

Teze k preventivním opatřením pro omezení střetů zájmů v resortu dopravy

1. Subjekt navrhující trasování se nesmí podílet na výkupech pozemků (platí jak pro státní subjekty tak pro outsourcované dodavatele).
2. U větších strategických dokumentů (SEA, návrhí metody opravy D1, nové dálnice D3, D8 atd.) bude vždy zpracován i oponentní posudek.
3. Zpracovatel dokumentace ke konkrétnímu projektu (úsek dálnice atd.) se nesmí účastnit dalších fází projektu.

Argumenty k bodu 3 - Příklady mezinárodní dobré praxe, které vylučují souběhy funkcí aktérů výstavbového projektu:

A) Pravidla Evropské komise:

Practical Guide to Contract Procedures for EU External Actions (PRAG) (Version 2016.0) (*)

čl. 2.4.14. **Ethics clauses: *Without the contracting authority's written authorisation, a contractor and its staff or any other company with which the contractor is associated or linked may not, even on an ancillary or subcontracting basis, supply other services, carry out works or supply equipment for the project.***

B) Pravidla Evropské banky pro obnovu a rozvoj:

STANDARD PROCUREMENT DOCUMENTS - Standard Request for Proposals - **Selection of Consultants** (September 2012) (**)

Section 2. Instructions to Consultants and Data Sheet

čl. 3. **Conflict of Interest**

3.1 ***The Consultant is required to provide professional, objective, and impartial advice, at all times holding the Client's interests paramount, strictly avoiding conflicts with other assignments or its own corporate interests, and acting without any consideration for future work.***

a. **Conflicting activities**

(i) Conflict between consulting activities and procurement of goods, works or non-consulting services: a firm that has been engaged by the Client to provide goods, works, or non-consulting services for a project, or any of its Affiliates, shall be disqualified from providing consulting services resulting from or directly related to those goods, works, or non-consulting services. Conversely, a firm hired to provide consulting services for the preparation or implementation of a project, or any of its Affiliates,

shall be disqualified from subsequently providing goods or works or non-consulting services resulting from or directly related to the consulting services for such preparation or implementation.

b. Conflicting assignments

*(ii) Conflict among consulting assignments: a Consultant (including its Experts and Sub-consultants) or any of its Affiliates **shall not be hired for any assignment that, by its nature, may be in conflict with another assignment** of the Consultant for the same or for another Client.*

Poznámky:

*) Dostupné z http://ec.europa.eu/europeaid/funding/about-funding-and-procedures/procedures-and-practical-guide-prag_en, resp. konkrétně zde: <http://ec.europa.eu/europeaid/prag/document.do?nodeNumber=2.4.14>.

***) Dostupné z <http://www.ebrd.com/work-with-us/procurement/project-procurement/standard-procurement-documents.html> resp. konkrétně zde: <http://www.ebrd.com/downloads/procurement/project/Final SRPF ITC EBRD Version - September 2012.pdf>.

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www.pruhlednadoprava.cz

Průhledná doprava

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