Text consolidated by Valsts valodas centrs (State Language Centre) with amending regulations of:

21 January 2021 [shall come into force on 26 January 2021];

13 May 2021 [shall come into force on 18 May 2021].

If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

**Decision No. 1/8 of the Board of the Public Utilities Commission**

Adopted 8 May 2019

**Regulations Regarding the Determination of a Provider of the Universal Postal Service under Competition Procedures**

*Issued pursuant to*

*Section 27.2, Paragraphs one and two of the Postal Law and Section 25, Paragraph one of the law On Regulators of Public Utilities*

**I. General Provision**

1. The regulations regarding the determination of a provider of the universal postal service (hereinafter – the service) under competition procedures (hereinafter – the regulations) prescribe the procedures by which the Public Utilities Commission (hereinafter – the Regulator) shall organise a competition for the determination of the service provider and approve the service tariffs.

**II. Announcement and Organisation of the Competition**

2. The Board of the Regulator shall announce a competition for the determination of the service provider by a separate decision (hereinafter – the announcement decision).

3. The Regulator shall indicate the following information in the announcement decision:

3.1. the subject-matter of the competition;

3.2. the quality requirements for the service;

3.3. the conditions for the provision of the service;

3.4. the date and time for the submission of the registration submission and the accompanying documents (hereinafter – the tender);

3.5. the procedures and deadline for submitting a valid electronic key (password) to open an encrypted document;

3.6. the place, date, and time for the opening of the documents submitted by an applicant for the competition (hereinafter – the applicant).

4. The Board of the Regulator shall, by a separate decision, approve the secretary of the competition commission and the composition of the competition commission, including the chairperson of the competition commission. The competition commission shall consist of at least three members one of whom is the chairperson of the competition commission. The competition commission shall organise the competition and ensure the course thereof.

5. The chairperson of the competition commission shall chair a meeting of the competition commission. The competition commission shall evaluate the documents submitted by the applicant and the conformity of the applicant with the criteria specified in Paragraph 9 of these regulations, take the decision on the participation of the applicant in the competition by approving him or her as a participant of the competition procedure, examine the submitted documents, and exclude a participant of the competition procedure from the participation in the competition in accordance with Paragraphs 30, 42, and 49 of these regulations. The competition commission shall take a decision if the majority of members of the competition commission vote in favour of it.

6. The secretary of the competition commission shall maintain records of the competition, take minutes of the meeting of the competition commission, including the course of the competition.

7. The Board of the Regulator may decide to terminate the competition if the legal circumstances for determining obligations of the service have changed.

**III. Applicant and Participant of the Competition Procedure**

8. A postal operator shall be considered an applicant from the moment of submitting the tender in accordance with the procedures laid down in Paragraphs 10 and 11 of these regulations and in the announcement decision.

9. A participant of the competition procedure is an applicant approved by the competition commission for participation in the competition in accordance with Paragraph 37 of these regulations and conforming with the following criteria:

9.1. it is an operator registered in the Republic of Latvia or another country of the European Economic Area;

9.2. it is registered as a postal operator with the Register of Postal Operators of the Republic of Latvia or in another country of the European Economic Area (hereinafter – the operator registered abroad);

9.3. on the day of entering into effect of the announcement decision, it has experience of at least five completed calendar years in the provision of postal services within the territory of the Republic of Latvia or in any of the European Economic Area countries, and also experience of at least five completed calendar years in the provision of cross-border postal services;

9.4. in the previous five completed reporting years, its net turnover in the provision of postal services within the territory of the Republic of Latvia or in any of the European Economic Area countries has been at least EUR 1 000 000 in each reporting year;

9.5. it has submitted the documents specified in Paragraphs 10, 11, and 12 of these regulations in accordance with the requirements of these regulations;

9.6. it has no tax debts, including debts of mandatory State social insurance contributions, exceeding EUR 150 in total, according to the information provided in the Public Database of Tax Debtors of the State Revenue Service on the last date of data update (for an operator registered in a European Union Member State – a statement that it has no tax debt in the relevant foreign country exceeding EUR 150 in total or an equivalent to this amount in any other currency);

9.7. it is not being liquidated, insolvency proceedings have not been declared, or legal protection proceedings have not been initiated;

9.8. no restrictions on participation in the competition specified in laws and regulations have been established.

[*21 January 2021*]

**IV. Tender**

10. The applicant shall submit to the competition commission a completed registration submission (Annex 1) signed with a secure electronic signature, accompanied by the documents specified in Paragraph 11 and, for an operator registered abroad, also the documents specified in Paragraph 12 of these regulations. The registration submission form shall be available electronically on the website of the Regulator https://www.sprk.gov.lv.

11. The tender shall consist of the registration submission and the following documents:

11.1. a completed declaration of conformity (Annex 2) signed with a secure electronic signature; the form of the declaration of conformity shall be available electronically on the website of the Regulator https://www.sprk.gov.lv;

11.2. documents attesting representation of the representative (Annex 3); the form of the power of attorney shall be available electronically on the website of the Regulator https://www.sprk.gov.lv;

11.3. for an operator registered abroad – a statement from the Commercial Register regarding the date of registration in the Commercial Register, the right of representation, and the fact that the operator is not being liquidated, insolvency proceedings have not been declared, or legal protection proceedings have not been initiated against this operator;

11.4. for an operator registered abroad – a registration certificate;

11.5. for an operator registered abroad – a registration certificate of the postal operator or another document attesting the right of this operator to operate as a postal operator abroad;

11.6. for an operator registered abroad – a statement that the operator registered abroad has no tax debt in the relevant country exceeding EUR 150 in total or an equivalent to this amount in any other currency;

11.7. an attestation of ensuring the quality requirements (Annex 4) and a description containing detailed information on how the quality requirements for the service laid down in the announcement decision will be ensured – the location, number, and availability of the places for the provision of the postal service and letter boxes (for example, the premises will be leased or purchased, etc.), delivery (for example, transport, logistics), a description of information and supporting documents (for example, a letter of intent) regarding the organisation of cooperation if it is expected to involve intermediaries, including to provide information on how it is planned to ensure registration of the collected payments for services to ensure compliance with the requirements laid down in the legal acts in the field of the registration of taxes and other payments, provide a description of information on how it is planned to ensure commencement of the exchange of postal items with postal operators designated by other countries, and other information substantiating the ensuring of the conformity with the quality requirements for the service; the attestation form shall be available electronically on the website of the Regulator https://www.sprk.gov.lv;

11.8. an attestation of the net turnover in the provision of postal service over the previous five completed reporting years, indicating the net turnover of each reporting year separately;

11.9. a description of operational experience over the previous five completed calendar years, indicating the following information:

11.9.1. the volume broken down by categories of the content of postal items (letter correspondence, postal parcels, press publication items);

11.9.2. the types of postal items (ordinary, registered, insured);

11.9.3. the destination of postal items (domestic and cross-border);

11.9.4. the number of employees;

11.9.5. the number of the places for the provision of the postal service;

11.9.6. the cooperation experience with postal operators both in the European Economic Area countries and countries outside the European Economic Area (specifying the European Economic Area countries and countries outside the European Economic Area with which there is international cooperation);

11.9.7. the developed procedures for measuring the quality of postal services (both for domestic and cross-border postal items) (or describe the planned procedures if they have not yet been established);

11.9.8. a description of the procedures for the examination of complaints, etc.;

11.10. the draft service tariffs prepared in accordance with the methodology for the calculation of tariffs stipulated by the Regulator and other laws and regulations.

[*21 January 2021*]

12. The operator registered abroad shall submit the statements specified in Paragraphs 11.3–11.6 of these regulations which contain the current information, i. e. they shall not be older than two weeks counting from the last day for the submission of the tender specified in the announcement decision.

13. The applicant shall calculate the planned service tariffs for the following services:

13.1. items of domestic correspondence (including registered and insured) the weight of which does not exceed 2 kilograms – the volume specified in the announcement decision;

13.2. outgoing cross-border correspondence items (including registered and insured) the weight of which does not exceed 2 kilograms – the volume specified in the announcement decision;

13.3. domestic postal parcel items (including insured) the weight of which does not exceed 10 kilograms – the volume specified in the announcement decision;

13.4. outgoing cross-border postal parcel items (including insured) the weight of which does not exceed 10 kilograms – the volume specified in the announcement decision;

13.5. subscribed press publications – the volume specified in the announcement decision.

[*21 January 2021; 13 May 2021*]

14. The applicant shall indicate the service tariffs in euros, rounded to the second decimal places, excluding value-added tax.

15. The applicant shall submit one tender for the subject-matter of the competition. If the applicant submits more than one tender, the competition commission shall only evaluate the first tender submitted.

16. The tender shall be prepared electronically and submitted in an encrypted form. The applicant shall be responsible for ensuring that the tender can be opened and read. The tender shall be sent to the Regulator to the electronic mail address konkurss@sprk.gov.lv, specifying the following:

16.1. the name, legal address, electronic mail address, telephone number of the applicant;

16.2. the name of the competition“ For the Determination of the Provider of the Universal Postal Service under Competition Procedures”;

16.3. a note that the tender is not to be opened until the date and time specified in the announcement decision, indicating a specific date and time.

**V. Principles for the Submission of Documents**

17. The applicant or participant of the competition procedure shall submit documents to the competition commission electronically in accordance with the Electronic Documents Law and the Law on Legal Force of Documents. The applicant or participant of the competition procedure shall submit valid documents containing current information, latest changes, amendments, and supplementations.

18. The applicant or participant of the competition procedure shall immediately notify the competition commission in a letter signed with a secure electronic signature of any changes in the documents specified in Paragraphs 11.1–11.6 of these regulations, and also immediately notify if it is discovered that the information provided therein is incomplete or inaccurate.

[*21 January 2021*]

19. The applicant or participant of the competition procedure shall submit documents in the official language. If documents are in a foreign language, the applicant or participant of the competition shall attach a translation thereof in the official language which has been certified in accordance with the procedures laid down in laws and regulations.

20. The applicant or participant of the competition procedure shall accordingly legalise documents issued abroad in accordance with the procedures laid down in laws and regulations.

21. The applicant or participant of the competition procedure shall provide the competition commission with correct, complete, and accurate information and shall be responsible for the veracity of the information provided.

22. The Regulator shall not issue the tender submitted by the applicant or participant of the competition procedure, unless provided for by laws and regulations.

**VI. Contacting the Competition Commission**

23. In order to clarify a question related to the course of the competition, any person shall submit his or her question to the competition commission in writing in the official language within the deadline so that the competition commission would receive it not later than five working days before the last day for submitting the tender specified in the announcement decision.

24. Any person shall submit his or her question to the competition commission in person, sending it by post to the address of the Regulator or to electronic mail address sprk@sprk.gov.lv. When submitting a question to the competition commission, the person shall indicate the name of the competition – “Determination of the Provider of the Universal Postal Service under Competition Procedures”, and also the given name and surname of the person (for a legal person – the name and unified registration number) submitting this question, and the contact information of this person (address, electronic mail address, telephone number).

25. The competition commission shall send the question received and the reply to the received question back to the submitter.

26. The competition commission shall publish the question submitted and its reply thereto on the website of the Regulator https://www.sprk.gov.lv. When publishing the question submitted, the competition commission shall not indicate the person who has submitted the relevant question and the recipient of the specific reply.

**VII. Restricted Access Information**

27. The competition commission shall only use the tender submitted by the applicant or participant of the competition procedure for activities related to the competition. The competition commission shall be responsible for the protection of the information submitted by the applicant or participant of the competition procedure.

28. Information on the competition and the course thereof shall be open, except for the following information to which the Regulator has granted the status of restricted access information:

28.1. the number of submitted tenders submitted – until the moment of opening thereof;

28.2. the applicant – until the tender is opened;

28.3. the content of the tender – until the result of the competition is approved or it is recognised that the competition has ended without a result;

28.4. the content of the tender – information in respect of which the applicant or participant of the competition procedure has determined the need to maintain the status of restricted access information until the deadline set by the applicant or participant of the competition procedure;

28.5. the evaluation process of the tenders – until results of the competition are announced.

29. Any activity of the applicant or participant of the competition procedure aimed at directly or indirectly obtaining information that is not public, without the consent of other applicants or participants of the competition procedure, and specifically refers to the tenders of other applicants or participants of the competition procedure shall be considered an infringement of the restrictions on the disclosure of information.

30. If the applicant or participant of the competition procedure infringes the restriction on the disclosure of information specified in Paragraph 29 of these regulations and this can significantly affect results of the competition, the competition commission is entitled to exclude the applicant or participant of the competition procedure from the competition.

31. When submitting the tender, the applicant shall agree that the competition commission will only use all information and documents submitted by the applicant for activities related to the competition.

32. In accordance with the Freedom of Information Law and the law On Regulators of Public Utilities, the applicant shall indicate in the tender the information for which it is necessary to maintain the status of restricted access information after the winner of the competition is determined, and also the justification for maintaining this status.

**VIII. Course of the Competition**

33. The competition shall take place if at least one tender has been submitted. The competition shall consist of the following stages: announcement of the competition, opening of the documents submitted by the applicant, verification of conformity of the applicant with these regulations and the announcement decision, approval of the applicant as a participant of the competition procedure, evaluation of tenders, and approval of results of the competition.

34. The opening of the tender shall take place at the location, date, and time specified in the announcement decision, with the participation of the competition commission, the secretary of the competition commission, and the technical personnel of the Regulator. The competition commission shall open the tender submitted by the applicant in a closed meeting. If case of any technical problems, the competition commission may determine a different location, date, and time for the opening of the tender.

35. The competition commission shall open the tenders in the order in which they have been received and ascertain that:

35.1. the tender has been submitted in accordance with Paragraph 16 of these regulations;

35.2. the applicant conforms to Paragraph 9 of these regulations;

35.3. complete and accurate information has been submitted as specified in Paragraph 10, Sub-paragraphs 11.1–11.9, and, for an operator registered abroad, also in Paragraph 12 of these regulations;

35.4. draft service tariffs have been submitted;

35.5. In accordance with the information from the State Revenue Service, the applicant has no tax debt, including debts of mandatory State social insurance contributions, exceeding EUR 150 in total, according to the information provided in the Public Database of Tax Debtors of the State Revenue Service on the last date of data update. For an operator registered abroad – whether a statement has been submitted confirming that the applicant has no tax debt in the relevant foreign country exceeding EUR 150 in total or an equivalent to this amount in any other currency.

[*21 January 2021*]

36. The competition commission shall consider the tender invalid and not to have been submitted for the competition in the following cases:

36.1. the tender has not been submitted in accordance with Paragraph 16 of these regulations;

36.2. the tender cannot be opened and read;

36.3. the tender has been received after the deadline specified in the announcement decision for the submission of the tender;

36.4. the tender has been received after the first tender of the relevant applicant.

37. The competition commission shall take the decision on the approval of each applicant as a participant of the competition procedure. The competition commission shall not approve the following applicant as a participant of the competition procedure for the participation in the competition:

37.1. it has failed to comply with or has violated these regulations (and this may affect the result of the competition);

37.2. it does not conform to Paragraph 9 of these regulations;

37.3. its tender does not conform to the subject-matter of the competition;

37.4. it is being liquidated, insolvency proceedings have been declared, or legal protection proceedings have been initiated against it;

37.5. it has a tax debt exceeding EUR 150 in total;

37.6. its tender does not conform to Paragraph 10, Sub-paragraphs 11.1–11.9, and Paragraph 12 of these regulations;

37.7. draft service tariffs have not been submitted.

[*21 January 2021*]

38. After opening the tender and performing the activities specified in Paragraphs 35–37 of these regulations, the chairperson of the competition commission shall inform the competition commission of further operation of the competition commission and close the meeting of the competition commission.

39. The competition commission shall, within three working days after opening the tender and performing the activities specified in Paragraphs 35–37 of these regulations, inform:

39.1. the participant of the competition procedure of their approval as a participant of the competition procedure;

39.2. the applicant who has not been approved as a participant of the competition procedure of non-approval thereof;

39.3. the applicant of the decision taken by the competition commission in accordance with Paragraph 36 of these regulations.

39.1 If the competition commission requires any additional information after opening the tender and performing the activities specified in Paragraphs 35 and 37 of these regulations, it shall, within three working days after opening of the tenders, prepare an information request in accordance with Paragraph 40 of these regulations. After receipt of additional information, the competition commission shall, within five working days, inform:

39.11. the participant of the competition procedure of its approval as a participant of the competition procedure;

39.12. the applicant who has not been approved as a participant of the competition procedure of non-approval thereof.

[*21 January 2021*]

40. The competition commission is entitled to verify the information provided by the applicant or participant of the competition procedure. The competition commission is entitled to request at any moment the applicant or participant of the competition procedure to provide in writing any additional information on the conformity to these regulations or announcement decision. The applicant or participant of the competition procedure shall provide the competition commission with additional information in writing not later than within two working days from the day of receipt of the request of the competition commission. The competition commission shall send the request electronically.

41. The competition commission is entitled to request the participant of the competition procedure to provide information of the cost and service tariff formation mechanisms for the tender.

42. If the competition commission establishes that the applicant or participant of the competition procedure has submitted incomplete or inaccurate information, or the submitted information has changed but the applicant or participant of the competition procedure has failed to inform the competition commission thereof, or if the participant of the competition procedure refuses to provide the additional information requested by the competition commission in accordance with the procedures laid down in Paragraphs 40 and 41 of these regulations, or if the additional information submitted in accordance with the procedures laid down in Paragraphs 40 and 41 of these regulations is still inaccurate and incomplete, but the intended information is necessary to determine the winner of the competition, the competition commission is entitled to exclude the applicant or participant of the competition procedure from participation in the competition. The competition commission shall inform the applicant or participant of the competition procedure thereof in writing.

[*21 January 2021*]

**IX. Evaluation of Tenders**

43. The competition commission shall, within 90 days from the day of opening the tender, evaluate the tender submitted by the participant of the competition procedure, including the draft service tariffs, compile the result of the competition, and submit it to the Board of the Regulator. The deadline for submitting the additional information or documents requested by the competition commission shall not be included in the period specified in this Paragraph for evaluating the tenders submitted by the participants of the competition procedure.

[*21 January 2021*]

44. The competition commission shall evaluate the information included in the tender of the participant of the competition procedure. Each member of the competition commission shall prepare his or her evaluation of the tender submitted by each participant of the competition procedure according to the evaluation criteria (Annex 5).

45. The competition commission shall evaluate the planned costs for the provision of the service, the planned costs for the delivery of subscribed press publications and related services, comparing the tenders of all participants of the competition procedure, taking into account the conformity thereof with the objective of the competition, and awarding points according to the evaluation criteria (Annex 5).

[*13 May 2021*]

46. When evaluating the planned costs for the provision of the service, except for the costs for the delivery of subscribed press publications and related services, a member of the competition commission shall award the maximum number of points, i. e. 65 points, to the participant of the competition procedure who has the lowest costs for the provision of the service. For the participant of the competition procedure who does not receive the maximum number of points, the member of the competition commission shall calculate the number of points for the planned service costs, except for the costs for the delivery of subscribed press publications and related services, using the following formula:

[*13 May 2021*]

|  |  |  |
| --- | --- | --- |
| P = | *Imin* | \* 65, |
| *Ikom* |

where

P – number of points;

*Imin* – the lowest costs for the provision of the service in a calendar year among the participants of the competition procedure;

*Ikom* – the costs for the provision of the service of the evaluated participant of the competition procedure in a calendar year.

47. The member of the competition commission shall award the maximum number of points, i.e. 35 points, for the planned costs for the delivery of subscribed press publications and related services to the participant who has the lowest planned costs for the delivery of subscribed press publications and related services. For the participant of the competition procedure who does not receive the maximum number of points for the planned costs for the delivery of subscribed press publications and related services, the member of the competition commission shall calculate the number of points using the following formula:

[*13 May 2021*]

|  |  |  |
| --- | --- | --- |
| Pp = | *Ipmin* | \* 35, |
| *Ipkom* |

where

Pp – number of points;

*Ipmin* – the lowest planned costs for the delivery of subscribed press publications and related services in a calendar year among the participants of the competition procedure;

*Ipkom* – the planned costs for the delivery of subscribed press publications and related services of the evaluated participant of the competition procedure in a calendar year.

[*21 January 2021; 13 May 2021*]

48. When evaluating the tender, the competition commission shall also evaluate the draft service tariffs submitted by the participant of the competition procedure, ascertain that the service tariffs have been set according to costs, the justification for the costs forming the service tariffs is sufficient, and the costs are economically justified and conform to the requirements laid down in the announcement decision and laws and regulations.

49. The competition commission shall exclude the participant of the competition procedure from the participation in the competition if at least one of the following conditions is present:

49.1. during evaluation of the draft tariffs, the competition commission establishes that the tariffs of the participant of the competition procedure have not been calculated in accordance with the methodology for the calculation of tariffs set by the Regulator, or the costs are not economically justified, and also do not conform to the requirements laid down in laws and regulations;

49.2. the participant of the competition procedure has submitted a tender of abnormally low cost, and the explanations provided do not justify the level of low costs proposed by the participant of the competition procedure;

49.3. the participant of the competition procedure specifies the information provided in the tender during the evaluation process of the competition tenders, except when correcting obvious typographical or mathematical calculation errors, and also other errors and deficiencies, and these corrections do not change the evaluation points received in the competition;

49.4. if the participant of the competition procedure has failed to submit to the competition commission the additional information requested in accordance with the procedures laid down in Paragraphs 40 and 41 of these regulations, or this information provided additionally is inaccurate and incomplete.

[*21 January 2021*]

50. Each member of the competition commission shall independently evaluate the tender, calculating the number of points to be awarded according to the evaluation criteria (Annex 5). The competition commission shall calculate the average evaluation given by the members of the competition commission for each tender separately (the number of points for each participant of the competition procedure) as follows: sum up the evaluations of each tender given by members of the Commission and divide it by the number of member of the Commission participating in the evaluation (indicating the result to two decimal places).

51. The competition shall be won by the participant of the competition procedure who has obtained the highest average evaluation given by the members of the competition commission for the tender.

52. If two or more participants of the competition procedure have obtained the same average evaluation given by the members of the competition commission, the winner shall be the one with higher net turnover in the provision of postal service over the previous five completed reporting years.

**X. Approval and Notification of the Result**

53. The Board of the Regulator shall approve the result of the competition and decide on determination of the winner of the competition.

54. After approving the result of the competition, the Regulator shall, within five working days, inform in writing the winner of the competition and the participant of the competition procedure, also the excluded participant of the competition procedure of the result of the competition.

55. The Board of the Regulator shall take the decision to close the competition without the result in the following cases:

55.1. if no applicant applies for the competition;

55.2. if none of the applicants become participants of the competition procedure;

55.3. if the competition commission has excluded the participant of the competition procedure in accordance with Paragraphs 30, 42, and 49 of the regulations and there are no other participants in the competition;

55.4. if the participant of the competition procedure withdraws its tender and there are no other participants.

[*21 January 2021*]

56. If the Regulator establishes that the winner of the competition has failed to comply with or has violated these regulations and it has affected result of the competition, the Board of the Regulator may decide to cancel the result of the competition and recognise that the competition has ended without result.

**XI. Imposing of Service Obligations and Procedures for Approving Tariffs**

57. If the winner of the competition is an operator registered abroad, it shall, within 10 working days counting from the day when the Board of the Regulator has determined the winner of the competition, in accordance with the procedures laid down in laws and regulations:

57.1. register with the Commercial Register of the Republic of Latvia as an operator (if it has not been previously registered as an operator in the Republic of Latvia);

57.2. send a registration notification to the Regulator in accordance with the Postal Law (if it has not been previously registered with the Register of Postal Operators).

58. In accordance with the procedures laid down in the Postal Law, the Regulator shall take the decision to impose service obligations on the winner of the competition.

59. The Regulator shall, concurrently with imposing service obligations, approve the tariffs calculated by the winner of the competition which were submitted as the tender for the competition, except in the case specified in Section 27.2, Paragraph 4.3 of the Postal Law. When approving the tariffs set by the winner of the competition, the Regulator shall take into account the rate of return on capital thereof which is in effect at the moment of submitting the tender for the competition.

[*13 May 2021*]

60. If the winner of the competition fails to comply with these regulations and decisions of the Regulator, the Regulator may decide to revoke the decisions specified for the winner of the competition and announce a new competition.

61. The participant of the competition procedure who becomes the winner of the competition has the right to ensure availability of this service through an intermediary, while maintaining responsibility for the provision of the service. This intermediary shall provide services on behalf of the respective postal operator.

62. In the first year of the provision of the service, the winner of the competition shall, by 10 April, submit to the Regulator information on the fulfilment of service obligations during the first three months.

63. Starting from the second year of the provision of the service, the winner of the competition shall, by 1 February, submit to the Regulator information on the fulfilment of service obligations for the previous calendar year.

**XII. Closing Provision**

64. These regulations shall come into force on the day following their publication in the official gazette *Latvijas Vēstnesis*.

Chair of the Board of the Public Utilities Commission R. Irklis

**Annex 1**

Decision No. 1/8 of the Public Utilities Commission

8 May 2019

**Registration Submission**

*for the Participation in the Competition for the Determination of the Provider of the Universal Postal Service*

By signing this registration submission, I hereby confirm that all the information and data provided therein and in accompanying documents are true and substantiated.

|  |  |
| --- | --- |
| 1. Name of the applicant | |
|  | |
| 2. Legal address of the applicant |  |
|  | |
| 3. Registration date, unified registration number, and country of the applicant | |
|  | |
| 4. I agree to communication with the competition commission via this electronic mail address | |
|  | |
|  | |

|  |  |
| --- | --- |
| 5. Person entitled to represent the applicant: | |
| given name and surname |  |
| basis of representation |  |
| position |  |
| address |  |
| telephone number |  |
| e-mail |  |
|  | |

Date

|  |  |
| --- | --- |
| Representative entitled to represent the applicant |  |
|  | (signature and full name) |

Chair of the Board of the Public Utilities Commission R. Irklis

**Annex 2**

Decision No. 1/8 of the Public Utilities Commission

8 May 2019

**Declaration of Conformity**

*for the Participation in the Competition for the Determination of the Provider of the Universal Postal Service (hereinafter – the Competition)*

By signing this declaration, I hereby confirm that the information provided in this declaration is true.

|  |
| --- |
|  |
| (name of the applicant) |
|  |
| (registration number) |

(hereinafter – the applicant), represented by (hereinafter – the representative) The representative notifies: the applicant has become acquainted with, understands, and undertakes to duly and in a timely manner comply with the regulations and the announcement decision under which the competition takes places, and also the legal acts governing this competition.

I hereby notify and undertake to meet the following conditions:

(a) the applicant is entitled to participate in the competition and has everything that is necessary to ensure conformity with the quality requirements for the provision of the service;

(b) the applicant is not being liquidated, insolvency proceedings have not been declared, and legal protection proceedings have not been initiated against it, and also, as at the moment of submitting the declaration, the applicant has no tax debts, including debts of mandatory State social insurance contributions, exceeding EUR 150 in total, according to the information provided in the Public Database of Tax Debtors of the State Revenue Service on the last date of data update (for an operator registered abroad – the applicant has no tax debts in the relevant foreign country exceeding EUR 150 in total or an equivalent to this amount in any other currency);

(c) all information provided by the applicant in the registration submission or any other information provided to the competition commission is accurate and true, and any view expressed is true and fair; in case of any changes to the information provided or in case it is established that the information provided is incorrect or incomplete, the competition commission shall be notified of this fact immediately;

(d) the applicant will comply with the regulations under which the competition takes place and the announcement decision and will ensure that they are complied with;

(e) the applicant will not agree upon or otherwise affect or seek to affect the result of the competition by agreeing upon with another applicant or any other person who is directly or indirectly related to another applicant;

(f) the applicant will not seek to obtain or search for details about the information provided by other applicants in the tender and to the competition commission;

(g) the applicant has not agreed upon with another applicant, representatives thereof, or another person, and there is no agreement between them on affecting results of the competition or any attempt to affect them;

(h) the applicant will recognise and be fully responsible for activities of the representatives thereof in the competition;

(i) comply with all the existing laws and regulations of Latvia and international laws and regulations which may in any form refer to the provision of the service.

Date

|  |
| --- |
|  |
| Representative who is entitled to  represent the applicant | |  |
|  | | (signature and full name) |

Chair of the Board of the Public Utilities Commission R. Irklis

**Annex 3**

Decision No. 1/8 of the Public Utilities Commission

8 May 2019

**POWER OF ATTORNEY**

|  |  |  |
| --- | --- | --- |
|  |  |  |
|  | Place of issue, date of issue |  |
|  | No.\_\_\_ |  |

|  |  |
| --- | --- |
|  | , |
| (name of the applicant) |  |
|  | , |
| (registration number) |  |
|  |  |
| (legal address) |  |

|  |  |
| --- | --- |
| (hereinafter – the applicant) hereby authorises | |
|  | (hereinafter – the representative) |
| (given name, surname, personal identity number)1 |  |
| to represent the applicant in the competition for the determination of the provider of the universal postal service with the right to submit the tender, to sign documents, to represent interests of the applicant. The applicant shall be responsible for any activities performed by the representative in relation to the competition. | |

|  |  |  |
| --- | --- | --- |
| Person entitled to represent  the applicant and execute authorisation |  |  |
|  |  | (signature and full name) |

1data necessary for unmistakable identification of the representative

Chair of the Board of the Public Utilities Commission R. Irklis

**Annex 4**

Decision No. 1/8 of the Public Utilities Commission

8 May 2019

**ATTESTATION**

[*21 January 2021*]

of Ensuring the Quality Requirements

**Information on<**name of the applicant**> ensuring the quality requirements for the service:**

**1. Location and number of places for the provision of postal services**

**1.1. Rīga**

|  |  |  |  |
| --- | --- | --- | --- |
| **No.** | **Number of places for the provision of postal services in Rīga** | | **Working hours** |
| current | planned |  |
| 1. | 2. | 3. | 4. |
| 1. |  |  |  |

**1.2. State cities**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **No.** | **State city** | **Number of places for the provision of postal services** | | **Working hours** |
| current | planned |  |
| 1. | 2. | 3. | 4. | 5. |
| 1. | Daugavpils |  |  |  |
| 2. | Jēkabpils |  |  |  |
| 3. | Jelgava |  |  |  |
| 4. | Jūrmala |  |  |  |
| 5. | Liepāja |  |  |  |
| 6. | Rēzekne |  |  |  |
| 7. | Valmiera |  |  |  |
| 8. | Ventspils |  |  |  |
| 9. | Ogre |  |  |  |

**1.3. Municipalities**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **No.** | **Municipality** | **Territorial unit of municipality governments (rural territory or town)** | **Number of places for the provision of postal services** | | **Working hours** |
| current | planned |
| 1. | 2. | 3. | 4. | 5. | 6. |
| **1.** |  |  |  |  |  |

**2. Location and number of letter boxes**

**2.1. Rīga**

|  |  |  |  |
| --- | --- | --- | --- |
| **No.** | **Number of letter boxes in Rīga** | | **Time of emptying them** |
| current | planned |  |
| 1. | 2. | 3. | 4. |
| **1.** |  |  |  |

**2.2. State cities**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **No.** | **State city** | **Number of letter boxes** | | **Time of emptying them** |
| current | planned |
| 1. | 2. | 3. | 4. | 5. |
| 1. | Daugavpils |  |  |  |
| 2. | Jēkabpils |  |  |  |
| 3. | Jelgava |  |  |  |
| 4. | Jūrmala |  |  |  |
| 5. | Liepāja |  |  |  |
| 6. | Rēzekne |  |  |  |
| 7. | Valmiera |  |  |  |
| 8. | Ventspils |  |  |  |
| 9. | Ogre |  |  |  |

**2.3. Municipalities**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **No.** | **Municipality** | **Territorial unit of municipality governments (rural territory or town)** | **Number of letter boxes** | | **Time of emptying them** |
| current | planned |
| 1. | 2. | 3. | 4. | 5. | 6. |
| **1.** |  |  |  |  |  |
|  |  |  |  |  |  |

3. Description containing detailed information on how the quality requirements for the service laid down in the announcement decision will be ensured – the location, number, and availability of the places for the provision of the postal service and letter boxes (for example, the premises will be leased or purchased etc.), delivery (for example, transport and logistics), and other information substantiating the ensuring of the conformity with the quality requirements for the service.

|  |
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|  |
|  |
|  |

Date

|  |
| --- |
|  |
| Representative entitled to represent the applicant | | |  |
|  | | | (signature and full name) |

**Annex 5**

Decision No. 1/8 of the Public Utilities Commission

8 May 2019

**Evaluation Criteria**

[*21 January 2021; 13 May 2021*]

|  |  |  |
| --- | --- | --- |
| No. | Evaluation criterion and procedures for awarding points | Maximum number of points |
| 1. | 2. | 3. |
| 1. | Planned service costs, except for the costs for the delivery of subscribed press publications and related services. A member of the competition commission shall award the maximum number of points, i. e. 65 points, to the participant who has the lowest costs for the provision of the service. For the participant of the competition procedure who does not receive the maximum number of points, the member of the competition commission shall calculate the number of points for the planned service costs, except for the costs for the delivery of subscribed press publications and related services, using the following formula:   |  |  |  | | --- | --- | --- | | P = | *Imin* | \* 65, | | *Ikom* |   where  P – number of points;  *Imin* – the lowest costs for the provision of the service in a calendar year among the participants of the competition procedure;  *Ikom* – the costs for the provision of the service of the evaluated participant of the competition procedure in a calendar year. | 65 |
| 2. | The member of the competition commission shall award the maximum number of points, i.e. 35 points, for the planned costs for the delivery of subscribed press publications and related services to the participant who has the lowest planned costs for the delivery of subscribed press publications and related services. For the participant of the competition procedure who does not receive the maximum number of points for the planned costs for the delivery of subscribed press publications and related services, the member of the competition commission shall calculate the number of points, using the following formula:   |  |  |  | | --- | --- | --- | | Pp = | *Ipmin* | \* 35, | | *Ipkom* |   where  Pp – number of points;  *Ipmin* – the lowest planned costs for the delivery of subscribed press publications and related services in a calendar year among the participants of the competition procedure;  *Ipkom* – the planned costs for the delivery of subscribed press publications and related services of the evaluated participant of the competition procedure in a calendar year. | 35 |
|  | **Maximum number of points in total (1+2)** | **100** |