

Riga

Date of the document is the date of the time stamp of the last enclosed qualified electronic signature

Our Ref: 1.13p/LV-2022-421

Electronic Procurement System

**Answers to the questions from the interested suppliers
in competitive procedure with negotiations
"IT Architecture Development Strategy"
ID. No RBR 2022/24**

RB Rail AS presents the following answer to the question received on 8 December 2022 from the interested supplier:

No	Question	Answer
	<p>Following up on the question submitted at the last briefing explaining the bid submission, in order to be able to fully consider whether to participate in this tender, we need your clarification to the following specific question:</p> <p>Should a company decide to participate as a nominated subcontractor in the tender for IT Strategy, will the same company have the right to participate in future tenders always as subcontractor in the IT sector and in particular for the next CCS tender?</p>	<p>Procurement commission clarifies that the potential conflict of interest situations is assessed on a case-by-case basis in each procurement procedure separately. At this stage Procurement commission is not able to completely determinate that there may or may not be potential claims related to conflict of interest from involved parties in any upcoming procurement procedures.</p> <p>However, it should be considered that if Article 42 of the PPL applies to the specific procurement procedure, the Procurement commission will evaluate Applications or Proposals according to regulations stipulated in Article 42 of the PPL (hereinafter – exclusion ground), including Paragraph 5 of the first part of Article 42 of the PPL, which stipulates that the <u>contracting authority shall exclude</u> a candidate or tenderer from participation in a procurement procedure [...] <u>if a candidate or tenderer has advantages restricting the competition within the procurement procedure, if it or a legal person connected thereto has involved in preparation of the procurement procedure in accordance with Section 18, Paragraph four of this Law and such advantages cannot be prevented by less restrictive measures, and the</u></p>

		<p><u>candidate or tenderer cannot prove that the participation thereof or of the legal person connected thereto in preparation of the procurement procedure does not restrict the competition.</u></p> <p>Considering the previously mentioned, if the company will decide to participate in procurement "IT Architecture Development Strategy" and also want to participate in any kind of procurements, it should be noted that Procurement commission will evaluate the Candidate or Tenderer also according to mentioned PPL regulation and the Candidate will be able to prove that the participation thereof or of the legal person connected thereto in preparation of the procurement procedure does not restrict the competition.</p>
	<p>While waiting for your definitive clarification, it is requested that you postpone by at least two weeks the deadline for the submission of the bid as scheduled to date.</p>	<p>The Procurement commission has evaluated the request for an extension of the deadline for the submission of applications and informs that has already extended the deadline for the submission of the Application for a week until 22 December 2022 till 15:00 (Riga time).</p>

Procurement commission chairperson

Ž. Podniece

*THIS DOCUMENT IS SIGNED ELECTRONICALLY WITH A QUALIFIED ELECTRONIC SIGNATURE
 AND CONTAINS A TIME STAMP*