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# Legal aspects

OPEN DAY I  
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# Legal aspects:

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- Procurement procedure;
- PPP contract;
- Electronic procurement system.

# Competitive procedure with negotiations / 1

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- **Selection phase:**

- selection regulations (LAT, ENG, except technical specification);
  - open to everyone interested.
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- Language of all documents to be submitted – Latvian

# Competitive procedure with negotiations / 2

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2



- **Qualification:**

- qualification criteria: financial, technical, and personnel;
- reference projects are limited to the EU or EEZ member states;
- at least 1 PPP project reference;
- critical works: not to be subcontracted or outsourced;
- qualifying construction companies: financial criteria and critical works.

- **Selected bidders submit initial bids** (technical and financial):

- Land corridor;
- Construction permit;
- Bid bond.

# Initial tech bid versus final tech bid requirements

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**Initial TECHNICAL Bid** in comparison to **Final TECHNICAL Bid** shall be required in **LESS DETAIL**.

For example:

- No traffic organization and barriers to be shown on the drawings;
- Simplified requirements for drawing preparation;
- One large scale plan drawing requested;
- Simplified bill of quantities, etc.

# Competitive procedure with negotiations / 3

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- **Award phase**

- Award regulations (LAT, ENG, except technical specification);
- Draft PPP contract (LAT, ENG, except technical requirements);
- Shortlisting: 3 bidders invited to negotiations;
- Limited negotiations on initial bids (technical and financial);
- Limited negotiations on PPP contract;
- Best and final offers (technical and financial).

# Competitive procedure with negotiations / 4

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- **Award criteria:**

- 80%: financial offer;
- 20%: offered availability date, technical design and some other criteria;
- Announcement of the winning bidder;
- Due diligence by financiers (if required);
- Direct Agreement;
- Financial close and Commercial close.

# PPP contract

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- Design and construction phase;
  - Availability phase;
  - Hand-back;
  - Warranty.
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- Off-balance sheet treatment;
  - Closed sections;
  - Limited negotiations;
  - Best and final offer – integral part of PPP contract.



# Electronic procurement system:

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- System is currently being tested by the Latvian State Roads' team;
- Sand box test will be open during Open Days #2;
- NB: Timely registration!
- Support center available (LAT, ENG).

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