On 1 June 2016 the interested supplier “…” submitted its questions with regard to the Regulation on Candidate Selection of Restricted Procedure for the Development of State Strategy for Operations with the Shares of the Limited Liability Company “Lattelecom” and the Limited Liability Company “Latvijas Mobilais Telefons” (PA/2016/42).

* Will the selected advisor be asked to implement the selected strategy after the 7-month period, i.e. if the government decides to pursue one M&A strategy, the selected advisor for this two-stage process will advise the government on the contemplated transaction?
* Answer: The subject of procurement of restricted procedure does not foresee the implementation of government approved (selected) strategy by the selected advisor, namely, no additional advisory services are envisaged. Please be advised that pursuant to Paragraph 7.5.4. of the Regulation on Candidate Selection of Restricted Procedure, during Stage 2 of procurement (invitation to submit tenders) and procurement contract the Commissioning Authority may define restrictions with regard to the provision of advisory services to third parties regarding the subject of procurement with the exception of audit and tax advice.
* The scope of work comprises various activities that would require expertise from at least financial, commercial and legal advisors. Are we supposed to answer to this RFP with a consortium of advisors or will the government select commercial and legal advisors at a later stage?
* Answer: Paragraph 7.4.2. of the Regulation on Candidate Selection of Restricted Procedure stipulates that candidate shall be able to attract for the performance of the contract at least one project manager, two financial specialists and two consulting specialists that meet the minimum professional requirements specified in Paragraphs 7.4.2.1. – 7.4.2.3. with respect to which it shall submit the selection documents identified in Paragraphs 8.6. – 8.9. Please be advised that the Commissioning Authority does not envisage to engage commercial advisors and legal advisors at a later stage. Candidate has the right to establish consortium at its own discretion.
* If we decide to answer alone to this RFP, will we be allowed to team-up with other firms at a later stage, i.e. for example at the time when we will be allowed to provide financial and technical proposals?
* Answer: Pursuant to Paragraphs 8.11. and 8.12. of the Regulation on Candidate Selection of Restricted Procedure the candidate shall submit the qualification documents of sub-contractors and specialists to be involved in the procurement contract execution along with the application for participation in the procurement. It means that the team for the contract execution is proposed during the candidate selection stage already. Engagement of additional specialists during the contract period for the execution of individual tasks will not be forbidden, nevertheless the fee for services provided shall be estimated and included in technical and financial tenders.
* Please describe in more details the process of the “technical and financial tender” mentioned in 9.2.3 (i.e. timeframe, criteria, etc.).
* Answer: Pursuant to Paragraphs 9.2.2. un 9.2.3. of the Regulation on Candidate Selection of Restricted Procedure the commission will advance to the next stage (invitation to submit technical and financial tenders) 7 (seven) candidates who comply with the requirements of the Regulation and who have gained the largest number of points. Prior to the invitation to submit technical and financial tenders the commission will verify candidates pursuant to the procedure stipulated in Sections 391, 392 and 393 of the Public Procurement Law. Should any of the candidates invited to submit technical and financial tenders be excluded from participation in the tender procedure, the procurement commission will review the list of candidates to be invited, replacing the excluded candidate with a subsequent candidate who has gained the largest number of points.
* What do you mean by “fixed contractual price” in 9.2.6.? If the price is already fixed by the government can you please disclose it?
* Answer: “Fixed contractual price” mentioned in Paragraph 9.2.6. of the Regulation on Candidate Selection of Restricted Procedure means that the contract will be signed with the successful tenderer for the price indicated in its financial tender and no other costs will be allowed during the contract execution. The tenderer will be required to submit a tender with “fixed contractual price” as it is not envisaged to base the fee for advisory services on the enterprise value or any other value.
* Could you please provide us with an English version of the regulatory enactments of the Republic of Latvia referred to in Section 1.3 of the Regulation (including the Public Procurement Law)?
* Answer: The Commissioning Authority does not possess the English versions of the Public Procurement Law and other regulatory enactments pertaining to public procurement.
* Could you please provide further clarification as to the documents binding system described in Section 5.6 of the Regulation (securing the end of the thread with a sticker) – in particular, are you referring to a specific method? If so, in which case could you please specify such method?
* Answer: Paragraph 5.6. of the Regulation on Candidate Selection of Restricted Procedure sets out all the requirements to be complied with by candidates while binding application documents. The commission has not defined any specific approach/method.
* Could you please provide details of the manner in which the candidate may certify the correctness of copies of submitted documents as described in Section 5.6 of the Regulation and provide an English version of the provisions referred to therein?
* Answer: The English version of the Cabinet of Ministers Regulations No.916 “Procedure of Drawing up and Processing of Documents”, dd. 28 September 2010 referred to in Paragraph 5.9. of the Regulation on Candidate Selection of Restricted Procedure is not available. Please be advised that the correctness of copies of submitted documents shall be certified as follows: write “Copy” on the top of the page and write “True copy” on the final page signed below by the representative of the candidate with the right of representation or the authorised person. Should the document comprise more than one page then it shall be sewn (bound) together in line with the provisions set out in Paragraph 5.6. of the Regulation on Candidate Selection of Restricted Procedure.
* Could the registration certificate referred to in Section 8.3 of the Regulation be in a foreign language other than Latvian and English? If so, could a free translation into English prepared by the Candidate itself be sufficient?
* Answer: The Regulation on Candidate Selection of Restricted Procedure stipulates that documents shall be either in Latvian or English. Should the documents be in any other foreign language a relevant translation in Latvian or English certified by a notary shall be submitted.
* Could you please confirm that the use of the European Single Procurement Document (referred to in Section 8.13) is optional? If such ESPD is not used, what documents if any (other than those listed in Sections 8.1 to 8.12) need to be submitted to establish compliance with the requirements for selection of candidates?
* Answer: The European Single Procurement Document referred to in Paragraph 8.13. of the Regulation on Candidate Selection of Restricted Procedure is as an alternative to documents referred to in Paragraphs 8.1.- 8.12. No additional documents are expected.

On 3 June 2016 the interested supplier “…..” submitted its questions with regard to the Regulation on Candidate Selection of Restricted Procedure for the Development of State Strategy for Operations with the Shares of the Limited Liability Company “Lattelecom” and the Limited Liability Company “Latvijas Mobilais Telefons” (PA/2016/42).

* Paragraph 8.3. of the Regulation on Candidate Selection of Restricted Procedure stipulates that reference by the commissioning authority responsible for the performance of the services shall be enclosed with the description of experience identifying the scope and content of works and evaluation of works performed by the candidate ((observance of deadlines and quality), the position held and contact information (telephone and e-mail) of the contact person.

a. May a contract for the project execution be deemed as a reference (if it covers all the requirements referred above)?

b. May a copy of the reference be submitted?

* Answer: a) Paragraph 8.5. of the Regulation on Candidate Selection of Restricted Procedure stipulates that the experience description shall be supplemented with a reference by the commissioning authority for each of the equivalent contracts. The scope and content of works and evaluation of works performed by the candidate (observance of deadlines and quality), as well as the position held and contact information (telephone and e-mail) of the contact person of the commissioning authority responsible for the performance of the services shall be indicated in the reference. Should the contract comprise all the required information (incl. the evaluation of works performed (observance of deadlines and quality)) then the contract may be submitted. b) Copies of references may be submitted ensuring compliance with the requirements set out in Paragraph 5.9. of the Regulation on Candidate Selection of Restricted Procedure.
* Paragraph 7.4.2.2.3. of the Regulation on Candidate Selection of Restricted Procedure stipulates that the experience of 3 (three) projects for the last 3 (three) years in providing consultations to telecommunication companies on trends in telecommunication industry and processes in the market and in analysing the impact of the evaluated company upon the telecommunication market (competition) is required.

a. Please specify whether this particular experience should be related to the experience referred to in Paragraph 7.4.2.2.2., namely these should be exactly the same companies that have been indicated in the evaluation experience of companies or these may be some other projects and other companies?

* Answer: Please be advised that companies referred to in Paragraph 7.4.2.2.3. and Paragraph 7.4.2.2.2. certifying the experience of specialists may involve both different companies and the same companies.

On 6 June 2016 the interested supplier “…..” submitted its questions with regard to theRegulation on Candidate Selection of Restricted Procedure for the Development of State Strategy for Operations with the Shares of the Limited Liability Company “Lattelecom” and the Limited Liability Company “Latvijas Mobilais Telefons” (PA/2016/42).

* Do we understand it correctly that for the purpose of meeting the requirements set out in Paragraph 2.3.7. of the Regulation on Candidate Selection of Restricted Procedure it is envisaged to engage, within the framework of services, legal specialists and based on Paragraph 8.12. these shall be included in the description of understanding of the candidate? Being the case we would like to clarify services that legal specialists would be expected to provide.
* Answer: Paragraph 7.4.2.3.1. of the Regulation on Candidate Selection of Restricted Procedure stipulates that at least two specialists should hold the academic higher or second level professional higher education in social sciences, law or an equivalent education obtained abroad. Please be advised that the acquired degree in law is not compulsory and may represent an alternative as for the needs of providing quality services set out in the subject of the restricted procedure the candidate shall have a good knowledge of the regulatory enactments in the telecommunication industry and shall be capable of substantiating the proposed solutions both from economic and legal point of view. No dedicated legal services are envisaged within the framework of the present restricted procedure.
* Paragraphs 7.4.2.1.1., 7.4.2.2.1. and 7.4.2.3.1. of the Regulation on Candidate Selection of Restricted Procedure stipulate that should the specialist’s education be acquired abroad, documents or explanations proving that the obtained education is equivalent to requirements set out in the Regulation shall be submitted. Having contacted the Academic Information Centre, we found out that the drafting of documents and explanations would require more time and would exceed the deadline set for the submission of applications. Could you please specify what, taking into account these circumstance, should be deemed a document or explanation proving that education is equivalent to requirements set out in the Regulation?
* Answer: By explanations referred to in Paragraphs 7.4.2.1.1., 7.4.2.2.1. and 7.4.2.3.1. of the Regulation on Candidate Selection of Restricted Procedure proving that the obtained education is equivalent to requirements set out in the Regulation one shall deem not only documents issued by official institutions but also explanations and information regarding the compliance of the particular education provided by the candidate. Being the case the explanation shall imply detailed information about the covered subjects and it should be supplemented with documents certifying acquired education. Please be advised that all documents shall be drawn up as per requirements set out in Paragraph 5.11. of the Regulation on Candidate Selection of Restricted Procedure.

On 8 June 2016 the interested supplier “…..” submitted its questions with regard to theRegulation on Candidate Selection of Restricted Procedure for the Development of State Strategy for Operations with the Shares of the Limited Liability Company “Lattelecom” and the Limited Liability Company “Latvijas Mobilais Telefons” (PA/2016/42).

* Does the term “*telecommunication companies*” within the framework of the restricted procedure refer to companies whose area of operation is solely the provision of mobile and fixed telecommunication services or does it include companies that provide more extensive range of telecommunication services, e.g. IT and technology services, data transmission infrastructure services, optical and cable internet provision, TV broadcasting etc.?
* Answer: The term “*telecommunication companies*” used in the Regulation on Candidate Selection of Restricted Procedure shall be interpreted more broadly and shall involve also those companies providing more extensive range of telecommunication services, e.g. data transmission infrastructure services, provision of optical and cable internet, TV broadcasting etc.