

Press-release of 29.07.2010

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On 26th July 2010, the Federal Antimonopoly Service (FAS Russia) investigated a petition of a group of enterprises ("Chelyabstroiremont-1" Ltd., "Stankoremont i Modernizatsia" Research-and-Production Association" Ltd., "Stankoservice" Ltd., "Techmaster" Ltd. and "Ural-Granit" Ltd.) and initiated a case against "RZhD" OJSC for the signs of violating Part 1 Article 17 of the Federal Law "On Protection of Competition".

FASA Russia suspects that "RZhD" OJSC exercised actions that have resulted or can result in preventing, restricting or eliminating competition in course of tenders, particularly, by creating preferential conditions for a specific bidder.

The Central Directorate for Freight Wagon Repair-a branch of "RZhD" OJSC - carried out open tenders for the right to make contracts for maintenance of car wheel lathes for "RZhD" wagon repair units in 2009-2011. Bids were evaluated under two criteria - scores and evaluation of financial-and-commercial offers. Bids were evaluated and scores were calculated in accordance with a technique approved by "RZhD" OJSC. However, information about it was included only in the protocols of a joint meeting of the expert group and the tender organizer. Before closing the tenders, the bidders were not given a possibility to familiarize themselves with the procedures for selecting the winner and evaluating the bids.

Thus, economic entities wishing to participate in the tenders could not find out, what kind of information and documents would give them advantage in evaluation of their bids. As "RZhD" OJSC failed to publish score criteria in the tender notice or tender documentation, the company had a possibility to change the procedures for selecting the winner and bids evaluation criteria in order to create preferential conditions for a particular bidder.

In the FAS Russia's opinion, such actions (omissions) of "RZhD" OJSC have the sings of violating Article 17 of the Federal Law "On Protection of Competition".