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**APPROVED**

in the sitting of the Procurement Commission of the  
Ministry of Environmental Protection and Regional Development (MEPRD)

of 14 June 2017,  
Minutes No. 1

**REGULATION OF THE  
PUBLIC PROCUREMENT**

**Building Expert Services  
for the Assessment of the Project Applications Submitted for  
Cross-Border Cooperation programmes**

PROCUREMENT IDENTIFICATION NO.: VARAM 2017/19

(Pursuant to Section 9 of the Public Procurement Law)

Procurement CPV code: 71315200-1, Building consultancy services

RIGA, 2017

## CONTENTS

1	General information	3
2	Information on the subject of Procurement	3
3	Way of Communication	5
4	Proposal	5
5	Conditions for the participation of the Tenderer in the Procurement	7
6	Conditions for the Tenderer's technical and professional capabilities	7
7	Documents to be submitted	8
8	Assessment of proposals and adoption of decision	9
Annexes		
	Annex No. 1. Technical specification	11
	Annex No. 2. Application for the participation in the Procurement	20
	Annex No. 3. The Template for Tenderer's list of supplied services	22
	Annex No. 4. Template for list of Experts	23
	Annex No. 5. Declaration on availability of expert	24

## **1. General information**

### **1.1. Procurement Identification Number**

VARAM 2017/19

### **1.2. Commissioning Party and Contact Person**

Ministry of Environmental Protection and Regional Development (MEPRD)  
Reg. No. 90000028508  
25 Peldu Street  
Riga, LV 1494

Contact person:  
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Address: 25 Peldu Street, Riga, LV 1494, 5th floor

Contact person shall provide information of organizing content on the Procurement only.

## **2. Information on the subject of Procurement**

Provision of the services of building experts in order to provide opinions on the compliance of building documentation for construction objects planned in the projects submitted for Interreg V-A Latvia-Lithuania Programme 2014 - 2020 (hereinafter referred to as – the Latvia – Lithuania Programme), Latvia – Russia Cross Border Cooperation Programme (hereinafter – Latvia – Russia Programme), Latvia – Lithuania – Belarus Cross Border Cooperation Programme (hereinafter – Latvia – Lithuania – Belarus Programme) and for the Interreg V-A Estonia - Latvia Programme (hereinafter – Estonia – Latvia Programme) (all together hereinafter called – Programmes) with the requirements of national regulatory enactments of Latvia and Lithuania and the requirements of the Programmes

The subject of Procurement has been split into 2 (two) parts:

1. Part 1 of the Procurement – Provision of service of building experts for providing opinion on compliance of the related documentation of the construction objects planned for Latvian project partners with the regulatory enactments of the Republic of Latvia and requirements of the Programmes;

2. Part 2 of the Procurement – Provision of service of building experts for providing opinion on compliance of the related documentation of the construction objects planned for Lithuanian project partners with the regulatory enactments of the Republic of Lithuania and Latvia – Lithuania programme requirements.

The Services should be provided pursuant to the conditions of the Technical specification (Annex No. 1).

## **2.1. Location of the provision of service**

Locations for the provision of service are Latvia and Lithuania<sup>1</sup>.

## **2.2. Deadline of the provision of service**

Procurement Contract is concluded for 1 (one) year. Provision of service has to be ensured in the time period and amount of work foreseen in technical specification.

## **2.3. Foreseeable contractual price of the service**

2.3.1. Planned maximum amount of funding for part I and part II of procurement is 38 000 *euro* (excluding value-added tax):

- 1) For fulfilment of part I of procurement – indicatively up to 19 000 *euro* (excluding value-added tax)
- 2) For fulfilment of part II of procurement – indicatively up to 19 000 *euro* (excluding value-added tax).

2.3.2. The Commissioning party before concluding procurement contract or during the implementation of the procurement contract is allowed to reduce or increase available funding for any of the procurement parts, in case for implementation of works foreseen for one part of the procurement more funds are needed and respectively for implementation of works foreseen for another part of the procurement less funding is necessary.

2.3.3. Volume of works to be handed over to the Contractor depends on the number of submitted project applications with planned construction works in the calls for proposals within Programmes. The Commissioning Party is allowed to assign works to the Contractor within the framework of all the amount of funding stipulated in the signed contract, i.e. also for higher number of project partners than foreseen in section 1.3. of the technical specification

## **2.4. Procedures for payment**

2.4.1. The payment is made for actually submitted number of Opinions within 15 days after mutual signing of the Handover – Acceptance Act stating the actual completion of the works handed over to the Contractor and after the receipt date of the Invoice.

2.4.2. The representative of the Commissioning party within 10 (ten) days after the submission of the Handover – Acceptance Act verifies compliance of the Opinions with the requirements stipulated in the technical specification. In case during the verification process unconformity of the Opinions with the requirements or with the instructions of the Commissioning Party given during the implementation of the work is detected, or the Commissioning Party has a justified objections on how the process of the work implementation was carried out or for the quality of work, the Commissioning Party submits to the Contractor written Claim stating improvements

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<sup>1</sup> The Commissioning Party will ensure hand-out of building documentation to Contractor. Contractor can fulfil works remotely from the place of its location, deliverables should be handed-over to the Commissioning Party at its place of location

that are needed. The Contractor eliminates shortcomings detected for its own costs within 5 (five) working days after the receipt of the Claim.

- 2.4.3. The Commissioning Party has the right during the whole implementation of the Contract upon necessity ask the Contractor to provide without additional payment implementation of works which are stated in paragraph 3.2.6. of technical specification as well as implementation of works stipulated in the paragraph 3.2.5. of the technical specification for any of the Opinions, already accepted by the Commissioning Party.

### **3. Way of Communication**

- 3.1. Communication between the Commissioning Party and interested Tenderers within the framework of part I of the procurement is organized in Latvian, within framework of part II in Latvian or English.
- 3.2. If interested Tenderer has timely requested for additional information on requirements stated in the procurement documentation regarding preparation and submission of the Offer or selection of Tenderers, the Commissioning Party provides this information within three day period but not later than four days before the deadline of submission of proposals.

### **4. Proposal**

#### **4.1. Location, date, time and procedures for the submission of the proposal**

- 4.1.1. The Tenderers may submit proposal for one or both parts of the Procurement. Tenderers are not allowed to submit versions of Offer.
- 4.1.2. The Tenderers may submit proposals up to **29 June 2017, 11.00, at 25 Peldu Street, Riga, LV-1494**, by submitting the proposals in person in Chancellery (Kanceleja) or sending by mail. The parcel shall be delivered to the address stipulated in this paragraph till the deadline stipulated in this paragraph. The submitted proposals shall be property of the Commissioning Party, except as indicated in Clause 4.1.3 of the Regulation.
- 4.1.3. Proposal, which shall be submitted after the expiration of the time limit set for the submission of proposals or in case of withdrawal of the proposal by the Tenderer, the Commissioning Party shall not examine and shall return it to the Tenderer. In case, the external packing of the proposal shall not provide inaccessibility of the information included therein up to the moment of opening of the proposals, the Commissioning party shall not guarantee inaccessibility of the information included in the proposal up to the moment of opening of the proposals.

#### **4.2. Drawing up of the proposal**

- 4.2.1 Proposal consists from Application for the Participation in the Procurement (Attachment No 2 of the Regulation) and Tenderer's selection documentation (1 (one) original and 1 (one) copy). Application for Participation in the Procurement shall consist from technical proposal and financial proposal.

- 4.2.2. Proposal must be prepared in Latvian, in printed form, it must be clearly readable, without non-stipulated corrections or extinguishings. Proposal which is submitted within part II of the procurement, may be prepared in English.
- 4.2.3. Tenderer's selection documentation may be submitted in any other language if accompanied by a translation into Latvian in the framework of part I of procurement, and into Latvian or English in the framework of part II of procurement, certified by the Tenderer. The Tenderer shall be responsible for any damage resulting from mistranslation of a document pursuant to the procedure set in the regulatory enactments. The Tenderer's declaration of a translation shall include the following:
- a) Indication "TRUE TRANSLATION";
  - b) Signature and full name of the personal signature of the Tenderer or representative of the Tenderer;
  - c) Name of the place of declaration and date.
- 4.2.4. If the Tenderer shall submit copies of documents, the Tenderer shall be obliged to certify them. The Tenderer's declaration of a copy shall include the following:
- a) Indication "TRUE COPY";
  - b) Signature and full name of the personal signature of the Tenderer or representative of the Tenderer;
  - c) Name of the place of declaration and date.
- 4.2.5. The tenderer shall have rights to certify truthfulness of all submitted copies of documentation, derivations and translations with one declaration, provided that the whole Offer is stitched together or bound together.
- 4.2.6. Proposal must be submitted inside a glued external packing, which shall indicate the following information:
- a) Title, registration number and address of the Commissioning Party;
  - b) Title, registration number or personal number, address, e-mail address, phone number and fax number of the Tenderer;
  - c) Mark "Proposal for the Procurement "Building expert services for the assessment of the project applications submitted for Cross-Border Cooperation Programmes" part I or part II. Identification No. VARAM 2017/19. Do not open until 29 June 2017, 11.00".
- 4.2.7. Offer of the Tenderer shall be signed by the Head of the Tenderer or by its authorised official. Power of Attorney shall be submitted together with the Offer and shall be bound in one volume together with the Application. In case, the Application is submitted by the association of persons, then the Application shall be signed by all persons belonging to that association of persons.
- 4.2.8. The Tenderer may submit the proposal as electronic document to be signed by a secure electronic signature<sup>2</sup> and to be written electronically in the USB interface memory device of a bus (*USB flash* memory) which may be connected to the computer *USB* port and read in a format readable by *MS Office 2003* (or later software versions) tools. When formatting the proposal as electronic document,

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<sup>2</sup> Document shall be signed electronically pursuant to the Article 3, part five of the Electronic Documents Law requirements on secure electronic signature-creation devices and time-stamp and that the Signatory of the document shall be issued a qualified certificate issued by a Trusted Certification Service Provider (list of this service providers can be found on the homepage of the Data State Inspectorate: [http://www.dvi.gov.lv/edokumenti/pak\\_sniedz/](http://www.dvi.gov.lv/edokumenti/pak_sniedz/)).

respective regulatory enactments on drawing up of electronic documents have to be respected. Proposal in electronic form in sealed envelope may be submitted in person or sent by mail.

## **5 Conditions for the participation of the Tenderer in the Procurement**

- 5.1. The Tenderer, including a partnership and all the members of a partnership (if the proposal shall be submitted by a partnership) or all the members of an association of persons (if the proposal shall be submitted by an association of persons), as well as sub-contractors (if the Tenderer shall plan attraction of sub-contractors for the provision of the Service) shall be registered in the Commercial Register or equal register in Latvia or abroad in the cases specified by the regulatory legal enactments.
- 5.2. Excluding conditions stipulated in points 1., 2., 3. of the part eight of Article 9 of Public Procurement Law does not apply to the Tenderer, the person the Tenderer refers to and whose capabilities the Tenderer relies on to confirm that his/her qualification meets the requirements set in this Regulation, as well as a member of a partnership, if the Tenderer shall be a partnership.

## **6 Conditions for the Tenderer's technical and professional capabilities**

- 6.1. In case of submission of proposal within the framework of part I of the procurement, the Tenderer shall correspond to the following requirements on technical and professional capabilities:
  - 6.1.1. The Tenderer within the previous three years<sup>3</sup> (2014, 2015, 2016 and 2017 until the day of submission of proposals) has experience in the design or management or supervision or expertise of construction works in at least two completed (handed-over to the Commissioning Party) construction objects within the framework of one or several contracts pursuant to the regulatory enactments of the Republic of Latvia.
  - 6.1.2. For implementation of the service, the Tenderer shall ensure at least 4 (four) certified experts:
    - 6.1.2.1. At least 2 (two) certified experts in design or management or supervision or expertise of construction works of buildings;
    - 6.1.2.2. At least 1 (one) certified expert in design or management or supervision or expertise of road construction;
    - 6.1.2.3. At least 1 (one) certified expert in design or management or supervision or expertise of construction works<sup>4</sup>.
- 6.2. For ensuring provision of the service in accordance with construction works set as stipulated in the Article 2 of the technical specification and within time period set as stipulated in the paragraph 3.3. of the technical specification, the Contractor (in case of necessity) shall ensure involvement also of other experts for fulfilment of provision of the service.
- 6.3. In case of submission of proposal within the framework of part II of the procurement, the Tenderer shall correspond to the following requirements on technical and professional capabilities:

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<sup>3</sup> Previous 3 (three) years means 2014, 2015, 2016 and 2017 until the day of submission of proposals

<sup>4</sup> The sphere of certification for expert is not determined.

- 6.3.1. The Tenderer within the previous three years<sup>5</sup> (2014, 2015, 2016 and 2017 until the day of submission of proposals) has experience in the design or management or supervision or expertise of construction works in at least two completed (handed-over to the Commissioning Party) construction objects within the framework of one or several contracts pursuant to the regulatory enactments of the Republic of Lithuania.
- 6.3.2. For implementation of the service, the Tenderer shall ensure at least 4 (four) certified experts:
- 6.3.2.1. At least 2 (two) certified experts in design or management or supervision or expertise of construction works of buildings;
  - 6.3.2.2. At least 1 (one) certified expert in design or management or supervision or expertise of road construction;
  - 6.3.2.3. At least 1 (one) certified expert in design or management or supervision or expertise of construction works<sup>6</sup>.
- 6.4. For ensuring provision of the service in accordance with construction works set as stipulated in the Article 2 of the technical specification and within time period set as stipulated in the paragraph 3.3. of the technical specification, the Contractor (in case of necessity) shall ensure involvement also of other experts for fulfilment of provision of the service.
- 6.5. The Tenderer if this is necessary for the implementation of the concrete service may rely on the capabilities of other entrepreneurs irrespectively on the type of their mutual legal relationship. In this case, the Tenderer shall prove to the Commissioning Party that he will possess necessary resources by submission of the declaration of the entrepreneurs or agreement on cooperation for the implementation of concrete contract.

## **7 Documents to be submitted**

### **7.1 Application for the participation in the Procurement**

- 7.1.1. Pursuant to the template of the Application for the participation in the Procurement (Annex No. 2 to the Regulation), the Tenderer's application for the participation in the Procurement must be submitted together with the documents specified in Sub-paragraph 7.2 of this Regulation by adding a list of contents.
- 7.1.2. Tenderer's Application for the Participation in the Procurement shall consist from technical proposal and financial proposal.
- 7.1.3. In the financial proposal price shall be indicated in *euro* excluding VAT. Separately VAT and price for service with VAT in *euro* shall be indicated. The price shall contain all the costs related with the provision of the service. The price shall be indicated for provision of one Opinion for one project partner's all planned construction works to be prepared according to the requirements stipulated in part 3 of the technical specification.

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<sup>5</sup> Previous 3 (three) years means 2014, 2015, 2016 and 2017 until the day of submission of proposals

<sup>6</sup> The sphere of certification for expert is not determined.



## **7.2 The Tenderer's qualification documents**

- 7.2.1. The Procurement Commission shall verify compliance of the registration of the Tenderers registered in the Republic of Latvia with the requirements of the regulatory enactments (if the regulatory enactments shall provide so) in the public databases or the respective registering authority. The Tenderer which is not registered in the Commercial Register of the Republic of Latvia, shall be obliged to submit a document confirming registration in competent state institution register. The Tenderer which is registered abroad must submit a document issued by a competent institution of the respective country confirming registration of the Tenderer in accordance with the requirements of the regulatory enactments of the respective country.
- 7.2.2. The Template for Tenderer's list of supplied services (Attachment No. 3 of the Regulation) confirming the Tenderer's conformity with requirements stipulated in the points 6.1. or 6.3. of the Regulation.
- 7.2.3. For confirming Tenderer's compliance with requirements stipulated in the points 6.1. and 6.3. of the Regulation, the declaration(s) of the Commissioning party(ies) shall be submitted conforming that a Tenderer has carried out design or management or supervision or expertise of construction works according to the legal enactments of Republic of Latvia (for part I of the procurement) or Republic of Lithuania (for part II of the procurement), by indicating implemented works and the time period for their implementation.
- 7.2.4. Tenderer's offered list of experts (Attachment No. 4 of the Regulation), copies of expert's certificates and a declaration signed by the experts regarding consent to participate in the provision of the Service in case, if a decision to conclude an agreement with the Tenderer will be adopted (Attachment No. 5).

## **8. Assessment of proposals and adoption of decision**

- 8.1. Assessment of the submitted proposals will be provided pursuant to the requirements set within this Regulation and the Public Procurement Law.
- 8.2. The Procurement Commission:
  - 8.2.1. Will verify compliance of the proposal with the requirements specified in points 4.2, 6. and 7.2. of this Regulation. Only the proposals complied with all of the specified requirements will be considered suitable.
  - 8.2.2. Will verify compliance of the technical proposal with the requirements stipulated in the technical specification.
  - 8.2.3. Will verify the financial proposal, enclosed in the Application for the participation in the Procurement for arithmetical mistakes. In case of detection of such mistakes, the Procurement Commission shall make corresponding corrections. Upon assessment of financial proposals, the Procurement Commission will take into consideration the corrections previously made thereby.

- 8.2.4. Before the adoption of a decision on the Tenderer, which should be awarded with rights to conclude the contract, the Procurement Commission, will verify, pursuant to the procedure set in Article 9 of the Public Procurement Law, whether the Tenderer and the person the Tenderer refers to and whose capabilities the Tenderer relies on to confirm that his/her qualification meets the requirements set in this Regulation, as well as the member of a partnership, if the Tenderer shall be a partnership, shall be subjects to the exclusion conditions referred to in Article 9, part eight, points 1., 2. or 4 of the Public Procurement Law. If during the verification process the Procurement Commission will find any tax debts, including debts of mandatory State social insurance contributions in total exceeding 150 *euro*, the Procurement Commission will act pursuant to Article 9, part ten of the Public Procurement Law. In relation to the Tenderer registered abroad or the Tenderer permanently residing abroad, the Procurement Commission will act pursuant to Article 9, part twelve of the Public Procurement Law.
- 8.2.5. Will select the proposal with the lowest contractual price out of all the proposals complying with all the requirements set in this Regulation and adopt a decision on entry into a Procurement Contract.
- 8.2.6. If no proposals shall be submitted for the Procurement or the submitted proposals shall not comply with the requirements of the Regulation, the procurement Commission shall adopt a decision to terminate the Procurement without selection of any proposal.

## TECHNICAL SPECIFICATION

### “Building Expert Services for the Assessment of the Project Applications Submitted for Cross-Border Cooperation Programmes

#### 1. Objective and subject of the Procurement

1.1. Ministry of Environmental Protection and Regional Development (hereinafter referred to as – MEPRD), which provides functions of the Managing Authority and the Joint Secretariat of the Interreg V-A Latvia-Lithuania Programme 2014 - 2020 (hereinafter referred to as – the Latvia – Lithuania Programme), Latvia – Russia Cross Border Cooperation Programme (hereinafter – Latvia – Russia Programme) as well as performs functions of the National Authority for the Latvia – Lithuania – Belarus Cross Border Cooperation Programme (hereinafter – Latvia – Lithuania – Belarus Programme) and for the Interreg V-A Estonia - Latvia Programme (hereinafter – Estonia – Latvia Programme) (all together hereinafter called – Programmes) announces a Procurement for the provision of the services of building experts (hereinafter referred to as – the Experts), which would provide opinions on compliance of the related documentation of the construction objects planned for project partners submitted for the Programmes with the requirements of national regulatory enactments of Latvia and Lithuania and the requirements of the Programmes.

1.2. The Subject of the Procurement has been split into two parts:

1. For the purposes of fulfilment of Part 1 of the Procurement, service of building experts shall be provided for ensuring opinion on compliance of the related documentation of the construction objects planned for Latvian project partners with the regulatory enactments of the Republic of Latvia and requirements of the Programmes;
2. For the purposes of fulfilment of Part 2 of the Procurement, service of building experts shall be provided for ensuring opinion on compliance of the related documentation of the construction objects planned for Lithuanian project partners with the regulatory enactments of the Republic of Lithuania and Latvia – Lithuania programme requirements.

1.3. Indicative amount of work – number of opinions per every project partner (all planned construction objects) by verifying compliance of building documentation with the national regulatory enactments and programmes requirements) that has to be completed per each Procurement part

Procurement part <b>and parts</b>	Indicative number of opinions (number of project partners)
Part 1 (Latvian partner planned construction works in the territory of Latvia)	100
2.daļa (Lithuanian partners planned construction works in the territory of Lithuania)	100
<b>Total</b>	<b>200</b>

1.4. The payment is made for actually submitted number of opinions. Information submitted for the performance of providing opinion on the number of project partners which will have construction works will depend on the number of submitted project applications with planned construction works in the calls for proposals within Programmes. The Commissioning Party is allowed to assign works to the Contractor within the framework of all the amount of funding stipulated in the signed contract, i.e. also for higher number of project partners then foreseen in section 1.3. of the technical specification.

## **2. General information**

Programmes are implemented within the objective “European Territorial Cooperation” of the European Structural and Investment Fund. Objective of the Programmes is promotion of sustainable social economic development of the Programmes regions by helping to make them more competitive and more attractive for living and entrepreneurship. Programmes support projects in the fields of environment protection, conservation and fostering effective usage of resources, supporting workforce mobility, facilitation of social inclusion, improvements of institutional capacity of public institutions and personnel involved and improvements of effectiveness of public administration, development of tourism and entrepreneurship etc.

Within the framework of the projects investments (construction works) can be planned for the development of infrastructure for achievement of the project aims. For example, in the projects such a type of construction works can be foreseen: repair of premises; construction or reconstruction of buildings (including cultural heritage objects); improvements and greening of parks (including protected territories) and/or children playgrounds; construction or reconstruction of pedestrian bridges; construction or reconstruction of watching towers; reconstruction of parts of roads; construction or reconstruction of heating, ventilation, electro installation, security, sewerage, sewage systems; development of port infrastructure; demolition of buildings, renewing, improving, greening of territories (including remediation); construction or reconstruction of parking lots; embanking of coasts of water basins, cleaning of water courses and construction of accessibility infrastructure etc. Taking into account previous experience, in approximately 95% cases one project partner plans construction works only for one object and also:

- a) in approximately 50% cases amount of planned investments per one project partner is up to 100 000 EUR;
- b) in approximately 20% cases amount of planned investments per one project partner is from 100 000 to 200 000 EUR;
- c) in approximately 20% cases amount of planned investments per one project partner is from 200 000 to 600 000 EUR;
- d) in approximately 10% cases amount of planned investments per one project partner will exceed 600 000 EUR.

MEPRD by providing functions of the Managing Authority and the Joint Secretariat ensures implementation of Programmes and supervision of project implementation, including announcement of calls for proposals and assessment of project applications. For performing functions of the National Authority, MEPRD ensures participation in the assessment of project applications submitted within the Programmes. Within the framework of assessment of project applications verification of compliance of the building documentation submitted within projects for planned construction works with the requirements of national regulatory enactments of Latvia and Lithuania and the requirements of the Programmes is ensured.

During the project application assessment process project partners may be requested to submit missing construction documentation and after receipt of these documents they have to be assessed. After decisions taken by the Monitoring Committees of the Programmes on:

- a) approval of the project, project partner can be requested to submit missing documentation and after receipt of these documents they have to be assessed;
- b) on rejection of the project, project partner has rights to ask for and MEPRD is obliged to provide detailed and explanatory information on the missing documentation which formed the reason for rejection<sup>7</sup> of the project, so as also on any other shortcomings in the building documentation reported in the opinion.

Project applications are prepared and submitted within Programmes in English. Building documentation for planned construction works within projects is prepared and submitted in national languages. Submitted building documentation has to be elaborated in accordance with the requirements set in the national enactments and it has to be at the state of readiness to be able to start procurement procedure for implementation of planned construction works immediately in case project is approved and project subsidy contract is signed (meaning also that building documents are approved by all the authorities requested according with the national enactments). In case project application is submitted and is assessed within the Latvia – Lithuania Programme, additional requirement is set that for all the planned construction works cost-estimates has to be submitted, elaborated according requirements stated in the national enactments (this applies also for cases where national enactments don't require cost estimates as obligatory part to be submitted together with the building documents).

Project applications within the framework of the programmes can be submitted via the electronic Monitoring System (eMS) or in paper. Therefore also building documentation for planned construction works can be submitted electronically, via eMS, or submitted in person in paper or electronic data carrier. Accordingly, for examination of the documents, which have not been submitted via the eMS, and for preparation of opinion, MEPRD will ensure access to documentation to the Contractor for the period of time necessary for completion of works, while examination of electronically submitted documents may take place remotely by using the eMS.

More information on the Programmes and the priorities to be supported is available on the homepage of the Latvia- Lithuania Programme: [www.latlit.eu](http://www.latlit.eu); Latvia – Russia programme: [www.latruscbb.eu](http://www.latruscbb.eu); Latvia – Lithuania – Belarus Programme: <http://www.eni-cbc.eu/llb/en>; Estonia – Latvia Programme: <http://estlat.eu/>.

### **3. Requirements for the performance of work**

#### **3.1. Requirements for the performance of the subject of procurement:**

The Commissioning Party shall assign the Contractor and the Contractor's Expert shall provide an opinion according to the form indicated in the Annex No. 1 of the technical specification on compliance of the documentation of the construction works planned in the project applications submitted within the Programmes with the regulatory enactments of the Latvia or Lithuania (hereinafter referred to as – the Opinion) and the requirements of the Programmes Contractor's Expert shall provide one opinion per project partner, providing in the opinion conclusion on every construction object planned separately:

- 3.1.1. For the purposes of fulfilment of Part 1 of the Procurement, opinion shall be provided in Latvian on compliance of the related documentation of the construction works

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<sup>7</sup> Submission of incomplete building documentation can form the grounds for decision on project rejection.

- planned for project partners with the regulatory enactments of the Republic of Latvia and the requirements of the Programmes;
- 3.1.2. For the purposes of fulfilment of Part 2 of the Procurement, opinion shall be provided in English on compliance of the related documentation of the construction works planned for project partners with the regulatory enactments of the Republic of Lithuania and the requirements of the Latvia – Lithuania Programme.
- 3.2. According to the request of the Commissioning party, **in the framework of the works Contractor's Expert:**
- 3.2.1. Gets acquainted with the project application<sup>8</sup> and project partners set by the Commissioning party and their planned construction works, including planned costs;
- 3.2.2. Verifies and states in the opinion if ownership documents for land and/or building or lease of land or premises agreements for lease period covering planned project duration and at least 5-6 years after the end of the project implementation are submitted (in national language);
- 3.2.3. Verifies and provides opinion on the compliance of submitted construction documentation with:
- 3.2.3.1. National enactments of building sphere, by providing justified listing down of shortcomings detected, indicating also a reference to the national enactment and it's clause from which derives the detected shortcoming. Compliance with national enactments in building sphere means that all necessary documentation needed for the respective construction works are submitted and they are at the state of readiness to be able to start procurement procedure for implementation of planned construction works immediately in case project is approved and project subsidy contract is signed (meaning also that building documents are approved and reconciled by all the authorities requested according with the national enactments).
- 3.2.3.2. the project application and construction works planned for project partners, including the costs for these works;
- 3.2.3.3. Latvia – Lithuania Programme requirements in case project application is assessed within the framework of Latvia – Lithuania Programme, including also verification if for planned construction works cost-estimates are submitted, elaborated according requirements stated in the national enactments (this applies also for cases where national enactments don't require cost estimates as obligatory part to be submitted together with the building documents).
- 3.2.4. Supplements and updates Opinion stated in the paragraph 3.2.3. of the technical specification with information on the compliance of the additionally submitted construction documentation with requirements set in paragraphs 3.2.3.1.-3.2.3.3. of the technical specification in case, in the Opinion referred to in the paragraph 3.2.3. of the technical specification (after completion of the works stipulated in the paragraphs 3.2.3.1.-3.2.3.3. of the technical specification) it is detected that not all the building documents according to the requirements set in national enactments are submitted and project partner is requested to submit missing documentation in the duration of the project application assessment stage.
- 3.2.5. Provides additional information, explanation and/or justification on the conclusions stated in the Opinion referred to in the paragraph 3.2.3. of the technical specification.

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<sup>8</sup> Project applications are in English.

- 3.2.6. Provides conclusion on the compliance of the additionally submitted construction documentation with requirements set in the paragraphs 3.2.3.1.-3.2.3.3. of the technical specification in case, in the Opinion referred to in the paragraph 3.2.3. of the technical specification (after completion of the works stipulated in the paragraphs 3.2.3.1.-3.2.3.3. of the technical specification) it is detected that not all the building documents according to the requirements set in national enactments are submitted and project partner is requested to submit missing documentation after the decision on approval of the project is taken by the Programmes Monitoring Committees.
- 3.2.7. Before the start of the work the Commissioning Party shall organize introductory meeting for providing more detailed information on the scope of the work and on the information to be provided in the Attachment No 1.

3.3. The Contract is in force for one year after it is concluded. **Work performance deadlines:**

- 3.3.1. According to the request of the Commissioning party, the Contractor performs works stipulated in the paragraphs 3.2.1.-3.2.3. of the technical specification:
- 3.3.1.1. within 10 working days from the receipt of the request in case the Commissioning party has assigned to simultaneously implement works stated in the paragraphs 3.2.1.-3.2.3. of the technical specification till 50 project partners;
  - 3.3.1.2. within 20 working days from the receipt of the request in case the Commissioning party has assigned to simultaneously implement works stated in the paragraphs 3.2.1.-3.2.3. of the technical specification for more than 50 project partners;
- 3.3.2. According to the request of the Commissioning party, the Contractor performs works stipulated in the paragraphs 3.2.4.-3.2.6. of the technical specification within 5 days from the receipt of the request.
- 3.3.3. It is planned that:
- 3.3.3.1. Within the Part 1 of the Procurement the most part of the amount of works (approximately 90% out of the total amount of work) the Commissioning Party will hand-over for performing works stipulated in the paragraphs 3.2.1.-3.2.3. of the technical specification as soon as the Contract will be signed (indicatively in July, 2017);
  - 3.3.3.2. Within the Part 2 of the Procurement the most part of the amount of works (approximately 95% out of the total amount of work) the Commissioning Party will hand-over for performing works stipulated in the paragraphs 3.2.1.-3.2.3. of the technical specification as soon as the Contract will be signed (indicatively in July, 2017);

**3.4. Objectivity and confidentiality requirements:**

- 3.4.1. Expert shall not have been involved in the design of the planned construction works planned for project partners for project applications he/she will prepare Opinion for or shall not be related to the preparation of the respective project submission in any other way. If, prior to the commencement of performance of the Work Task, the Expert shall find any conditions referred to in this Clause in respect of himself/herself, the Expert shall notify the Commissioning Party thereof and the Contractor ensures another expert for the completion of the respective works.

3.4.2. The Expert shall be obliged to perform his/her work individually and independently by signing an objectivity and confidentiality declaration prior to the commencement of work.

#### **4. Planned maximum amount of funding and the procedures for payment**

4.1. Planned maximum amount of funding for the part I and II of the procurement is 38 000 *euro* (excluding VAT):

4.1.1. For Part 1 of the subject of the Procurement: up to 19 000, 00 *euro* (excluding VAT);

4.1.2. For Part 2 of the subject of the Procurement: up to EUR 19 000, 00 *euro* (excluding VAT).

4.2. The Commissioning party before concluding procurement contract or during the implementation of the procurement contract is allowed to reduce or increase available funding for any of the procurement parts, in case for implementation of works foreseen for one part of the procurement more funds are needed and respectively for implementation of works foreseen for another part of the procurement less funding is necessary.

4.3. The Contractor shall indicate in the financial proposal the price for provision of one Opinion (includes works stipulated in the paragraph 3.2.1.-3.2.5. of the technical specification) for one project partner, excluding VAT and including VAT. The price shall contain all the costs related with the provision of the service (for example, project application translation to Latvian language, in case experts offered by the Tenderer do not possess good English language knowledge to be able to get acquainted with the project descriptions independently).

4.4. The payment is made for actually submitted number of Opinions within 15 days after mutual signing of the Handover – Acceptance Act stating the actual completion of the works handed over to the Contractor and after the receipt date of the Invoice.

4.5. The representative of the Commissioning party within 10 (ten) days after the submission of the Handover – Acceptance Act verifies compliance of the Opinions with the requirements stipulated in the technical specification. In case during the verification process unconformity of the Opinions with the requirements or with the instructions of the Commissioning Party given during the implementation of the work is detected, or the Commissioning Party has a justified objections on how the process of the work implementation was carried out or for the quality of work, the Commissioning Party submits to the Contractor written Claim stating improvements that are needed. The Contractor eliminates shortcomings detected for its own costs within 5 (five) working days after the receipt of the Claim.

4.6. The Commissioning Party has the right during the whole implementation of the Contract upon necessity ask the Contractor to provide without additional payment implementation of works which are stated in paragraph 3.2.6. of technical specification as well as implementation of works stipulated in the paragraph 3.2.5. of the technical specification for any of the Opinions, already accepted by the Commissioning Party.



**Opinion<sup>9</sup> on compliance of construction work's documentation planned for project partners with national regulatory enactments and requirements of Programmes<sup>10</sup>.**

<b>Project number</b>	
<b>Full name / acronym</b>	
<b>Project partner number and name</b>	
<b>Name and surname of Expert</b>	
<b>Date of expertise</b>	

**1. Conclusion on compliance of works planned as stated according to the building documentation with works and costs planned in project application**

! NB: In case, several construction objects are planned per one project partner, information on every object should be stated separately.

*In this section, expert has to shortly state what kind of construction works are planned for the project partner and what are the planned expenses for these works.*

*Expert has to provide conclusion, if the planned construction works and respective costs planned in the project application corresponds to the works and expenses stated in the building documentation.*

*In case, works or expenses does not correspond (including also with information stated in the project application) – Expert has to state and describe the incompliance detected and should provide his/her assessment on it (for example, expenses of works planned in the project application are 10% higher than planned according to the cost-estimates of the planned works and planned price increase is adequate and corresponds to current market prices; in the project application are planned works for replacement of building facade and roof, however according to the submitted building documentation only works for renovation of building facade are planned and building documentation for replacement of roof is not submitted).*

*In case, within the project it is planned to implement only part of the works which are planned according to the submitted building documentation, in the project application there should be stated information on how project partner plans to finance and implement the rest of works as stated in the building documentation. This information should be illustrated in the expert's conclusion by providing his/her opinion if project partner's offered solution is realistic.*

**2. Conclusion on the planned timeline for implementation of construction works stated in the project application**

! NB: In case, several construction objects are planned per one project partner, information on every object should be stated separately.

*Expert has to state how long period of time (months) is planned for implementation of*

<sup>9</sup> Opinion shall be prepared per project partner's all planned construction objects (providing in the opinion conclusion on every construction object planned);

<sup>10</sup> Opinion shall be prepared: in Latvian for implementation of Part I of the Procurement; in English for implementation of Part II of the Procurement.

<i>construction works stated in the project application. Expert should provide its opinion if the planned timeline is realistic.</i>
<b>3. Conclusion on the submitted ownership documents for land and/or building or lease of land or premises agreements for lease period covering planned project duration and at least 5-6 years after the end of the project implementation</b>
<p><b>! NB:</b> In case, several construction objects are planned per one project partner, information on every object should be stated separately.</p> <p><i>Expert should ascertain that the ownership rights affirming documentation is submitted (ownership of buildings and land; ownership rights can be affirmed by land registry document stating project partner's ownership rights on the object, or as appropriate is also considered long-term lease/free of charge usage contract which term of expiry is not shorter than 5-6 years after the planned end of the project). In case in the project investments in the building are planned, ownership documents for the respective building should be submitted; in case investments are planned on land (benches, nature trails, parking lots etc.), ownership documents on land should be submitted.</i></p> <p><i>Expert has to list down all planned investment objects and indicate whether stated documentation is submitted for every object.</i></p>
<b>4. Conclusion on compliance of submitted building documentation with national enactments.</b>
<p><b>! NB:</b> In case, several construction objects are planned per one project partner, information on every object should be stated separately.</p> <p><i>Expert has to state what kind of building documentation is submitted for planned works in object.</i></p> <p><i>Expert has to state a conclusion if submitted building documentation is considered as full according to the planned activities in the project and according to the requirements stated in the national enactments, including also if all the documentation required according to the national enactments for all works planned within project are submitted.</i></p> <p><i>In case project application is submitted and assessed within the framework of Latvia – Lithuania Programme, additional requirement is set that for all planned construction works cost-estimates have to be submitted, elaborated according requirements stated in the national enactments (this applies also for cases where national enactments don't require cost estimates as obligatory part to be submitted together with the building documents). In the conclusion information if cost-estimates for planned construction works are submitted should be provided.</i></p> <p><i>In case in the project application wider construction works are planned than covered with the building documentation (or vice versa), it should be illustrated in the conclusion.</i></p> <p><i>In case submitted documentation cannot be considered as full (for example, technical documentation is submitted but acceptance of the construction authority on the execution of the design conditions in the construction permit is lacking or part of technical project is lacking), in the conclusion shortcomings or deficiencies should be clearly stated by:</i></p> <p><i>1. indicating precise name of the missing document with a reference to respective national enactment regulating necessity to have this document, as well as stating consequences caused by the lack of the document (for example, procurement procedure can't be commenced);</i></p>

2. indicating precise listing down of detected deficiencies (for example, there is no signature of the Commissioning party on the cost-estimates) with a reference to the respective national enactment regulating this requirement.
<b>5. Conclusion on compliance of additionally submitted building documentation with paragraphs 3.2.3.1.-3.2.3.3. of the technical specification.</b>
<i>In accordance with requirements stipulated in paragraph 3.2.4. of the technical specification – Expert supplements and updates Opinion on compliance of additionally submitted construction documentation with requirements set in paragraphs 3.2.3.1.-3.2.3.3 of the technical specification in case, in the Opinion (after completion of the works stipulated in the paragraphs 3.2.3.1.-3.2.3.3. of the technical specification) it is detected that not all the building documents according to the requirements set in national enactments are submitted and project partner is requested to submit missing documentation in the duration of the project application assessment stage.</i>

Expert's signature, date

**Application for the Participation in the Procurement<sup>11</sup>**

**Place, date:** \_\_\_\_\_

**The Commissioning Party:** Ministry of Environmental Protection and Regional Development

Reg. No. 90000028508

25 Peldu Street

Riga, LV 1494

**Procurement identification number:** No. VARAM 2017/19

**Subject of the procurement:** “Building Expert Services for the Assessment of the Project Applications Submitted for Cross-Border Cooperation programmes”.

**Part of the procurement:** \_\_\_\_\_

**1 THE TENDERER**

Name of the Tenderer	Requisites

**2 CONTACT PERSON**

<b>Name, surname</b>	
<b>Address</b>	
<b>Phone / Fax</b>	
<b>E-mail address</b>	

**3 DECLARATION**

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<sup>11</sup> Application for the participation in the procurement must be submitted accompanied by the documents specified in Sub-paragraph 7.2 of this Regulation by adding a list of contents.

We, \_\_\_\_\_, hereby declare that:

- a) The technical specification is understood and the services will be performed at full volume;
- b) The offered services fully comply with the technical specification.
- c) The services will be performed within the set time limits.
- d) The proposal will not be amended after the expiry of the time limit set for the submission of proposals.
- e) In case of necessity during the implementation of the contract replacement of experts mentioned in the proposal will be ensured with other experts corresponding requirements stipulated in this Regulation provided that this is agreed with the Commissioning Party and requirements of Article 62 of the Public Procurement Law is respected;
- f) All the information provided within the proposal (and the Annexes thereof, if applicable) is true.

#### 4 TECHNICAL PROPOSAL

- 4.1. Interpretation of the technical specification, when characterizing the objective of the provision of the Service and the main tasks;
- 4.2. Description of the organizing structure of the provision of the Service.

#### 5. FINANCIAL PROPOSAL

Item	Service	Price excluding VAT, EUR	VAT, EUR	Price including VAT, EUR
1	Price for provision of one Opinion	<i>Per 1 (one) Opinion</i>		

Date:

Signature<sup>12</sup>: \_\_\_\_\_

Full name, surname: \_\_\_\_\_

Position: \_\_\_\_\_

Place for stamp

<sup>12</sup> Application shall be signed by a person entitled to represent the Tenderer or authorized person (in such a case, Power of Attorney must be obligatory attached).

*The Template for Tenderer's list of supplied services*

**TENDERER'S LIST OF SUPPLIED SERVICES\***

**Procurement identification number:** No. VARAM 2017/19

**Subject of the procurement:** "Building Expert Services for the Assessment of the Project Applications Submitted for Cross-Border Cooperation programmes".

**Part of the procurement:** \_\_\_\_\_

The Commissioning Party, contact person (Name, Surname), telephone number and/or e-mail address	Country	Works implemented	Period of time for works implemented (from month and year – till month and year)
<...>	<...>	<...>	<...>
<...>	<...>	<...>	<...>

\*According to the point 6.1. or 6.3. of this Regulation.

*Template for list of Experts*

**LIST OF EXPERTS\***

**Procurement identification number:** No. VARAM 2017/19

**Subject of the procurement:** “Building Expert Services for the Assessment of the Project Applications Submitted for Cross-Border Cooperation programmes”.

**Part of the procurement:**\_\_\_\_\_

Expert according to the point 6.1. or 6.3. of this Regulation.	Name, Surname
Expert No.1 - certificate on design or management or supervision or expertise of construction works of buildings	<...>
Expert No.2 - certificate on design or management or supervision or expertise of construction works of buildings	<...>
Expert No.3 - certificate on design or management or supervision or expertise of road construction	<...>
Expert No.4 - certificate on design or management or supervision or expertise of construction works	<...>

**\*According to the point 6.1. or 6.3. of this Regulation.**

**DECLARATION ON AVAILABILITY OF EXPERT**

Expert's Name, Surname: \_\_\_\_\_

Expert's construction certificate: \_\_\_\_\_

Contact information: \_\_\_\_\_

**DECLARATION:**

I, signed underneath, in accordance with the proposal of *<Name of the Tenderer>* (hereinafter – the Tenderer) hereby undertake to take part in provision of the service “Building Expert Services for the Assessment of the Project Applications Submitted for Cross-Border Cooperation programmes” as an expert, in case of adoption of a decision on entry into a Procurement Contract with a Tenderer.

Hereby I confirm that I am not in a situation of conflict of interest.

<i>&lt;Name, Surname&gt;</i>
<i>&lt;Signature&gt;</i>
<i>&lt;Date&gt;</i>