

№	Question	Answer
1.	<p>Mr. X has earlier this week registered online for access to Sofia Data Room. Following such registration, he has received a hard copy of the Confidential Undertaking to be executed.</p> <p>Our concerns are as follows:</p> <ol style="list-style-type: none"> 1. In the first and cover page on names of the Parties, we are of the view that the usage of term “in favor of” indicates that the User is executing the Confidential Undertaking on behalf of the Disclosing Party. We propose that the term is replaced with “and” instead. 2. For the signature space, we wish to get your clarification on the difference and the nature of Economic Operator / Bidder / User and your guidance on which of the three options we are to choose at this point of time. 	<p>The Confidential Undertaking is not subject to change and is filled in the specified form. As far as your questions are concerned, we would like to inform you of the following:</p> <ol style="list-style-type: none"> 1. The question is more of a semantic nature. However, we consider that the right term (i.e. “in favor of”) is used in the CU. The context of the document does not allow any interpretation other than, in essence, the User provides “confidential undertaking” in favor of MTITC. 2. The terms “Economic Operator” and “Bidder”, as defined in published the Tender Documents, relate to different capacities of the potential users of the Data Room. The term “other User” relates to a potential user of the Data Room other than either Economic Operator or Bidder. <p>Kindly note that all three terms “[the Economic Operator / Bidder / other User]” will be replaced with the information on the specific person at the time of signing the CU.</p> <p>The definition (the “User”) remains unchanged for the purpose of the reference throughout the document.</p>
2.	<p>Related to clause 4.4.5 of the Concession Agreement (page 64), would the written consent of the Grantor be applicable even for undertakings with related parties to the Concessionaire?</p>	<p>Yes. The term “any person” includes the affiliates of the concessionaire.</p>