



EUROPEAN UNION

EUROPE INVESTS IN RURAL AREAS
European Agricultural Fund
for Rural Development

With changes from 03.01.2024

**Regulation for Procurement
“Drying Plant
for the Production of Denatured Pea Protein”**

ID No ASNS2023/1

I GENERAL INFORMATION

1. Information regarding procurement:

- 1.1 Procurement is arranged in line with the requirements of Cabinet Regulation No 104 of 28.02.2017 *Regulations Regarding Procurement Procedure and Procedures for Application Thereof to Projects Financed by a Contracting Authority* and other laws and regulations applicable to public procurement.
- 1.2 Procurement is conducted for the purpose of a project co-financed by European Agricultural Fund for Rural Development (the EAFRD).

2. Information on the Contracting Entity:

- 2.1 Contracting entity: **SIA ASNS Ingredient**
- 2.2 Reg. No 43603092163
- 2.3 Address: Lietuvas iela 16A, Eleja, Elejas pag., Jelgavas nov., LV-3023
- 2.4 Contact person: Līga Avena, phone: +371 29392422, email: liga.avena@latraps.lv

3. Description and Scope of the Subject of Procurement:

- 3.1. The subject of procurement is ***Drying Plant for the Production of Denatured Pea Protein***, according with the Technical Specifications (Annex 2 to the Regulation).

4. Timeframe and Place for Performance of Contract:

- 4.1 Place of performance: Prohorova iela 13, Jelgava, LV-3002.
- 4.2 Timeframe of performance: Equipment must be delivered and installed by **16.06.2025 at the latest**.

5 Place, Date, Time and Procedures for Submission of Tender:

- 5.1 Tender has to be submitted by **February 2, 2024 10:00** at the address of the Contracting Entity at Lietuvas iela 16A, Eleja, Elejas pag., Jelgavas nov., LV-3023, in person or by mail, or sent to email: liga.avena@latraps.lv
- 5.2 If the tender is sent by mail, the Supplier undertakes responsibility for receipt of tender by the deadline specified in Clause 5.1 hereof.

II REQUIREMENTS FOR COMPLETION AND SUBMISSION OF TENDER

6. The Supplier may submit only one version of tender.
7. Tender must fully conform to the requirements specified in this Regulation and its Appendices.
8. If Tender is submitted in person or by mail, information to be provided on the package is as follows:
 - 8.1 SIA ASNS Ingredient, Lietuvas iela 16A, Eleja, Elejas pag., Jelgavas nov., LV-3023;
 - 8.2 *Name and address of the sender*;
 - 8.3 *Note: For procurement “Drying Plant for the Production of Denatured Pea Protein”, ID No ASNS2023/1*;
9. Tenders are to be submitted in printed version in **Latvian or English**. If the Supplier submits documents in a foreign language, the **Latvian or English** translation of documents certified by a signatory or authorised person (with the respective power of attorney or its copy attached) must be attached.
10. Prior to the expiry of the time limit for the submission of tenders, the Supplier may amend or withdraw the tender it has submitted.

11. All appendices of the tender constitute its integral part.
12. Tender is signed by the signatory or authorised person of the Supplier (with the respective power of attorney or its copy attached).
13. The Supplier may certify the correctness of all derivatives and translations of documents by one certification.
14. All information provided by the Supplier in tender must be true. If the Contracting Entity has doubts as to accuracy of information provided by the Supplier in tender or authenticity of a copy of any document, the Contracting Entity may request that the Supplier confirms accuracy of information and/or presents an original document confirming the fact or submits a certified copy of the document. Said documents are to be submitted within the time limit specified by the Contracting Entity.

III REQUIREMENTS TO SUPPLIER, DOCUMENTS TO BE SUBMITTED BY SUPPLIER

15. Qualification Requirements for Supplier:

- 15.1 The Supplier is registered with the Commercial Register of the Enterprise Register of the Republic of Latvia or with a similar register abroad in the manner established by the laws and regulations.
- 15.2 The Supplier has **experience in the supply of food manufacture industrial equipment** during the previous 5 (five) calendar years (2018, 2019, 2020, 2021, 2022, as well as 2023), where **the amount of at least one contract has been no less than 2'000'000 EUR**.
- 15.3 The Supplier's **average financial turnover (net) for the last 3 (three) closed financial years** (2020, 2021 and 2022) is **not less than EUR 2'000'000**. If the Supplier is established later, then the Supplier's financial turnover must meet the above requirement in a correspondingly shorter period of time.
- 15.4 The Supplier has developed the offer independently of the competitors.

16. Selection Documents to be Submitted by Supplier:

- 16.1 Application of the Supplier, as per Annex 1.
- 16.2 **Copy of the business entity's registration certificate** (if the Supplier is registered with the Commercial Register of the Enterprise Register of the Republic of Latvia or with a similar register abroad in the manner established by the laws and regulations, or, in the absence of such certificate (laws and regulations of the respective country does not stipulate issuance of a registration certificate), information on registration number and time of the Supplier, stating the competent authority in the country of registration that can confirm the fact of registration, if necessary).
- 16.3 **Information regarding the Supplier's previous experience**, in accordance with Paragraph 15.2.
- 16.4 **Supplier's statement on financial turnover**, in accordance with Annex No.4 to the Regulation.
- 16.5 **A confirmation signed by the Supplier** regarding the independently developed tender must be submitted (**Annex No.5**)

IV TECHNICAL BID

17. The Supplier **prepares and submits the technical bid in line with the requirements of the subject of procurement (Annex 2 hereto)**. Technical bid confirms the compliance of offered equipment and services to the Regulation and developed technical specifications.

V FINANCIAL BID

18. **Financial bid** is submitted in the form of the **Financial Bid form (Annex 1** and detailed estimate in accordance with **Annex No. 2)**.
19. The Supplier may not indicate “0” costs in the cost items in the financial offer. Prices must be quoted in euros (EUR) to two decimal places.
20. Prices must include the costs of all services, materials and equipment, labor costs, delivery, assembly and installation costs, the costs of necessary preparation, inspections and ancillary works, the cost of using machinery and accessories, all taxes (except VAT), fees and charges that are binding to the Supplier in order to ensure the performance of quality works, as well as all risks, including possible increases in costs, as well as all administration, document preparation, coordination and transport costs related to the performance of the works specified in the Annex 2.

VI EVALUATION OF BIDS AND SELECTION CRITERIA

21. Evaluation of Bids:

- 21.1 Evaluation of bids is conducted in a closed meeting.
 - 21.2 Minutes are taken of bid evaluation meetings.
 - 21.3 Evaluation of bids is conducted as follows:
 - 21.3.1 compliance of the Supplier’s selection (qualification) documents with the requirements of the Regulation. Non-conforming bids may be excluded from further evaluation if the Contracting Entity establishes that non-conformity has material impact on the possibilities of bid valuation and decision-making;
 - 21.3.2 compliance of the Technical Bid of the Supplier with the description of the subject of procurement specified herein;
 - 21.3.3 evaluation of the Financial Bid of the Supplier and check of arithmetical errors. The procurement commission may correct arithmetical errors in the Financial Bid of the Supplier informing the Supplier of such correction.
 - 21.4 Arithmetical errors in bids are corrected as follows:
 - 21.4.1 if numbers in words differ from numbers in digits, numbers in words will be taken into account;
 - 21.4.2 if the unit price differs from the total price obtained as a result of multiplication of a unit price and the number, the unit price will be taken into account and the total price will be adjusted;
 - 21.4.3 if an arithmetical error is detected in the bid in respect of tax calculation, the Contracting Entity corrects such figure in line with the tax calculation procedure laid down in laws.
 - 21.5 **Criterion for selection of bid: offer with the lowest offered contract price in EUR without VAT.**
 - 21.6 If the Supplier states in its bid that the bid is not final and may be reviewed, the Contracting Entity and the Supplier may conduct negotiations. During negotiations with the Suppliers that have submitted their initial bid by the deadlines specified herein, the Contracting Entity will coordinate the opportunities of the Supplier and its own needs. No negotiations will be conducted if the Supplier that has submitted its bid in conformity with the requirements of the regulation has stated in its bid that the bid is final and may not be reviewed or if the bid leads to a conclusion that it is final and will not be reviewed.
22. The Contracting Entity may invite other suppliers to submit their initial bids and to participate in negotiations at any time before the final decision as to the award of contract is made.

23. The Contracting Entity informs all suppliers that have submitted their initial bids of the selected bid as soon as possible, though no later than within 5 (five) business days of the decision date, by sending such information via mail, fax or electronic mail.

VII RIGHTS AND OBLIGATIONS OF PROCUREMENT COMMISSION

24. Rights and Obligations of Procurement Commission:

- 26.1. Bids are evaluated by the procurement commission of the Contracting Entity. The procurement commission may invite expert(s).
- 26.2. The procurement commission may correct arithmetical errors in the Financial Bid of the Supplier. The procurement commission informs the Supplier of the correction of errors and the corrected bid amount.
- 26.3. The Contracting Entity may terminate the procurement procedure if objective justification is in place.
- 26.4. If the procurement commission establishes that the bid in question is abnormally low, prior to rejection of such bid, the procurement commission requests in writing that the Supplier provides a detailed explanation of essential provisions of the bid.
- 26.5. If the procurement commission establishes that the Supplier has not proven that such provisions of the bid are available to the Supplier that allow offering of such low price, the commission declares that the bid is abnormally low and does not consider it any further.
- 26.6. If the Contracting Entity in the course of evaluation establishes that the information provided in the submitted documents is unclear or incomplete, the Contracting Entity claims that the Supplier or a competent authority explains or supplements information included in such documents.
- 26.7. In the course of negotiations the Contracting Entity may request that the bids are explained, supplemented and improved.
- 26.8. The Contracting Entity will not enter into the service contract with the Supplier, if they are in conflict of interests, within the meaning of Section 12 of Cabinet Regulation No 104 of 28.02.2017, except for cases specified in Section 13 of Cabinet Regulation No 104 of 28.02.2017.
- 26.9. All other rights and obligations of the procurement commission not dealt with herein are regulated by Cabinet Regulation No 104 of 28.02.2017 *Regulations Regarding Procurement Procedure and Procedures for Application Thereof to Projects Financed by a Contracting Authority* and other applicable laws and regulations.

VIII RIGHTS AND OBLIGATIONS OF SUPPLIERS

25. Rights and Obligations of Suppliers:

- 27.1. The Supplier is obligated to give answers to the additional information requests of the procurement commission within the timeframe specified by the commission. If the Supplier fails to answer the questions posed by the commission when due, the Commission may exclude the Supplier from further participation in the procurement.

IX OTHER PROVISIONS

26. Appendices attached to the Regulation are as follows:

Annex 1 Application
Annex 2 Description of Subject of Procurement
Annex 3 Financial Bid (form)
Annex 4 Terms and Conditions of the Contract.
Annex 5 Confirmation of an independently developed offer

Application to Participate in Procurement
Drying Plant for the Production of Denatured Pea Protein
ID No ASNS2023/1

By filing this application

Supplier: _____,
(name)

Unified registration No _____,
(reg. No)

represented by its _____,
(full name of the head or authorised person)

1. Applies for participation in procurement “***Drying Plant for the Production of Denatured Pea Protein***”, ID No ASNS2023/1
2. Offers to deliver the goods in accordance with the provisions of the procurement regulation and its appendices for the contract amount:

EUR _____ (_____) without VAT;

3. **The bid is final and will not be reviewed** Yes ☐ No ☐

4. **Confirms that the advance** (of no more than 30 %) payment of _____ % **is prospective.**

5. **Confirms** that all information provided in the bid is true and contact information specified in Clause 6 hereof is accurate.

6. Contact information

Registered office of Supplier: _____

Actual address of Supplier: _____

Email address of the contact person: _____

Phone: _____

Fax _____

Bank details: _____

(position of the head or authorised person)

(signature and full name in block letters stamp)

S

Description/ Technical Specification of Subject of Procurement

** If any particular name of standard or other reference to the specific origin of materials, specific process, brand or type are indicated in the description of the subject of procurement, the Supplier may offer compliance with equivalent standards that conform to the requirements of the description of the subject of procurement and ensures operation of the subject of procurement as required by description.*

The technical specification of the subject of procurement is functional and may not be considered a detailed description of all equipment and services to be provided by the supplier. The equipment to be supplied must cover the whole process defined in technical specifications, with all relevant auxiliary equipment, including equipment and installations that are not identified in the technical specification but are necessary for functioning of equipment, except for mechanisms that are considered a component of construction.

The tenderer must submit the offer in accordance with the requirements mentioned in the technical specification Annex 2.1. and its appendices, which will be sent to the applicant after a relevant request to the contact person mentioned in clause 2.4 of the regulations.

Essential Terms and Conditions of the Contract

- 1) **Availability of an advance** - an advance of up to 30% may exceptionally be granted after assessing its necessity and justification through mutual negotiations. An advance payment may be granted against an appropriate collateral.
- 2) **The customer will use his standard contract draft, which will be specified with the selected supplier during the negotiation process.**

Statement of financial turnover

Year	Financial turnover EUR without VAT
2022	
2021	
2020	
Average:	

(position of the head or authorised person)

(signature)

_____ (date)

Confirmation of an independently developed offer

Hereby, providing complete and truthful information, _____

Suppliers's name, reg. No.

(hereinafter - the Tenderer) with regard to the specific procurement procedure certifies that:

1. The applicant has read and agrees with the content of this statement.
2. The applicant is aware of his obligation to provide complete, complete and true information in this certificate.
3. The tenderer's offer has been signed by the tenderer's authorized person (s).
4. The tenderer shall state that he has submitted a offer independently of competitors¹ and without consultation, contract or agreement. The tenderer has not been in contact with any competitor regarding:
 - 4.1. prices;
 - 4.2. price calculation methods, factors (conditions) or formulas;
 - 4.3. the intention or decision to participate or not to participate in the procurement (to submit or not to submit a tender); or
 - 4.4. submission of a tender which does not comply with the procurement requirements;
 - 4.5. the quality, volume, specification, performance, delivery or other conditions to be addressed independently of the competitors, the products or services covered by the procurement.
5. The tenderer has not knowingly, directly or indirectly, disclosed or will not disclose the terms of the tender to any competitor before the official date and time of the opening of tenders or the award of the contract.
6. The tenderer is aware that the Competition Law provides for liability for prohibited agreements, providing for a fine of up to approximately 10% of the infringer's net turnover of the last financial year and the tenderer may be excluded from participation in the procurement procedure.

(position of the head or authorised person)

(signature)

_____ (date)

¹In the context of this confirmation, the term "competitor" means any natural or legal person who is not a Tenderer and who: 1) submits a tender for this procurement; 2) taking into account its qualifications, abilities or experience, as well as the goods or services offered, a tender could be submitted for this procurement