

## **REGULATIONS**

FOR THE PROCUREMENT

**“RAILWAYS TUNNELS EXPERT SERVICES”**

(IDENTIFICATION NO RBR 2021/16)



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

Riga 2021

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## 1. ABBREVIATIONS AND TERMS

- 1.1. **Common procurement vocabulary (CPV)** – a nomenclature approved by the European Union, which is applied in public procurement procedures;
- 1.2. **Contract** - signed agreement between Contracting authority and a Contractor to provide services defined in this agreement;
- 1.3. **Contracting authority** (also, the Contracting entity) - the joint stock company RB Rail AS, registration number 40103845025, legal address: Kr. Valdemāra iela 8-7, Riga, LV-1010, Latvia;
- 1.4. **Contractor** - service provider awarded the right to enter into the Contract in Procurement to provide services in accordance with requirements stipulated in Regulations and Contract;
- 1.5. **Identification number** – designation, which includes the abbreviation of the name of the Contracting authority (the first capital letters), the relevant year and the procurement sequence number in ascending order (RBR 2021/16);
- 1.6. **Procurement** - procurement “Railways tunnels expert services” (identification number: RBR 2021/16) in which all interested Suppliers are entitled to submit their Proposals;
- 1.7. **Procurement commission** – commission which composition has been established by the joint stock company RB Rail AS, order No 1.9-2021-17, dated 7 July 2021, issued by the Chairman of the Management Board of joint stock company RB Rail AS;
- 1.8. **Proposal** - documentation package the Tenderer submits to participate in the Procurement;
- 1.9. **Regulations** – regulations of the Procurement “Railways tunnels expert services” (identification number: RBR 2021/16), as well as all the enclosed annexes;
- 1.10. **Supplier** – a natural person or a legal person, a group or association of such persons in any combination thereof, which offers to perform works, supply products or provide services accordingly;
- 1.11. **Tenderer** – a Supplier which has submitted a Proposal.

## 2. GENERAL INFORMATION

- 2.1. The Procurement is co-financed by the Contracting authority and Connecting Europe Facility (CEF).
- 2.2. The applicable CPV codes: 71000000-8 (Architectural, construction, Engineering and inspection services).
- 2.3. The Tenderer shall submit a Proposal for the entire volume of the Procurement.
- 2.4. The Tenderer is not permitted to submit variants of the Proposal. If variants of the Proposal will be submitted, the Proposal will not be reviewed.
- 2.5. Procurement is organised in accordance with Section 9 of the Public Procurement Law of the Republic of Latvia (hereinafter – Public Procurement Law) in effect on the date of publishing the contract notice.
- 2.6. Procurement documentation is published using E-Tenders system which is subsystem of the Electronic Procurement System (<https://www.eis.gov.lv/EKEIS/Supplier>).
- 2.7. The Regulations is freely available in the Contracting authority's profile in the E-Tenders system on webpage <https://www.eis.gov.lv/EKEIS/Supplier/Organizer/3001> and on the webpage of the Contracting authority <http://railbaltica.org/tenders/>.
- 2.8. Answers to the Suppliers' questions shall be published on the E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier/Organizer/3001> and on the Contracting authority's webpage <http://railbaltica.org/tenders/>. It is the Supplier's responsibility to constantly follow the information published on the webpages and to take it into consideration in preparation of its Proposal.

- 2.9. Contact person of the Contracting authority for Procurement is Procurement Specialist-Lawyer Linda Kalniņa, phone: +371 26178057, e-mail address: [linda.kalnina@railbaltica.org](mailto:linda.kalnina@railbaltica.org).
- 2.10. The exchange of information between the Procurement commission and the Supplier or Tenderer shall be in written form (by sending documents electronically to e-mail or using E-Tenders system) in English (if information is submitted in Latvian, it shall be accompanied by a translation into English).
- 2.11. If the Supplier does not have access to the E-Tenders system, the Supplier can follow the guidance for obtaining access to the system available on the Contracting authority's website at <http://www.railbaltica.org/procurement/e-procurement-system/>.
- 2.12. The Supplier can request additional information regarding the Regulations. Additional information can be requested in writing through the E-Tendering system or (only in case the Supplier does not have access to the system) by sending it to the Procurement commission electronically to the e-mail (see Section 2.9 of the Regulations). Any additional information must be requested in a timely fashion, so that the Procurement commission can reply on time - no later than 4 (four) days prior to the deadline of the Proposal submission. The Procurement commission shall provide response within 3 (three) business days from the day of receipt of the request from the Supplier.
- 2.13. The Supplier covers all expenses, which are related to the preparation of the Proposal and its submission to the Contracting authority. Under no circumstances Contracting authority will be liable for compensation of any costs and damages related to the preparation and submission of the Proposal or the Supplier's participation in the Procurement exercise.

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

- 3.1. The Procurement commission has the right to demand at any stage of the Procurement that the Tenderer submits all or part of the documents which certify Tenderer's compliance to the requirements for the selection of the tenderers. The Procurement commission does not demand documents or information which is already at its disposal or is available in public data bases.
- 3.2. If the Tenderer submits document derivatives (e.g. copies), then, in case of doubt about the authenticity of the submitted document derivation, the Procurement commission can demand that the Tenderer presents to Procurement commission original documents.
- 3.3. During the Proposal evaluation, the Procurement commission has the right to request the Tenderer to clarify the information included in its Proposal.
- 3.4. If the Procurement commission determines that the information about the Tenderer or persons upon whose capacity the Tenderer is relying that is included in submitted documents is unclear or incomplete, it demands that the Tenderer or a competent institution clarifies the information included in the Proposal. The deadline for submission of the necessary information is determined in proportion to the time which is required to prepare and submit such information. If the Procurement commission has requested to clarify the submitted documents, but the Tenderer has not done this in accordance with the requirements stipulated by the Procurement commission, the Procurement commission is under no obligation to repeatedly demand that the information included in these documents be clarified. The Procurement commission has the right to reject all Proposals which are found not to comply with the requirements of the Procurement documentation.

### **4. THE OBLIGATIONS OF THE PROCUREMENT COMMISSION**

- 4.1. The Procurement commission ensures the documentation of the Procurement process.
- 4.2. The Procurement commission ensures free and direct electronic access to the Procurement documents in Contracting authority's profile on the E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier/Organizer/3001> and on the webpage of the Contracting authority <http://railbaltica.org/tenders/>.

- 4.3. If an additional information has been requested according to Section 2.12 of the Regulations, Contracting authority sends this information to the Supplier who asked the question, publishes this information in Contracting authority's profile on the E-Tenders system's webpage <https://www.eis.gov.lv/EKEIS/Supplier/Organizer/3001> and on its webpage <http://railbaltica.org/tenders/> where Procurement documents are available, indicating the question asked.
- 4.4. The exchange and storage of information is carried out in such a way that all data included in the Proposals are protected and the Contracting authority can check the content of the Proposals only after the expiration of the deadline for their submission. From the day of submission of Proposals until the opening of the Proposals the Contracting authority does not disclose any information regarding the existence of other Proposals. During the time of Proposal evaluation, the Contracting authority does not disclose any information regarding the evaluation process until the announcement of the results.
- 4.5. The Procurement commission evaluates the Tenderers and their Proposals based on the Public Procurement Law, Procurement documents, as well as other applicable regulatory enactments.

## **5. THE RIGHTS OF THE TENDERER**

- 5.1. The Tenderer has the right to submit Tenderer's Electronic Procurement System registration documents (if the Tenderer is not registered in Electronic Procurement System) in State Regional Development Agency (please see information here <http://www.railbaltica.org/procurement/e-procurement-system/>).
- 5.2. If the Contracting authority gets the necessary information about the Tenderer directly from a competent institution, through data bases or other sources and the Tenderer's submitted information differs from information obtained by the Contracting authority, the Tenderer in question has the right to submit evidence to prove the correctness of the information the Tenderer has submitted, if the information obtained by the Contracting authority does not conform to the factual situation.
- 5.3. If a Tenderer believes that its rights have been violated or such violation is possible due to possible violation of the regulatory enactments of the European Union or other regulatory enactments, the Tenderer has the right to submit an application to the Administrative court according to the procedure stipulated in the Section 9, Paragraph 23 of the Public Procurement Law and Administrative Procedure Law of the Republic of Latvia regarding the Tenderer selection requirements, Technical specification or other requirements relating to Procurement, or relating to the activities by the Contracting authority or the Procurement commission during the Procurement.

## **6. SUBJECT-MATTER OF THE PROCUREMENT**

- 6.1. The subject-matter of the Procurement is Consulting services & expert advice for railway tunnels for Rail Baltica Global Project (hereinafter – Services) according to Technical specification (Annex No 1).
- 6.2. The delivery of the Services will take place on Pan Baltic level.
- 6.3. Period of provision of Services is until 31.12.2022., from the commencement day.
- 6.4. Total contract price (defined by Contracting authority) shall not exceed 25 000,00 EUR, VAT excluded.

## **7. TENDERER**

- 7.1. The Proposal can be submitted by:
  - 7.1.1. A Supplier who is a legal or natural person (hereinafter – the Tenderer) which offers on the market to perform works, supply products or provide services accordingly and who complies with the selection criteria for Tenderers;

7.1.2. A group of Suppliers (hereinafter also – the Tenderer, partnership) which offer on the market to perform works, supply products or provide services accordingly and who complies with the selection criteria for Tenderers:

7.1.2.1. A group of Suppliers who have formed a partnership for Procurement. In this case all the members of the partnership shall be listed in Annex No 2 “Application for participating in the Procurement”. If it will be decided to award contracting rights to such partnership, then prior to concluding the Contract the partnership shall at its discretion either enter into a partnership agreement (within the meaning of Latvian Civil Law Sections 2241-2280) and shall submit one copy of this agreement to the Contracting authority or establish a general or limited partnership (within the meaning of Latvian Commercial Law, Chapter IX and X) and notify the Contracting authority in writing;

7.1.2.2. An established and registered partnership (a general partnership or a limited partnership within the meaning of Latvian Commercial Law, Chapter IX and X) which complies with the selection criteria for Tenderers.

## 8. SELECTION CRITERIA FOR TENDERERS

### 8.1. Exclusion grounds

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

No	Requirement	Documents to be submitted (unless documents are specifically requested by the Procurement commission, no obligation to submit any)
8.1.1.	It has been detected that on the last day of Proposal submission term or on the day when a decision has been made on possible granting of rights to conclude the Procurement Contract, the Tenderer has tax debts in Latvia or a country where it has been incorporated or is permanently residing, including debts of mandatory state social insurance contributions, exceeding 150 euro in total in any of the countries.	<ul style="list-style-type: none"> <li>- For a Tenderer which is registered or residing in Latvia, the Contracting authority shall verify the information itself in publicly available databases.</li> <li>- For a Tenderer which is registered or residing outside of Latvia the Tenderer shall submit an appropriate statement from the competent authority of the country of registration or residence.</li> </ul>
8.1.2.	Tenderer's insolvency proceedings have been announced (except where a set of measures aimed at restoring the solvency of the debtor is applied in the insolvency proceedings), the Tenderer's business activities have been suspended, the Tenderer is under liquidation.	<ul style="list-style-type: none"> <li>- For a Tenderer which is registered or residing in Latvia, the Contracting authority shall verify the information itself in publicly available databases.</li> <li>- For a Tenderer which is registered or residing outside of Latvia, the Tenderer shall submit an appropriate statement from the competent authority of the country of registration or residence.</li> </ul>
8.1.3.	In case a person who drafted the Procurement procedure documents (Contracting authority's official or employee), Procurement commission member or expert is related to the	No obligation to submit documents, unless specifically requested by the Procurement commission.

No	Requirement	Documents to be submitted (unless documents are specifically requested by the Procurement commission, no obligation to submit any)
	<p>Tenderer, or is interested in selection of some Tenderer, and the Contracting authority cannot prevent/resolve this situation by measures that cause less restrictions on Tenderers (such a Tenderer shall be excluded from the Procurement). A person who drafted the Procurement documents (Contracting authority's official or employee), Procurement commission member or expert is presumed to be related to the Tenderer in any of the following cases:</p> <ul style="list-style-type: none"> <li>- If he or she is a current or and ex-employee, official, shareholder, procura holder or member of a Tenderer or a subcontractor which are legal persons and if such relationship with the legal person terminated within the last 24 (twenty-four) months;</li> <li>- If he or she is the father, mother, grandmother, grandfather, child, grandchild, adoptee, adopter, brother, sister, half-brother, half-sister or spouse (hereinafter – relative) of a Tenderer's or subcontractor's, which is a legal person, shareholder who owns at least 10% of the shares in a joint-stock company, shareholder in a limited liability company, procure holder or an official;</li> <li>- or if he or she is a relative of a Tenderer or a subcontractor which is a natural person.</li> </ul> <p>If the Tenderer is a partnership, consisting of natural or legal persons, a relation to the Tenderer is presumed also if a person who drafted the Procurement documents (Contracting authority's official or employee), Procurement commission member or expert is related to a member of a partnership in any of the above-mentioned ways.</p>	
8.1.4.	The Tenderer is a legal person or association of persons registered in an offshore <sup>1</sup> .	<ul style="list-style-type: none"> <li>- For a Tenderer which is registered in Latvia, the Contracting authority shall verify the information itself by using the information system laid down by the Cabinet of Ministers, obtaining information from the Enterprise register.</li> </ul>

<sup>1</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.



No	Requirement	Documents to be submitted (unless documents are specifically requested by the Procurement commission, no obligation to submit any)
		<ul style="list-style-type: none"> <li>- For a Tenderer which is registered outside of Latvia, the Tenderer shall submit a copy of a valid registration certificate or a similar document issued by a competent authority, wherefrom at least the fact of registration country of the Tenderer can be determined.</li> </ul>
8.1.5.	<p>International or national sanctions, or sanctions of a Member State of the European Union or North Atlantic Treaty Organisation affecting the interests of the financial and capital market has been imposed to the</p> <p>a) Tenderer or a member of its board or council, its beneficial owner<sup>2</sup>, a person having the right of representation or proctor, or a person who is authorised to represent the Tenderer in activities related to a branch, or</p> <p>b) member of a partnership, or member of the board or council, its beneficial owner, a person having the right of representation or proctor, if the Tenderer is a partnership</p> <p>and such sanctions can affect the execution of the Contract.</p>	No obligation to submit documents, unless specifically requested by the Procurement commission.

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

No	Requirement	Documents to be submitted
8.2.1.	<p>The Tenderer (including persons on whose capacity the Tenderer is relying) or all members of the partnership (if the Tenderer is a partnership) must be registered in the Registry of Enterprises or Registry of Inhabitants, or an equivalent register in their country of residence, if the legislation of the respective country requires registration of natural or legal persons.</p>	<ul style="list-style-type: none"> <li>- For a Tenderer (or a member of a partnership), a person on whose capacity a Tenderer relies, which is a legal person registered in Latvia, the Contracting authority shall verify the information itself in publicly available databases.</li> <li>- For a Tenderer (or a member of a partnership), a person on whose capacity a Tenderer relies, which is a natural person – a copy of an identification card or passport.</li> <li>- For a Tenderer (or a member of a partnership), a person on whose capacity a Tenderer relies, which is a legal person registered abroad (with its permanent place of residence abroad) – a copy of a</li> </ul>

<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 interest's business relationship is being established or an individual transaction is being executed, and it is at least:

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

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



No	Requirement	Documents to be submitted
		<p>valid registration certificate or a similar document issued by a foreign authority in charge of the registration of legal persons in the country of their residence wherefrom at least the fact of registration, shareholders, officials and procura holders (if any) can be determined.</p> <ul style="list-style-type: none"> <li>- If a Proposal is submitted by a partnership, the Proposal shall include an agreement (or letter of intent to enter into agreement) signed by all members on the participation in the Procurement which lists responsibilities of each and every partnership members and which authorizes one key member to sign the Proposal and other documents, to receive and issue orders on behalf of the partnership members, and with whom all payments will be made. The Tenderer additionally indicates (in this document) the member of the partnership on whose capacity it relies to certify its financial and economic performance and who will be financially and economically responsible for the fulfilment of the Contract.</li> <li>- If the Proposal or any other document, including any agreement, is not signed by the legal representative of the Tenderer, members of the partnership or person on whose capacity the Tenderer relies, then a document certifying the rights of the persons who have signed the Proposal or any other documents to represent the Tenderer, a member of the partnership or a person on whose capacity the Tenderer is relying (powers of attorney, authorization agreements etc.) must be included.</li> </ul>
8.2.2.	<p>Agreement according to Paragraph 36.1 of Cabinet Regulation No 442 <i>"Procedures for the Ensuring Conformity of Information and Communication Technologies Systems to Minimum Security Requirements"</i> may be entered into with a Tenderer (including persons on whose capacity the Tenderer is relying and subcontractors) or all members of the partnership (if the Tenderer is a partnership) who is:</p> <p>1) a legal person –</p> <p>a) registered in a Member State to the NATO, European Union or European Economic Area;</p>	<ul style="list-style-type: none"> <li>- No obligation to submit documents, unless specifically requested by the Procurement commission.</li> <li>- Procurement commission during verification process may involve Latvian State Security Service. Procurement commission is entitled not apply requirements stipulated in Paragraph 36.1 of Cabinet Regulation No 442 if statement from Latvian State Security Service with permission to conclude the contract has been received.</li> </ul>

No	Requirement	Documents to be submitted
	<p>b) whose beneficial owner is a citizen of NATO, European Union, European Economic Area or non – citizen of the Republic of Latvia;</p> <p>c) whose software or equipment manufacturer used to provide the services is a legal person registered in a Member State of NATO, European Union or European Economic Area or a natural person who is a citizen of the Republic of Latvia, NATO, European Union or European Economic Area State.</p> <p>2) a natural person who is a national of the Republic of Latvia, a citizen of the State to the NATO, European Union or European Economic Area.</p>	
8.2.3.	<p>The representative of the Tenderer, or a member of a partnership, or a person on whose capacity a Tenderer relies who has signed documents contained in the Proposal has the right of signature, i.e., it is an official having the right of signature or a person authorized by the Tenderer.</p>	<ul style="list-style-type: none"> <li>- A document confirming the right of signature (representation) of the representative of the Tenderer or a member of a partnership, or a person on whose capacity a Tenderer relies, who signs the Proposal. For a Tenderer (or a member of a partnership), a person on whose capacity a Tenderer relies, which is a legal person registered in Latvia the Contracting authority shall verify the information itself in publicly available databases.</li> <li>- If the Tenderer (or a member of a partnership), or a person on whose capacity a Tenderer relies, submits a power of attorney (original or a copy certified by the Tenderer) there shall be additionally submitted documents confirming that the issuer of the power of attorney has the right of signature (representation) of the Tenderer.</li> </ul>

### 8.3. Technical and professional ability

No	Requirement	Documents to be submitted
8.3.1.	<p>The Tenderer within the previous 7 (seven) years until the submission of the proposal has gained experience in at least 1 (one) design of railway-tunnel for railway line with designed speed above 160 km/h where tunnel construction has</p>	<ul style="list-style-type: none"> <li>- Filled and signed Annex No 3.</li> </ul>

No	Requirement	Documents to be submitted
	been started and/or completed. Tunnel design must be compliant with TSI requirements or TSI verified.	
8.3.2.	The tenderer should propose a Senior structural engineer meeting the following requirements:	
8.3.2.1.	Master's degree in Civil engineering or equivalent <sup>3</sup> .	<ul style="list-style-type: none"> <li>- Filled in Annex No 4 "Description of the Senior structural engineer experience" and signed by the relevant expert;</li> <li>- A certified copy of diploma proving relevant level education.</li> </ul>
8.3.2.2.	<u>Experience in position as leading engineer/senior designer who completed at least 1 (one) railway tunnel design or tunnel construction project, within the last 7 (seven) years until the submission date of the Proposal. Infrastructure must be compliant with SRT TSI requirements.</u>	<ul style="list-style-type: none"> <li>- Filled in Annex No 4 "Description of the Senior structural engineer experience" and signed by the relevant expert.</li> </ul>
8.3.2.3.	English language skills (at least B2 Level - based on Common European Framework of Reference for Languages <sup>4</sup> ) in communication, presentation, negotiation and report writing.	<ul style="list-style-type: none"> <li>- Self-declared information about language skills filled in Annex No 4 "Description of the Senior structural engineer experience" and signed by the relevant expert.</li> </ul>

8.4. Information provided in the Proposal to prove the compliance with above-mentioned requirements for Technical and professional ability (Section 8.3 of the Regulations) shall be clear and understandable without any additional analysis or external proof of the submitted information. The Contracting authority shall not be obliged to use additional sources of information to decide regarding Tenderer's compliance with the qualification requirements. The Tenderer shall remain fully responsible for the provision of sufficiently detailed information in the Proposal required to confirm clearly the compliance with qualification requirements set in the Regulations.

8.5. Statements and other documents issued by Latvian competent authorities in the cases referred to in Public Procurement Law of the Republic of Latvia shall be accepted and recognised by the Procurement Commission if they have been issued not earlier than one month prior to the day of submission, but the statements and other documents issued by foreign competent authorities shall be accepted and recognised by the Procurement

<sup>3</sup> Here and for all references of required education: minimal education degree of an expert is specified as a requirement. By submitting a Proposal, Tenderer is obligated to provide necessary information and evidence confirming that expert education (specialisation) is directly linked to the professional profile of the corresponding expert for which an expert is applying for.

<sup>4</sup> See <http://europass.cedefop.europa.eu/resources/european-language-levels-cefr>

Commission if they have been issued not earlier than six months prior to the day of submission, unless the issuer of the statement or the document has specified a shorter term of validity thereof.

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

## **9. RELIANCE ON THE CAPACITY OF OTHER PERSONS**

- 9.1. For the fulfilment of the Contract, to comply with the selection requirements for the Tenderers relating to the economic and financial standing and technical and professional capacity, the Tenderer may rely on the capacity of other persons, regardless of the legal nature of their mutual relationship. In this case:
  - 9.1.1. The Tenderer indicates in the Proposal all persons on whose capacity it relies by filling in the table which is attached as Annex No 5 "Subcontractors" and other entities on whose capabilities the Tender is relying" and proves to the Contracting authority that the Tenderer will have available all the necessary resources for the fulfilment of the Contract by submitting a signed confirmation or agreement on cooperation and/or passing of resources to the Tenderer between such persons and the Tenderer. The confirmations and agreements on cooperation and passing of resources can be replaced by the Tenderer with any other type of documents with which the Tenderer is able to prove that the necessary resources will be available to the Tenderer and will be used during the term of fulfilment of the Contract.
  - 9.1.2. Documents on cooperation and passing of resources must be sufficient to prove to the Contracting authority that the Tenderer will have the ability to fulfil the Contract, as well as that during the validity of the Contract the Tenderer will in fact use the resources of such person upon whose capacity the Tenderer relies.
  - 9.1.3. The Contracting authority shall require joint and several liabilities for the execution of the Contract between the:
    - 9.1.3.1. Tenderer and a person on whose capacity the Tenderer is relying to certify its financial and economic performance and who will be financially and economically responsible for fulfilment of the Contract;
    - 9.1.3.2. Each member of the partnership (if the Tenderer is a partnership) on whose capacity the Tenderer is relying and who will be financially and economically responsible for fulfilment of the Contract.
- 9.2. The Contracting authority shall evaluate the person on whose capacity the Tenderer to whom the rights to conclude the Contract should be assigned is relying according to Section 8.1.1 - 8.1.3 of the Regulations.

## **10. SUBCONTRACTING**

- 10.1. The Tenderer shall indicate in the Proposal all subcontractors of the Tenderer by filling in the table which is attached as Annex No 5.

## 11. FINANCIAL PROPOSAL

- 11.1. The Financial proposal shall be submitted as a part of Annex No 2 (Application).
- 11.2. The proposed hourly rate shall include all taxes, fees and payments, and all costs related to the fulfilment of the specific services, that can be reasonably estimated, except VAT.
- 11.3. The hourly rate shall be specified in EUR per hour.
- 11.4. The costs must be calculated and indicated with an accuracy of 2 (two) decimal places after comma. If more than 2 (two) decimal places after comma will be indicated, then only the first two decimal places will be considered.

## 12. CONTENTS AND FORM OF THE PROPOSAL

- 12.1. Proposal must be submitted electronically on E-Tenders subsystem of the Electronic Procurement System in accordance with the following options for the Tenderer:
  - 12.1.1. by using the available tools of E-Tenders subsystem, filling the attached forms of the E-Tenders subsystem for Procurement;
  - 12.1.2. by preparing and filling the necessary electronic documents outside the E-Tenders subsystem and attaching them to relevant requirements (in this situation the Tenderer takes responsibility for the correctness and compliance of the forms to requirements of documentation and form samples);
  - 12.1.3. by encrypting electronically prepared Proposal outside of E-Tenders subsystem with data protection tools provided by third parties, and protection with electronic key and password (in this situation, Tenderer takes responsibility for the correctness and compliance of the forms to requirements of documentation and form samples as well as ensuring capability to open and read the document by the Contracting authority).
- 12.2. During preparation of the Proposal, Tenderer shall respect the following requirements:
  - 12.2.1. Each document mentioned in Section 12.3 of the Regulations must be filled separately, each in a separate electronic document in line with forms attached to Procurement on Contracting authority's profile in E-Tenders subsystem (<https://www.eis.gov.lv/EKEIS/Supplier/Procurement/61611>) in a Microsoft Office 2010 (or later) format and attached to the Procurement;
  - 12.2.2. Upon submission, the Tenderer signs the Proposal with a secure electronic signature and a time seal or with electronic signature provided by Electronic Procurement System. The Tenderer can use a certified electronic signature<sup>5</sup> and valid time seal and sign Application form, Description of the Tenderer's experience, Technical proposal, Financial proposal and other documents separately. The Proposal (its parts, if signed separately) is 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.
- 12.3. Documents to be included in the Proposal:
  - 12.3.1. Application for participation in the Procurement (including Financial proposal) in accordance with Annex No 2;
  - 12.3.2. Information and documents confirming compliance of the Tenderer with the selection criteria for the Tenderers (set in Section 8 of the Regulations);
  - 12.3.3. Information and documents relating to subcontractors and other entities on whose capacity the Tenderer is relying (in accordance with Annex No 5).

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<sup>5</sup> Issued by organisation, which is included in the Trusted list according to the Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC.

- 12.4. The Proposal may contain original documents or their derivatives (e.g. copies). In the Proposal or in reply to a request of the Procurement commission Tenderer shall submit only such original documents which have legal force. For the document to gain legal force it must be issued and formatted in accordance with the Law on Legal Force of Documents of the Republic of Latvia (<https://likumi.lv/ta/en/id/210205-law-on-legal-force-of-documents>) but public documents issued abroad shall be formatted and legalized in accordance with the requirements of the Document Legalization Law of the Republic of Latvia (<https://likumi.lv/ta/en/en/id/155411-document-legalisation-law>). Public documents issued abroad can be self-approved by the Tenderer, if it is applicable by the legislation of the respective country. When submitting the Proposal, the Tenderer has the right to certify the correctness of all submitted documents' derivatives and translations with one certification.
- 12.5. The Proposal must be signed by a person who is legally representing the Tenderer or is authorized to represent the Tenderer in the Procurement.
- 12.6. The Tenderer shall prepare Proposal in electronic form using the E-Tenders system available at <https://www.eis.gov.lv/EKEIS/Supplier/Procurement/61611>.

### 13. ENCRYPTION OF THE PROPOSAL INFORMATION

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

### 14. SUBMISSION OF THE PROPOSAL

- 14.1. The Proposal (documents referred to in the Section 12.3 of the Regulations) shall be submitted electronically using the E-Tenders system available at <https://www.eis.gov.lv/EKEIS/Supplier/ProcurementProposals/61611> by:

**2 September 2021 till 15:00 o'clock.**

- 14.2. The Tenderer may recall or amend its submitted Proposal before the expiry of the deadline for the submission of Proposals by using the E-Tenders system.
- 14.3. Only Proposals submitted through E-Tenders system will be accepted and evaluated for participation in the Procurement. Any Proposal submitted outside the E-Tenders system will be declared as submitted in a non-compliant manner and will not participate in the Procurement.

### 15. VERIFICATION OF PROPOSALS FOR COMPLIANCE

- 15.1. The Procurement commission shall proceed with the verification of compliance of Proposals received.
- 15.2. The Procurement commission verifies whether the submitted Proposals comply with the requirements stipulated in Section 12 of the Regulations and whether all required information and documents are submitted and selects for further evaluation the compliant Proposals.
- 15.3. The Procurement commission verifies whether the Tenderers comply with the selection criteria (Section 8.2. – 8.3) for the Tenders and selects compliant Tenderers for further evaluation.
- 15.4. The Procurement commission opens and evaluates the Proposals in a closed session. Procurement commission is entitled to perform evaluation of the compliance only for the Tenderer to whom the rights to conclude the Contract may be assigned according to contract award criteria.



## **16. VERIFICATION OF FINANCIAL PROPOSALS**

- 16.1. The Procurement commission verifies whether Tenderers have completed Annex No 2 "Application" in accordance with the requirements.
- 16.2. The Procurement commission verifies whether an abnormally low Proposal has been received, as well as assesses and compares the contract prices proposed.
- 16.3. The Procurement commission has the right to demand that the Tenderer explains the calculation upon which the Financial proposal is based and other related aspects to ascertain the objectivity of the Financial proposal and whether an abnormally low Proposal has been submitted.
- 16.4. The Procurement commission further evaluates the compliant Proposals which have not been declared as abnormally low Proposals.

## **17. CONTRACT AWARD CRITERIA**

- 17.1. The Proposal selection criterion is the most economically advantageous proposal according to the evaluation methodology described in this Section below.
- 17.2. The economically most advantageous proposal in the Procurement shall be Proposal with the lowest proposed hourly rate EUR without VAT (the only evaluation criterion), which complies with the requirements stipulated by the Regulations.
- 17.3. The Procurement commission shall determine a Tenderer in accordance with Section 18.2 of the Regulations and the Contract shall be awarded to the Tenderer with lowest proposed hourly rate.
- 17.4. In case several Tenderers will propose equal hourly rate, Procurement commission will invite representatives of those particular Tenderers and organize a draw. In situation, when representatives of Tenderers choose to not be present at the draw, Procurement commission will carry out the draw without representatives of Tenderers present by inviting impartial participant from the Contracting authority.

## **18. TENDERER CHECK PRIOR TO MAKING THE DECISION REGARDING THE CONCLUSION OF THE CONTRACT**

- 18.1. Prior to making the decision about assigning rights to conclude the Contract, the Procurement commission performs a check regarding:
  - 18.1.1. the existence of exclusion grounds for Tenderers, members of a partnership (if the Tenderer is a partnership) and persons on whose capacity the Tenderer is relying to certify its compliance with the requirements;
  - 18.1.2. compliance with qualification requirements stipulated in Section 8.2.2.
- 18.2. If in accordance with the information published on the day of the last data update in a public database on the last day of Proposal submission or on the day when the decision regarding the possible assignment of rights to conclude a Contract is made, the Tenderer, member of a partnership (if the Tenderer is a partnership) or a person on whose capacity the Tenderer is relying to certify its compliance with the requirements, have tax debts, including state mandatory insurance contributions debts, the total sum of which exceeds 150 euro, the Procurement commission informs the Tenderer and sets a deadline – 10 (ten) days from the day of issuing or receiving information – for the submission of a statement evidencing absence of tax debt, including state mandatory insurance contributions debts, the total sum of which exceeds 150 euro, on the last day of Proposal submission or on the day when the decision regarding the possible assignment of rights to conclude a Contract was made.
- 18.3. If the Tenderer fails to submit required evidence about itself before the deadline, the Procurement commission excludes the Tenderer from participation in the Procurement.



- 18.4. If the Procurement commission finds that the Tenderer, to whom the rights to enter into the contract shall be assigned, doesn't meet qualification requirements stipulated in Section 8.2.2. of Regulation, it shall ask Latvian State Security Service to provide statement with permission to enter into the contract with particular Tenderer. If the statement issued by Latvian State Security Service is negative (with prohibition to enter into the contract), Procurement commission excludes the Tenderer from further evaluation and according to Section 8 of Regulation selects the next economically most advantageous proposal and the Tenderer to whom the rights to enter into the contract shall be assigned and performs assessment according to Section 19 of Regulation.

## **19. DECISION MAKING, ANNOUNCEMENT OF RESULTS AND ENTERING INTO A CONTRACT**

- 19.1. The Procurement commission selects the Tenderers in accordance with the set selection criteria for the Tenderers, verifies the compliance of the Proposals with the requirements stipulated in the Regulations and chooses the Proposal in accordance with the contract award criteria as described in Section 18 of the Regulations. Tenderer with the lowest price Proposal shall be selected.
- 19.2. Within 3 (three) business days from the date of decision about the Procurement results the Procurement commission informs all Tenderers about the decision made by sending the information by post or electronically (including through the E-Tenders system) and keeping the evidence of the date and means of sending the information. The Procurement commission announces the name of the successful Tenderer, indicating:
- 19.2.1. to the rejected Tenderer - the reasons for rejecting its Proposal;
  - 19.2.2. to the Tenderer who has submitted an eligible Proposal - the characterization of the successful Proposal and the relative advantages;
  - 19.2.3. the deadline by which the Tenderer may submit an application to the Administrative court regarding violations of the public procurement procedure.
- 19.3. If the Procurement is terminated, the Procurement commission within 3 (three) business days simultaneously informs all Tenderers about the date of decision, all the reasons because of which the Procurement is terminated and informs about the deadline within which a Tenderer may apply to the Administrative court regarding the violations of the public procurement procedure.
- 19.4. The Procurement commission when informing for the results has the right not to disclose specific/confidential information, if it may infringe upon public interests or if the Tenderer's legal commercial interests, or the conditions of competition would be violated.
- 19.5. The selected Tenderer upon receiving the specific notification from Procurement commission must:
- 19.5.1. within 5 (five) business days – to submit to the Contracting authority a copy of partnership agreement or notification regarding the establishment of the partnership, if required pursuant to requirements under Section 7.1.2.1 of the Regulations;
  - 19.5.2. within 10 (ten) days – to sign the Contract.
- 19.6. The Contract shall be concluded based on the Tenderer's Proposal and in accordance with Annex No 6 "Draft contract".
- 19.7. The Procurement commission has the right to choose the next most economically advantageous Proposal, if the Tenderer in the time stipulated by the Regulations:
- 19.7.1. refuses to conclude a partnership contract or establish the partnership in the cases and deadlines defined by the Regulations or in the cases and deadlines defined by the Regulations does not submit a copy of the partnership contract, or does not inform of the founding of a partnership company;

19.7.2.refuses to conclude the Contract or does not submit signed Contract within the deadlines defined in the Regulations.

- 19.8. In any of such a case mentioned in Section 19.7 of the Regulations the Procurement commission is entitled to terminate this Procurement without selecting any Proposal or to select the Proposal with the next lowest proposed contract price. For either of these decisions a written decision must be made.
- 19.9. Prior to making the decision regarding the conclusion of the Contract with the next Tenderer, the Procurement commission assesses whether the next Tenderer is one market participant together with the initially selected Tenderer. If the next selected Tenderer is found to be one market participant together with the initially selected Tenderer or it does not comply with requirements set in the Section 19.5 of the Regulations, the Procurement commission decides to terminate the Procurement without selecting any Proposal.

#### **ANNEXES:**

1. Technical specification;
2. Application for participation in the Procurement (including Financial proposal);
3. Description of the Tenderer's experience (form);
4. Description of the Senior structural engineer previous experience (form);
5. Subcontractors and other entities on whose capabilities the tenderer is relying;
6. Draft contract.

Procurement commission chairperson

L.Kalniņa

TECHNICAL SPECIFICATION FOR THE PROCUREMENT  
"Railways tunnels expert services"  
(ID NO. RBR 2021/16)



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

Riga  
2021

## 1. INTRODUCTION TO RAIL BALTICA

The Baltic countries Estonia, Latvia and Lithuania have historically been linked to the east-west railway transport axis using the 1520mm gauge railway system. Because of the existing historical and technical constraints, the existing rail system is incompatible with mainland European standards, thus there is a consensus that Estonia, Latvia and Lithuania need to be fully integrated into the wider European rail transport system. Currently there is no efficient 1435 mm railway connection along the Warsaw-Kaunas-Riga-Tallinn axis, i.e. there are missing links or significant bottlenecks. Thus, there are no direct passenger or freight services along the railway axis as the existing infrastructure does not allow for competitive services compared to alternative modes of transport. Thus, the clear majority of the North-South freight is being transported by road transport and the overall accessibility in the region is low.

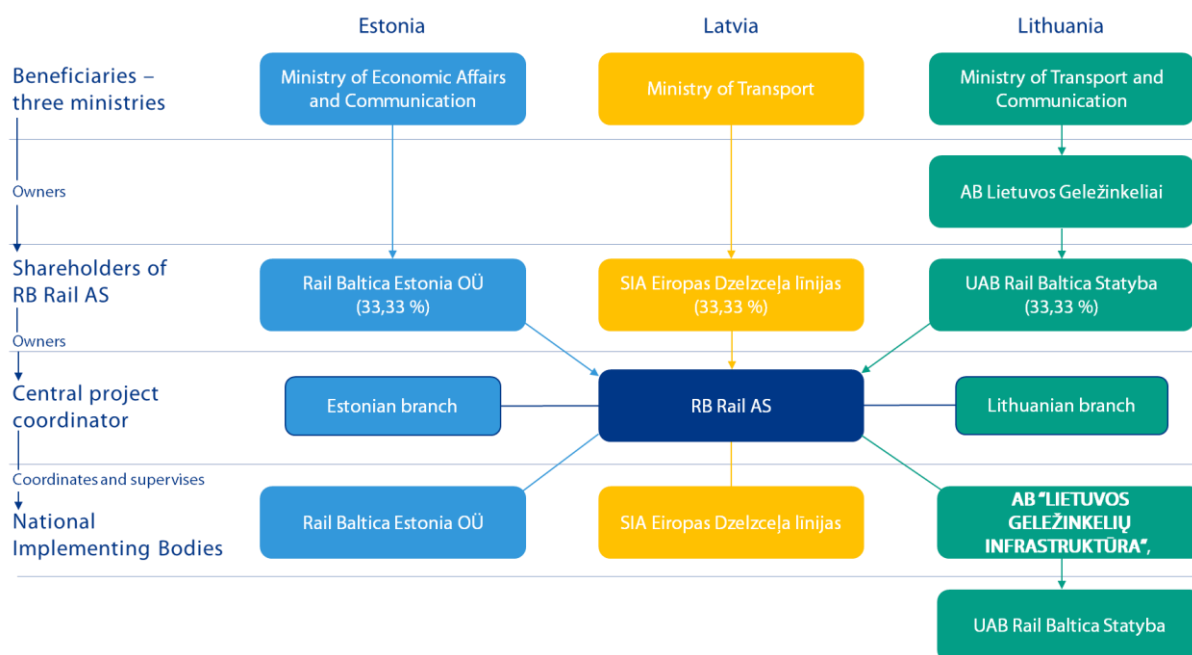
The ambitions of the Rail Baltica Global project (Global Project) are:

- to become a powerful catalyst for sustainable economic growth in the Baltic States;
- to set a new standard of passenger and freight mobility;
- to ensure a new economic corridor will emerge;
- sustainable employment and educational opportunities;
- an environmentally sustainable infrastructure;
- new opportunities for multimodal freight logistics development;
- new intermodal transport solutions for passengers;
- safety and performance improvements;
- a new value platform for digitalization and innovation;
- completion of Baltic integration in the European Union transport ecosystem.

Rail Baltica is already designed to become a part of the EU TEN-T North Sea – Baltic Core Network Corridor, which links Europe's largest ports of Rotterdam, Hamburg and Antwerp – through the Netherlands, Belgium, Germany and Poland – with the three Baltic States, further connecting to Finland via the Gulf of Finland short sea shipping connections with a future fixed link possibility between Tallinn and Helsinki. Further northbound extension of this corridor shall pave the way for future connectivity also with the emerging Arctic corridor, especially in light of the lucrative prospects of the alternative Northern Circle maritime route development between Europe and Asia. Furthermore, the North Sea – Baltic Corridor crosses with the Baltic-Adriatic Corridor in Warsaw, paving the way for new supply chain development between the Baltic and Adriatic seas, connecting the Baltics with the hitherto inadequately accessible Southern European markets. In a similar fashion, Rail Baltica shall strengthen the synergies between North-South and West-East freight flows, creating new trans-shipment and logistics development opportunities along the Europe and Asia overland trade routes. The new Rail Baltica infrastructure would, therefore, not only put the Baltics firmly on the European rail logistics map, but also create massive opportunities for value creation along this infrastructure with such secondary economic benefits as commercial property development, revitalization of dilapidated urban areas, private spin-off investment, new business formation, technology transfer and innovation, tourism development and other catalytic effects. Rail Baltica aims to promote these effects from the early stages of the Global Project, learning from the key global success stories and benchmarks in this regard.

The Contracting authority RB Rail AS (RBR) was established by the Republics of Estonia, Latvia and Lithuania, via state-owned holding companies, to coordinate the development and construction of the fast-conventional standard gauge railway line on the North Sea – Baltic TEN-T Core Network Corridor (Rail Baltica II) linking three Baltic states with Poland and the rest of the EU.

The diagram below illustrates the shareholder and project governance structure of the Rail Baltica project.



RBR together with governments of Estonia, Latvia and Lithuania (represented by the ministries in charge of transport policy) have applied for the CEF co-financing in 2015, 2016 and 2017 (three applications in total). The applications were successful and INEA grants are available to support the Global Project expenses.

Rail Baltica is a joint project of three EU Member States – Estonia, Latvia and Lithuania – and concerns the building of a fast conventional double-track 1435 mm gauge electrified and ERTMS equipped mixed use railway line on the route from Tallinn through Pärnu (EE), Riga (LV), Panevėžys (LT), Kaunas (LT) to the Lithuania/Poland state border (including a Kaunas – Vilnius spur) with a design speed of 240km/h. In the longer term, the railway line could potentially be extended to include a fixed link between Helsinki and Tallinn, as well as integrate the railway link to Warsaw and beyond.

The expected core outcome of the Rail Baltica Global Project is a European gauge (1435mm) double-track railway line of almost 900 km in length meant for both passenger and freight transport and the required additional infrastructure (to ensure full operability of the railway). It will be interoperable with the TEN-T Network in the rest of Europe and competitive in terms of quality with other modes of transport in the region. The indicative timeline and phasing of the project implementation can be found here: <http://www.railbaltica.org/about-rail-baltica/project-timeline/>.

## SCOPE OF THE SERVICES

### 1. MAIN TASKS

1.1. The main tasks of the services are:

1.1.1. *to provide consultations and technical advice on railway tunnel solutions regarding following items:*

- tunnel design from technical, economical (CAPEX, OPEX) point of view including durability and sustainability of the structure,
- construction duration considering impact on operational plan and existing infrastructure constraints,
- consultation on construction technology in urban and sub-urban areas,
- design calculations considering applicable standards and regulations,

- inspection, maintenance, monitoring proposal verification and alternative proposals, if any,
  - assessment and evaluation of technical Specification for construction works,
  - associated risks during construction period due to complicated constrains such as ground conditions, high ground water level, dense urban area and similar,
  - any other relating concern from technical point of view (ie. ventilation, tunnel mouth design, air pressure variations; fire safety, security, emergency, evacuation requirements; communication and utility systems etc.);
- 1.1.2. *to provide assessment benchmarking on other European railway projects and to propose optimization for the given solution, especially from CAPEX, OPEX and durability point of view;*
- 1.1.3. *services are required on Pan-Baltic level through different project design stages (Conceptual Design, Value Engineering, Master Design, Detailed Technical Design);*
- 1.1.4. *any assessment shall comply with TSI, Eurocodes and RBR Design guideline requirements in order to choose best state of art solution for RBR Global Project;*
- 1.1.5. *as per request by Client, to conduct workshops and subsequent conversations.*
- 2. LANGUAGE**
- 2.1. Service shall be provided in English language.
- 3. MEETINGS**
- 3.1. As per separate agreement. Main communication way is online through MS Teams or similar.
- 4. SCOPE OF DELIVERABLES**
- 4.1. Consultant shall prepare results of the review/ analysis or answers to the questions in written way and submit to Client per e-mail.
- 4.2. Client might invite Consultant to represent support Client in technical meetings with Designers or Experts.
- 4.3. Client might invite Consultant to present findings and results of the review / analysis to RBR Technical division, Implementing bodies and any other affected party.

**APPLICATION FOR PARTICIPATION IN THE PROCUREMENT (INCLUDING FINANCIAL PROPOSAL)**  
**"RAILWAYS TUNNELS EXPERT SERVICES"**  
**(ID NO. RBR 2021/16)**

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

By submitting the Proposal, the Tenderer hereby:

1. Confirms participation in the Procurement "Railways tunnels expert services", ID No RBR 2021/16;
2. Proposes to deliver services in accordance with the Technical specification, according the total contract price – 25 000,00 (twenty-five thousand euros and 00 euro cents) *excluding VAT* set by Contracting authority and this Proposal for the following fee (excluding VAT):

Hourly rate (EUR/h)	EUR _____
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3. Confirms that, if the Tenderer will be awarded the Contract, the Tenderer will provide quality and timely performance of the contractual liabilities for the offered price and in accordance with the requirements of the Annex No 1 "Technical specification";
4. Confirms that Regulations is clear and understandable, that it does not have any objections and complaints and that in the case of granting the right to enter into a Contract it shall fulfil all conditions of the Regulations as well as enter into a Contract in accordance with the Draft contract enclosed with the Regulations (Annex No 6 "Draft contract");



5. Confirms that in the preparation and submission of its Proposal, Tenderer has fully considered all the clarifications issued by the Contracting authority;
6. Agrees that the Contracting authority reserves itself the right to reject any or all Proposals and cancel the Procurement before entry into Contract on the grounds specified in the Regulations or the law.
7. Guarantees that all information and documents provided are true.
8. **Confirms<sup>6</sup> that meets the criteria of (please indicate by ticking relevant box):**  
☐ a small                      ☐ medium                      ☐ other

sized enterprise<sup>7</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>8</sup>

---

[date of signing]

[name and position of the representative of the Tenderer]

*Name, Surname and position of the representative of Tenderer*

Address: [Address of the Tenderer]

Contact person, phone, e-mail: [Name, Surname, phone number, e-mail address for direct communication and correspondence]

Date: [date of signing]

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<sup>6</sup> Tenderer must indicate size of enterprise for each member of the partnership, if the Tenderer is a partnership.

<sup>7</sup> The information on the size of the Tenderer is used solely for statistical purposes and is not in any way whatsoever used in the evaluation of the Tenderer or the Proposal.

<sup>8</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 3: DESCRIPTION OF THE TENDERER'S EXPERIENCE

### DESCRIPTION OF THE TENDERER'S PREVIOUS EXPERIENCE FOR THE PROCUREMENT "RAILWAYS TUNNELS EXPERT SERVICES" (ID NO. RBR 2021/16)

The Tenderer within the previous 7 (seven) years until the submission of the proposal has gained experience in at least 1 (one) design of railway-tunnel for railway line with designed speed above 160 km/h where tunnel construction has been started and/or completed. Tunnel design must be compliant with TSI requirements or TSI verified.

No	Name of the reference of design of railway-tunnel project	Start and finish (if project is finished) dates of the contract	The reference of design of railway-tunnel project according to Section 8.3.1 of the Regulations		Client, Client's contact information for references <sup>9</sup>
1.	<i>Name of the project</i>	<i>(month/year-month/year)</i>		Description that proves compliance with the requirement	<i>Name of the client, name of representative, phone, e-mail</i>
			The Tenderer within the previous 7 (seven) years until the submission of the proposal has gained experience in at least 1 (one) design of railway-tunnel for railway line with designed speed above 160 km/h where tunnel construction has been started and/or completed. Tunnel design must be compliant with		

<sup>9</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 8.4.1 (2) of the Regulations.

No	Name of the reference of design of railway-tunnel project	Start and finish (if project is finished) dates of the contract	The reference of design of railway-tunnel project according to Section 8.3.1 of the Regulations		Client, Client's contact information for references <sup>9</sup>
			TSI requirements or TSI verified.		

[date of signing]

[name and position of the representative of the Tenderer]

ATTACHED REFERENCE PROJECT DESCRIPTION ON \_\_\_\_ (\_\_\_\_) PAGES<sup>10</sup>.

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<sup>10</sup> Reference project description.

## ANNEX NO 4: DESCRIPTION OF THE EXPERT EXPERIENCE

### DESCRIPTION OF THE EXPERT EXPERIENCE FOR THE PROCUREMENT „Railways tunnels expert services“ (ID NO RBR 2021/16)

Expert Name, surname

**Section 8.3.1 of the Regulations** Experience in position as leading engineer/senior designer who completed at least 1 (one) railway tunnel design or tunnel construction project, within the last 7 (seven) years until the submission date of the Proposal. Infrastructure must be compliant with SRT TSI requirements.

No	Name of the project	Start and finish dates of expert's involvement in the project	Project description <sup>11</sup>	Expert role /responsibilities in the project	Client, Client's contact information for references
1.		(month/year - month/year)			Name of the client, name of representative, phone, e-mail
[..]					

#### English language skills<sup>12</sup>:

Understanding		Speaking		Writing
Listening	Reading	Spoken interaction	Spoken production	
Enter level	Enter level	Enter level	Enter level	Enter level

<sup>11</sup> Project description that demonstrates compliance with the requirements to the projects according with Clause 8.3.1.

<sup>12</sup> Language skill level is based on Common European Framework of Reference for Languages (see <http://europass.cedefop.europa.eu/resources/european-language-levels-cefr>)

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

---

[date of signing]

[name and surname]

**ANNEX NO 5: SUBCONTRACTORS AND OTHER ENTITIES ON WHOSE CAPACITY  
THE TENDERER IS RELYING**

**A LIST OF SUBCONTRACTORS (INCLUDING OTHER ENTITIES ON WHOSE CAPACITY THE  
TENDERER IS RELYING TO MEET THE QUALIFICATION REQUIREMENTS)  
FOR THE PROCUREMENT  
"RAILWAYS TUNNELS EXPERT SERVICES"  
(ID NO. RBR 2021/16)**

No	Name of the sub-contractor	Description of the sub-contracted task	Subcontracted tasks, estimated % of the total contract value	Capabilities (for example, expert experience etc.) on which the Tenderer is relying to meet specific qualification criteria (if applicable)
1.				
2.				
[..]				

**We meet the criteria of (*please mark*):**

☐ a small      ☐ medium      ☐ other

sized enterprise<sup>13</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>14</sup>

[date of signing]

[name and position of the representative of the Tenderer]

<sup>13</sup> The information on the size of the Tenderer is used solely for statistical purposes and is not in any way whatsoever used in the evaluation of the Tenderer or the Proposal.

<sup>14</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 6: DRAFT CONTRACT (PLEASE REFER TO A SEPARATE DOCUMENT)**