners involved in the implementation of the Rail Baltica project. Detailed information is provided in Annex 4.
- 5.2. The delivery of the services will take place in Estonia, Latvia, Lithuania.
- 5.3. The Tenderer can submit proposal for the entire volume of the procurement. Maximum of 3 (three) service providers will be contracted by framework agreement.
- 5.5. Period of provision of services: 12 (twelve months) after commencement date.
- 5.6. 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.

6. TENDERER

- 6.1. The proposal can be submitted by:
 - 6.1.1. A Contractor, who is a legal or natural person (hereinafter – Tenderer) and who complies with the selection criteria for tenderers;
 - 6.1.2. A group of Contractors (hereinafter also – Tenderer, partnership) which complies with the selection criteria for tenderers:
 - (a) a group of Contractors who have formed a partnership for this particular procurement. 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 Framework agreement 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;
 - (b) 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.

7. SELECTION CRITERIA FOR TENDERERS

- 7.1. Exclusion grounds

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

No	Requirement	Documents to be submitted (<i>no obligation to submit documents, unless specifically requested by the procurement commission</i>)
1.	Tenderer's insolvency proceedings have been announced, the Tenderer's business activities have been suspended, the tenderer is under liquidation.	<ul style="list-style-type: none"> - For the Tenderer, which is registered or residing in Latvia, the Contracting authority shall verify the information itself in publicly available databases. - For the Tenderer, which is registered or residing outside of Latvia the Tenderer should submit an appropriate statement from the competent authority of the country of registration or residence of non existence of such cases of exclusion.
2.	It has been detected that on the last day of Proposal submission term or on the day when a decision has been made on possible granting of rights to conclude the 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.	<ul style="list-style-type: none"> - For the Tenderer, which is registered or residing in Latvia, the Contracting authority shall verify the information itself in publicly available databases. - For the Tenderer, which is registered or residing outside of Latvia the Tenderer should submit an appropriate statement from the competent authority of the country of registration or residence of non existence of such cases of exclusion.
3.	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 tenderers. A person who drafted the procurement procedure documents (Contracting authority's official or employee), procurement commission member	<ul style="list-style-type: none"> - No obligation to submit documents, unless specifically requested by the procurement commission.

No	Requirement	Documents to be submitted <i>(no obligation to submit documents, unless specifically requested by the procurement commission)</i>
	<p>or expert is presumed to be related to the tenderer in any of the following cases:</p> <ul style="list-style-type: none"> - If he or she is a current or and ex-employee, official, shareholder, procura holder or member of a tenderer or a subcontractor which are legal persons and if such relationship with the legal person terminated within the last 24 months. - 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 Contracting authority, shareholder in a limited liability Contracting authority, procure holder or an official. - If he or she is a relative of a tenderer or a subcontractor which is a natural person. <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>	
4.	<p>The Tenderer’s specified person on which possibilities the applicant relies in order to demonstrate that it meets the qualification requirements set out in the notice of the Contract or the procurement rules, as well as to the members of the partnership, if the</p>	<p>The rules for the document submission are set in the sections 1, 2 and 3, if applicable.</p>

No	Requirement	Documents to be submitted (<i>no obligation to submit documents, unless specifically requested by the procurement commission</i>)
	applicant is a partnership, are applicable rules set in the requirements mentioned above, that is, sections 1, 2 and 3 of this table.	

7.2. Legal standing and suitability to pursue the professional activity

No	Requirement	Documents to be submitted
1.	The Tenderer or all members of the partnership (if the Tenderer is a partnership) must be registered in the Registry of Enterprises or Registry of Inhabitants, or an equivalent register in their country of residence, if the legislation of the respective country requires registration of natural or legal persons.	<ul style="list-style-type: none"> - For a Tenderer which is a legal person (or a member of a partnership, a person on whose abilities a Tenderer relies) registered in Latvia the Contracting authority shall verify the information itself in publicly available databases. - For a Tenderer which is a natural person (or a member of a partnership, a person on whose abilities a Tenderer relies) – a copy of an identification card or passport. - For a Tenderer (or a member of a partnership, a person on whose abilities a Tenderer relies) which is a legal person registered abroad (with its permanent place of residence abroad) – a copy of a valid registration certificate or a similar document issued by a foreign authority in charge of the registration of legal persons in the country of their residence wherefrom at least the fact of registration, shareholders, officials and procura holders (if any) can be determined. - If a proposal is submitted by a partnership, the Proposal shall include an agreement (or letter of intention to enter into agreement) signed by all members on the participation in the procurement, which lists responsibilities of each and every partnership members and a joint commitment to fulfil the procurement

No	Requirement	Documents to be submitted
		<p>contract, and which authorises one key member to sign the proposal and other documents, to receive and issue orders on behalf of the partnership members, and with whom all payments will be made.</p> <p>- If the Proposal or any other document, including any agreement, is not signed by the legal representative of the Tenderer, members of the partnership, person on whose capabilities the Tenderer relies or sub-contractors, then a document certifying the rights of the persons who have signed the Proposal or any other documents, to represent the Tenderer, a member of the partnership, a person on whose capabilities the Tenderer is relying, or a sub-contractor (powers of attorney, authorization agreements etc.) must be included.</p>
2.	<p>The representative of the Tenderer who has signed the proposal documents has the right of signature, i.e., it is an official having the right of signature or a person authorized by the Tenderer.</p>	<p>- the document confirming the right of signature (representation) of the representative of the Tenderer who signs the proposal. If the Tenderer submits a power of attorney (original or a copy certified by the Tenderer) there shall be additionally submitted document confirming that the issuer of the power of attorney has the right of signature (representation) of the Tenderer.</p>

7.3. Economic and financial standing

No	Requirement	Documents to be submitted
1.	The Tenderer or all members' of the partnership together (if the Tenderer is a partnership) shall have stable financial and economic performance, namely, in the previous audited year Tenderer's liquidity ratio or in the 2016 year (current assets divided by short-term liabilities) shall be equal to or exceed 1 and the Tenderer shall have positive equity.	- Audited annual reports for previous fiscal year or 2015 year (if there is no audited annual report for 2016 yet) showing the balance and calculation that proves liquidity ratio.
2.	Tenderer shall have a valid professional risk indemnity insurance in the amount of at least 1 000 000,00 EUR (one million euro) during the whole term of performance of the Framework agreement;	- documentation that proves its possession of a valid insurance certificate for at least 1 000 000,00 EUR (one million euro) during the whole term of performance of the Framework agreement, or a written statement of an insurance institution specifying that in case the Tenderer is awarded the Framework agreement, the insurance institution will issue the insurance certificate for at least 1 000 000,00 EUR (one million euro) during the performance of the Framework agreement.

7.4. Technical and professional ability (team of experts)

No	Requirement	Documents to be submitted
1.	The Tenderer should propose a team consisting of the following key experts meeting the following general criteria:	- information about each expert, filled in Annex No 2 and Annex No 3 signed by the relevant expert.

No	Requirement	Documents to be submitted
	<ul style="list-style-type: none"> - Every expert is expected to have a very good English language skills (at least B2 Level)¹. - The Tenderer should propose a team consisting of VAT and direct taxation key experts. - Each service line can be covered by a different expert in each country or one expert can cover several service lines. - Experts must have obtained university degree in Financial Management or Law, or Business Administration, or Accounting or equivalent. 	
2.	<p>VAT expert (experts) have to meet the following specific criteria within the period of previous 5 (five) years (2012, 2013, 2014, 2015, 2016, including 2017) until the submission date of the Proposal:</p> <p>each of the proposed VAT experts has to have 3 (three) year experience of consulting services as a VAT expert aligned with local legal acts of each country (all of proposed experts together should cover experience of all mentioned countries - Latvia, Lithuania, Estonia);</p> <p>each of the proposed experts has to have experience of consulting as a VAT expert in one of the following areas – infrastructure management, transport and logistics, public administration or construction for a Client, who's annual net turnover at the moment of consulting services was equal or higher than 1 000 000,00 EUR (one million <i>euro</i>).</p>	<p>- information about each expert, filled in Annex No 2 and No 3) and signed by the relevant expert.</p> <p>At least one written reference from a Client with at least 1 million EUR (one million <i>euro</i>) annual net turnover at the moment of services <u>for each of the proposed experts should be provided.</u></p> <p>In case of doubts, regarding Client's annual net turnover at the moment of services, Procurement commission may ask the Tenderer to provide documents, that confirm that Client corresponds to the requirements stipulated in the Clause 7.4. point 2.</p>

¹ Language skill level is based on Common European Framework of Reference for Languages (see <http://europass.cedefop.europa.eu/resources/european-language-levels-cefr>)

No	Requirement	Documents to be submitted
3.	<p>Direct taxation expert (experts) have to meet the following specific criteria within the previous 5 (five) years (2012, 2013, 2014, 2015, 2016, including 2017) until the date of submission of the Proposal:</p> <ul style="list-style-type: none"> - each of the proposed direct taxation experts has to have 3 (three) year experience of consulting services in income taxes, involving preparation of transfer pricing documentation for cross-border services as direct taxation specialist, aligned with local legal acts (all of proposed experts together should cover experience of all mentioned countries – Latvia, Lithuania, Estonia); - each of the proposed experts has to have experience of consulting as a direct taxation expert in one of the following areas – infrastructure management, Transport and logistics, public administration or Construction for a Client, with annual net turnover at the moment of consulting services has to be equal or higher than 1 000 000,00 EUR (one million euro). 	<ul style="list-style-type: none"> - information about each expert, filled in Annex No 2 and No 3) and signed by the relevant expert. - At least one written reference from a Client with at least 1 million EUR (one million euro) annual net turnover at the moment of services <u>for each of the proposed experts should be provided.</u> - In case of doubts regarding Client annual net turnover at the moment of services, Procurement commission may ask the Tenderer to provide documents that confirm that Client corresponds to the requirements stipulated in the Clause 7.4.3.

- 7.5. Notices and other documents, which are issued by Latvian competent institutions, are accepted and recognized by the procurement commission, if they are issued no earlier than 1 (one) month prior to the date of opening of the Proposals. Notices and other documents, which are issued by foreign competent institutions, are accepted and recognized by the procurement commission, if they are issued no earlier than 6 (six) month prior to the date of opening of Proposals.
- 7.6. If the documents, with which a Tenderer registered or permanently residing abroad can certify its compliance with the requirements of Section 7.1, 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 a person on whose capabilities the Tenderer relies before a competent executive governmental or judicial institution, a sworn notary or a competent organization of a corresponding industry in their country of registration (permanent residence).

- 7.7. The Tenderer, in order to certify that it complies with the selection criteria for Tenderers, may submit the European single procurement document as initial proof. This document must be submitted in paper format, including for each person upon whose capabilities the Tenderer relies, but if the Tenderer is a partnership – for each member thereof. In order to fill in the European single procedure document the Tenderer uses the "ESPD.xml" file at the Internet webpage <https://ec.europa.eu/growth/tools-databases/espd/filter?lang=lv#>.

8. RELIANCE ON THE CAPABILITIES OF OTHER PERSONS

- 8.1. For the fulfilment of the specific contract, in order to comply with the selection requirements for the Tenderers relating to the economic and financial standing and technical and professional ability (including regarding the team of key experts), the Tenderer may rely upon the capabilities of other persons, regardless of the legal nature of their mutual relationship. In this case:
- 8.1.1. The Tenderer indicates in the Proposal all persons upon whose capabilities it relies by filling in the table which is attached as Annex 1 and proves to the Contracting authority that the Tenderer shall have available all the necessary resources for the fulfilment of the contract, by submitting a signed confirmation or agreement on cooperation and/or passing of resources to the Tenderer between such persons and the Tenderer. The confirmations and agreements on cooperation and passing of resources can be replaced by the Tenderer with any other type of documents with which the Tenderer is able to prove that the necessary resources will be available to the Tenderer and will be used during the term of fulfilment of the contract.
- 8.1.2. 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 Framework agreement the Tenderer will in fact use the resources of such person upon whose capabilities the Tenderer relies.
- 8.2. The Contracting authority shall evaluate the person, on whose capabilities the Tenderer to whom the rights to conclude the Framework agreement should be assigned is relying. In case such person will comply with any of the exclusion grounds which are mentioned in Section 7.1, the Contracting authority shall request the Tenderer to change such person. If the Tenderer shall not submit documents about another person which complies with the selection criteria within 10 (ten) business days from the date when the request was issued or sent to the Tender, the Contracting authority shall exclude such Tenderer from further participation in the procurement.

9. SUBCONTRACTING

- 9.1. The Tenderer shall indicate in the Proposal all subcontractors of the Tenderer by filling in the table which is attached as Annex 1.

10. FINANCIAL PROPOSAL

- 10.1. The Financial proposal shall be submitted as part of Annex 1.
- 10.2. The proposed hourly rate shall be determined in euro without value added tax (hereinafter – VAT).
- 10.3. The proposed hourly rate is 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 hourly rate shall include all taxes, fees and payments, and all costs related to the fulfilment of the obligations specified in the Framework agreement (excluding travel expenses, travel expenses will be covered in accordance with Section 12 of the Framework Agreement).
- 10.5. The hourly rate is fixed for full term of the fulfilment of the Framework agreement and is not recalculated, except in cases stipulated in the Framework agreement (if any).

11. CONTENTS AND FORM OF THE PROPOSAL

- 11.1. The documents shall be included in the proposal in the following order (hereinafter – Proposal):
 - 11.1.1. title page with title "Tax advisory services" No RBR 2017/23", name, address and contact information of the Tenderer;
 - 11.1.2. the table of contents with page numeration;
 - 11.1.3. application (financial proposal) in accordance with Annex No 1;
 - 11.1.4. information and documents confirming compliance of the Tenderer with the selection criteria for the Tenderers, or the corresponding European single procurement documents;
 - 11.1.5. information and documents relating to entities on whose capabilities the Tenderer is relying, or the corresponding European single procurement documents;
 - 11.1.6. information about subcontractors.
- 11.2. 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.
- 11.3. The Tenderer may submit a Proposal only for the whole subject matter of the procurement in total.
- 11.4. The Tenderer shall submit a Proposal sewn or bound together, the loose ends of the ribbon fixed so that they cannot be opened without damaging the fixation, upon which the Tenderer must confirm with a signature the number of pages contained in the Proposal.
- 11.5. The Proposal must be submitted in written form in English. Upon the request from procurement commission Tenderer will have to submit Proposal documents translated in Latvian in period within 2 (two) weeks.

- 11.6. The Tenderer shall submit 1 (one) signed Original, 1 (one) Copy and a digital format (USB format files being in MS Office format or PDF format) copy of the Proposal.
- 11.7. The Proposal may contain original documents or their derivatives (e.g. copies). In the proposal or in reply to a request of the procurement commission the Tenderer shall submit only such original documents which have legal force. In order for the document to gain legal force it has to be issued and formatted in accordance with the Law on Legal Force of Documents, but public documents issued abroad shall be formatted and legalized in accordance with the requirements of the Document Legalization Law. When submitting the Proposal, the Tenderer has the right to certify the correctness of all submitted documents' derivatives and translations with one certification.
- 11.8. The Tenderer shall submit Proposal in a glued up envelope, on which it shall be indicated: "'TAX ADVISORY SERVICES" No RBR 2017/23". Do not open until 8 September 2017 at 11:00 o'clock". And the address: To the RB Rail AS, K. Valdemara Street 8 - 7, Riga, LV-1010. The name, address and telephone number of the Tenderer shall be specified on the envelope.

12. SUBMISSION OF A PROPOSAL

- 12.1. Proposal (documents referred to in the Section 11) shall be submitted personally, by courier or registered mail to the RB Rail AS, K. Valdemara street 8 - 7, Riga, LV-1010, Latvia by 8 September, 2017 till 11:00 o'clock.
- 12.2. The Tenderer may recall or amend its submitted Proposal before the expiry of the deadline for the submission of Proposals. In case of amendments, the Tenderer has to clearly indicate on the Proposal that the Proposal is amended by indicating: "AMENDMENTS" in addition to the information mentioned in Section 11.8.
- 12.3. Proposals submitted after the expiry of the deadline for the submission of Proposals shall not be reviewed.

13. OPENING OF PROPOSALS

- 13.1. The opening of Proposals takes place during an open meeting of the procurement commission at 11:00 o'clock on 8 September 2017 at RB Rail AS, K. Valdemara street 8 - 7, Riga, LV-1010.
- 13.2. The Proposals are opened in order of their submission, by naming the Tenderer, the time of Proposal submission, the proposed hourly rate and other information that characterizes the Proposal.

14. VERIFICATION OF FINANCIAL PROPOSALS

- 14.1. The procurement commission verifies whether Tenderers have completed Annex 1 "Application" in accordance with the requirements.

- 14.2. The procurement commission verifies whether there are any arithmetical errors, whether an abnormally low price Proposal has been received, as well as assesses and compares the Framework agreement prices proposed.
- 14.3. The procurement commission informs the Tenderer whose mathematical errors have been corrected about the correction of mathematical errors and the corrected financial proposal.
- 14.4. When evaluating the financial proposal, the procurement commission takes corrections into account.
- 14.5. 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 price Proposal has been submitted.
- 14.6. The procurement commission further evaluates the compliant Proposals which have not been declared as abnormally low price proposals.

15. FRAMEWORK AGREEMENT AWARD CRITERIA

- 15.1. The Proposal selection criterion is the most economically advantageous proposal with the lowest hourly rate, according to the evaluation methodology described in this Section below.
- 15.2. The most economically advantageous proposal with the lowest hourly rate shall be the Proposal which, will receive the highest sum of scores for the following criteria:

No	Criteria	Points	Calculation methodology
1.	Hourly rate	100	$Score = \frac{\text{Lowest proposed price}}{\text{Proposed price under evaluation}} \times 100$
Total		100	

- 15.3. The procurement commission shall estimate the final score for each financial proposal by summing up all points received for the particular financial proposal.
- 15.4. The Framework agreement shall be awarded to the Tenderer whose Proposal receives the highest score.
- 15.5. In case several Tenderers will obtain equal number of points, 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.

16. TENDERER'S CHECK PRIOR TO MAKING THE DECISION REGARDING THE CONCLUSION OF THE FRAMEWORK AGREEMENT

- 16.1. Prior to making the decision about assigning rights to conclude the Framework agreement, the procurement commission performs a check regarding the existence of grounds for exclusion of tenderers for Tenderers, members of a partnership (if the Tenderer is a partnership) and persons on whose capabilities the Tenderer is relying.
- 16.2. 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 Framework agreement is made, the Tenderer, member of a partnership (if the Tenderer is a partnership), 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.
- 16.3. If the Tenderer fails to submit required evidence about itself before the deadline, the procurement commission excludes the Tenderer from participation in the procurement.

17. DECISION MAKING, ANNOUNCEMENT OF RESULTS AND ENTERING INTO A FRAMEWORK AGREEMENT

- 17.1. 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 Framework agreement award criteria as described in Section 15. The Tenderer whose Proposal shall receive the best score shall be selected.
- 17.2. Within 3 (three) business days from the date of decision about the procurement 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:
 - 17.2.1. To the refused Tenderer the reasons for refusing its Proposal;
 - 17.2.2. To the Tenderer who has submitted an eligible Proposal, the characterization of the chosen proposal and the relative advantages.
- 17.3. If less than 2 (two) Tenderers comply with all the Tenderer selection requirements stipulated by the Regulation, the procurement commission makes the decision to terminate procurement.
- 17.4. If the public procurement procedure is terminated, the procurement commission within 3 (three) business days simultaneously informs all Tenderers about all the reasons due to which the procurement 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 Administrative court.
- 17.5. 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 procurement would be violated.
- 17.6. The selected Tenderer upon receiving the notification about the procurement results must within 5 (five) business days submit cooperation or partnership agreement if required pursuant to requirements under Section 6.1.2.
- 17.7. The Framework agreement is concluded on the basis of the Tenderer's Proposal and in accordance with Annex 5.
- 17.8. The procurement commission has the right to choose the next most economically advantageous Proposal, if the Tenderer in the time stipulated by the Regulation:
- 17.8.1. refuses to conclude a partnership agreement 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 agreement or does not inform of the founding of a partnership Contracting authority;
- 17.8.2. refuses to conclude the Framework agreement or does not submit a signed Framework agreement.
- 17.9. In such a case the procurement commission is entitled to terminate this procurement 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.
- 17.10. Prior to making the decision regarding the conclusion of the Framework agreement 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 procurement without selecting any Proposal. If the next chosen Tenderer also refuses to conclude the Framework agreement or does not submit a signed public procurement Framework agreement within the deadline set by the procurement commission, the procurement commission makes the decision to terminate the procurement without selecting any Proposal.