

Answer to the question provided by the Tenderer in the open competition „Detailed technical design review and design expertise services for Rail Baltica in Lithuania”, Id No RBR 2019/15

RB Rail AS presents the following answer to the question from the Tenderer:

No	Question	Answer
1.	Taking into consideration that the subject matter of procurement RBR 2019/15 „Detailed technical design review and design expertise services for Rail Baltica in Lithuania”, could you please advise and clarify if there is any risk of conflict of interest if the tenderer would like to answer to the futur design tenders in Lithuania?	<p>In order to clarify the Tenderer’s described issue, and based on the level of detail indicated by the Tenderer, the Procurement Commission hereby kindly notes that specific conflict of interest requirements are set-forth in Clauses 4.5, 6.2 and 12.2 of the Regulations, and Annex 1 (item 6) of the Regulations, plus Clause 2.7, Section 16 and Annex 9 (item 15) of the draft contract. These contractual and Regulations requirements are reflecting general legally mandated requirements which are stipulated in applicable laws, and which are objectively and evidently required within this procurement in order to ensure the main principle – <u>ESP’s independence from designers which are designing respective Design section</u> in the Republic of Lithuania. To avoid any doubt, the Contracting Authority is not requiring any other criteria which goes above legally mandates requirements in the Republic of Lithuania.</p> <p>Please note, that based on the information received during this this questions and answers exercise Procurement Commission’s competency is limited to organising the procurement procedure. The Procurement Commission may not advise the Tenderer on all possible conflict of interests situations and is not in a position to precisely evaluate the Tenderer’s all current and future circumstances related to possible conflict of interests situation. The Tenderer shall carry out all necessary measures in order to comply with applicable laws.</p>

Document is approved by Procurement commission’s decision made on 9 March 2020, Session minutes No 11, and is valid without signature.