

Rīga

12.04.2021

Our Ref: 1.13p/LV-2021-147

***Answers to questions from the interested suppliers
in open competition "Assessment Body (AsBo)
services for Rail Baltica Global Project",
identification number RBR 2021/3***

RB Rail AS presents following answers to the questions received from the interested suppliers until 12 April 2021:

| Nr. | Questions | Answers |
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| 1. | Could you please confirm that although one of the members of the partnership has participated or is intended to participate in some contracts related to the Work Packages, as there are Chinese walls for each different team working on the projects, there is no any kind of conflict of interest to perform this contract. | Procurement commission explains, that AsBo must demonstrate their independence at least from the "design, risk assessment, risk management, manufacture, supply, installation, operation/use, servicing and maintenance" of the system under assessment. According to the ISO/IEC 17020:2012 standard, the assessment body must also be free of any pressure and incentive, in particular of a financial type, which could affect their judgement or the results of their assessments, in particular from persons or groups of persons affected by the independent assessments. Please consider whether the Tenderer (in case of partnership - each member of partnership) can ensure observation of the conditions mentioned above, and of other requirements as set in EN ISO/IEC 17020:2012, prior participation in the procurement. Necessary evidences of compliance shall be provided as part of Tenderer`s proposal and assessed by Procurement Commission. |
| 2. | According to 8.4.1, Tenderer (AsBo) shall be accredited as type "A" Assessment Body in accordance with EN ISO/IEC 17020:2012. In case of a partnership, please confirm that it would be enough if one of the members is accredited as type "A" as requested, while others are accredited as type "C" Assessment | Hereby Procurement Commission confirms that according to the Section 9.1. of the Regulations the Tenderer can rely on technical and professional capacity of other persons, therefore supplier can participate in the open competition "Assessment Body (AsBo) services for Rail Baltica Global Project" (Id No RBR 2021/3) |

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| | Body in accordance with EN ISO/IEC 17020:2012 | (hereinafter – open competition) if one of the partnership members is accredited as type “A” in accordance with EN ISO/IEC 17020:2012. |
| 3. | Could you please specify, whether the supplier, who is involved in Rail Baltica projects is considered to have a conflict of interest? Please confirm that the current Contractor of design or consultancy services for Rail Baltica projects is not limited to participate in this procurement. | Please note, that the Procurement Commission is not in a position to assess all potential suppliers and services provided under the Rail Baltica project for the conflicts of interest regarding AsBo services. We would like to encourage you to assess your individual situation as regards to required independence and impartiality, considering explanation given to the question No.1. Procurement Commission will evaluate tenderer’s proposals and form its judgement whether both independence and impartiality of assessment bodies services are guaranteed towards design or consultancy services assigned as part of Rail Baltica development. At the same time, Procurement Commission has doubts that current contractors of design for Rail Baltica project can ensure independence being in designer and AsBo status simultaneously. |
| 4. | We herein anticipate that, in case of participation, the team that will be presented by “X” for the AsBo activities is fully independent and not involved in any activities carried out under the contract assigned to “X”. This is in conformity with our document “Y”, where Impartiality is dealt with in Section 2.2. On the basis of the above, RB Rail is kindly requested to confirm to have no objections on the participation of “X” to the open competition RBR 2021/3. | Based on the information provided by “X”, Procurement Commission sees no obstacles for the specific supplier to participating in the open competition. In addition, please refer to the answer on question No.1 |

Sincerely,

Procurement commission chairperson

N.Vjatkina

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AND CONTAINS A TIME-STAMP