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# Comparison of Latvian and EU public procurement

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# LEGAL FRAMEWORK



- Directive 2014/24/EU



Public Procurement Law



- Directive 2014/25/EU

Law On The Procurement For Public  
Service Providers

- Cabinet regulations
  - ✓ procedures
  - ✓ green public procurement
  - ✓ procurement of vehicles

- EU Financial Regulation -  
Regulation 2018/1046, Title  
VII & Annex I
- Directive 2014/24/EU
- Regulation 1049/2001 –  
Access to documents
- Regulation 2018/1725 –  
Protection of personal data

# THRESHOLDS



- Simplified procedure
  - ✓ supplies and services  $\geq 10\,000$  EUR
  - ✓ works  $\geq 20\,000$  EUR)
- National procedures
  - ✓ supplies and services  $\geq 42\,000$  EUR
  - ✓ works  $\geq 170\,000$  EUR
- Payment against invoice ( $< 1000$  EUR)
- NP1 - Very Low Value Procedure  
(1 000,01 – 15 000,00 EUR)
- NP3 - Low Value Procedure  
(15 000,01 – 60 000,00 EUR)
- NP5 - Middle Value Procedure  
(60 000,01 – 143 999,99 EUR)



- Directive threshold for open procedure
  - $\geq$  EUR 144 000 (supplies and services)
  - $\geq$  EUR 5 548 000 (works)



# PUBLICITY (LV)

- **Contracts from EUR 10 000** (works from EUR 20 000)  
*Procurement Monitoring Bureau (PMB) website [www.iub.gov.lv](http://www.iub.gov.lv)*
- **Contracts from EUR 144 000** (works from EUR 5 548 000)  
*Procurement Monitoring Bureau (PMB) website [www.iub.gov.lv](http://www.iub.gov.lv)*  
*Tenders Electronic Daily (TED) [www.ted.europa.eu](http://www.ted.europa.eu)*
- **Buyer profile** – [www.eis.gov.lv](http://www.eis.gov.lv)  
Procurement plans, procurement procedure documents, report of the procedure, contract, amendments to the contract
- **Private portals** [www.iepirkumi.lv](http://www.iepirkumi.lv), [www.iub.lv](http://www.iub.lv), [www.mercell.lv](http://www.mercell.lv)

# PUBLICITY (EU)

- BEREC website ([www.berec.europa.eu](http://www.berec.europa.eu))
- ✓ **Single programming document and annual procurement plan**
- ✓ **Ex-ante advertisement and ex-post publication of contracts awarded (from EUR 15 000 and below EUR 144 000)**
- S series of the Official Journal of the European Union, can be consulted online via its electronic supplement Tenders Electronic Daily ([www.ted.europa.eu](http://www.ted.europa.eu))
- ✓ **Contract notices and contract award notices (from EUR 144 000)**
- <https://etendering.ted.europa.eu>
- ✓ **Procurement documents (above EUR 15 000)**

# USAGE OF LANGUAGES

- In general, Latvian language is used in procurement organized by Latvian institutions
- Multilingualism of the EU institutions, bodies, offices and agencies
- ✓ Article 20(2) of the Treaty on the Functioning of the EU *‘Citizens of the Union shall enjoy the rights and be subject to the duties provided for in the Treaties. They shall have, inter alia: (...) (d) the right to petition the European Parliament, to apply to the European Ombudsman, and to address the institutions and advisory bodies of the Union in any of the Treaty languages and to obtain a reply in the same language.’*
- ✓ Article 27 of EU Staff Regulations *‘Recruitment shall be directed to securing for the institution the services of officials of the highest standard of ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nationals of Member States of the Union.’*

# USAGE OF LANGUAGES



- Working language of BEREC Office – English
- Procurement documents are published in English
- Upon request, translation into other EU language is provided
- Offers can be submitted in any of the 24 EU official languages



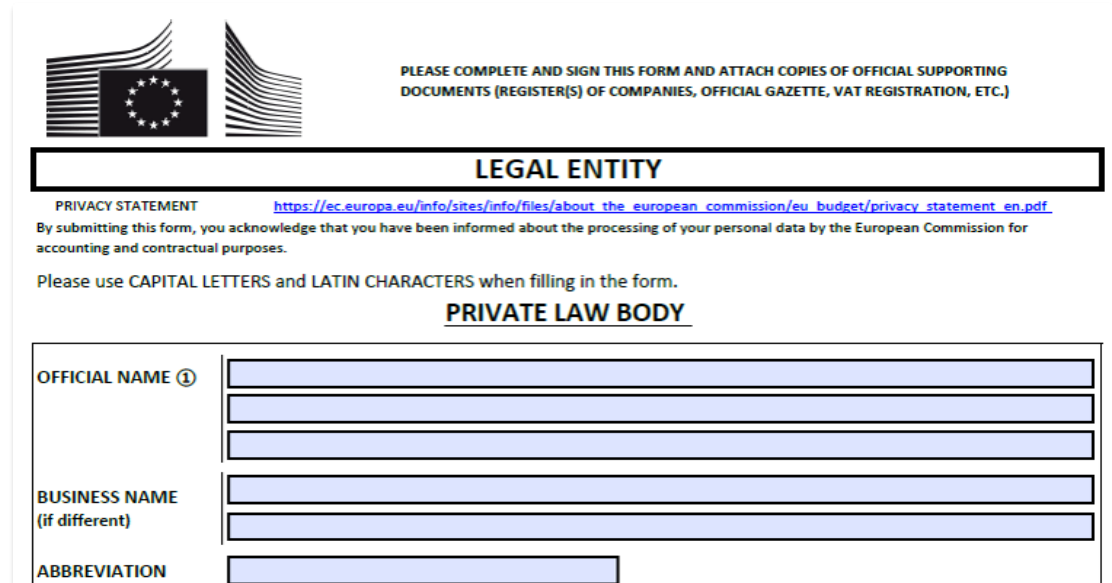




# ASSESSMENT OF TENDERS



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- Identification documents
  - ✓ Cover letter
  - ✓ LEF
  - ✓ BAF



PLEASE COMPLETE AND SIGN THIS FORM AND ATTACH COPIES OF OFFICIAL SUPPORTING DOCUMENTS (REGISTER(S) OF COMPANIES, OFFICIAL GAZETTE, VAT REGISTRATION, ETC.)

**LEGAL ENTITY**

PRIVACY STATEMENT [https://ec.europa.eu/info/sites/info/files/about\\_the\\_european\\_commission/eu\\_budget/privacy\\_statement\\_en.pdf](https://ec.europa.eu/info/sites/info/files/about_the_european_commission/eu_budget/privacy_statement_en.pdf)  
By submitting this form, you acknowledge that you have been informed about the processing of your personal data by the European Commission for accounting and contractual purposes.

Please use CAPITAL LETTERS and LATIN CHARACTERS when filling in the form.

**PRIVATE LAW BODY**

OFFICIAL NAME ①	<input type="text"/> <input type="text"/> <input type="text"/>
BUSINESS NAME (if different)	<input type="text"/> <input type="text"/>
ABBREVIATION	<input type="text"/>

# ASSESSMENT OF TENDERS

## Access to the market

### Latvian institutions

- All countries
- The same conditions as for EU economic operators
  - ✓ Agreement on Government Procurement of the World Trade organisation
  - ✓ International agreements binding on EU

### BEREC Office

- EEA (28 EU countries and Lichtenstein, Norway, Iceland)
- + 6 Stabilisation and Association Agreement countries (North Macedonia, Albania, Montenegro, Serbia, Bosnia and Herzegovina, Kosovo)

# ASSESSMENT OF TENDERS (LV)

## EXCLUSION CRITERIA

- **When?**
- **Breach of obligations at the submission deadline**
  - Mandatory grounds
  - Discretionary grounds
  - Principle of proportionality
  - Tax debts < EUR 150
  - E-certificate system
  - Proofs for ensuring reliability

# ASSESSMENT OF TENDERS (EU)

## EXCLUSION CRITERIA

- Declaration of honour
- Bankruptcy, non-payment of taxes and social contribution payments, fraud, corruption, money laundering or terrorist financing, etc.
- Tax and social contributions payments must be fully paid
- OTP - Evidence to be provided **only** by winning tenderer after the evaluation of tenders and the contract award
- NP3/NP5 – Evidence requested only to winning tenderer **in case of doubts**

Iekšlietu Ministrijas Informācijas centrs	IZZIŅA par (ne)sodāmību no Sodu reģistra
Uzņēmumu reģistrs	IZZIŅA standartizēta izziņa no visiem Uzņēmumu reģistra reģistriem
Valsts ieņēmumu dienests	IZZIŅA par nodokļu nomaksas statusu

# CONFLICT OF INTEREST

- A person preparing the procurement procedure documents, members of the procurement commission and experts
  - may not represent the interests of a candidate or tenderer
  - may not be connected to the candidate or tenderer
- Advantages for candidate or tenderer from involvement in preparing procedure documents
- Regulation 2018/1046, Article 61(3)  
*‘A conflict of interests exists where the impartial and objective exercise of the functions of a financial actor or other person (...) is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other direct or indirect personal interest.’*

# ASSESSMENT OF TENDERS

## SELECTION CRITERIA



- Legal and regulatory capacity – e.g specific licence
- Economic and financial capacity – e.g. turnover
- Technical and professional capacity – e.g. list of past contracts, knowledge of English
- European Single Procurement Document (ESDP) / Declaration on honour on exclusion and selection criteria
- Evidence to be provided **only** by winning tenderer after the evaluation of tenders and contract award

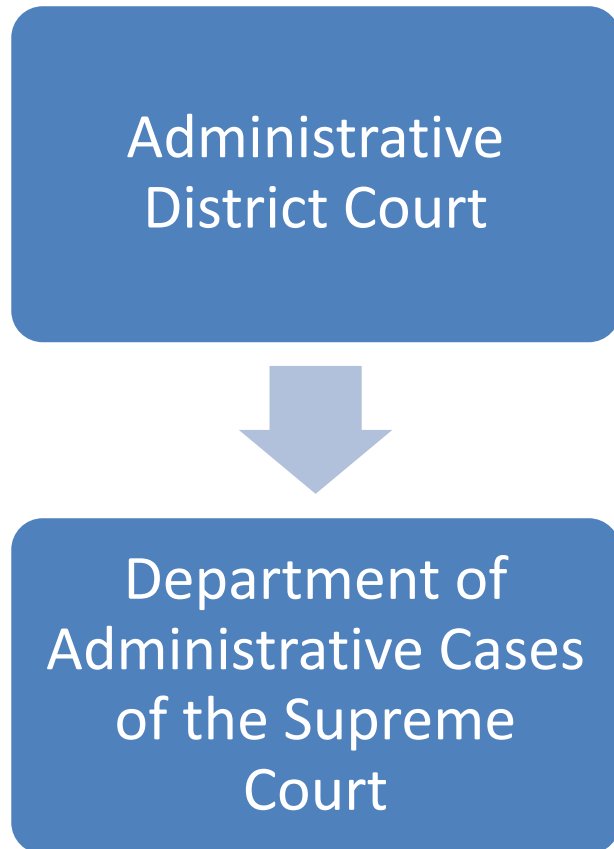
# EVALUATION OF TENDERS

- Minimum requirements
- Award criteria
  - ✓ Lowest price
  - ✓ Lowest cost
  - ✓ Best price-quality ratio
- 40 % for price – 60 % for quality
- 50 % for price – 50 % for quality

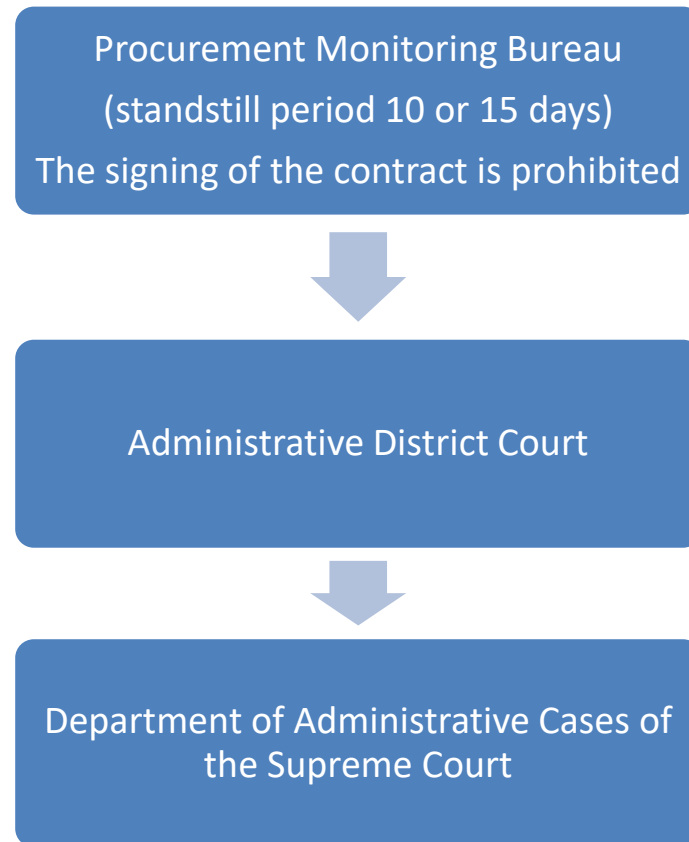


# SETTLEMENT OF DISPUTES (LV)

## Simplified procedure



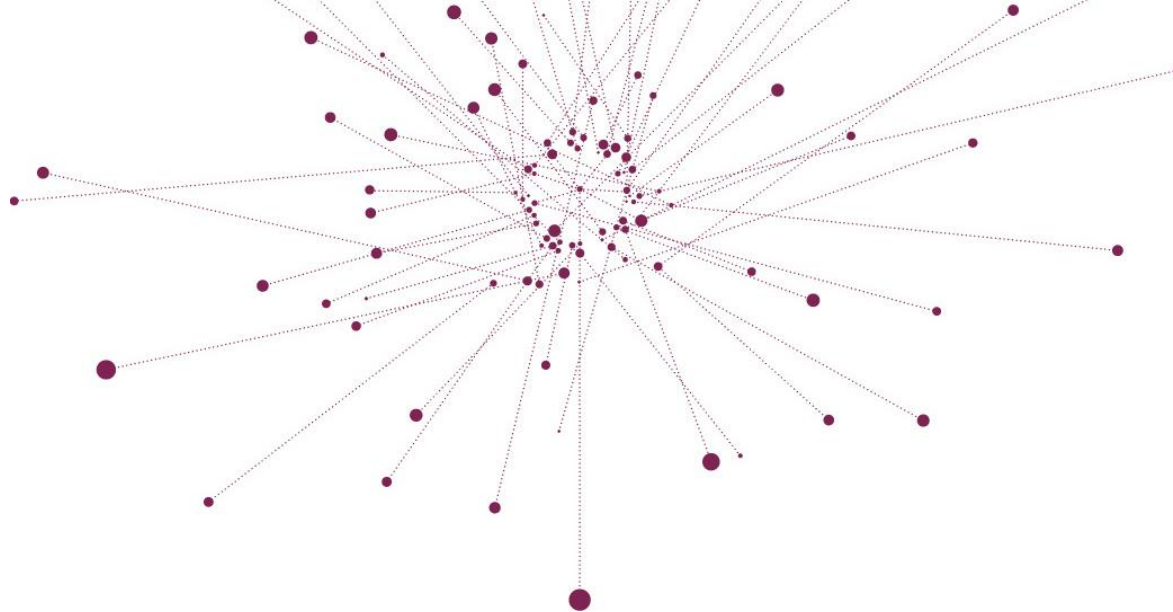
## Procurement procedure





# SETTLEMENT OF DISPUTES (EU)

- BEREC Office (any observations during a procurement procedure and within 10 – 15 days from being informed about the outcome of the procedure)
- General Court of the European Union in Luxemburg (2 months as of award decision notification)
- ✓ Within standstill period as interim measure suspension of the contract is possible
  - existence of a sufficiently serious and manifest illegality
  - serious harm to an economic operator
- Court of Justice of the European Union (appeals)
- European Ombudsman (for maladministration within 2 years)
- Contract management (Courts of Riga)



Paldies! Thank you!



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