

## **CANDIDATE SELECTION REGULATION**

for Competitive Procedure with Negotiation

### **PROVISION, IMPLEMENTATION AND CUSTOMIZATION OF ELECTRONIC DOCUMENT MANAGEMENT SYSTEM (EDMS)**

(Identification No: RBR 2022/12)



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## 1. ABBREVIATIONS AND TERMS

| Denomination  | Abbreviation | Definition   |
|---|--------------|--|
| Application   | -            | Documentation package the Candidate submits to participate in the First Stage of the Competition.  |
| Candidate (also partnership)                          | -            | A Supplier which has submitted an Application.   |
| Competition (also the Procurement)                    | -            | Competitive procedure with negotiation "Provision, Implementation and Customization of Electronic Document Management System (EDMS)" (ID No RBR 2022/12) which is organised in accordance with Section 8, Paragraph 1, Clause 3 of the Public Procurement Law of Latvia and Chapter 2.3. of the Republic of Latvia Cabinet Regulations, No 107 "Tendering Procedures for Procurement Procedures and Design Contests" |
| Contract  | -            | Agreement and all its appendixes for provision (including consultations and support) of electronic document management system (EDMS) Software-as-a-service, implementation (configuration, training, consultations, data migration services) and customization services.   |
| Contracting Authority                                 | -            | The joint stock company RB Rail AS, registration number: 40103845025, legal address: Satekles iela 2B, Riga LV-1050, Latvia.   |
| Electronic document management system                 | EDMS         | An electronic document management system (EDMS) is a software system for organizing and storing different kinds of documents   |
| European Single Procurement Document                  | ESPD         | The European single procurement document (ESPD) is a self-declaration form used in public procurement procedures   |
| First Stage Regulation (also the Regulation)          | -            | Candidate selection Regulation of the Competition.   |
| First Stage of the Competition (also the First Stage) | -            | Qualification stage that includes selection of Candidates who will be invited to submit a Bid in the Second Stage of the Competition.  |
| Procurement commission                                | -            | Commission the composition of which has been established by Contracting Authority; order No 1.9-2022-18 dated 15 June 2022, issued by the Management Board of the RB Rail AS.  |
| Proposal (also the Bid)                               | -            | Documentation package the Tenderer submits to participate in the Second Stage of the Competition.  |
| Public Procurement Law                                | PPL          | Public Procurement Law of the Republic of Latvia   |

|   |      |   |
|---|------|---|
| Rail Baltica Global Project                             | RBGP | All the activities undertaken by the Rail Baltica railway implementing parties in order to build, put in operation and commercialize the Rail Baltica railway and related railway infrastructure in accordance with the agreed route, technical parameters and time schedule. |
| Rail Baltica railway                                    | -    | A new fast conventional double track electrified European standard gauge (1435 mm) railway line on the route from Tallinn through Pärnu - Riga - Panevėžys - Kaunas to Lithuanian - Polish border, with a connection line between Kaunas and Vilnius.                         |
| Second Stage of the Competition (also the Second Stage) | -    | Proposal stage that includes the evaluation of the Bids submitted by the Tenderers and awarding the rights to conclude the Contract.  |
| Supplier  | -    | An individual 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.  |
| Tenderer  | -    | A Candidate which was invited to submit a Proposal and has submitted a Proposal.  |

## 2. GENERAL INFORMATION

- 2.1. The subject-matter of the Competition is provision (including consultations and support) of electronic document management system (EDMS) Software-as-a-service, implementation (configuration, training, consultations, data migration services) and customization services. A general description of the subject-matter of the Competition for informative purposes is included in the Annex No 2 of the Regulation. Detailed description of the subject-matter (Technical Specification) of the Competition will be disclosed to the Candidates who will be selected for submitting a Proposal during the Second Stage of the Competition.
- 2.2. The subject-matter of this Competition is not divided in parts (lots) considering that by receiving services from one supplier the Contracting Authority is using their technical and administrative resources as efficiently as possible ensuring the economy of the Contracting Authority's financial resources during Rail Baltica Global Project implementation.
- 2.3. The identification number of the Competition is RBR 2022/12.
- 2.4. The applicable CPV codes are:
  - 2.4.1. Main CPV code: 48311100-2 (Document management system);
  - 2.4.2. Additional CPV codes: 72200000-7 (Software programming and consultancy service), 80500000-9 (Training services).
- 2.5. Competition is organised in accordance with the Public Procurement Law in effect on the date of publishing the contract notice. The Competition consists of two stages:
  - 2.5.1. The First Stage of the Competition – qualification stage - selection of Candidates who will be invited to submit a Bid in the Second Stage of the Competition.



- 2.5.2. The Second Stage of the Competition – proposal stage - submission of initial proposal(s) of the qualified Candidates and negotiations, submission of final proposal(s) and awarding of Contract. The Procurement Commission shall conduct assessment of the proposal(s) submitted by the Candidates and negotiations on initial and all further proposals. After the negotiations, the Procurement Commission shall request the Tenderers to submit their final proposals. The Procurement Commission shall verify compliance of the final proposal(s) with the requirements of the Regulation and determine the Tenderer, which is awarded the Contract, through establishing of the criteria set to determine the most economically advantageous proposal. The Procurement Commission shall be entitled to make a decision not to organise negotiations and award the Contract on the basis of the initial proposal(s) submitted by the Tenderers. The regulations for the undertaking of possible negotiations will be provided in the Stage Two procurement documents.
- 2.6. The period for starting delivery of system and provision of services shall be right after the Contract commencement date. The total period of the contract shall be equal to the overall Rail Baltica Global Project implementation life-cycle. Currently it is estimated for five years or longer - if project implementation will be prolonged and the funding for the next period services will be approved.
- 2.7. Delivery place: Estonia, Latvia, Lithuania.
- 2.8. The Competition requires negotiations due to specific nature of the subject-matter since technical specifications cannot be established with sufficient precision with defined standards or technical requirements and because of specific circumstances related to the nature, the complexity, or the legal and financial make-up of the Contract, in accordance with Section 8, Paragraph 6, Clause 1, 3 and 4 of the Public Procurement Law.
- 2.9. The Competition is carried out using E-Tenders system which is a subsystem of the Electronic Procurement System (<https://www.eis.gov.lv/EKEIS/Supplier>). Supplier shall apply for the Electronic Procurement System (if the Supplier is not registered in Electronic Procurement System) in State Regional Development Agency (please see information here <http://www.railbaltica.org/procurement/e-procurementsystem/>).
- 2.10. The Regulation and all its annexes are freely available on the Contracting Authority's profile in the E-Tenders system on the webpage and Contracting Authority's webpage <http://railbaltica.org/tenders/>.
- 2.11. Amendments to the Regulation and answers to Suppliers' questions shall be published on the E-Tenders system webpage <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/84050> and the Contracting Authority's webpage <http://www.railbaltica.org/tenders/>. It is the Supplier's responsibility to constantly follow the information published on the webpage and to take it into consideration in preparation of its Application.
- 2.12. Contact person of the Contracting Authority for the Competition is Procurement Specialist Agnese Gudrenika, telephone: +371 20218254, e-mail address: [agnese.gudrenika@railbaltica.org](mailto:agnese.gudrenika@railbaltica.org).
- 2.13. Requests for information or additional explanations must be submitted in writing via the E-Tenders system or (in case the Supplier does not yet have access to the system) by sending it to the contact person electronically by e-mail. Answers to questions or explanations from the Contracting Authority are also provided through the E-Tenders system and e-mail (in case the Supplier does not yet have access to the system).

### 3. INFORMATION ABOUT THE SECOND STAGE OF THE COMPETITION AND THE CONTRACT

- 3.1. The Bid selection criterion is the most economically advantageous proposal, according to the evaluation methodology to be described in the Second Stage of the Competition.
- 3.2. The Second Stage of the Competition includes any negotiation that may be relevant to be undertaken as specified by the Contracting Authority, although Contracting Authority may perform evaluation of the Bids submitted by the Tenderers without any negotiation and award rights to conclude Contract to Tenderer with the most economically advantageous proposal according to the evaluation methodology to be described in the Second Stage of the Competition.
- 3.3. The successful Tenderer shall be obliged to ensure that its participation in the implementation of the Contract would not create any conflicts of interests.
- 3.4. The Contract will be based on the terms and conditions of the draft agreement provided by the Contracting Authority in Stage Two of the Competition. The Contract entered into as a result of the Competition will be co-financed from the financial resources of the Connecting Europe Facility (CEF), therefore the Contract will *inter alia* contain terms and conditions required by CEF Grant Agreements.
- 3.5. Payments to the contractor will be made in accordance with the payment conditions specified in the Contract and/or in the other documentation of the Stage Two of the Competition.
- 3.6. Data storage accessibility and security requirements will be stipulated in more detail in the Contract and/or in the other documentation of the Stage Two of the Competition.
- 3.7. The liability of the parties shall be determined pursuant to the applicable laws as prescribed under the Contract. The parties shall properly fulfil their obligations undertaken under the Contract and shall refrain from any actions that may lead to damage to each other or that could impede the other party's fulfilment of the obligations undertaken.
- 3.8. The Contracting Authority shall be entitled to unilaterally withdraw from the Contract should *inter alia* international or national sanctions or sanctions significantly affecting the interests of the financial and capital markets of the European Union or a Member State of the North Atlantic Treaty Organisation, should enter into force and would hinder execution of the Contract. Other grounds of termination by the parties will be prescribed in the Contract, as well.

### 4. CANDIDATE

- 4.1. The Application can be submitted by:
  - 4.1.1. A Supplier, who is a legal or natural person and who complies with the selection criteria for Candidates;
  - 4.1.2. A group of Suppliers (partnership) that complies with the selection criteria for Candidates:
    - (a) A group of Suppliers who have formed a partnership for the Competition. In this case all the members of the partnership shall be listed in Annex No 1 "Application for participation in the Competition". If it will be decided to award contracting rights to such partnership, then prior to concluding the Contract the partnership shall at its discretion either enter into a partnership agreement (within the meaning of Civil Law of the Republic of Latvia, Sections 2241 - 2280) and shall submit one copy of this agreement to the Contracting Authority or

establish a general or limited partnership (within the meaning of Commercial Law of the Republic of Latvia, Division IX and X) and notify the Contracting Authority in writing;

- (b) An established and registered partnership (a general partnership or a limited partnership within the meaning of Commercial Law of the Republic of Latvia, Division IX and X) which complies with the selection criteria for Candidates.

4.2. According to Article 5k of Council Regulation (EU) 2022/576 of 8 April 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine and Contracting Authority's discretion according to Section 15 of the Public Procurement Law of Latvia it is prohibited to participate in the Competition:

- 4.2.1. a Russian national, or a natural or legal person, entity or body established in Russia or in country which is not member to the Agreement on Government Procurement of the World Trade Organisation;
- 4.2.2. a legal person, entity or body whose proprietary rights are directly or indirectly owned for more than 50 % by an entity referred to in point 4.2.1. of this paragraph;
- or
- 4.2.3. a natural or legal person, entity or body acting on behalf or at the direction of an entity referred to in point 4.2.1. or 4.2.2. of this paragraph, including, where they account for more than 10 % of the contract value, subcontractors, suppliers or entities whose capacities are being relied on within the meaning of the Public Procurement Law of Latvia.

## 5. SELECTION CRITERIA FOR CANDIDATES

### 5.1. Legal standing and suitability to pursue the professional activity

| No | Requirement   | Documents to be submitted   |
|----|---|---|
| 1. | The Candidate, all members of the partnership (if the Candidate is a partnership), persons on whose capacity a Candidate relies, 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"> <li>- For a Candidate (or a member of a partnership, a person on whose capacity a Candidate relies) <i>which is a legal person registered in Latvia</i>, the Contracting Authority shall verify the information itself in publicly available databases.</li> <li>- For a Candidate (or a member of a partnership, a person on whose capacity a Candidate relies) <i>which is a natural person</i> – a copy of an identification card or passport.</li> <li>- For a Candidate (or a member of a partnership, a person on whose capacity a Candidate relies) <i>which is a legal person registered abroad</i> (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 <b>wherefrom at least the fact</b></li> </ul> |

| No | Requirement   | Documents to be submitted   |
|----|---|---|
|    |   | <p>of registration, beneficial owners, legal representatives (officials) and procura holders (if any) can be determined.</p> <ul style="list-style-type: none"> <li>- If the Application is submitted by a partnership, the Application shall include an agreement of cooperation (or letter of intention to enter into agreement) signed by all members of the partnership, which authorises one key member to sign the Application and other documents on behalf of the partnership stipulated in Section 6.3. of the Regulation.</li> <li>- If the Application or any other document, including any agreement, is not signed by the legal representative of the Candidate, members of the partnership, person on whose capacity the Candidate relies, a document certifying the rights of the persons who have signed the Application or any other documents, to represent the Candidate, a member of the partnership, a person on whose capacity the Candidate is relying, (powers of attorney, authorisation agreements etc.) must be included.</li> </ul> |
| 2. | <p>The Candidate, all members of the partnership (if the Candidate is a partnership), persons on whose capacity a Candidate relies on and subcontractors are<sup>1</sup>:</p> <p>1) a legal person –</p> <p>a) registered in a Member State to the North Atlantic Treaty Organization (hereinafter - NATO), European Union or European Economic Area;</p> <p>b) whose beneficial owner<sup>2</sup> is a citizen of the NATO, European</p> | <ul style="list-style-type: none"> <li>- No obligation to submit documents, unless specifically requested by the Procurement commission.</li> <li>- The Procurement commission is obligated to apply requirements stipulated in Paragraph 36.<sup>1</sup> of Cabinet Regulation No 442 "Procedures for the Ensuring Conformity of Information and Communication Technologies Systems to Minimum Security Requirements" dated 28.07.2015 and not invite the Candidate to the Second stage of the Competition (where the decision to award rights to conclude the contract will be taken), if statement from</li> </ul>   |

<sup>1</sup> Please see the Paragraph 36.<sup>1</sup> of Cabinet Regulation No 442 "Procedures for the Ensuring Conformity of Information and Communication Technologies Systems to Minimum Security Requirements" dated 28.07.2015 (available here: <https://likumi.lv/ta/id/275671-kartiba-kada-tiek-nodrosinata-informacijas-un-komunikacijas-tehnologiju-sistemu-atbilstiba-minimalajam-drosibas-prasibam>).

<sup>2</sup> **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;

| No | Requirement   | Documents to be submitted  |
|----|---|--|
|    | <p>Union or European Economic Area or non-citizen of the Republic of Latvia; and</p> <p>c) whose manufacturer of the software or equipment used for the provision of the Services is a legal person registered in a Member State of NATO, the European Union or the European Economic Area, or a natural person who is a national of the Republic of Latvia, a citizen of NATO, the European Union or the European Economic Area</p> <p>or</p> <p>2) a natural person who is a national of the Republic of Latvia, a citizen of the Member State to the NATO, European Union or European Economic Area.</p> | <p>Latvian State Security Service with prohibition to conclude the contract has been received.</p>   |
| 3. | <p>The representative of the Candidate or a member of a partnership, or a person on whose capacity Candidate relies who has signed documents contained in the Application has the right of signature, i.e., it is an official having the right of signature or a person authorized by the Candidate or by the member of a partnership, or by the person on whose capacity Candidate relies.</p>   | <ul style="list-style-type: none"> <li>- A document confirming the right of signature (representation) of the representative of the Candidate or a member of the partnership, or the person on whose capacity Candidate relies who signs the Application and any other document (e.g. partnership agreement, agreement on cooperation, letter of intent, etc.). For a Candidate (or the member of a partnership), the person on whose capacity Candidate relies which is a legal person registered in Latvia the Contracting Authority shall verify the information itself in publicly available databases.</li> <li>- If the Candidate (or the member of the partnership, or a person on whose capacity Candidate relies), submits a power of attorney (original or a copy certified by the Candidate) there shall be additionally submitted documents confirming that the issuer of the power of attorney has the right of signature (representation) of the Candidate, member of a partnership, or by the person on whose capacity Candidate relies.</li> </ul> |

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.

## 5.2. Economic and financial standing

| No | Requirement   | Documents to be submitted   |
|----|---|---|
| 1. | <p>The Candidate's or all members' of the partnership together (if the Candidate is a partnership and confirms the average financial turnover jointly), average annual financial turnover within the last 3 (three) financial years (2019, 2020, 2021) is not less than 1 000 000 EUR (one million euro).</p> <p>In the event the average annual financial turnover of a limited partner of the limited partnership (within the meaning of The Commercial Law of the Republic of Latvia, Division X) exceeds its investment in the limited partnership, the average financial turnover shall be recognized in the amount of the investment in the limited partnership.</p> <p>In the event the Candidate or a member of a partnership (if the Candidate is a partnership) has operated in the market for less than 3 (three) financial years, the requirement shall be met during the entity's actual operation period.</p> | <ul style="list-style-type: none"> <li>- Filled in and signed Annex No 3.</li> <li>- Audited or self-approved (if the audited annual financial statement is not required by the law of the country of residence of the Candidate) annual financial reports:               <ol style="list-style-type: none"> <li>1) for financial years 2019, 2020, 2021 showing the turnover of the Candidate and each member of the partnership (if the Candidate is a partnership and confirms the average financial turnover jointly)</li> <li>2) for last financial year showing balance and calculation that proves liquidity ratio and positive equity of Candidate or entity on whose capacity the Candidate is relying to certify its financial and economic performance (e.g. member of the partnership).</li> </ol> </li> <li>- If the previous 3 (three) reporting years of the Candidate differ from the years specified in this Section (2019, 2020, 2021), the financial turnover necessary must be indicated for the Candidate's previous 3 (three) reporting years.</li> </ul> |
| 2. | <p>The Candidate or entity on whose capacity the Candidate is relying to certify its financial and economic performance and who will be financially and economically responsible for fulfilment of the procurement contract (e.g. member of the partnership), shall have stable financial and economic performance, namely, <u>in the last audited financial year</u> liquidity ratio shall be equal to or exceed 1 and shall have positive equity.</p>   | <ul style="list-style-type: none"> <li>- For a limited partnership (within the meaning of the Commercial Law of the Republic of Latvia, Division X) - an additional document evidencing the amount of the investment by the limited partner (the partnership agreement or a document with a similarly binding legal effect).</li> <li>- If the Application is submitted by a partnership, Candidate shall indicate the member of the partnership on whose capacity Candidate is relying to certify its financial and economic performance and who will be financially and economically responsible for fulfilment of the Contract including this information in the agreement of cooperation (or letter of intent to enter into agreement) stipulated in Section 6.3. of the Regulation.</li> </ul>   |

## 5.3. Technical and professional ability



| No | Requirement  | Documents to be submitted  |
|----|--|--|
| 1. | The Candidate is license owner or authorized distributor (reseller) eligible to customize the software which will be proposed.   | <ul style="list-style-type: none"> <li>- If the Candidate is license owner of proposed software, Candidate shall submit a self-declaration that Candidate is license owner of proposed software.</li> <li>- If the Candidate is authorized license distributor (reseller) of proposed software, Candidate shall submit a license owner's approval letter or equivalent document (evidence) that Candidate is authorized license distributor (reseller) and is eligible to customize proposed software.</li> </ul>  |
| 2. | <p>Within the previous 5 (five) years (2017, 2018, 2019, 2020, 2021, 2022 until the date of submission of the Application) the Candidate has delivered project of the provision (including implementation (configuration, training, consulting, data migration) and customization services) of EDMS software-as-a-service with any of the following business requirements:</p> <ol style="list-style-type: none"> <li>1) Document Management,</li> <li>2) Task and workflow management,</li> <li>3) Contract Management,</li> <li>4) Health &amp; Safety Management (risk assessment, safety observations, employee training and certifications),</li> <li>5) Supply/Order Management,</li> <li>6) Project Management,</li> <li>7) Cost Control Management,</li> <li>8) Correspondence Management,</li> </ol> <p>and supporting at least 100 (one hundred) concurrent users, for a design and/or construction and/or operation project for at least 3 (three) clients where value of each of the project of EDMS provision (including implementation and customization services) is at least 250 000,00 EUR (two hundred fifty thousand euro) excluding VAT for each client.</p> <p><i>The Candidate has rights to prove delivery of project of EDMS provision (including implementation and customization services) with several contracts in any combinations.</i></p> | <ul style="list-style-type: none"> <li>- Filled in and signed Annex No 4.</li> <li>- Copies of references or similar documents (copies of deeds of acceptance or other evidencing of experience) from respective clients indicated in Annex No 4.</li> <li>- <i>Please refer to the guidelines enclosed as Annex No 5 for preparation of the Client's reference. Please note, that applications will not be rejected if the information provided in the reference letter will not include all content provided in the Annex No 5 Reference letters may also be prepared and submitted in the form preferred by the Client / Candidate itself.</i></li> </ul> |

| No | Requirement   | Documents to be submitted |
|----|---|---------------------------|
|    | <i>The contract/project will be recognized as delivered, if the system is implemented and training, data migration is done.</i> |                           |

#### 5.4. Quality Management standards

| No | Requirement   | Documents to be submitted   |
|----|---|---|
|    | <p>The Candidate has management system that complies with ISO 27001:2013 standard or equivalent, or the Candidate implements equal quality management measures.</p> <p>If the Candidate is a partnership, the requirement shall be met by all members of the partnership together (at least one member of the partnership that will provide goods/services that require the relevant management system, shall have above mentioned standard or equivalent).</p> | <ul style="list-style-type: none"> <li>- A copy of certificate of ISO 27001:2013 or equivalent management system confirming to the European certification standards, or a copy of certificate issued by other authority accredited in accordance with the procedures laid down in the regulatory enactments of other Member State of the European Union.</li> <li>- If the Candidate is unable to obtain the management certificate before the day of submission of the Application due to reasons beyond the Candidate's control, then self-declaration and description of the performance of equal quality assurance measures and evidence that the proposed quality assurance measures comply with the requirements of the Contracting authority.</li> </ul> |

#### 5.5. Exclusion grounds

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

| No | Requirement   | Documents to be submitted (no obligation to submit documents, unless specifically requested by the Procurement Commission)  |
|----|---|---|
| 1. | Within previous 3 (three) years before submission of the Application the Candidate or a person who is the Candidate's management board or supervisory board member, person with representation rights or a procura holder, or a person who is authorised to represent the Candidate 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 | <ul style="list-style-type: none"> <li>- For a Candidate and a person who is the Candidate's management board or supervisory board member, person with representation rights or a procura holder, or a person who is authorised to represent the Candidate in operations in relation to a branch, which are registered or residing in Latvia, the Contracting Authority will verify the information itself in publicly available databases.</li> <li>- For a Candidate and a person who is the Candidate's management board or</li> </ul> |



|   |   |
|---|---|
| <p>such a public prosecutor's order regarding punishment or a court judgement that has entered into force and may not be challenged and appealed:</p> <p>a) establishment, management of, involvement in a criminal organization or in an organized group included in the criminal organization or other criminal formation, or participation in criminal offences committed by such an organization,</p> <p>b) bribe-taking, bribery, bribe misappropriation, intermediation in bribery, unauthorized participation in property transactions, taking of prohibited benefit, commercial bribing, unlawful claiming of benefits, accepting or providing of benefits, trading influences,</p> <p>c) fraud, misappropriation or money-laundering,</p> <p>d) terrorism, terrorism funding, creation or organization of a terrorist group, traveling for terrorist purposes, justification of terrorism, calling to terrorism, terrorism threats or recruiting or training a person in performance of acts of terrorism,</p> <p>e) human trafficking,</p> <p>f) evasion from payment of taxes or similar payments.</p> | <p>supervisory board member, person with representation rights or a procura holder, or a person who is authorised to represent the Candidate in operations in relation to a branch, which are registered or residing outside of Latvia the Candidate shall submit an appropriate statement from the competent authority of the country of registration or residence.</p>                              |
| <p>2. It has been detected that <u>on the last day of the term for submitting Applications</u> (in the First Stage of the Competition) and <u>on the day when a decision has been made</u> on possible granting of rights to conclude the Contract (in the Second Stage of the Competition), the Candidate has tax debts <u>in Latvia or a country where it has been incorporated or is permanently residing</u>, including debts of mandatory state social insurance contributions <u>exceeding 150 euro in total in any of the countries</u>.</p>   | <ul style="list-style-type: none"> <li>- For a Candidate registered or residing in Latvia, the Contracting Authority will verify the information itself in publicly available databases.</li> <li>- For a Candidate registered or residing outside of Latvia the Candidate shall submit an appropriate statement from the competent authority of the country of registration or residence.</li> </ul> |
| <p>3. Candidate's insolvency proceedings have been announced, the Candidate's business activities have been suspended, the Candidate is under liquidation.</p>  | <ul style="list-style-type: none"> <li>- For a Candidate registered or residing in Latvia, the Contracting Authority will verify the information itself in publicly available databases.</li> </ul>   |

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>- For a Candidate registered or residing outside of Latvia the Candidate shall submit an appropriate statement from the competent authority of the country of registration or residence.</li> </ul> |
| <p>4. A person who drafted the Competition documents (Contracting Authority's official or employee), Procurement commission member or expert is related to the Candidate, or is interested in selection of some Candidate, and the Contracting Authority cannot prevent this situation by measures that cause less restrictions on Candidates. A person who drafted the Competition documents (Contracting Authority's official or employee), Procurement commission member or expert is presumed to be related to the Candidate in any of the following cases:</p> <p>a) if he or she is a current and/or an ex-employee, official, shareholder, procura holder or member of a Candidate 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 Candidate's or subcontractor's, which is a legal person, shareholder who owns at least 10% of the shares in a joint-stock company, shareholder in a limited liability company, procure holder or an official;</p> <p>c) if he or she is a relative of a Candidate or a subcontractor which is a natural person.</p> <p>If the Candidate is a partnership, consisting of natural or legal persons, a relation to the Candidate is presumed also if a person who drafted the Competition documents (Contracting Authority's official or employee), Procurement commission member or expert is related to a member of a</p> | <p>No obligation to submit documents, unless specifically requested by the Procurement commission.</p>   |

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| partnership in any of the above-mentioned ways. |  |
| 5.  | <p>The Candidate has an advantage that limits competition in the Competition, 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 Candidate cannot prove that its or its related legal person's participation in preparing the Competition documents does not restrict competition.</p> <p>No obligation to submit documents, unless specifically requested by the Procurement commission.</p>   |
| 6.  | <p>Within the previous 12 (twelve) months before last day of the term for submitting Applications (in the First Stage) 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 Candidate 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 Candidate from a fine or has decreased the fine for cooperation within a leniency program.</p> <ul style="list-style-type: none"> <li>- For a Candidate registered or residing in Latvia, the Contracting Authority will verify the information itself in publicly available databases.</li> <li>- For a Candidate registered or residing outside of Latvia, the Candidate shall submit an appropriate statement from the competent authority of the country of registration or residence or other objective proof of good standing. For example, a link to the database of the competent authority's public database (website) listing all its decisions and validity thereof (provided that access to any such database/website is free of charge to the Contracting Authority).</li> </ul> |
| 7.  | <p>Within the previous 3 (three) years before last day of the term for submitting Applications (in the First Stage) by such a decision of a competent authority, a court judgment or a public prosecutor's order which has entered into force and may not be challenged and appealed, the Candidate has been found guilty and is punished for 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.</p> <ul style="list-style-type: none"> <li>- For a Candidate registered or residing in Latvia, the Contracting Authority will verify the information itself in publicly available databases.</li> <li>- For a Candidate registered or residing outside of Latvia the Candidate shall submit an appropriate statement from the competent authority of the country of registration or residence.</li> </ul>  |
| 8.  | <p>Within the previous 12 (twelve) months before last day of the term for submitting Applications (in the First Stage) by such a decision of a competent authority, a court judgment or a public prosecutor's order which has</p> <ul style="list-style-type: none"> <li>- For a Candidate registered or residing in Latvia, the Contracting Authority will verify the information itself from publicly available databases.</li> <li>- For a Candidate registered or residing outside of Latvia the Candidate shall submit an</li> </ul>  |

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|     | entered into force and may not be challenged and appealed, the Candidate has been found guilty and is punished for 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. | appropriate statement from the competent authority of the country of registration or residence.   |
| 9.  | The Candidate has provided false information to prove its compliance with provisions of this Section 5.5 of the Regulation or qualification criteria, or has not provided the requested information at all.   | No obligation to submit documents, unless specifically requested by the Procurement commission.   |
| 10. | The Candidate is a registered Offshore <sup>3</sup> company (legal person) or offshore association of persons.  | <ul style="list-style-type: none"> <li>- For a Candidate which is registered in Latvia the Contracting Authority will verify the information itself in publicly available databases.</li> <li>- For the Candidate and each member of the partnership (if Candidate is an unregistered partnership) which is a legal person registered outside of Latvia, the Candidate shall submit 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 can be determined.</li> </ul> |
| 11. | The owner or shareholder (with more than 25% of share capital) of the Candidate which is registered in Republic of Latvia, is a registered Offshore company (legal person) or offshore association of persons.  | <p>For a Candidate which is registered in Latvia:</p> <ul style="list-style-type: none"> <li>• the Contracting Authority will verify the information itself in publicly available databases;</li> <li>• if such information by publicly available data bases is not provided, Candidate shall submit self – declaration which approves fact that there are no registered owners or shareholders of the Candidate (with more than 25% of share capital) which are registered offshore.</li> </ul>  |

<sup>3</sup> **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.

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| <p>12. The subcontractors indicated by the Candidate<sup>4</sup> whose share of services is equal to or exceeds 10% of the Contract price or person on whose capacity Candidate is relying, is a registered Offshore company (legal person) or Offshore association of persons.</p>   | <ul style="list-style-type: none"> <li>- For a subcontractor whose share of services is equal to or exceeds 10% of the Contract price or person, on whose capacity Candidate is relying, which is registered in Latvia, the Contracting Authority will verify the information itself in publicly available databases;</li> <li>- For a subcontractor or person on whose capacity Candidate is relying, which is a legal person registered outside of Latvia (with its permanent place of residence abroad) the Candidate shall submit 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 can be determined.</li> </ul> |
| <p>13. 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) Candidate or a person who is the Candidate'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 Candidate 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 Candidate is a partnership),</p> <p>and such sanctions can affect the execution of the Contract.</p> | <ul style="list-style-type: none"> <li>- For a Candidate registered or residing in Latvia Contracting Authority will verify the information itself from the Register of Enterprises of the Republic of Latvia.</li> <li>- For a Candidate registered or residing outside of Latvia Candidate shall submit an appropriate statement from the competent authority of the country of registration or residence with all the information necessary for the examination regarding the Candidate or a member of the partnership if the Candidate is a partnership), including but not limited, information about Beneficial owner or the fact that there is no possibility to find out the Beneficial owner.</li> </ul>   |

**\* In case Candidate (or any member of the partnership if the Candidate is a partnership, or entity on whose capacities the Candidate relies) is registered or permanently resides outside of Latvia, the Contracting authority strongly recommends that the Candidate obtains the evidence documents (especially indicated in the Clause 5.5.2 of the Regulation that requires information**

<sup>4</sup> Candidates will be required to provide information about their subcontractors during the Second Stage of the Competition.

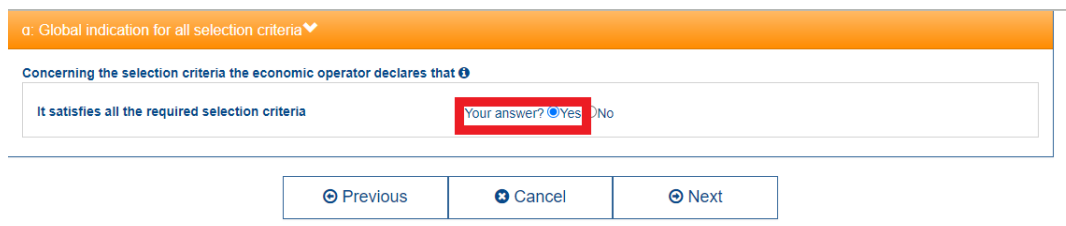
**on the last day of the term for submitting Applications) before submitting Application to have the documents ready to be sent to the Contracting Authority. The Candidate may submit indicated evidence documents for exclusion ground check at the time of submitting Application.**

- 5.6. Information, provided in the Application to prove the compliance with above-mentioned requirements for Technical and professional ability (Section 5.3 of the Regulation) and Economic and financial standing (Section 5.2 of the Regulation), shall be clear and understandable without any additional analysis or external proof of the submitted information. The Contracting Authority shall not be obliged to use additional sources of information to decide regarding Candidate's compliance with the qualification requirements. The Candidate shall remain fully responsible for the provision of sufficiently detailed information in the Application required to confirm clearly the compliance with qualification requirements set in the Regulation.
- 5.7. Exclusion grounds will be verified in accordance with the regulation stipulated in Section 42 of the Public Procurement Law and Section 11.<sup>1</sup> of the Law On International Sanctions and National Sanctions of the Republic of Latvia. If any of the requirements related to the exclusion grounds (Section 5.5. of the Regulations) differ from the requirements specified in the Public Procurement Law and Section 11.<sup>1</sup> of the Law On International Sanctions and National Sanctions of the Republic of Latvia, the requirements of regulatory enactments shall prevail and the Procurement commission shall act in accordance with requirements specified in the relevant regulatory enactments. If the Candidate complies with any of the exclusion grounds mentioned in Section 5.5. (except Section 5.5.2, 5.5.10 – 5.5.13 of the Regulation) of the Regulation, the Candidate indicates this fact in Annex No 1 "Application for participation in the Competition" of the Regulation.
- 5.8. Notices and other documents mentioned in the Section 5.5 of the Regulation, which are issued by Latvian competent institutions, are accepted and recognised by the Procurement commission, if they are issued no earlier than 1 (one) month prior to the date of submission of particular notice or document, if the issuer of the notice or document has not set shorter period of validity. Notices and other documents mentioned in the Section 5.5 of the Regulation, which are issued by foreign competent institutions, are accepted and recognized by the Procurement commission, if they are issued no earlier than 6 (six) months prior to the date of submission of particular notice or document, if the issuer of the notice or document has not set shorter period of validity.
- 5.9. If the documents, with which a Candidate registered or permanently residing abroad (outside Latvia) can certify its compliance with the requirements of Section 5.5. of the Regulation, 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 Candidate or by another person mentioned in Section 5.5. of the Regulation 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). Regarding all documents submitted based on an oath given under law (e.g. sworn-statements, declarations on oath etc.), the Tenderer must provide (indicate) legal grounds to law or enactment in accordance with such statements or declarations on oath have been given.
- 5.10. The Candidate to certify that it complies with the selection criteria for Candidates may submit the ESPD as initial proof. This document must be submitted electronically for the Candidate and for each person upon whose capacity the Candidate relies to certify its compliance with the requirements stipulated in the Regulation, but if the Candidate is a



partnership – for each member thereof. To fill in the ESPD the Candidate must use the "ESPD.xml" file on the webpage <http://espd.eis.gov.lv/filter?lang=en>.

- 5.10.1. To certify compliance with all Competition selection criteria (except exclusion grounds mentioned in Section 5.5. of Regulations), the Candidate can limit itself to filling the following point in the ESPD Section IV **"Selection criteria"** Part **"a: Global indication for all selection criteria"** confirming with **"Yes"**, without having to fill in Part IV, Sections A, B, C or D.



- 5.11. If the Candidate has chosen to submit an ESPD as initial proof, in the ESPD for person upon whose capacity Candidate relies to certify its compliance with the requirements stipulated in the Regulation it shall be filled in the part regarding the exclusion grounds and information regarding the selection criteria relevant for the specific capacity or capacities on which Candidate relies.
- 5.12. If the Candidate, who will be invited to submit a Bid, has chosen to submit an ESPD as initial proof, Procurement commission will follow the procedure stipulated in the Paragraph 74 of the Cabinet regulation No 107 of 28 February 2017 "Tendering Procedures or Procurement Procedures and Design Contests".

## 6. PARTNERSHIP AND RELIANCE ON THE CAPACITIES OF OTHER PERSONS

- 6.1. If the Candidate is a partnership, the member of the partnership upon whose qualification the partnership relies in order to qualify, must provide the respective goods/services for which the respective qualification was required.
- 6.2. Contracting authority requires jointly and several liability for the execution of the Contract for the:
- (a) Candidate and a person on whose capacity Candidate is relying to certify its financial and economic performance and who will be financially and economically responsible for fulfilment of the Contract;
  - (b) Each member of the partnership (if the Candidate is a partnership) on whose capacity Candidate is relying and who will be financially and economically responsible for fulfilment of the Contract.
- 6.3. If an Application is submitted by a partnership, the Application shall include an agreement of cooperation (or letter of intent to enter into agreement) signed by all members of the partnership, which lists responsibilities of each and every partnership member, and which authorizes 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. In this document Candidate additionally indicates the member of the partnership on whose capacity it relies to certify its financial and economic performance and a commitment to be financially and economically responsible for the fulfilment of the Contract.
- 6.4. For the fulfilment of the Contract, in order to comply with the selection requirements for the Candidates (e.g. technical and professional ability), the Candidate may rely upon capacities of other persons, regardless of the legal nature of their mutual relationship. In this case:

- 6.4.1. The Candidate indicates in the Application all persons upon whose capacities it relies by filling in the table which is part of Annex No 1 "Application for participation in the Competition" of the Regulation, fills necessary information in E-Tenders system and proves to the Contracting Authority that the Candidate will have available all the necessary resources for the fulfilment of the Contract, by submitting a signed confirmation or agreement on cooperation and/or passing of resources to the Candidate between such persons and the Candidate. The confirmations and agreements on cooperation and passing of resources can be replaced by the Candidate with any other type of documents with which the Candidate is able to prove that the necessary resources will be available to the Candidate and will be used during the term of fulfilment of the Contract.
    - 6.4.2. Documents on cooperation and passing of resources have to be sufficient to prove to the Contracting Authority that the Candidate will have the ability to fulfil the Contract, as well as that during the validity of the Contract the Candidate will in fact use the resources of such person upon whose capacity the Candidate relies.
  - 6.5. Candidate may relay on the capacity of other persons only if these persons will provide services that require the relevant capacity.
  - 6.6. The Contracting Authority shall evaluate the person, on whose capacity the Candidate, who will be invited to submit a Bid, is relying according to Section 5.5.1 - 5.5.8 and Section 5.5.12 - 5.5.13 of the Regulation. In case such person will comply with any of the exclusion grounds which are mentioned in Section 5.5.1 to 5.5.8 and Section 5.5.12 - 5.5.13 of the Regulation, the Contracting Authority will request the Candidate to change such person. If the Candidate will not submit documents about another person which complies with the selection criteria within 10 (ten) business days from the date when the request was issued or sent to the Candidate, the Contracting Authority shall exclude such Candidate from further participation in the Competition.
- 7. SUBCONTRACTING**
- 7.1. Candidates will be required to provide information about their subcontractors during the Second Stage of the Competition.
  - 7.2. During the Second Stage of the Competition the Contracting Authority will evaluate subcontractors, whose share of services is equal to or exceeds 10% of the Contract price, of the Candidate to whom the rights to conclude the Contract should be assigned. In case such subcontractors will comply with any of the exclusion grounds which are mentioned in Sections 5.5.2 - 5.4.8 and Section 5.5.12 – 5.5.13 of the Regulation, the Contracting Authority will request the Candidate to change such subcontractor. If the Candidate will not submit documents about another subcontractor which complies with the selection criteria within 10 (ten) business days from the date when the request was issued or sent to the Candidate, the Contracting Authority will exclude such Candidate from further participation in the Competition.
  - 7.3. Contracting Authority reserves the right to request the Candidate to identify all the subcontractors involved in delivery of services irrespective of the amount of participation in the provision of services upon signing the Contract.
- 8. THE RIGHTS OF THE CANDIDATE**
- 8.1. 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.

- 8.2. If the Contracting Authority receives the necessary information about the Candidate directly from a competent institution, through data bases or other sources and the Candidate's submitted information differs from the information obtained by the Contracting Authority, the Candidate in question has the right to submit evidence to prove the correctness of the information the Candidate has submitted, if the information obtained by the Contracting Authority does not conform to the factual situation.
- 8.3. If a Candidate 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 Candidate has the right to submit a complaint to the Procurement Monitoring Bureau according to the procedure stipulated in the Section 68 of the Public Procurement Law regarding the Candidate 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.
- 8.4. The Supplier covers all expenses, which are related to the preparation of the Application and its submission to the Contracting Authority. The submitted Applications are not returned to the Candidate, unless specifically envisaged in the Regulation.
- 8.5. The Application must be signed using an electronic signature according to regulatory acts on the status of electronic documents and electronic signature or tools provided by the E-Tender system or using a signature tool which provides confirmation of the identity of the document's signer by a person who is legally representing the Candidate or is authorised to represent the Candidate in this Competition procedure.
- 8.6. Applications submitted after the expiry of the deadline for the submission of Applications shall not be reviewed.

## **9. CONTENTS AND FORM OF THE APPLICATION**

- 9.1. Application must be submitted electronically in E-Tenders subsystem of the Electronic Procurement System, in accordance with the following options for the Candidate:
  - 9.1.1. by using the available tools of E-Tenders subsystem, filling the attached forms of the E-Tenders subsystem for the Competition;
  - 9.1.2. by preparing and filling the necessary electronic documents outside the E-Tenders subsystem and attaching them to the relevant requirements (in this situation, the Candidate takes responsibility for the correctness and compliance of the forms to requirements of documentation and form samples);
  - 9.1.3. by encrypting electronically prepared Application outside subsystem of E-Tenders subsystem with data protection tools provided by third parties and protection with electronic key and password (in this situation, the Candidate 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).
- 9.2. During preparation of the Application, the Candidate respects the following requirements:
  - 9.2.1. Each document mentioned in the Section 9.3 of the Regulation must be filled separately each in separate electronic document in line with the forms attached to the Competition on Contracting Authority's profile in the E-Tenders subsystem

- (<https://www.eis.gov.lv/EKEIS/Supplier/Procurement/84050>) in a Microsoft Office 2010 (or later) format and attached to the Competition;
- 9.2.2. Upon submission, the Candidate signs the Application with a secure electronic signature and time-stamp or with an electronic signature provided by the Electronic Procurement System. The Application (its parts, if signed separately) are signed by an authorised person, including its authorisation document (e.g. power of attorney) *expressis verbis* stating the authorisations to sign, submit and otherwise manage the documents.
- 9.3. The following documents shall be included in the Application:
- 9.3.1. Application for participation in the Competition in accordance with Annex No 1 of the Regulation;
- 9.3.2. Information and documents confirming compliance of the Candidate with the selection criteria for the Candidates (Annex No 3 – 5 and other documents stipulated in the Section 5 of the Regulation) or the corresponding ESPD;
- 9.3.3. Information and documents relating to partnership and entities on whose capacity the Candidate is relying (in accordance with Section 6 of the Regulation) or the corresponding ESPD.
- 9.4. The Application and documents must be submitted in a written form in English or Latvian (if submitted in Latvian, translation in English must be provided together with the Application).
- 9.5. The Application may contain original documents or their derivatives (e.g. copies). In the Application or in the reply to a request of the Procurement commission the Candidate 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 of the Republic of Latvia (<https://likumi.lv/ta/en/id/210205-law-on-legal-force-of-documents>) and Electronic Documents Law of the Republic of Latvia (<https://likumi.lv/ta/en/en/id/68521-electronic-documents-law>), but public documents issued abroad shall be formatted and legalised in accordance with the requirements of the Document Legalization Law of the Republic of Latvia (<https://likumi.lv/ta/en/id/155411-document-legalisation-law>). When submitting the Application, the Candidate has the right to certify the correctness of all submitted documents' derivatives and translations with one certification.
- 10. ENCRYPTION OF THE APPLICATION INFORMATION**
- 10.1. The E-Tenders system which is a subsystem of the Electronic Procurement System, ensures the first level encryption of the information provided in the Application.
- 10.2. If the Candidate applied additional encryption to the information in the Application (according to Section 9.1.3 of the Regulation), the Candidate must provide the Procurement commission with electronic key with the password to unlock the information not later than in 15 (fifteen) minutes after the deadline of the Application submission.
- 11. SUBMISSION OF THE APPLICATION**
- 11.1. The Application (documents referred to in the Section 9.3 of the Regulation) shall be submitted electronically using the tools offered by the E-Tenders system available at <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/84050> by

**29 July 2022 till 15:00 (Riga time).**

- 11.2. The Candidate may recall or amend its submitted Application before the expiry of the deadline for the submission of Applications by using the tools provided in the E-Tenders system.
- 11.3. Only Applications submitted via E-Tenders system will be accepted and evaluated for participation in the Competition. Any Application submitted outside the E-Tenders system will be declared as submitted in a non-compliant manner and will not participate in the Competition.

## 12. OPENING OF APPLICATIONS

- 12.1. The Applications will be opened on the E-Tenders system on **29<sup>th</sup> July 2022** starting at 15:00 (Riga time) during the opening session. On the E-Tenders system it is possible to follow the opening of submitted Applications online.
- 12.2. The Applications are opened by using the tools offered by the E-Tenders system. The public information of the Applications will be published in the E-Tenders system.
- 12.3. The information regarding the Candidate, the time of Application submission and other information that characterises the Application is generated at the opening of the Applications by the E-Tenders system and written down in the Application opening sheet, which will be published in the E-Tenders system and the Contracting Authority's webpage.
- 12.4. If the Candidate has failed to submit some of the documents which shall be submitted according to the Regulation or the contents of the submitted documents do not comply with the Regulation, the procurement commission decides to exclude the Candidate from further participation in the Competition.
- 12.5. Only those Candidates who have been qualified, will be invited to submit a Bid in the Second Stage of the Competition.

## 13. VERIFICATION OF APPLICATIONS

- 13.1. The Procurement commission evaluates received Applications in closed meetings.
- 13.2. The Procurement commission verifies whether the submitted Applications comply with the requirements of the Regulation. If the Application does not comply with some of the requirements of the Regulation, the Procurement commission decides on the possibility of further evaluation of the Application.
- 13.3. The Procurement commission:
  - 13.3.1. verifies whether the Candidate complies with the Candidate selection requirements specified in Section 5.1. – 5.4. of the Regulation;
  - 13.3.2. verifies whether the exclusion grounds mentioned in Section 5.5. of the Regulation, Section 42, Paragraph 1 of the Public Procurement Law and Section 11.<sup>1</sup> of the Law On International Sanctions and National Sanctions of the Republic of Latvia are applicable to the Candidate.
- 13.4. In the event the Candidate or any member of the partnership (if the Candidate is a partnership) fails to comply with requirements stipulated in Section 5.5 (except Section 5.5.2, 5.5.9 – 5.5.13 of the Regulation) of the Regulation and has indicated that in the Application, upon request by the Procurement commission it submits an explanation about the implemented measures in order to restore reliability and prevent occurrences of the same or similar violations in the future, as well as attaches any relevant evidence which proves the implemented measures, such as but not limited to the evidence about compensating damages, on cooperation with investigating authorities, implemented technical,

organisational or personnel measures, an assessment of a competent authority regarding the sufficiency of the implemented measures etc. If the Procurement commission deems the measures taken to be sufficient for the restoration of reliability and the prevention of similar cases in the future, it makes the decision not to exclude the Candidate from participation in the Competition. If the measures taken are insufficient, the Procurement commission makes the decision to exclude the Candidate from further participation in the Competition. If the Candidate, within the indicated time, does not submit the requested information, the Procurement commission excludes the Candidate from the participation in the Competition.

#### **14. DECISION MAKING, ANNOUNCEMENT OF RESULTS**

- 14.1. Within 3 (three) business days from the date of the decision about the selection of the Candidates, the Procurement commission informs all Candidates about the decision made (to the excluded Candidates and Candidates whose Applications has been rejected about the reasons for exclusion/rejection as well) by sending the information electronically (including via E-Tenders system) and keeping the evidence of the date and mode of sending the information, as well as about the deadline by which the Candidate may submit a claim to the Procurement Monitoring Bureau regarding any perceived violations of the public procurement procedure.
- 14.2. If only 1 (one) Candidate complies with all the Candidate selection requirements, the Procurement commission makes the decision to terminate the Competition.
- 14.3. If the Competition is terminated, Procurement commission within 3 (three) business days after the termination simultaneously informs all the Candidates of all the reasons why the Competition was terminated and informs about the deadline within which a Candidate may submit a claim to the Procurement Monitoring Bureau on any perceived violations of the public procurement procedure.
- 14.4. When informing about the First Stage results, the Procurement commission will not disclose specific information, if it may infringe upon public interests or if the Candidate's legal commercial interests or the conditions of competition would be violated.

#### **15. THE RIGHTS OF THE PROCUREMENT COMMISSION**

- 15.1. The Procurement commission and the interested Supplier or Candidate exchange information in writing in English or Latvian (accompanied by a translation in English), using E-Tenders system.
- 15.2. For the avoidance of doubt, unless specifically stated otherwise, all laws, acts and regulations under which the Competition is undertaken, belong to the jurisdiction of the Republic of Latvia.
- 15.3. The Procurement commission has the right to demand at any stage of the Competition that the Candidate submits all or part of the documents which certify the Candidate's compliance to the requirements for the selection of Candidates. The Procurement commission does not demand such documents or information which are already at its disposal or is publicly available free of charge.
- 15.4. If the Candidate submits document derivatives (e.g. copies) and the authenticity of the submitted document derivation is in doubt, the Procurement commission can demand that the Candidate shows the original documents.
- 15.5. During the evaluation of Application, the Procurement commission has the right to demand that information included in the Application is clarified.

- 15.6. If the Procurement commission determines that the information about the Candidate or persons upon whose capacity the Candidate is relying that is included in the submitted documents is unclear or incomplete, it demands that the Candidate or a competent institution clarifies or expands the information included in the Application. 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 Candidate 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. The Procurement commission has the right to reject all Applications which are found not to comply with the requirements of the Regulation.

## 16. THE OBLIGATIONS OF THE PROCUREMENT COMMISSION

- 16.1. The Procurement commission ensures the Competition process documentation.
- 16.2. The Procurement commission ensures free and direct electronic access to the Competition documents on Contracting Authority's profile at the E-Tenders system <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/84050> and webpage of the Contracting Authority <http://railbaltica.org/tenders/>.
- 16.3. If an interested Supplier has requested additional information via the E-Tender system, the Procurement commission provides an answer via the E-Tender system within 5 (five) business days, but not later than 6 (six) days before the deadline for submission of Applications. Simultaneously with sending this information to the supplier who has asked the question, the Procurement commission publishes this information on Contracting Authority's profile at the E-Tenders system <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/84050> and on the Contracting Authority's webpage <http://railbaltica.org/tenders/>, under the section of the respective procurement procedure, indicating the question asked.
- 16.4. If the Procurement commission has amended the Competition documents, it publishes this information on Contracting Authority's profile at the E-Tenders system <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/84050> 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 have been submitted to the Procurement Monitoring Bureau for publication. If Supplier wishes to receive relevant updates/notifications by email regarding the Competition (e.g. when amendments to the Regulation are published), Supplier shall register as an interested supplier on the E-Tenders system for the Competition accordingly.
- 16.5. The exchange and storage of information in the E-Tenders system is carried out in such a way that all data included in the Applications is protected and the Procurement commission can check the content of the Applications only after the expiration of the deadline for their submission. During the time period between the day of the submission of Applications until the moment of opening thereof the Procurement commission does not disclose any information regarding the existence of other Applications. During the period of Application evaluation until the moment of the announcement of the First Stage results the Procurement commission does not disclose information regarding the evaluation process.
- 16.6. The Procurement commission assesses the Candidates and their submitted Applications based on the Public Procurement Law, the Regulation, as well as any other applicable regulatory enactments.

- 16.7. The Procurement commission prepares the invitation to the Second Stage of the Competition consisting of the regulation of the Second Stage of the Competition, the Technical specification and the draft Contract and sends it to the selected Candidates that have been qualified for the Second Stage of the Competition.

**ANNEXES:**

1. Application for participation in the Competition;
2. General description of the subject - matter;
3. Confirmation of Candidate's financial standing;
4. Description of the Candidate's experience;
5. Guidelines for the client's references.



**ANNEX NO 1**

**APPLICATION FOR PARTICIPATION IN THE COMPETITION  
"PROVISION, IMPLEMENTATION AND CUSTOMIZATION OF ELECTRONIC DOCUMENT  
MANAGEMENT SYSTEM (EDMS)"  
(ID NO RBR 2022/12)**

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

By submitting the Application, Candidate hereby:

1. Confirms participation in the Competition "Provision, Implementation and Customization of Electronic Document Management System (EDMS)", ID No RBR 2022/12;
2. Informs that the following entities and/or persons are subject to the following exclusion grounds (if applicable):

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

3. Declares that for the purposes of qualifying for the Competition, Candidate relies on the capacities of the following entities (if applicable):

| No  | Name, registration number and registered address of the entity | Description of the capabilities on which the Candidate relies to certify its compliance with qualification requirements (Section 5.1.- 5.4. of the Regulation) | Submitted document (e.g. signed confirmation or agreement on cooperation and/or passing of resources between such persons and the Candidate) with which the Candidate is able to prove that the necessary resources will be available to the Candidate and will be used during the term of fulfilment of the Contract |
|-----|--|--|---|
| 1.  |  |  |   |
| 2.  |  |  |   |
| n+1 |  |  |   |

4. Confirms that the Regulation is clear and understandable, that Candidate does not have any objections and complaints and in the case of granting the right to enter into the Second Stage of the Competition as well as granting rights to enter into a Contract will undertake to fulfil all conditions of this Regulation;
5. Confirms that in the preparation and submission of its Application, Candidate has fully considered all clarifications issued by the Procurement commission;
6. Confirms that Candidate has prepared the Application without connection with any other person, company or parties likewise submitting the Application and that it is prepared in good faith without collusion or fraud;
7. Agrees that the Procurement commission reserves itself the right to reject any or all Applications and terminate the procurement process before entry into the Contract on the grounds specified in the Regulation or the law;
8. Guarantees that all information and documents provided are true;
9. Confirms<sup>5</sup> that Candidate meets the criteria of (please indicate by ticking relevant box):

☐ a small

☐ medium

☐ other

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

[date of signing]

[name and position of the representative of the Candidate]

<sup>5</sup> Candidate must indicate size of enterprise for each member of the partnership, if the Candidate is the partnership.

<sup>6</sup> The information on the size of the Candidate is used solely for statistical purposes and are not in any way whatsoever used in the evaluation of the Candidates and their requests to participate.

<sup>7</sup> Available here: [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2003.124.01.0036.01.ENG&toc=OJ:L:2003:124:TOC](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2003.124.01.0036.01.ENG&toc=OJ:L:2003:124:TOC).



## ANNEX NO 2

### GENERAL DESCRIPTION OF THE SUBJECT – MATTER FOR THE COMPETITION “PROVISION, IMPLEMENTATION AND CUSTOMIZATION OF ELECTRONIC DOCUMENT MANAGEMENT SYSTEM (EDMS)” (ID NO RBR 2022/12)

#### Acronyms and Abbreviations

The following acronyms and abbreviations are used throughout this document:

| Abbreviation | Definition   |
|--------------|--|
| API          | Application Program Interfaces                                 |
| BIM          | Building Information Modelling                                 |
| CDE          | Common Data Environment  |
| DAC          | Discretionary Access Control                                   |
| EDMS         | Electronic Document Management System                          |
| GIS          | Geographic Information System                                  |
| H&S          | Health and Safety  |
| IB           | Implementing Body  |
| IFC          | Industry Foundation Classes (Open type file format)            |
| KPI          | Key Performance Indicator                                      |
| NC           | Nominated Contractor   |
| PO           | Purchase Order   |
| QA           | Quality Assurance  |
| RBAC         | Role Based Access Control                                      |
| RBGP         | Rail Baltica Global Project                                    |
| RBR          | RB Rail AS   |
| REST         | Representational state transfer (software architectural style) |
| SaaS         | Software as a service  |
| SMS          | Supply/Order Management System                                 |

## Introduction

### Purpose

1. The purpose of this document is to define the general description of the subject matter of the procurement "Provision, Implementation and Customization of Electronic Document Management System (EDMS)", a software-as-a-service solution for controlled information exchange within RBR and third parties during all following phases of the Rail Baltica Global Project (RBGP).
2. The overall objective is to provide a system including implementation, data migration and customization services for one user-friendly and powerful platform for RBR and RBGP to control processes and practices for the creation, review, modification, issuance, distribution, and accessibility of documents, tasks and workflows. Implementing a better, more powerful, integrated, and user-friendly EDMS will reduce risk, cost and improve management of RBGP in a long run.
3. In the construction phase, certain tools and systems will be required to handle extremely large volumes of information and documentation. It will be required that the exchange of this information is conducted within one system to allow the project to build a detailed audit trail and ensure version control. All phases of the project lifecycle must be catered for to ensure the smooth and efficient handover of information at the end of each construction phase.
4. Currently the project has multiple tools in use within RBR and RBGP for Document Management and Information Exchange - SharePoint, DocLogix and ProjectWise. The following issues persist on system access and usage, *inter alia*:
  - 4.1. System Access- restrictions to a centralized repository for all parties on a project creates issues surrounding the use of the most up to date information and introduces unnecessary information turnaround delays.
  - 4.2. Functionality of Tools - currently, the configuration of the tools in use do not achieve sufficient functionality and provide a range of restrictions. This results in unnecessary delays in ensuring sufficiency of information and workflow completion, challenges in ensuring a structured audit trail and restoring to more manual handling in managing processes.
  - 4.3. User Needs - where information storage is not centralized, problems may arise in terms of the certainty that the latest information is accessed.
  - 4.4. Collaboration - currently it takes place through unofficial means, where users resort to sharing information through SharePoint and e-mails. This exchange of information is wholly dependent on the user sending the information to ensure it is the latest information. This introduces a point of failure in the transmission of information and the lack of audit trail which means that the opportunity to identify where mistakes are occurring is impacted.

## Application

5. EDMS shall be implemented throughout all the RBR and RBGP within all corporate, design, construction and project management sections and acceptance results shall be registered in the unified management system. It shall fully replace existing document management systems, limit use of SharePoint to Team-wide information exchange, connect ProjectWise to the corporate documentation to simplify access to information that will be required in all following phases of the RBGP.
6. Replacing existing document management systems shall speed up the document review and searchability. The current document management environment and interfaces with different systems are lacking flexibility, customer support and sufficient interfaces with ProjectWise, GIS and other in-house EDMS' already in use. Very slow and poor developer support, and any slight change, which require access to source code, may take up to couple of years to be implemented.
7. Limiting SharePoint for external exchange of information is crucial for security management. It is comfortable for collaboration in document creation, but lacks control, quality assurance and audit information. Minimizing the amount of direct third-party access to RBGP information is the smarter way to enable collaboration while keeping the Rail Baltica infrastructure and Intellectual Property secure. Complete control over the external exchange of documentation is integral for quality assurance and regulatory reasons. EDMS should be able to hold documents in a single place and only released to the next phase of a development process when key reviewers have approved them.
8. Connecting Design Documentation to corporate information is important for searchability and audit of existing information. Relationships between documentation are complicated when corporate documents are related to Design/Delivery documents if they are managed in two parallel systems that are not connected via a live interface. There may be duplications and version control issues that can cause delays and inconsistency. I.e., where documents revised in ProjectWise must be updated in DocLogix. If manual updating is not always performed, this creates version control issues, causing duplication of effort and errors resulting from outdated information.

## Expected outcome and results

9. The aim of this activity is to simplify documentation, task, workflow and overall information management, speed-up review process, reduce the time necessary for employees to undertake information management, unify RBR, RBGP and External Rail Baltica Project parties' information storage and implement one unified system approach without gaps.
10. EDMS will reduce risk, cost, and delays within RBGP. It will include all RBR, RBGP and external parties into one information storage, review, and distribution platform. Distribution and review of documentation will be performed in more efficient and risk-reduced manner. It will reduce personnel time retrieving required information which will lead to more efficiency, less hassle and time-waste on tools rather than work.

## Categories

11. The summary of requirements and functional value selected software solution should provide are as follows:

| Category                                 | Non-Functional requirements   |
|--|---|
| System                                   | Provide effective information management with accessible, reliable, and reporting information.  |
| Visualisation Experience                 | Provide Digital Line of Sight throughout the organisation, bring organisation together through the visual experience of information   |
| Information migration                    | The service provider shall ensure tools and processes for information migration from existing used systems to the deployed new system   |
| Auditing and traceability                | At any moment and time the full audit history shall be available for all actions performed within the system by any users. Full audit log shall be possible to be extracted in commonly known file formats (csv, html, xlsx, etc) at any moment of time.  |
| Security                                 | <p>Reduce risk with a secure environment to create, share and publish information.</p> <p>The platform shall be up to the highest security standards currently used as standard in the software industry thus minimizing the cyber security risks.</p> <p>Data of the Rail Baltica Global Project shall be stored within the European Union or European Economic Area territory and fully adhere to the General Data Protection Regulation (GDPR).</p>  |
| Application Programming Interfaces (API) | Connect, integrate, interact, and interface with other RBR systems via a reliable and secure data integration or application programming interface (API).   |
| Hosting                                  | Cloud hosted software (SaaS)  |
| UI                                       | <p>User interface shall be developed according to the latest industry standards to maximize the user-friendly experience for using the platform.</p> <p>The solution shall have access via web browser and mobile application that are available at least for Android and iOS devices.</p>  |
| Category                                 | Functional requirements   |
| Document Management                      | <p>Provide a User-friendly platform for Information storage, retrieval, and exchange, including archiving and archived documentation retrieval functionality, within RBR and between RBR and third parties of RBGP.</p> <p>All documentation management shall be meta-data driven and all metadata shall be fully customizable according to Client's requirements and specifics of user group type or role, document type or state application type.</p> <p>Native support of MS Office document formats for development and review shall be considered as advantage.</p> |

|  |  |
|--|--|
| Document Review and Approval Processes                               | Increase productivity during construction by ensuring information is shared and controlled at the right time. Increase quality and provide auditability of information assurance. Document review and approval process shall be driven by the custom-made Workflow Management engine.  |
| E-signatures   | Ensure ASiCE format electronic signature support (shall be verified for usage with Estonian, Latvian and Lithuanian electronic signature containers) directly using the platform or ensuring integration with 3 <sup>rd</sup> party service suppliers.   |
| Model Management   | Provide part of CDE for BIM methodology implementation with coordination functionalities including model review in open data formats used by the industry (IFC).   |
| Task Management  | <p>Ensure create and assign tasks to any user in the system and assign different workflows for different tasks.</p> <p>Ensure custom task management and workflow creation and modification without any limitations.</p> <p>Possibility to attach any document to any task to any workflow fit for purpose.</p> <p>Ticketing system shall be considered as additional value.</p>                   |
| Workflows Management   | Provide functionality to automate the Document Control and Document Actions, review, and approval processes. The workflow engine shall be fully customizable, <b>visual workflow designer</b> web interface which the Client can configure according to their developed workflows and internal processes.  |
| Reporting  | <p>To be able to create reports within the system from the data and metadata information within the system itself by having a configurable report creation wizard or tool for specific user or user group. Ensure capability to have user customizable dashboards.</p> <p>Ensure, that data from the platform’s database can be queried from business intelligence software (e.g. MS PowerBI).</p> |
| Project Information Management                                       | Ensure quality information delivery by reporting information completeness. The project management module shall deliver the full set of project management tools for information management and integrated document control.  |
| Health & Safety Application  | Ensure effective Health and Safety management tool to deliver and monitor Health and Safety at expected level including custom forms and workflows for site reporting.   |
| Supply/Order Management Application (Framework agreement management) | Ensure platform to secure information management and construction material flow (including communication of planned demand and production capacity required, placing and acceptance of purchase orders, invoices and/or other relevant communication issued upon acceptance deeds signed etc.), arising from the Framework agreements to be signed.  |
| Contract Management  | <p>Ensure the contract and agreement creation, approval, storage and change management process.</p> <p>Ensure amendment, variation, claim and notice management during the contract management lifecycle.</p>  |

|                           |   |
|---------------------------|---|
| Procurement Management    | Ensure procurement exercise management according to the public procurement procedures and procedures established within the Company.  |
| Cost Control Management   | Ensure cost control on contract or project level, invoice management and financial traceability.<br>Ensure API with accounting systems.   |
| Correspondence Management | Ensure incoming and outgoing correspondence management, creation and registry.<br>Correspondence shall be possible to be received and sent via assigned email address.  |
| CRM                       | Client Relationship Management module shall ensure communication management, traceability and record storage for stakeholder and third-party management.  |
| Implementation support    | During execution of the Contract to ensure sufficient human resources capacity (detailed minimum requirements for the experts to be included in the Second Stage of the Competition) providing at least the following Key experts:<br>1) Project Manager<br>2) Technical Expert |

## Conclusion

12. EDMS on projects of this size must improve the flow of information on a project. Relevant information must be accessible to relevant parties in one place for ease of storage, retrieval, review, and distribution. Users require certainty that they are always accessing the latest information. Workflow management, task management, as well as review and commenting functionality are essential to facilitate collaboration. Audit trail is necessary to have structured and transparent history, review, and approval control; without it, auditors do not have assurance on quality delivery.
13. **Full Technical Specification (detailed requirements, information on the scope and delivery schedule of the system) will be provided to selected candidates during the Stage Two of the Competition.**

**CONFIRMATION OF CANDIDATE'S FINANCIAL STANDING FOR THE COMPETITION**  
**"PROVISION, IMPLEMENTATION AND CUSTOMIZATION OF ELECTRONIC DOCUMENT MANAGEMENT**  
**SYSTEM (EDMS)"**  
**(ID NO RBR 2022/12)**

**1. Section 5.2.(1) of the Regulations**

The Candidate's or all members' of the partnership together (if the Candidate is a partnership and confirms the average financial turnover jointly), average annual financial turnover within the last 3 (three) financial years (2019, 2020, 2021) is not less than 1 000 000 EUR (one million euro).

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

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

| No  | Year | Total Turnover in EUR* | Notes |
|---|------|------------------------|-------|
| Candidate's or all members' of the partnership together (if the Candidate is a partnership)     |      |                        |       |
| 1   | 2019 |                        |       |
| 2   | 2020 |                        |       |
| 3   | 2021 |                        |       |
| Average within last 3 (three) financial years   |      |                        |       |
| <i>If the Candidate is partnership, please continue and provide info regarding each member:</i> |      |                        |       |
| 1   | 2019 |                        |       |
| 2   | 2020 |                        |       |
| 3   | 2021 |                        |       |
| ...   |      |                        |       |

*\*If the financial turnover is in another currency than euro, for the purposes of this Application 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.*

**2. Section 5.2.(2) of the Regulations**

The Candidate or entity on whose capacity the Candidate is relying to certify its financial and economic performance and who will be financially and economically responsible for fulfilment of the procurement contract (e.g. member of the partnership), shall have stable financial and economic performance, namely, in the last audited financial year liquidity ratio shall be equal to or exceed 1 and shall have positive equity.

\_\_\_\_\_  
Name of the Candidate /member of partnership/other entity\*

| Financial information from the Candidate's financial statement used to calculate liquidity ratio and equity* | Last audited year _____ |
|--|-------------------------|
| Current assets   |                         |
| Total assets   |                         |
| Short-term liabilities   |                         |
| Total liabilities  |                         |

\* Please continue and provide information regarding each entity to which this requirement applies. If value of assets or liabilities have been calculated from different parts of Candidate's financial statement, Candidate must provide explanation how the calculations have been made.

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

$$\text{equity} = \text{total assets} - \text{total liabilities} = \underline{\hspace{2cm}}$$

[date of signing]

[name and position of the representative of the Candidate]



## ANNEX NO 4

**DESCRIPTION OF THE CANDIDATE'S EXPERIENCE FOR THE COMPETITION**  
**"PROVISION, IMPLEMENTATION AND CUSTOMIZATION OF ELECTRONIC DOCUMENT MANAGEMENT SYSTEM (EDMS)"**  
**(ID NO RBR 2022/12)**

*[Note: The Candidate shall indicate in the table the experience, which attests compliance with the requirements set in Clause 5.3. (2) of the Regulations for the Selection of Candidates:*

*Within the previous 5 (five) years (2017, 2018, 2019, 2020, 2021, 2022 until the date of submission of the Application) the Candidate has delivered project of the provision (including implementation (configuration, training, consulting, data migration) and customization services) of EDMS software-as-a-service with any of the following business requirements:*

- 1) Document Management,*
- 2) Task and workflow management,*
- 3) Contract Management,*
- 4) Health & Safety Management (risk assessment, safety observations, employee training and certifications),*
- 5) Supply/Order Management,*
- 6) Project Management,*
- 7) Cost Control Management,*
- 8) Correspondence Management,*

*and supporting at least 100 (one hundred) concurrent users, for a design and/or construction and/or operation project for at least 3 (three) clients where value of each of the project of EDMS provision (including implementation and customization services) is at least 250 000,00 EUR (two hundred fifty thousand euro) excluding VAT for each client.]*

| No | Period during which the project of the provision of EDMS (including implementation and customization services) was delivered | Experience  | Brief description of requirements which characterize the provided EDMS   | Name, registration number, contact person (name of representative, phone, e-mail) of the Client <sup>8</sup> | Title and brief description of the Client's project  | Value of the project of EDMS provision (including implementation and customization services)* |
|----|--|---|--|--|--|---|
| 1. | From [month/year] - to [month/year] <sup>9</sup>   | <p>[The Candidate] has delivered project of the provision (including implementation (configuration, training, consultations, data migration) and customization services) of EDMS software-as-a-service</p> <p>[Description]</p> | <p>- with the following business requirements:</p> <p>[please specify the relevant:</p> <ul style="list-style-type: none"> <li>Document Management</li> <li>Task and workflow management</li> <li>Contract Management</li> <li>Health &amp; Safety Management (risk assessment, safety observations, employee training and certifications)</li> <li>Supply/Order Management,</li> <li>Project Management</li> <li>Cost Control Management</li> <li>Correspondence Management]</li> </ul> <p>[Description]</p> <p>- supporting at least 100 (one hundred) concurrent users</p> <p>[Description]</p> | <p>[Name, registration No of the Client.</p> <p>Name, phone, e-mail of the Client's contact person]</p>      | <p>[Title and description that proves Client's project as design/construction/operation project]</p> | <p>[ ]<sup>10</sup> EUR without VAT</p>   |
| 2. |  |   |  |  |  |   |

|    |  |  |  |  |  |  |
|----|--|--|--|--|--|--|
| 3. |  |  |  |  |  |  |
|----|--|--|--|--|--|--|

\* If the value of the contract/project 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.

*The Candidate has rights to prove delivery of project of EDMS provision (including implementation and customization services) with several contracts in any combinations.*

*The contract/project will be recognized as delivered, if the system is implemented and training, data migration is done.*

[date of signing]

[name and position of the representative of the Candidate]

<sup>8</sup> In case of doubt, the Contracting authority has the right to contact the Client to verify that the services specified complies with the requirements set in Section 5.3. of the Regulations.

<sup>9</sup> Within the previous 5 (five) years (2017, 2018, 2019, 2020, 2021, 2022 until the date of submission of the Application)

<sup>10</sup> At least 250 000,00 EUR (two hundred fifty thousand euro) without VAT

**GUIDELINES FOR THE CLIENT'S REFERENCE FOR THE COMPETITION  
"PROVISION, IMPLEMENTATION AND CUSTOMIZATION OF ELECTRONIC DOCUMENT MANAGEMENT  
SYSTEM (EDMS)"  
(ID NO RBR 2022/12)**

*The following information is expected to be included in the Client's reference:*

- *Date and place of issue of reference letter*
- *Name of the Client*
- *Name of the Candidate*
- *Reference to the Client's project for which EDMS were delivered (please specify title of the design/construction/operation project)*
- *Period of time of delivery (MM.YYYY – MM.YYYY)*
- *Brief description of delivered EDMS (including implementation (configuration, training, consulting, data migration) and customization services)*

*Please note, that Applications will not be rejected if the information is not included in the form / content provided above, and reference may also be prepared and submitted in the form preferred by the Client / Candidate itself.*

[date of signing]

[name and position of the  
representative of the Client]