

Rīga

12.02.2020

Our Ref: 1.13p/LV-37

Answers to the questions provided by the Tenderer in the open competition „Detailed technical design review and design expertise services for Rail Baltica in Estonia”, Id No RBR 2019/14

RB Rail AS presents the following answers to the questions from the Tenderer:

| No | Questions | Answers |
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| 1. | Please confirm that [CONFIDENTIAL] has no conflict of interest, having developed [CONFIDENTIAL]. | <p>In accordance with Clause 12.2. The Tenderer must comply with the following requirement – the Tenderer, its sub-contractors and experts proposed for the provision of the Design Review and Design Expertise Services shall be completely independent from the Design Service provider in each Design Section (in accordance with requirements established in all applicable laws and regulations of the Republic of Estonia) and shall not be in conflict of interest’s situation. If the Tenderer fails to meet previously named requirement such Tenderer will be recognized as incompliant and excluded from further participation in Procurement.</p> <p>Considering the above-mentioned, in case the Tenderer, its sub-contractors and experts proposed for the provision of the Design Review and Design Expertise Services are completely independent and are not involved in provision of the <u>Design Services</u> in any of the Design Sections in Estonia (named in the Clause 3.3. of the Technical Specification), the Tenderer is allowed to participate in the respective procurement and in case of awarding with the contract signing rights - allowed to provide the Design Review and Design Expertise Services.</p> <p>From the information at Procurement commission’s disposal and from publicly available information, interested supplier currently is not involved in provision of the Design Services in any of the Design Sections in Estonia, thus, as far as Procurement commission is aware of, the fact that interested supplier has provided other services to the Contracting</p> |

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| | | <p>Authority (not Design Services in Estonia), is not considered as prohibiting for the interested supplier to participate in the respective procurement.</p> <p>Nevertheless, Procurement commission kindly explains that it is an obligation and responsibility of the interested supplier to follow up and to ensure the absence of the conflict of interest situation during the procurement process and during the contract fulfilment (in case of awarding with the contract signing rights).</p> <p>In addition, the Tenderer shall note conflict of interest requirements mentioned in the draft contract in order to avoid any conflict of interest during the contract's implementation stages.</p> |
| 2. | <p>Is allowed to provide design metro projects as similar experience or only rail projects are considered compliant neither for the financial request nor for the technical requirement?</p> | <p>Procurement commission hereby explains that <u>only railway</u> infrastructure design and/or railway infrastructure consulting services <u>will be considered as compliant</u> with requirements established in Clause 7.3.1. of the Procurement Regulations and <u>railway</u> design projects for requirements established in Clause 7.4.1. and 7.5.1. of the Procurement Regulations and metro projects will not be considered as compliant for none of the above-named requirements.</p> |

Document is approved by Procurement commission's decision made on 12 February 2020, Session minutes No 4, and is valid without signature.