
 ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.	PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY” INVITATION TO TENDER	RFP-273/15 A.Σ. 20783
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TABLE OF CONTENTS

Article 1	Introduction
Article 2	Scope
Article 3	Title of the Tender
Article 4	Procedure for the Selection of the Contractor – Criterion for the Award of the Contract
Article 5	Eligible to Participate
Article 6	Participation Letter of Guarantee
Article 7	Provision of Tender Documents - Clarifications
Article 8	Deadline and Manner of Submittal of the Offer
Article 9	Manner of Preparation and Contents of the Offer
Article 10	Personal Status of the Bidders
Article 11	Formal Qualifications and Legalizing Data
Article 12	Essential Qualifications
Article 13	Technical Offer
Article 14	Financial Offer
Article 15	Tender Phases - Evaluation Method of the Offers
Article 16	Criteria for Scoring the Technical Offers
Article 17	Calculation of the Offers Scoring
Article 18	Invocation of Third Party Resources
Article 19	Cancellation – Annulment of the Tender
Article 20	Awarding Procedure – Back-up Documentation for the Award
Article 21	Execution of the Contract
Article 22	Language for the Conduct of the Tender - Language of the Contract
Article 23	Deadlines for the Supply’s Execution
Article 24	Estimated Budget - Retention - Advance Payment - Payments
Article 25	Applicable Legislation
Article 26	Publicity

Attachments:

- 1. SAMPLE A: Legal Statement**
- 2. SAMPLE B: Participation Letter of Guarantee in Greek**
- 3. SAMPLE C: Participation Letter of Guarantee in English**
- 4. SAMPLE D: Certificate concerning the Credit and Financial Competence in the Greek language**
- 5. SAMPLE E: Certificate concerning the Credit and Financial Competence in the English language**
- 6. TABLE A Concerning the Credit and Financial Competence of the Bidder in Greek and in English**

	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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ARTICLE 1 INTRODUCTION

1.1 ATTIKO METRO A.E. (henceforth called AM) was established via Article First of Law 1955/91. AM purpose, which is determined via Article 2 of Article Second of Law 1955/91, as this is amended through article 35 of L. 3202/03 (and articles 121 and 145 of Law 4070/12 is the design, construction, running, operation and development of the Urban Railway Network of Attica and Thessaloniki Region and, in general, of the Electric Railway of Attica and Thessaloniki Region (with the exception of OSE Railway Network) as well as of the TRAMWAY network in whole Greece.

AM announces an international electronic Tender based on the open procedure and invites all interested economic operators to submit offers, in accordance with the stipulations of this Invitation to Tender and its associated documents for the appointment of a Contractor responsible for the Supply of Rolling Stock (Series II) for the Athens Tramway.

1.2 The Awarding Authority, Owner of the Supply and Employer for the Contract to be concluded is AM – 191-193 Messogion Avenue, Athens 11525.

1.3 The Contract for the execution of the Supply shall be concluded between AM and the Bidder to be appointed as the Contractor following the conduct of the Tender procedure.

ARTICLE 2 SCOPE


2.1 **The scope of this Contract, as extensively described in the document entitled “Performance Specifications” and the remaining Tender Documents, is the Supply of twenty-five (25) vehicles to serve the needs of the extension of the operation of the modern Tramway in the Athens wider area, including the supply of the main spare parts for the vehicles and the equipment for pulling the vehicles.**

2.2 The terms of the Contract to be signed between AM and the Contractor shall be those included in the contractual documents.

The scope of the Contractor’s works, the equipment and the materials to be delivered as well as the remaining works to be executed in the framework of the Contract to be concluded are described in detail in the Document entitled “Performance Specifications”.

ARTICLE 3 TITLE OF THE TENDER

The title of the Tender is: **“Supply of Rolling Stock (Series II) for the Athens Tramway”**. This title, accompanied by the reference code

	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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RFP-273/15, shall be shown on all Envelopes and Sub-envelopes of the Offers and, in general, on all documents to be submitted within the framework of this Tender.

ARTICLE 4 PROCEDURE FOR THE SELECTION OF THE CONTRACTOR – CRITERION FOR THE AWARD OF THE CONTRACT

4.1 The Tender shall be conducted electronically through the web portal www.promitheus.gov.gr of E.S.I.D.I.S. - National Electronic Public Procurement System, it shall be based on the open procedure and a summary of this Invitation shall be published in the Official Journal of the European Union, the Greek Press and AM's web page.

The Bidders shall submit their offers, in line with the provisions of the Tender Documents.

4.2 The Tender shall be conducted as per the stipulations of Directive 2004/17/EC “coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (E.U. L 134/1/30.04.2004) and in accordance with PD 59/2007 (FEK A’ 63/16.03.2007 about the adaptation of the Greek Legislation to the provisions of Directive 2004/17/EC).

4.3 The criterion for the Contract award shall be the most advantageous offer, in financial terms, in accordance with article 55, paragraph 1a, Directive 2004/17/EC.

ARTICLE 5 ELIGIBLE TO PARTICIPATE

5.1 Acceptable to the Tender shall be individual economic operators and individual companies or consortia / associations thereof, provided that the following conditions are met:


5.1.1 They should have been established lawfully and operate in accordance with the Greek Legislation,

OR

5.1.2 They should have been established and operate in accordance with the Legislation of a member - state of the European Union (EU) or the European Financial Area (EFA) and which have their central Management Offices or their main premises or seat within the EU or EFA, on condition that their activity presents a continuous link with the economy of the member - state of the EU or EFA,

OR

5.1.3 They should have been established and operate lawfully in accordance with the Legislation of third countries which have signed the Public Procurement Agreement with the World Trade Organization (WTO), which was ratified by Law 2513/97.


 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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AND

- 5.1.4 They should prove that they fulfill the terms of this Invitation.
- 5.2 Each Bidder shall be eligible to participate in the Tender either individually or as a member of only one consortium / association. **In any other case, all consortia, in which the common member participated, shall be disqualified from the tendering procedure.**
- 5.3 In order to participate in the tender, the economic operators interested in the subject tender shall possess a digital signature granted by an accredited authority providing digital signatures and shall be registered in the electronic system (E.S.I.DI.S. - National Electronic Public Procurement System – web portal www.promitheus.gov.gr), adhering to the registration procedure detailed herebelow, in line with law 4281/2014, articles 134-138 and Decision Π1/16.10.13 issued by the Ministry of Development and Competitiveness.

Visiting the website E.S.I.DI.S. and following the link <Register as Economic Operator>, the economic operators request their registration (they should provide all necessary information and they should accept all terms of use), providing the following identification details:

- Those economic operators having a Greek Tax Payer’s Number (AFM) shall identify and authenticate themselves to the System using their credentials (Username and password) already given to them by the TAXISNET of the General Secretariat of Information System. Upon identification, the registration of the user shall be approved by the General Department of Public Procurement – Department of Procurement Policy - Programming and Information Section.
- Those economic operators – users belonging to the member states of the European Union, not having a Greek Tax Payer’s Number (AFM) shall request for their registration filling in the VAT Identification Number and shall identify and authenticate themselves to the System using the credentials they possess by the respective System. Upon identification, the registration of the user shall be approved by the General Department of Public Procurement – Department of Procurement Policy - Programming and Information Section.
- Those economic operators – users belonging to Third Countries shall request for their registration and shall identify and authenticate themselves via the General Secretariat for Trade, submitting:

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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- Either a legal statement – bearing a digital signature – accompanied by an official translation into Greek;
- Or a statement under oath or a certificate in PDF format accompanied by an official translation into Greek, as regards public contracts for the provision of services under PD 59/2007 and in line with the terms prevailing in the member-state where the economic operator is seated; the statement under oath or the certificate shall state / prove the registration of the economic operator in a Professional or Trade Registry and shall be submitted to the Service concerned in a printed form (original or true copy) within three (3) working days.

The request for registration shall be submitted electronically by all prospective users using the System’s web portal, as referred to above. The prospective user shall be informed about the status of his/her registration request by the System or by e-mail. Should the request for registration be approved, then the prospective user receives a link to activate the account as an authenticated user and proceeds to the activation of his/her account.


- 5.4** Through his/her participation in the Tender, bidders acknowledge that they have been fully informed about the terms of this Invitation and the remaining information and that they accept same with no reservation whatsoever.

ARTICLE 6 PARTICIPATION LETTER OF GUARANTEE

- 6.1** For participating in the Tender, along with their Offer, the Bidders shall submit, a Bank Participation Letter of Guarantee amounting to EURO one million two hundred and eighty five thousand (1,285,000.00 (€)) corresponding to **two percent (2%)** of the estimated budget of the scope of the Supply, VAT excluded.

This Letter of Guarantee shall be valid for a time period of thirteen (13) months from the expiry of the deadline for the submission of the offers. The said Letter of Guarantee shall be included in Envelope A.

- 6.2** If the Offer is submitted by a consortium / suppliers association, the Participation Letters of Guarantee must be common in favor of all members. In this case, more than one Letters of Guarantee can be issued, which shall cumulatively cover the total amount of the Guarantee, provided that each of these Letters of Guarantee is issued in favor of all the members of the consortium / suppliers association and not in favor of separate individual members.

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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- 6.3** The Participation Letter of Guarantee shall be issued to the benefit of AM, at the sole expense of the Bidder. The letters of guarantee shall be issued by Credit institutions lawfully operating in Greece or in any other member-state of the European Union, the European Financial Area (EFA) or in the member-states that have signed the Government Procurement Agreement of the World Trade Organization (WTO), ratified by law 2513/97 (A’ 139). In addition, they can be issued by ETAA/TSMED E or be provided by depositing a trust of an equal amount or bonds of equal value to the Trusts and Loans Fund. The letters of guarantee shall be compiled in accordance with respective samples in Greek attached to Appendix (B) of this document.

In case the Letter of Guarantee cannot be issued in Greek because the issuing Bank does not operate in Greece, the Letter of Guarantee shall be issued in English, as per Sample B of this Invitation, and shall be accompanied by an official translation in Greek. In this case, the translation shall follow with precision the wording of Sample A, attached hereto.


The said guarantee shall be collectable and payable in Greece and shall be subject to the exclusive jurisdiction of the competent Greek Courts of Athens.

In case the aforementioned Letter of Guarantee for Participation does not comply with the above, then the Tender Committee shall call upon the Bidder to submit a Letter of Guarantee in line with the Sample, within a deadline to be determined by the Committee. **Bidders not complying with the above shall be disqualified from the Tender.**

- 6.4** It is stressed that AM shall check the validity of the Letter of Guarantee by transmitting a pertinent letter to the Credit Institutions, for this organization to verify in writing the validity of the subject LoG. In case the aforementioned checking shows that an invalid, false or forged Letter of Guarantee for Participation in the Tender has been submitted, then the Bidder shall be disqualified from the Tender.

- 6.5** Offers not accompanied by Letters of Guarantee for Participation in the Tender, as specified above, shall not be accepted. Bidders not complying with the above shall be **disqualified** from the Tender.

- 6.6** The Participation Letter of Guarantee shall be returned interest-free to the nominated Contractor upon the Contract signing and upon the submittal by the nominated Contractor of the required Good Performance Letter of Guarantee. Moreover, the Participation Letter of Guarantee shall be returned to the remaining Bidders Contractor **within a four (4) – day period** upon communication to them of either of the final decision about the rejection of their offer from the subsequent stages of the awarding process or of the final decision about the award of the contract,

	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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- 6.7** The Letter of Guarantee for Participation **becomes payable** if the nominated Contractor provides false data and information or, even though invited, does not show up to sign the Contract within the deadline set by AM or if he does not submit the required Good Performance Guarantees and/or documents or if he does not adhere to the stipulations of articles 20 and 21 of this Invitation.

ARTICLE 7 PROVISION OF TENDER DOCUMENTS - CLARIFICATIONS

- 7.1** The Tender Documents shall be posted in E.S.ID.I.S web portal www.promitheus.gov.gr and shall be as follows:

- a) The Financial Offer Form
- b) The present Invitation to Tender and the Clarifications Document
- c) The Conditions of Contract
- d) The Performance Specifications (along with its Annexes and the drawings attached thereto).

- 7.2** In addition, the Tender documents shall be posted in ATTIKO METRO (AM)'s web page www.ametro.gr, while information about the subject tender shall be provided by Mrs. Aik. Saiti, Tel.: (30) 210 679 2473, Fax: (30) 210 679 2219.

- 7.3** Any **questions** and clarifications related to the documents of the Tender can be expressed by the bidders electronically in E.S.ID.I.S web portal www.promitheus.gov.gr by **April 8th 2016 at 115:00**.


It is stressed that in order to submit requests for supplementary information – clarifications, the economic operators must be registered in the system, i.e. they must have the necessary credentials (Username and password) already given to them. The electronic file containing the list of the questions must bear a digital signature.

AM shall collect all questions through the website and will issue a **Clarifications Document** which shall be posted in E.S.ID.I.S web portal by **April 27th 2016 at 11:00** at the latest. Please note that answers will be provided only to questions that have been submitted electronically.

It is stressed that any information, views, etc. that might be provided or expressed by any member, executive or employee of AM shall not be binding.

ARTICLE 8 DEADLINE AND MANNER OF SUBMITTAL OF THE OFFER

- 8.1** On the penalty of disqualification, the offer, as far as the submittal manner and the content of the envelope are concerned, must follow the stipulations of this document.

	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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8.2 The deadline for the submission of the offers expires on **Tuesday May 3rd 2016 at 11.00 hours**. Overdue submission of the offers shall entail the disqualification of the bidder, even if the delayed submission is due to force majeure.


8.3 **Electronic offers shall be unsealed four (4)** working days upon expiry of the deadline for the submission of the offers, i.e. on **May 10th 2016 at 11:00 hours**.

8.4 **At the penalty of disqualification** bidders shall submit their offers together with their accompanying documents in pdf format at the web portal www.promitheus.gov.gr of E.S.I.D.I.S by the deadline and time stipulated above, in Greek, and in an electronic file, in line with the provisions of Law 4155/13 (120A') of Ministerial Decision P1/2390/21-10-2013 (2677B') and the stipulations of this Invitation.

The time of the submission of the offers and any electronic communications performed through the System shall be confirmed automatically by the system through time stamping, as stipulated in article 6 of Ministerial Decision P1-2390/13.

8.5 At the penalty of disqualification and within **three (3)** working days upon electronic submission to the Awarding Authority (submission to the protocol of AM until 16:00), bidders shall also submit in **printed form** any supporting documents and data that have not been issued/prepared by the same economic operator (bidder) and which do not bear his digital signature. By way of example, such documents are warrantees, certificates or attestations issued by public authorities or other bodies. It is clarified that Government Gazette Issues submitted in the electronic offer are not required to be submitted in printed form.

The aforementioned supporting documents and data provided in printed form shall be deposited in a sealed envelope to the Document Control Centre (DCC) of AM and shall be accompanied by a document drafted by the bidder listing the above in detail. This envelope shall bear the indication “**Individual Participation Supporting Documents in Printed Form – Technical Offer**” and shall necessarily bear the following label:

	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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The sealed envelope must be accompanied by a **cover letter outside the envelope.**

<p style="text-align: center;">SEALED OFFER Title of the Bidder</p> <p style="text-align: center;">FOR THE TENDER: “SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY” (REFERENCE CODE RFP-273/15)</p> <p style="text-align: center;">To: ATTIKO METRO A.E. 191-193 Messogion Av. 115 25 - Athens</p> <p style="text-align: center;">Attention: TENDER COMMITTEE</p> <p style="text-align: center;">####NOT TO BE OPENED BY DOCUMENT CONTROL OFFICE####</p>
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- 8.6** Offers shall be valid and shall bind the bidders for **three hundred and sixty five (365) days** upon the day that follows the deadline for the submission of the offers. The validity of the offer can be extended further to AM's pertinent request and on condition that the bidder provides its consent for the time period deemed necessary for the completion of the tendering process. Any offers including an expiry date earlier than the aforementioned one, shall be **rejected** as unacceptable.
- 8.7** It is not allowed to proceed with the submission of alternative offers for the provision of the requested services. Any submitted alternative offers shall not be taken into consideration.
- 8.8** **At the penalty of disqualification**, the submission of offers for part of the requested services is not allowed.

ARTICLE 9 MANNER OF PREPARATION AND CONTENT OF THE OFFER

- 9.1** The content of the electronic file of the offer shall be set as follows:
- (a) One (Sub)envelope* bearing the indication “Back-Up Documentation for Participation – Technical Offer”; (it shall contain information required in line with articles 11, 12 and 13 of this Invitation). At the penalty of disqualification, both information and back-up documentation of the subject Subenvelope shall be submitted by bidders in pdf format. All documents and data that have been issued/prepared by the same economic operator (bidder) shall bear his digital signature.

	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
---	---	---

and

- (b) One (Sub)envelope* bearing the indication “Financial Offer”; (it shall contain the information duly filled in, according to article 14 of this Invitation).

* (Sub)envelope: category of attached files in the system.

Upon the offer submission, by using the pertinent field of the system, Bidders shall indicate those data of their offer that are confidential.


- 9.2** The offers shall be submitted in Greek, with the exception of the Technical Offer that must be submitted in Greek and in English.

ARTICLE 10 PERSONAL STATUS OF THE BIDDERS

Each bidder is disqualified from the procedure if this bidder (in case of an individual natural or legal entity) or one of its members (in case of a joint venture/consortium) falls under the following cases from 10.1 to 10.6. The bidder is entitled to file an objection against his disqualification and to submit additional information and explanations, especially for cases stipulated under items 10.3 and 10.6.

- 10.1 Proceedings have been conducted against him or he has been convicted through a final decision, in line with the legislation of the country of his seat for one of the following crimes: embezzlement, fraud, blackmail, forgery, perjury, bribery and fraudulent bankruptcy, participation in a criminal organization and legalization of income generated from unlawful activities.
- 10.2 Is under bankruptcy, liquidation, or coercive administration, or a bankruptcy or coercive administration petition has been filed.
- 10.3 Has demonstrably committed a grievous professional offense.
- 10.4 Has not fulfilled his obligations regarding the social security contributions, in line with the legislation applicable in the country of its seat, or in line with the legislation of the country of the awarding authority.
- 10.5 Has not fulfilled his obligations concerning the payment of taxes and duties, in line with the legislation applicable in the country of its seat, or in line with the legislation of the country of the awarding authority.
- 10.6 Has made a false declaration during the provision of the above information, or has not provided this information.

For the cases 10.1, 10.3 and 10.6 the bidding legal entity and/or the joint venture/consortium in which it participates is disqualified if a

	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
---	---	---

member of its management body, in line with the stipulations of article 20.2.1 of this Invitation, has committed the offense.

For all cases mentioned above and upon submitting his Offer, the Bidder shall submit a Legal Statement, as per article 11.2.

The Bidder with the most advantageous Financial Offer is obliged, prior to the Contract signing, to submit all pertinent certificates for which a legal statement he has submitted, in line with article 20 of this Invitation

ARTICLE 11 FORMAL QUALIFICATIONS AND LEGALIZING DATA

11.1 The Sub-Envelope bearing the indication “Back-Up Documentation for Participation – Technical Offer shall necessarily include the following formal qualifications and legalizing data:

11.1.1 A Letter of Guarantee of Participation in the Tender, as per the stipulations of article 6 of this Invitation.


It is stressed that the Bidders shall submit the Letter of Guarantee for Participation electronically in .pdf format; moreover they must submit the subject LoG in a printed format (original), in line with the provisions of article 8.5 herein.

Bidders failing to submit a Letter of Guarantee for Participation in the Tender shall be disqualified from the Tendering procedure without further examination of the content of their Sub-envelope.

11.1.2 Legalizing documents proving that the Bidder has been established and is operating legally, as well as the persons legally representing the Bidder and committing him through their signatures for the participation in the tender procedure, who will also sign all the relevant documents requested to be submitted under this Invitation to Tender.

For the convenience of the Bidders, a list of the legalizing documents is presented below required to be submitted for the Public Limited Liability Companies (Sociétés Anonymes), which have been established and are operating in accordance with the Greek Law:

- Photocopy of the company’s most recent codified statutes and a photocopy of the Government Gazette (FEK) where these were published, or photocopy of the company statutes and any amendments made to them as well as the Government Gazettes (FEKs) where they were published.
- Recent (issued after 15/02/16) certificate issued by the Business Registry (GEMI) Department concerning amendments, if any, made to the Statutes.

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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- Copy of the Resolution, whereby the current Board of Directors (BoD) of the Company was formed into a body, and the Government Gazette (FEK) where this was published.
- Recent (issued after 15/02/16) certificate issued by the Business Registry (GEMI) Department, proving that the company establishment license has not been revoked and no evidence has been submitted proving that the company decided its own winding up and its liquidation.

11.1.3

The **Resolution** issued by the BoD of the Company (or the statutory body concerned) approving the participation in the Tender procedure for the assignment of the specific Contract. This Resolution shall necessarily include the appointment of a representative for the signing of all relevant documents or statements related to the Tender, as well as for the submission and signing of the offer and any other required data until the contract signing date, in line with this Invitation and the remaining documents that accompany same.


In case of a consortium / association, the aforementioned Resolution should also include the following items for each member:

- The acceptance to jointly participate in the Tender procedure and in the execution of the Contract.
- The participation percentage of each member in the consortium / association.
- The statement that they are solidly and wholly responsible each one of them before AM with regard to the obligations ensuing from the Contract.
- The appointment of one of the member-companies as the common representative of the consortium before AM throughout the duration of the Contract, which shall have the irrevocable order and full authorization of the remaining members to represent the consortium and bind the members forming the latter before AM and, in general, to act and state all subjects necessary for the execution of the Contract. This Company shall have the largest percentage for participation in the Consortium (leader) and the natural entity to be appointed as the common representative of the consortium before AM shall derive therefrom, and
- **The statement that they commit themselves that, in case they are awarded the Contract, they shall prepare a public notary’s act for the establishment of the consortium seated in Athens, which shall be submitted to AM, including, without fail, all that has been stated above.**

11.1.4

Legal Statement of Personal Status

A **Legal Statement** should be submitted by independent bidders (natural or legal entities); the said Statement should be prepared in line with **Sample A** included herein and should verify that there is no

	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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reason whatsoever out of the reasons referred to in article 10 for the Bidders to be disqualified from the tendering process.

The Bidding Joint Ventures shall submit a Legal Statement for each member of theirs, signed by the legal representative of the Joint Venture's member, verifying that there is no reason whatsoever out of the reasons mentioned in article 10 for this member of the Joint Venture to be disqualified from the Tendering process.

The Legal Statement to be submitted should clearly demonstrate that there is no reason whatsoever for disqualifying the bidder. Otherwise, the Bidder shall be **disqualified**.

11.1.5 Valid **Certificate** concerning the Registration in the relevant Commercial and Industrial Chamber or in the relevant Professional or Commercial Registries of the country the Bidder is seated, under the terms foreseen by the legislation of the country of his/her seat.

11.1.6 **Certificates pertaining to the nominalization of the Bidders' shares**


For the participation of the Bidders in the Tender to be **acceptable**, the following must be met as regards the nominalization of the shares:

AM ought to examine, at the penalty of unacceptable candidatureship, whether the conditions of article 8, paragraphs 1-3, L.3310/2005 (FEK A 30/14.02.2005) are met, as well as whether an offshore Company, as per the stipulations of case (a) of paragraph 4, article 4 of L. 3310/2005 (FEK A 30/14.02.2005), participates in the Tender.

The shares of the Greek or Foreign SA Companies participating in the Tender must be nominal down to a natural entity level.

More specifically, in accordance with article 8, paragraph 1 of L. 3310/2005, the shares of the Sociétés Anonymes that participate, either individually or as members of joint ventures in a tendering procedure, or in a project construction awarding procedure or in a procedure related to the supply of goods or provision of services and designs of the Public Sector or of legal entities of the wider Public Sector, the limitation of which is set by the provisions of this Law, whose financial scope or price is over one million Euro, shall be mandatorily nominal shares. Should the shareholder is another SA company with a participation percentage at least one per cent (1%), then all shares of this company shall be nominal down to the natural entity level.

In case of participation of companies vested with a legal form other than SAs, in which SA companies participate or have company shares with a participation percentage in the share capital at least one per

	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
---	---	---

cent (1%), their shares shall be mandatorily nominal down to the last natural entity level.


In accordance with article 8, paragraph 2, L. 3310/2005, the same obligation shall be valid for foreign SA companies, on condition that the Law of the Country where they are seated, imposes the nominalization of all their shares down to the natural entity level for their overall activities or for the specific activity.

In case the law of the country where the candidates are seated does not impose the nominalization of the shares, then a pertinent certification shall be submitted by the authority concerned of the said country - if there is a relevant provision; otherwise, an official statement of the Bidder shall be submitted. In this case - where there is not any obligation for the nominalization of the shares - the foreign company must submit to AM a valid and updated list of their shareholders, who possess at least one per cent (1%) of the shares or of the voting rights of the SA Company. In case the company does not keep an updated list of their shareholders, then it shall submit a relevant list of the shareholders who possess at least one per cent (1%) of the shares or of the voting rights, in accordance with the last General Assembly, should these shareholders are known to the Company. Otherwise, the Company ought to justify the reasons why these shareholders are not known. It is not in AM's discretion to judge this explanation. It rests with AM to prove the capability of the company to submit the aforementioned shareholders list; otherwise, non-submission of the relevant list shall not entail any legal consequences against the aforesaid company.

The obligation for further nominalization down to the natural entity level shall not be valid as regards the companies introduced in the Stock Exchanges of the member-states of the European Union or the Organization for Economic Cooperation and Development (OECD).

The Greek Companies should submit the following:

- (a) Certificate issued by the Authority concerned that supervises the Company, as per the provisions of Codified Law 2190/1920, proving that the company's shares, on the basis of the company statutes, are nominal, taking into consideration the relevant provisions of P.D. 82/1996, article 1, paragraph 2, case (a), clauses 3 and 4.
- (b) A detailed statement with the details of the company's shareholders and the number of shares of each of its shareholders, as these details are recorded in the company's shareholders book; this statement should be submitted within thirty (30) days the latest prior to the submission of the envelope pertaining to the participation in the tender.


 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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If, based on the shareholders list, it arises that the shareholders of the company consist in other SA Companies, these must have nominal shares - on the basis of their statutes - and must have submitted to the company a certification, certifying that their shareholders are natural entities, partnerships, Ltd Companies, or legal entities of any other form except SAs. If the shareholders of these SA Companies too are SA Companies, then the latter must also have nominal shares and must submit a certification, certifying that their shareholders are natural entities, partnerships, Ltd Companies, or legal entities of any other form except SAs. If the shareholders of the latter SA Companies are SA Companies, then the latter must submit a certification, certifying that their shares are nominal ones, as well as the relevant certifications about their shareholders as stated above, until the final shareholders of all SA Companies are identified down to the level of natural entity, partnership, Ltd, or legal entities of any other form except SAs.

The foreign companies participating in the Tender must submit the following, should the law of the country where they are seated **imposes** the nominalization of all their shares down to the natural entity level, as regards their overall activities or a specific activity:

- (a) A Certificate issued by the Authority concerned, as per the Law of the Country where the Company is seated, proving that the company's shares, on the basis of the company statutes, are nominal. With regard to Companies whose shares were unregistered in the past, on the basis of the company statutes, during the submission of the candidateship related envelope, the amendment of company statutes must have been completed and approved by the Supervising Authority, so that all shares may have been converted into nominal ones.
- (b) A detailed statement with the details of the bidding company's shareholders and the number of shares of each of its shareholders, as these details are recorded in the company's shareholders book as per the Law of the Country where the Company is seated; this statement should be submitted within thirty (30) days the latest prior to the submission of the candidateship.
- (c) Any other document, proving the nominalization down to the natural entity level of the shares of the bidding company that has been effected; these documents should be submitted within thirty (30) working days the latest prior to the submission of the candidateship.

The foreign companies participating in the Tender must submit (a) a valid and updated list of their shareholders, who possess at least one per cent (1%) of the shares or of the voting rights of the SA Company, should the law of the country where they are seated **does not impose** the nominalization of all their shares up to the natural entity level, as

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
---	---	---

regards their overall activities or a specific activity. (b) In case the company does not keep an updated list of their shareholders, then it shall submit a relevant list of the shareholders who possess at least one per cent (1%) of the shares or of the voting rights, in accordance with the last General Assembly, should these shareholders are known to the Company. (c) In any other case, the Company ought to justify the reasons why these shareholders are not known. It is not at AM's discretion to opine on this justification. It is AM that shall prove the capability of the company to submit the aforementioned shareholders list; otherwise, non-submission of the relevant list shall not entail any legal consequences against the aforesaid company.

- 11.2** All documentation, certificates, documents, etc., to be submitted by the Bidders, shall be original or merely legible photocopies of public documents. As regards the certifications of photocopies, valid shall be the stipulations of article 1, Law 4250/14, about the abolishment of the requirement for certifying documents' photocopies.


In the required tender documents, at the points where reference is made to the submission of a legal statement, such statement is meant to be, on the one hand as far as Greek companies are concerned, the “Legal Statement of Law 1599/86” and on the other hand as far as foreign businesses are concerned the “Statement on a document with an equivalent validity”. As such is meant an affidavit or, in case an affidavit is not foreseen, an official statement before a Judicial or Administrative Authority, Public Notary or the competent (Professional) Organization of the Bidder's country of origin or domicile.

It is not required for the legal statements to bear a signature authentication; their date shall fall within the last thirty (30) calendar day-period prior to expiry of the offers' deadline.

Exceptionally, the legal statement stipulated in article 10 shall be drafted in accordance with Sample A of this Invitation.

All public documents, that are related to foreign Companies and are to be submitted by the Bidders in the framework of this tendering process, shall be legible photocopies of the original copies ratified either by the pertinent Consular Authorities of the country of the bidder, or via the seal of the Apostille, in line with the Convention of Hague dated 05.06.61 (ratified by law 1497/84), so their originality be certified. The translation of the subject documents can be performed either by the Translation Department of the Greek Ministry of Foreign Affairs or by the relevant consular authorities, or by an attorney, by virtue of Article 454 of the Code of Civil Procedure and article 53 of the code of attorneys, or by a sworn translator of the country of origin – if such a service exists.

- 11.3** AM reserves its right to request any other document deemed necessary upon completion of the study of legalizing and other


	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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documents and data to be submitted prior to the signing of the Contract. Moreover, if there are any doubts, AM is entitled to address itself directly to the competent authorities to obtain any information on the personal status of the Bidders concerned. In case the information concerns Bidder established in a State other than that of the contracting authority, then the contracting authority may seek the cooperation of the competent authorities. Having regard for the national laws of the Member State where the Bidders are established, such requests shall relate to legal and/or natural persons, including, if appropriate, company directors and any person having powers of representation, decision or control in respect of the Bidder.

- 11.4** Any Bidders submitting insufficient data on which the Tender Committee shall request supplementary data/clarifications, which shall not be provided or shall be provided incomplete, as well as any Bidders who shall not duly, in accordance with the provisions of this Invitation, submit any data **shall be disqualified from the Tender**.

Any offer that is not accompanied by the aforementioned information or does not respond to the requirements stipulated in this Invitation shall not be taken into consideration and the relevant bidders shall be disqualified from the Tender.

- 11.5** In case of a consortium / association, the requirement for submission of all documents, data, certificates and official statements under articles 11.1.2 up to 11.1.6 shall be valid for each member separately.

	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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ARTICLE 12 ESSENTIAL QUALIFICATIONS

The Sub-Envelope bearing the indication “Back-Up Documentation for Participation – Technical Offer” shall necessarily include the following back up documentation for proving the required essential qualifications:

12.1 Data related to the credit and financial capacity

In order to prove their credit and financial capacity, each Bidder should submit the following:

- 12.1.1 Certificates issued by Banks or similar Credit Institutions, proving the Bidders’ credit and financial competence for an amount of at least EURO 25,700,000.00 out of which the amount of at least EURO 10,000,000.00 must be available for loans and at least EURO 10,000,000.00 for Letters of Guarantee, out of which an amount at least EURO 6,400,000.00 must be available in both cases for this Contract, as per Sample D of this Invitation.

In case the aforementioned certificates cannot be issued in the Greek language because the issuing Bank does not operate in Greece, this shall be issued in the English language in accordance with Sample E of this Invitation and shall be accompanied by an official translation into Greek.

The above certificates shall be submitted in .pdf format.

In case of a consortium / association, the credit and financial status requirements can be covered cumulatively by all members of the consortium / association.


Along with the subject documentation, the bidders shall electronically submit Table A, attached hereto, duly filled-in and signed.

The Bidders who shall not submit the aforementioned certificates or shall not cover the aforementioned limits pertaining to the credit and financial competence shall be disqualified from the Tender.

- 12.1.2 Statement regarding the overall turnover of the firm for the execution of works similar to the works requested in this Tender during the last three (3) fiscal years.

12.2 Data related to the Experience

In view of participating in this Tender procedure, the Bidders shall possess experience similar to the experience required on the basis of this procurement, during the last three-year period (3 years prior to the offers’ submission date).

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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In view of proving their experience, with regard to the workmanlike and timely completion of the Supply, the Bidders shall submit the following:

- **A list of completed procurements that they have executed during the three-year period (3 years prior to the offers' submission date), concerning the Design, Manufacturing, Supply, Testing and Commissioning of Tramway Vehicles, similar to the tendered ones, and that – in total – exceed the number of 15 vehicles, regardless of their powered operation. The aforesaid tramway vehicles must have been commissioned exhibiting success, reliability and safety, satisfying, this way, the contract requirements of the projects' Owners.**

In case the Supply is executed by a contracting consortium, the company's participation percentage in the Consortium shall be mentioned, as well as the specific scope of the participation.


- **Relevant certificates, which shall have been issued by the Project Owners. The aforementioned certificates must prove workmanlike and timely execution of the supply, as well as the successful, reliable and safe commissioning of the subject vehicles, satisfying, this way, the contract requirements of the projects' Owners.**

The aforesaid certificates shall make clear reference to the following:

- a. The scope of the works pertaining to the Supply, Design, Manufacturing and Commissioning of Vehicles;
- b. Participation percentages on the entire supply;
- c. The budget of the Supply;
- d. The time for the signing, acceptance of vehicles and completion of the Contract;
- e. The successful, reliable and safe commissioning of the tramway vehicles, satisfying, this way, the contract requirements of the projects' Owners.

In case some of the requested data are not included in the above certificates, they shall be provided by means of a Legal Statement made by the Bidder, which shall accompany the certificates.

However, the Legal Statement cannot replace the necessary certificates related to the execution of the Supplies. This Legal

 ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.	PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY” INVITATION TO TENDER	RFP-273/15 A.Σ. 20783
---	--	--

Statement is exclusively and solely submitted to supplement any data not included in the certificates.

In case the project is constructed by a contracting consortium, the Bidder's participation percentage, as well as the exact scope of works shall be mentioned.

The certificates must be submitted for each one of the contracting companies forming the Consortium.


In case of a Consortium/ association, the requested experience can be covered cumulatively by the Companies/operators forming the Consortium/ association.

Any supply related projects, for which neither certificates nor the relevant Legal Statement for any supplementary data are submitted, shall not be taken into account.

The aforementioned back up documentation (stipulated in paragraphs 12.1 and 12.2 of this Document) shall be submitted by the Bidders in case that they make use of their own credit or technical capacity. If the Bidders invoke third parties' resources, they shall be called upon to submit the aforementioned back up documentation for these third parties, in line with the provisions of article 18.

12.3 Data related to technical capacity

- 12.3.1 Description of the technical equipment, of the Quality Assurance Section that the Company possesses. The Bidders and their sub-contracting Suppliers shall possess and be certified as per ISO 9001/2008 and/or per IRIS.
- 12.3.2 Certificates issued by official quality control offices or competent services of recognized competence, certifying the suitability of the products to be verified through references to particular specifications and standards.
- 12.3.3 Organization Chart with the staffing of the bidder and Curriculum Vitae of the executives of the bidder and of the persons in charge for the design, manufacturing, supply, testing and commissioning of the vehicles. The CVs should be signed by the persons to whom they refer.
- 12.3.4 The Bidders shall submit a list with the proposed Suppliers and Sub-contractors of the main Tramway systems and the works that they will execute. The suppliers and sub-contractors to be utilized in the project shall be those approved by AM.

	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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The aforementioned data shall be detailed and thorough to the extent possible so as to provide a clear picture of the technical capacity of the Bidder.

- 12.3.5 Paragraphs 11.2, 11.3 and 11.4 of article 11 herein shall also be in effect for the back up documentation pertaining to the essential qualifications stipulated in this article.

ARTICLE 13 TECHNICAL OFFER

The Sub-Envelope bearing the indication “Back-Up Documentation for Participation – Technical Offer shall necessarily include the following information that form the Technical Offer of the Bidders.

- 13.1 The Technical Offer of the Bidders shall meet the requirements stipulated in AM’s Performance Specifications.

- 13.2 Content of the Technical Offer

The Technical Offer Sub-Envelope shall include the following items:

a. Detailed Table of Contents which shall contain all data submitted in the Technical Offer.

b. Legal Statement of Compliance

Bidders shall accompany their Offer with a Legal Statement certifying that the equipment, the systems and the services to be provided fully satisfy the requirements of the requirements of AM, as these are stipulated in the document entitled “Performance Specifications”.

c. Technical Description

In their offer, Bidders shall submit the following as a minimum:

No	SCOPE – REQUIREMENTS
1	<p>Vehicle Body</p> <ul style="list-style-type: none"> ➤ The general design criteria, the manufacturing methods of the vehicle bodies, as well as the materials to be used for their manufacturing; ➤ An artistic “rendering” of the external view of the vehicle; ➤ Drawings of the bodywork, showing the layout of the principal equipment which is to be installed on the roof or under-floor of the vehicle; ➤ The concept for the management collision generated energy; ➤ Presentation of interior design (seat layout, grab poles, colour scheme, etc.)



**PROJECT: SUPPLY OF ROLLING STOCK
(SERIES II) FOR THE ATHENS TRAMWAY”**

RFP-273/15

A.Σ. 20783

INVITATION TO TENDER

	<ul style="list-style-type: none"> ➤ Detailed determination of the Static Load Gauge, Kinematic Load Gauge, Dynamic Gauge, and Structure Gauge, including the train jerk per curve; ➤ A statement concerning the height difference between the vehicle floor level in the vehicle’s doors area and the platform’s edge level, when the vehicle stops at the platform for all loading conditions (AW0 – AW4) and a statement of compliance of the maximum horizontal distance of the threshold of the vehicle doors from the platform, with the permitted one; ➤ A detailed plan for the protection of the car body against corrosion; ➤ A protection plan against graffiti and the reinstatement procedure.
2	<p>Bogies</p> <ul style="list-style-type: none"> ➤ Determination of the number of the driving wheels/axes, as well as the layout drawing on-board; ➤ Detailed report and drawings of the driving and trailer bogies/wheels; ➤ Weight of the bogies (including their relevant suspended equipment); ➤ Bogies manufacturing material and method; ➤ Un-sprung mass loads; ➤ Wheel load distribution; ➤ Transmission scheme; ➤ Suspension system; ➤ Lubrication and Sanding scheme; ➤ Bogies disassembly method from the tramway vehicle; ➤ Motor arrangement, accompanied by its supporting/fixing method on the bogies; ➤ Bogies adjustment to alignment curves; ➤ Protection against derailment features of the vehicle; ➤ Reporting on any restrictions for the operation of vehicles when passing through a flooded area, in which water depth is about 100mm. ➤
3	<p>Door System</p> <ul style="list-style-type: none"> ➤ Layout and width of doors, as well as a detailed technical description of the features of the door’s system/mechanism,



**PROJECT: SUPPLY OF ROLLING STOCK
(SERIES II) FOR THE ATHENS TRAMWAY”**

RFP-273/15

A.Σ. 20783

INVITATION TO TENDER

	<p>as well as their control equipment;</p> <ul style="list-style-type: none"> ➤ Description of obstacle detection system.
4	<p>HVAC System</p> <ul style="list-style-type: none"> ➤ Drawings and technical description of the HVAC system layout, in terms of units on-board the vehicles and in terms of equipment items layout included in each HVAC unit; ➤ Technical and operational characteristics of the system, including its weight and cooling capacity.
5	<p>Electric, Mechanical and Electromagnetic Braking System</p> <ul style="list-style-type: none"> ➤ Technical description of the electric braking system, accompanied by general layout drawings; ➤ Technical description of the mechanical braking system, accompanied by general layout drawings; ➤ Technical description of the electromagnetic braking system, accompanied by general layout drawings; ➤ Description of the brake blending system, which shall include, as a minimum, determination of the speed intervals of the vehicle in which the brake system - under normal operation – shall be electric, mechanical or blending (electric and mechanical); ➤ Determination of the minimum vehicle speed in which electric brake is applied.
6	<p>Traction System</p> <ul style="list-style-type: none"> ➤ Layout drawings and description/ characteristics of the traction system; ➤ Wheel diameter offset; ➤ Traction motor disconnection system and removal method; ➤ Description of the protection equipment against current input; ➤ Description of motor type of cooling; ➤ Determination of motor characteristics; ➤ Characteristics for downgraded operation accompanied by supporting calculations (maximum operation speed, maximum acceleration, average acceleration 0-35km/h – jerk $\leq 1-3m/s^3$) at 75% traction/load AW2 at inclination 0% and track voltage 750V DC; ➤ Characteristics for downgraded operation operation



**PROJECT: SUPPLY OF ROLLING STOCK
(SERIES II) FOR THE ATHENS TRAMWAY”**

RFP-273/15

A.Σ. 20783

INVITATION TO TENDER

	<p>accompanied by supporting calculations (maximum operation speed, maximum acceleration, average acceleration 0-35km/h – jerk $\leq 1-3m/s^3$) at 50 % traction/load AW0, at inclination 0% and track voltage 750V DC.</p>
7	<p>Auxiliary Power Supply System (APSE)</p> <ul style="list-style-type: none"> ➤ Number of static inverters APSE; ➤ Drawings and characteristics of the Auxiliary Power Supply Equipment (APSE), including batteries sets; ➤ Load analysis for the auxiliary electrical system under normal operation and in operation without traction voltage; ➤ Description of protection equipment against current input; ➤ Drawing of the APSE protection devices;
8	<p>Vehicle Control and Management Systems</p> <ul style="list-style-type: none"> ➤ Description, main operational characteristics and capacities of the system; ➤ Diagnostic features of the system; ➤ Description of system redundancies (system architecture, stand-by controllers, cable routings, independent cabling in certain systems, such as traction, braking, doors, safety loop, etc.); ➤ Proposed lines of the vehicles communication channels and the features serving the exchange of data; ➤ Description of vehicles performance and functions in down-graded operation. ➤
9	<p>Weight</p> <ul style="list-style-type: none"> ➤ Determination of the maximum load of the vehicle and the wheel static load for each wheel on a single vehicle under all loading conditions (from AW0 to AW4).
10	<p>Internal Noise – Passenger Compartment – Stationary Vehicle</p> <ul style="list-style-type: none"> ➤ Determination of the maximum internal noise limit values (in passenger compartment) generated by a stationary vehicle.
11	<p>Internal Noise – Passenger Compartment – 60km/h</p> <ul style="list-style-type: none"> ➤ Determination of the maximum internal noise limit values (in passenger compartment) generated by a vehicle running at 60km/h.




**PROJECT: SUPPLY OF ROLLING STOCK
(SERIES II) FOR THE ATHENS TRAMWAY”**

RFP-273/15

A.Σ. 20783


INVITATION TO TENDER

12	<p>External Noise – Stationary Vehicle</p> <ul style="list-style-type: none"> ➤ Determination of the maximum external noise limit values, generated by a stationary vehicle.
13	<p>External Noise – 60km/h</p> <ul style="list-style-type: none"> ➤ Determination of the maximum external noise limit values, generated by a vehicle running at 60km/h.
14	<p>Internal Noise – Driver’s Cab – 60km/h</p> <ul style="list-style-type: none"> ➤ Determination of the maximum internal noise limit values (in the driver’s cab) generated by a vehicle running at 60km/h.
15	<p>Reliability – MDBF₁ and MDBF₂ Statement</p> <ul style="list-style-type: none"> ➤ Determination of reliability figures MDBF₁: The following failures shall be taken into account, namely: <ul style="list-style-type: none"> (i) Loss of intercommunication between the passenger compartment and the driver’s cab; (ii) Pantograph failure; (iii) Loss of traction, leading to the vehicle’s trailing; (iv) Loss of master controller; (v) Complete failure of the batteries’ charging system; (vi) Complete failure of the TCMS operation; (vii) Failure of the “dead-man” function; (viii) Failure of the door closing system. ➤ Determination of reliability figures MDBF₂. The following failures shall be taken into account, namely: <ul style="list-style-type: none"> (i) Failure causing a four or more-minute delay in the revenue operation at the end of the train rout or upon departure from the depot; (ii) Failure of the HVAC system in the passenger compartment, leading to performance loss equal to or exceeding 50%; (iii) Failure of the HVAC system in the driver’s cab; (iv) Failure calling for the isolation of two or more doors at the same side of the vehicle; (v) Failure of the VPS System.
16	<p>Fleet Availability</p> <ul style="list-style-type: none"> ➤ Determination of Fleet Availability.
17	<p>Maintainability – In general</p>

	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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	<ul style="list-style-type: none"> ➤ The overall work-hours required for the preventive maintenance for each vehicle over a two-year period; ➤ Presentation of the preventive maintenance general plan; ➤ Presentation of the corrective maintenance general plan; ➤ Description and justification of compatibility with all maintenance facilities necessary for the vehicles' maintenance, along with the respective methods to achieve the subject compatibility, should this be required.
18	<p>Subsystems Maintainability</p> <ul style="list-style-type: none"> ➤ Reporting on the Mean Time required for repairing each of the following six (6) subsystems, whose faults set vehicles out of revenue service. Namely: <ul style="list-style-type: none"> ○ Bogies; ○ Door system; ○ HVAC system; ○ Electric, Mechanical and Electromagnetic Braking Equipment; ○ Traction Motor and Inverter; ○ Auxiliary Power Supply System. <p>An estimate (value) should then be prepared and submitted for the mean time repair of the six aforementioned subsystems and this shall be evaluated on the basis of the relevant criterion.</p>
19	<p>Maintainability – Repair related Activities</p> <ul style="list-style-type: none"> ➤ The mean time required for replacing wheel tires of the entire Tramway vehicle; ➤ The mean time required for replacing windows of the entire Tramway vehicle, including windshields; ➤ The mean time required for replacing all front and side exterior panels of the driver cab (one cabin); ➤ Detailed reporting on the procedure followed for the repair of the side panels, in the event of collision.
20	<p>Passenger Capacity</p> <ul style="list-style-type: none"> ➤ Determination of the number of passengers that the vehicle can carry, accompanied by all pertinent calculation.

13.3. Remarks concerning the Technical Offer

	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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The evaluation of the Technical Offer does not mean acceptance of the terms contradicting any requirements of the Tender Documents or the basic rules for the workmanlike and safe construction/manufacturing. Therefore, during the Design preparation stage and the Supply implementation, the Contractor ought to adjust these terms, in line with AM Specifications, without increasing the Overall Lump Sum Price.

If, in his Technical Offer the Contractor has proposed improvements as compared to AM Specifications, he is obliged to incorporate them during the stage of the preparation of the Design and implementation of the Supply without any increase to the Overall Lump Sum Price.

ARTICLE 14 FINANCIAL OFFER (SUB-ENVELOPE D)

14.1 At the penalty of disqualification, the Financial Offer shall be submitted in an electronic format in the Sub-envelope entitled “Financial Offer”.


The financial offer shall be compiled by filling in the respective specific electronic form of the system. Subsequently, the system produces the respective electronic file in pdf format, which is digitally signed and submitted by the candidate. The information contained in the specific electronic form of the system and in the produced electronic file, which is digitally signed, shall be identical. In any other case, the system produces a relevant message and the candidate is called upon to produce anew the pdf electronic file.

Moreover, the candidate shall attach to a separate pdf electronic file the Financial Offer Form, which shall bear the digital signature either of the bidder himself (if the bidder is a natural entity) or of his legal representative in case of a consortium or a joint venture. In any other case, the financial offer is considered invalid.

The “Financial Offer Form shall include the Contractor’s Table of Offer, the Table including the unit price of a tramway vehicle, as well as the Table of Spare Parts and Equipment Cost attached thereto, which shall be properly filled in.

The Bidders must fill in the form with due attention as per the provisions of this article.

It is pointed out that any correction, deletion, reference and, in general, alteration of the text of the Financial Offer Form, or the expression of comments or conditions or terms of this text, shall be considered as reservations concerning the terms of the Tender and shall lead to the rejection of the Financial Offer of the Bidder who expresses them. In case there is a conflict between the price expressed in words and the price expressed in numbers in the Financial Offer Form, the price expressed in

	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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words prevails. Moreover, in case of errors in the numerical operation in the Spare Parts and Equipment Price List, the Committee shall correct same and, further on, shall “transfer” the corrected sum up in the Contractor’s Table of Offer.

In addition, Financial Offers exceeding the amount of AM’s budget regarding the scope of the contract shall be rejected.

The Overall Lump Sum Price shall not include VAT, which shall be borne by AM. The Overall Lump Sum Price shall be expressed in EURO.

14.2 The offers shall be valid and bind the bidders for **360 days** from the day that follows the deadline for the submission of the offers. Any offers indicating an expiry date earlier than the aforementioned one, shall be rejected as unacceptable.

14.3 **It is stressed that alternative technical offers or offers for part of the supply shall not be accepted.**

ARTICLE 15 TENDER PHASES - EVALUATION METHOD OF THE OFFERS

15.1 General

The Tender is carried out by the Committee appointed by AM’s BoD Resolution. This Committee shall be responsible for the conduct of the Tender until the stage of signing the Contract.

For the selection of the Contractor, each offer shall be evaluated and scored based on the technical and financial data to be submitted by the Bidders in line with the terms of the Tender.

The evaluation, scoring and classification of the offers shall be based on the criteria described below in detail.


15.2 Tender phases

The tender procedure is divided into the following two (2) phases:

15.2.1 1st Phase: Review of the Formal Qualifications and Legalizing Data, as well as of the Essential Qualifications and Evaluation of the Technical Offers of the Bidders.

The electronic unsealing of the offers shall be effected at the time stipulated in article 8.3 of this document by AM’s Tender Committee – duly certified into the system.

Upon unsealing (Sub)envelopes “Back-up Documentation for Participation – Technical Offer”, those participating in the Tender will have electronic access to the content of the offers that have been unsealed.

 ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.	PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY” INVITATION TO TENDER	RFP-273/15 A.Σ. 20783
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Subsequently, during a private meeting, the Committee shall review each Bidder's submitted documentation and shall decide whether the participation terms that have been set by the Invitation to Tender are fulfilled or not.

In the 1st phase of the Tender, disqualified shall be those Bidders not fulfilling the preconditions and requirements of the Invitation to Tender. The envelopes containing the Financial Offer shall remain sealed.

Throughout the review of Sub-envelopes "Back-up Documentation for Participation – Technical Offer", the Committee reserves its right and discretion and according to its absolute judgement to request, electronically through the system, clarifications and supplementary information on the submitted data only.

Bidders who, electronically through the system, will submit incomplete data for which the Tender Committee shall request supplementary data / clarifications – within a reasonable time period - which shall not be provided or shall be provided incomplete shall be disqualified from the 2nd Phase of the Tender.


Disqualified from the 1st Phase of the Tender shall be the bidders

- a) who do not fulfill the preconditions and requirements of Article 11.
- b) who do not possess the credit and financial capacity, stipulated in article 12, paragraph 1 herein;
- c) who do not possess well-proven experience (based on attestations or certificates) as stipulated in article 12, paragraph 2 of this Document;
- d) who do not submit the data required by article 12, paragraph 3 of this Document;
- e) who are rejected on the basis of the technical evaluation – scoring of their technical offers, according to article 16.

Upon completion of the review of the Sub-envelopes containing the Back-Up Documentation for Participation, the Committee shall compile a Proceedings related to the evaluation of the 1st Phase, which will include those Bidders accepted to the subsequent phase and those justifiably rejected. The Bidders shall be informed about these Proceedings through the ESIDIS system.

Objections can be filed against the Committee's Proceedings, in line with the stipulations of Article 15.4 of the subject Invitation.

If objections are filed, then the Committee shall submit a recommendation to the Board of Directors of AM about the acceptance or rejection of the objections and the finalization of the 1st

	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
---	---	---

phase results; it is the BoD what shall make the final Resolution, which shall be communicated to the Bidders electronically.

If no objections are filed, then the Proceedings of the Tender Committee referring to the results of the 1st phase shall become final. The Bidders fulfilling the preconditions of the 1st phase shall participate in the 2nd phase of the Tendering process, i.e. the procedure of the unsealing of Financial Offers.

15.2.2 2nd Phase: Unsealing of Financial Offers and Overall Evaluation

The electronic Sub-envelopes of the financial offers shall be electronically unsealed by the Committee - duly certified within the system – on the date and at the time to be notified to those whose offers were evaluated as acceptable, after the evaluation of the remaining information. Similarly, upon the electronic unsealing of the Sub-envelopes “Financial Offer”, those bidders whose financial offers were unsealed shall have access to the content of the unsealed offers, so that they can be informed about the financial offers that have been submitted.


Following the review of the Financial Offers, the Tender Committee shall proceed to the Overall Evaluation based on the scoring of the Technical and Financial Offer, in view of proceeding to the evaluation of the most advantageous offer, in financial terms (article 17 of the Invitation) and shall prepare a Final Classification Table, presenting the offers in an ascending order, i.e. from the lowest to the highest one. The Bidders shall be informed on these Proceedings through the ESIDIS system. Objections can be filed against the Committee’s Proceedings, in line with the stipulations of Article 15.4 of the subject Invitation

If no objections are filed against the results of the 2nd phase, or after the examination of any objections – in line with the following provisions – by AM’s BoD, AM shall call upon the bidder who had offered the most advantageous bid to submit the Back-Up Documentation for Award, in line with Article 20 herein.

15.3 **Award of the Tender**

Further to the review of the Back-Up Documentation for Award, the Committee shall compile the final Evaluation Proceedings of the Back-Up Documentation for Award; if the subject review satisfies the requirements of the Tender, then the Committee shall present a recommendation before the BoD about awarding the Tender to the Bidder who submitted the most advantageous offer.

The aforesaid resolution on the Tender award shall be communicated to the Bidder who submitted the most advantageous offer and to all bidders who participated in the 2nd phase of the tender.

	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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15.4 Objections on the Tender

On the results of the Tender Committee, the Bidders may file objections within five (5) working days upon notification to them of the equivalent result of each phase. The objections shall be filed in writing through a letter addressed by the Bidders to the Chairman of the Tender Committee, which is submitted or transmitted to AM’s Document Control Center (DCC). These objections must necessarily include a sufficient justification of the allegations they contain, so that it may be possible to evaluate them. The objections should also refer to the issues related to the specific phase and not to issues examined during previous phases. AM’s BoD issues resolutions regarding these objections, further to the relevant recommendation submitted by the Tender Committee. No further objections shall be filed against the Resolutions of AM’s BoD. The Committee proceeds to the next phase or stage of the Tender only after any filed objections have been assessed by AM’s BoD.

Article 16 TECHNICAL OFFERS EVALUATION CRITERIA

16.1 The technical offers shall be evaluated and scored by the Tender Committee on the basis of the Criteria listed in the following Table A. Each criterion shall be scored on the basis of its respective requirements, as referred to in the Table contained in the Technical Offer of article 13, which (requirements) shall be of equal importance.

TABLE A: TECHNICAL OFFERS SCORING CRITERIA				
A/A	Criteria	Criterion Importance	Min	Max
1	Vehicle Body	5%	60	100
2	Bogies	5%	60	100
3	Door System	5%	60	100
4	HVAC System	5%	60	100
5	Electric, Mechanical and Electromagnetic Breaking System	5%	60	100
6	Traction System	5%	60	100
7	Auxiliary Power Supply System (APSE)	5%	60	100




**PROJECT: SUPPLY OF ROLLING STOCK
(SERIES II) FOR THE ATHENS TRAMWAY”**

RFP-273/15

A.Σ. 20783

INVITATION TO TENDER

8	Vehicle Control and Management Systems	5%	60	100
9	Weight	5%	60	100
10	Internal Noise – Passenger Compartment – Stationary Vehicle	5%	60	100
11	Internal Noise – Passenger Compartment – 60km/h	5%	60	100
12	External Noise – Stationary Vehicle	5%	60	100
13	External Noise – 60km/h	5%	60	100
14	Internal Noise – Driver’s Cab – 60km/h	5%	60	100
15	Reliability – MDBF₁ and MDBF₂ Statement	5%	60	100
16	Fleet Availability	5%	60	100
17	Maintainability – In general	5%	60	100
18	Subsystems Maintainability		60	100
19	Maintainability – Repair related Activities	5%	60	100
20	Passenger Capacity	5%	60	100
	TOTAL	100%		

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
---	---	---

The Total Score of the Technical Offer (TB) shall be the sum up of each Criterion Score multiplied by its respective importance. The score on each criterion shall derive from the average score on its requirements.

It is noted that the total score, the score on criteria, sib-criteria and the results of the calculations shall be rounded up to the first decimal.

Technical Offers which shall receive, even on one r Criterion a score less than the Minimum Score (as this is determined in each Criterion), shall be disqualified.

16.2 Clarification of the Scoring Method per Criterion

16.2.1 Criteria No. 1-8: Vehicle Sub-systems

Criteria No. 1-8 correspond to a major section or sub-system of the vehicles, which is evaluated in technical terms. Each criterion may receive maximum score (100) and minimum score (60). The scoring shall derive from the evaluation of the requirements pertaining to each criterion.

It is stressed that:

- (a) as regards the body, low-floor vehicles (i.e. with no stairs or ramps within vehicle);
- (b) as regards the traction system, air-cooled motors, they shall receive better scoring as compared to other cooling methods.


Bidders not complying with the Technical Offers or provide erroneous information or excessive, unrealistic and – at the same time – non-documented information shall be scored below the minimum (60).

16.2.2 Criterion No. 9: Weight

Criterion No 9 concerns the weight of the vehicle, as defined in article 3 of the Performance Specifications. In his offer, the Bidder shall determine the tare weight of the vehicle (load AW0). The Bidder presenting the smallest vehicle weight shall receive the maximum score (100) and the Bidder presenting the greatest vehicle weight shall receive the minimum score (60). All remaining bidders shall be scored on a proportionate basis ranging between the maximum and the minimum score.

16.2.3 Criteria No. 10-14: Noise

Each criterion may receive maximum score (100) and minimum score (60).

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
---	---	---

The Bidder presenting the lowest noise limits shall receive the maximum score (100) and the Bidder presenting the highest noise limits, as stipulated in the Technical Specifications, shall receive the minimum score (60). All remaining bidders shall be scored on a proportionate basis ranging between the maximum and the minimum score.

Bidders offering noise limits outside the limits set by the Technical Specifications shall be scored below the minimum (60).

16.2.4 Criterion No.15: Reliability

Criterion No. 15 includes 2 requirements, as these are described in article 14 of the Technical Specification (for $MDBF_1$ and $MDBF_2$). Each requirement can be given the maximum score (100) and the minimum score (60). The total score of this criterion shall derive from the average of the two values.

The Bidder with the best Reliability characteristics, i.e., with the highest value for the $MDBF_1$ and $MDBF_2$ average shall receive the maximum score. The Bidder offering the minimum Reliability characteristics, set in the Technical Specifications, shall receive the minimum score, while the remaining Bidders shall be scored on a proportionate basis ranging between the maximum and the minimum score.

Bidders offering Reliability characteristics outside the limits set by the Technical Specifications shall be scored below the minimum (60).


16.2.5 Criterion No. 16: Fleet Availability

Criterion No. 16 refers to the Fleet Availability, as this is specified in Article 14 of the Performance Specification.

The Bidder with the best Fleet Reliability shall receive the maximum score (100), while the Bidder offering fleet availability that equals the requirement set in the Technical Specifications shall receive the minimum score (60), and the remaining bidders shall be scored on a proportionate basis ranging between the maximum and the minimum score.

Bidders offering an availability percentage less than the percentage required by the Technical Specifications shall receive a score less than the minimum one (60).

16.2.6 Criteria No. 17-19: Maintainability

	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
---	---	---

Criterion No. 17 concerns maintenance in general, criterion No. 18 concerns the mean time to repair the six important subsystems whose faults set vehicles out of revenue service and criterion No. 19 concerns the mean time required for three specific maintenance / repair works. Each criterion can be scored maximum (100) and minimum (60).

In particular, the maintenance time to be stated and evaluated for criterion No. 18 shall be the number deriving from the average of the mean times to repair the six aforementioned individual systems.

The Bidder with the best Maintainability characteristics, i.e., with the lowest value of the overall Average of the Mean Time To Repair value for the six subsystems shall receive the maximum score; the Bidder with the inferior Maintainability characteristics, i.e., with the highest value of the overall Average of the Mean Time To Repair value for the six subsystems shall receive the minimum score, while the remaining Bidders shall be scored on a proportionate basis ranging between the maximum and the minimum score.

16.2.7 Criterion No. 20: Passenger Capacity

Criterion No. 20 refers to the Vehicle’s Passenger Capacity. The bidder offering the best Passenger Capacity shall receive the maximum score (100) and the bidder offering a Passenger Capacity that equals the respective requirement set in the Technical Specifications shall receive the minimum score (60). All remaining bidders shall be scored on a proportionate basis ranging between the maximum and the minimum score.

Bidders offering Passenger Capacity less than the respective capacity required by the Technical Specifications shall be scored below the minimum (60).


ARTICLE 17 CALCULATION OF OFFERS SCORING

The Most Advantageous Offer, in financial terms, is the one, which presents the lower ratio (λ) of the (financial) offer price to the scoring of the Technical Offer, i.e.:

$$\lambda = \frac{\text{Financial Offer}}{\text{Total Scoring (TB) of the Technical Offer}}$$

where:

- Total Scoring of the Technical Offer (TB) is the sum up of each criterion scoring multiplied by its respective importance.
- Financial Offer is the overall Lump Sum Price (LSP1 + LSP2) of the Contractor’s Table of Offer included in the Financial Offer Form,

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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The Tender is awarded to the bidder who has submitted the most advantageous, in financial terms, offer.

ARTICLE 18 INVOCATION OF THIRD PARTY RESOURCES

The Bidders can invoke and make use of the financial-economic and/or technical and/or professional capacity of other economic operators, as per article 54 of Directive 2004/17/EC, regardless of the legal nature of the existing relationships between the candidates and these operators.

In this case, the invocation of third party resources must be available by the bidder for the execution of the Contract.


In case the Bidder is a Consortium/Association of economic operators,, this invocation shall be made by a specific member of the Bidder and shall be connected directly with the role of the member of the Bidder in the execution of the Contractual scope. The invocation shall concern only specific resources to be made available for the Supply, in line with the scope of the Contract that this member will undertake, based on its pertinent statement; otherwise, this invocation shall not be taken into consideration.

The candidates shall incorporate in the respective sub-envelopes the supporting documents that prove the commitment of the above economic operators to make available to the candidates the necessary resources.

In particular:

The (Sub)-envelope* bearing the title “Back-up Documentation for Participation – Technical Offer” shall include the complete legalization data for the above operators, as per the stipulations of article 11.1.2 of the Invitation, as foreseen for the Bidders. In case the terms of article 11.1.2 are not adhered to, i.e. non-submission of the economic operators’ legalization data, the invocation regarding the financial-economic, technical and professional capacity of the economic operators shall not be taken into account during the evaluation of the offers.

Moreover, the (Sub)-envelope* bearing the title “Back-up Documentation for Participation – Technical Offer” A shall also include a resolution of the BoD, or other competent statutory Body of the operator – as the resolution stipulated in article 11.1.3 for the Bidders - whereby approval shall be granted to provide the Bidder with the financial-economic, technical and professional capacity (experience), so that this capacity can be available to the candidate in the execution of the project. The relevant reference shall be very detailed, itemizing the specific resources that shall be available for the contract, in a

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
---	---	---

manner enabling AM to evaluate and estimate the significance of these resources during the Tender stage, and to ascertain the fulfilment of the commitment during the execution of the contract.

Through this Resolution, the Operator shall bind himself in an explicit manner that he will make available to the candidate the specific resources for the Contract, and that he will be jointly and severally responsible along with the candidate before AM regarding these resources.

In addition, the (Sub)-envelope* bearing the title “Back-up Documentation for Participation – Technical Offer” A shall contain a proofing documentation about the relationship between the Bidder and the operator.

The above shall be submitted for any other operator, whose financial-economic and/or technical and/or professional capacity shall be utilized, even if these operators constitute subsidiaries of the third party.

In case the bidder fails to meet his obligations, then the invocation shall not be taken into consideration.


Should the Operators invoke other additional Economic Operators’ resources, which (resources) cover a part of those offered by the Operators to the Bidders, proof of just the commitment of the additional Operators to provide their resources to the Operators suffices, while complete legalization of the additional economic operators and a resolution made by the BoD or by the competent body – as stipulated above – are not required.

The (Sub)-envelope* bearing the title “Financial Offer” - in correspondence with the requirements of the Invitation - shall include the specific financial-economic, technical and professional resources of the operators invoked by the Bidder, to be made available for the Contract. More specifically, complete information about these resources, as the case is for the Bidders in the aforementioned article, shall be submitted with the indication that it concerns third party (operator) resources.

The statements and documentation of the candidate and the operators relating to the invocation of resources shall constitute the content of the Supply Contract.

Upon the Contract signing, the bidder binds himself to make available the financial-economic, technical and professional resources of other operators that he invoked for the execution of the Supply.

If for any reason whatsoever, the Bidder fails to meet the aforesaid commitment, then the Participation Letter of

	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
---	---	---

Guarantee, stipulated in article 6 of the Invitation, shall become payable to AM.

In this case, AM's BoD may nominate as the Contractor, the Bidder whose offer follows in the classification drawn by the Tender Committee.

ARTICLE 19 CANCELLATION - ANNULMENT OF THE TENDER

19.1 The Tender shall be completed upon approval of its results and its award by AM's BoD.

19.2 The result of the Tender may be cancelled by AM's BoD resolution in the following cases:


- a) for irregular conduct of the tender procedure, provided that the result of the Tender is affected by the irregularity;
- b) if competition was insufficient or if there are significant indications that the bidders have communicated between them against the actual competition;
- c) if the validity of the financial offers expired and if the Bidders do not provide the required extensions;
- d) if the result of the Tender is deemed to be either financially disadvantageous or unsatisfactory;
- e) if the competition developed is deemed to be unsatisfactory.

19.3 The Tender may also be cancelled by resolution of AM's BoD, especially if:

- a) the execution of the contractual scope no longer interests AM;
- b) other reasons of public interest imposing the cancellation of the Tender exist.
- c).

19.4 If errors or omissions are noted at any phase of the procedure, the Tender procedure may be partially cancelled and/or, its result may be reformed accordingly by AM's BoD, or it may be decided by AM's BoD itself to repeat the Tender from the point where an error or omission was noted.

18.5 In case of cancellation or annulment of the Tender, the participants do not have any right of compensation for any reason whatsoever.

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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ARTICLE 20 AWARDING PROCEDURE – BACK-UP DOCUMENTATION FOR THE AWARD

20.1 Awarding Procedure

20.1.1 Submission of the Back-Up Documentation for the Award – Review

Upon completion of the offers evaluation procedure, the bidder who had submitted the most advantageous Financial Offer, to whom the project is to be assigned, is called upon within a fifteen (15) – day period after the pertinent notification that will be transmitted to him electronically, to submit the back-up documentation contained in this article through the system in .pdf format and in an envelope labeled “Back-Up Documentation for the Award”. Any statements shall be signed digitally and signature certification is not required.

The back-up documentation shall be submitted by the bidder who had submitted the most advantageous Financial Offer in a printed format too within a three (3) – day period upon the electronic submission to the Tender Committee. The aforesaid documentation and information in the printed format shall be submitted by the lowest bidder to AM’s Document Control Center (DCC) in a sealed envelope labeled “Back-Up Documentation for the Award” that is to be accompanied by a Cover Letter.


The electronic unsealing of the envelope labeled “Back-Up Documentation for the Award” of the bidder who had submitted the most advantageous Financial Offer and to whom the project is to be awarded, shall be effected in two (2) working days upon submission of the back-up documentation in the printed format, further to the relevant notification of the participants who are entitled to becoming cognizant of the submitted documentation.

Non-timely submission of the Back-Up Documentation for the Award shall be a reason for disqualifying the bidder who had submitted the most advantageous Financial Offer and declaring him forfeited. In this case his Letter of Guarantee for Participation becomes payable. Subsequently, AM shall call upon the bidder that comes next in the classification order of the final Classification Table to submit the relevant Back-Up Documentation for the Award and the procedure continues as stipulated above.

20.2 Back-Up Documentation for the Award

The Back-Up Documentation for the Award that the bidder who had submitted the most advantageous Financial Offer is called upon to submit to AM before the signing of the contract is the following:

Back-up Documentation related to the Legal Statement of Article 11.2

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
---	---	---

20.2.1 As regards the cases stipulated in paragraph 10.1, the following shall be submitted: an extract of the penal record or, in lack thereof, other equivalent document issued from the competent judicial or administrative authority of the country of origin of the bidder or each member of the bidder (in case of Joint Venture), proving that the required preconditions are met. In case the bidder is a legal entity, penal records should concern:


- his administrators (in case of General Partnership Companies, Limited Liability Companies or Limited Partnership Companies);
- the Chairman and the Managing Director (in case of a Société Anonyme);
- the natural entities responsible for its administration (in any other case);
- and, in addition, the natural entity signing the Financial Offer on behalf of the legal entity, if other than the above.

20.2.2 As far as Greece is concerned, the aforesaid data stipulated in article 10.2 above are proved through the relevant certificates issued by the competent Courts of the First Instance. These certificates should prove that:

- a. No decision has been issued showing that the Bidder has been declared in a state of bankruptcy;
- b. No application has been filed during the last two years to declare the Bidder in a state of bankruptcy;
- c. No application has been filed for appointing or replacing a receiver or co-receiver;
- d. There is no court decision putting the Candidate under coercive administration.

For cases under the items of Article 10.2, the foreign Bidders must submit other equivalent document issued by the Judicial or Administrative Authority of their country of origin, proving that the aforesaid preconditions are met. In case the country concerned does not issue such a document or certificate or in case this document or certificate does not cover all the cases stipulated above, then the said document or certificate can be substituted by a statement under oath (affidavit) to be submitted by the interested party; moreover, in the member-states where there is no provision for the issuance of affidavits, these can be replaced by an official statement before the Judicial or Administrative Authority concerned, a notary public or a professional organization of the country of origin of the bidder.

20.2.3 As far as case 10.3 is concerned, the bidder shall submit a certificate issued by the competent Authority (Professional Record or the respective Chamber) verifying that no offence has been committed inducing the imposition of a disciplinary action. The Companies for

	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
---	---	---

which there is no disciplinary council shall submit an official statement certifying that no disciplinary council exists and that they have not committed any grave professional offence.

20.2.4 The Items of article 10.4 - as far as Greece is concerned - are proved through a certificate certifying that no debt is due, which is issued by IKA or any other responsible social security fund. As regards foreign Bidders, the submission of a certificate to be issued by the authority concerned of the country of origin is required.


20.2.5 As far as Greece and items of article 10.5 are concerned, a dept clearance certificate issued by the competent Tax Authorities must be submitted. For Companies non-taxable in Greece, a certificate is required to be issued by the competent Greek Authorities or an official statement of the Bidders, stating, “they are not subject to taxation in Greece”. In this case, a pertinent certificate, issued by the competent authority of the member-state concerned, must be submitted.

Especially, as regards the Tax and Insurance Clearance Certificates, it is stressed that they should be valid at the Contract signing date.

20.3 Moreover, the bidder who had submitted the most advantageous Financial Offer shall submit anew the updated back-up documentation for participation, as stipulated in article 11.1.2 herein, that have already been submitted in the framework of the tendering process but whose validity has expired.

20.4 In case the bidder who had submitted the most advantageous Financial Offer is a Joint Venture, he shall submit a Notary Act for the establishment of the Joint Venture; the following shall necessarily be included therein, namely:

1. The joint venture’s acceptance to jointly participate in the execution of the Contract.
2. The participation percentage of each member in the joint venture.
3. The appointment of the member-companies with the highest percentage in the Joint Venture as Leader, who shall have the irrevocable order and authorization of the remaining member-companies to represent the joint venture and commit its members before AM throughout the duration of the Contract, and, in general, to act and state what is necessary for the implementation of the Contract. The natural entity to be appointed as the common representative of the joint venture before AM shall derive from this member (Leader) of the Joint Venture.
4. The members shall be solidly and wholly responsible before AM with regard to the obligations ensuing from the Contract.

 ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.	PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY” INVITATION TO TENDER	RFP-273/15 A.Σ. 20783
---	--	--

The Notary Act for the Establishment of the Joint Venture shall be accompanied by Statements of the Representative and his Alternate, whereby they accept their appointment. The appointment of the Representative and his Alternate, as well as the statements of acceptance must be unconditional and cover all issues concerning the execution of the Contract (e.g. payments, accounts, taking delivery of instructions, exchange of correspondence, taking delivery of Letters of Guarantee, etc.).

If the bidder who had submitted the most advantageous Financial Offer is a Company, he shall appoint – through a notary document – his representative for the execution of the Contract. Statement of the Representative, whereby he accepts his appointment, shall accompany the Notary Act for the Appointment.

The appointment of the Representative , as well as the statement of acceptance must be unconditional and cover all issues concerning the execution of the Contract (e.g. payments, accounts, taking delivery of instructions, exchange of correspondence, taking delivery of Letters of Guarantee, etc.).

ARTICLE 21 EXECUTION OF THE CONTRACT


Upon completion of the review of the back-up documentation for the award, the selected Contractor shall be called upon to sign the Contract within fifteen (15) calendar days (or earlier, if agreed upon between both parties) as of the date of the announcement of the results pertaining to the review of the Back-Up Documentation.

The contract shall be signed - on the part of the Contractor - by his representative, already authorized to that end as of the award stage, who shall initial and stamp each page of the Contract Documents. Contracts to be concluded with Joint Ventures/Consortia shall be signed by the Legal Common Representative who had been appointed at the offer’s submission stage, on condition that he is legally authorized to this end.

At the Contract signing stage, the selected Contractor ought to submit the following:

- 21.1** Fifteen (15) calendar days prior to the signing of the Contract, the Contractor should submit a Certificate by the Insurance Company (-ies) about the insurance coverage of the Project, in line with the stipulations of article 18 of the Conditions of Contract.

The original insurance policies shall be submitted by the Contractor, within a 20-calendar day deadline as of the Contract signing, along with the receipt for the payment of the first premium instalment. In case the Contractor does not comply with the above, the stipulations of article 28 of the Conditions of Contract are in effect.

 ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.	PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY” INVITATION TO TENDER	RFP-273/15 A.Σ. 20783
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21.2 Five (5) days **prior** to the signing of the Contract, the Contractor should provide a draft Good Performance Letter of Guarantee, as per sample A attached to Conditions of Contract and the provisions of article 10.3 of the CC. The Contractor, upon signing the Contract, shall submit the original Good Performance Letter of Guarantee.


21.3 Moreover, by virtue of the resolution made by the competent bodies of the legal entity, the Contractor ought to appoint his representative for the execution of the Contract. The resolution related to the subject appointment shall be accompanied by his representative’s statement of acceptance.

The statement of acceptance must be unconditional and be extended to all issues related to the execution of the contract (e.g. collection of payments, submission of accounts, orders/instructions, exchange of correspondence, receiving letters of guarantee, etc.).

Should this deadline elapse idle on the appointed Contractor’s fault, who, despite having been called, does not show up for the signing of the Contract or does not submit the required guarantees, or fails to comply with his obligations as stipulated in this document, then the Contractor is declared forfeited without any requirement for the prior communication to him of a special order and the Letter of Guarantee for Participating in the Tender becomes payable in favor of AM. In this case, AM’s Board of Directors can nominate as the Contractor the Bidder whose offer follows in the classification drawn by the Tender Committee, or can make a resolution about the cancellation or repetition of the Tender. AM reserves the right not to award the Tender, without this constituting any kind of obligation for any compensation to any interested party.

ARTICLE 22 LANGUAGE FOR THE CONDUCT OF THE TENDER - LANGUAGE OF THE CONTRACT

The official language for the conduct of the Tender and the Contract to be signed is Greek. All back up documents, certificates and documents required to be submitted during the conduct of the Tender shall be in Greek. Should the original documents in question have been drawn originally in a language other than Greek, **they should be accompanied by an official translation in Greek and the Greek language shall prevail.** The translation authenticated by the Greek consular authorities or the Translation Department of the Greek Ministry of Foreign Affairs or by an attorney according to the stipulations of the code of attorneys is accepted as an official translation. The translation includes the seals of the Public Authorities that issue or ratify the documents, as well as the Apostille.

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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The Contract shall be compiled in the Greek language. The overall written communication between AM and the Contractor shall be conducted in the Greek language.

Exceptionally, any information technical leaflets for materials or equipment can be submitted in English and shall be translated by the Bidder in Greek, if so requested by AM.


ARTICLE 23 DEADLINES FOR THE SUPPLY’S EXECUTION

A period of nine hundred and forty (940) calendar days following the signing of the Contract is defined as the time period required for full completion of the Scope of the Contract.

For the timely completion of the Supply, partial completion deadlines for specific works are set as per article 8, paragraph 2 of the Document entitled “Conditions of Contract”.

ARTICLE 24 ESTIMATED BUDGET - RETENTION - ADVANCE PAYMENT - PAYMENTS

- 24.1** The Contract Scope estimated Budget amounts to **64,250,000.00 EURO**, VAT not included. The Financial Offer of the Bidders shall be prepared and submitted based on the aforesaid budget. The estimated budget is binding and the Bidders are not allowed to exceed it.
- 24.2** No price re-adjustment is foreseen for the Contract validity period.
- 24.3** It is clarified that, in accordance with the stipulations of Law 1642/86 regarding the application of the Value Added Tax (FEK A25), VAT shall be borne by the Project Owner.
- 24.4** Provision is made for an interest-bearing Advance Payment to the Contractor equal to ten percent (10%) on the overall lump sum price of his Financial Offer. This advance payment shall be optional. The said advance payment shall be provided upon the Contractor’s request, as foreseen in detail in article 10.1 of the CC.
- 24.5** The Advance Payment shall be partially and proportionally amortized, during partial payments, in line with article 10.1 of the Conditions of Contract.
- 24.6** Upon granting the Advance Payment to the Contractor, payments of the Contractual Price shall be effected based on the progress of works, in accordance with the provisions of article 10, paragraph 2 of the document entitled “Conditions of Contract”.

	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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24.7 The Contractor shall bear all taxes, duties, retention, etc., as per the Greek Legislation and article 10 of the CC.

24.8 The Supply shall be co-funded in the framework of the European Regional Development Fund (ERDF) “2014-2020”, through the Act “Tramway Westbound Extension to Piraeus” and the Business Plan “ATTICA”.


ARTICLE 25 APPLICABLE LEGISLATION

The Contract to be signed, and any claims by both parties deriving due to this contract or on the occasion of this contract from the date when it is assigned to the Contractor, shall be governed by the terms of the contractual documents, the Greek Legislation, and more precisely by the Civil Code. The Courts of Athens are the only competent authorities.

Prior to the signing of the Supply Contract, the relations with AM are regulated on the basis of Directive 2004/17/EC, PD 59/2007 concerning the adaptation of the Greek Legislation to the stipulations of Directive 2004/17 EC, Law 3886/10, the Greek Civil Code and the Tender Documents.

ARTICLE 26 PUBLICITY

A summary of this Invitation to Tender has been transmitted for publication in the Official Journal of the European Communities (OJEC). The same summary of this Invitation to Tender has also been transmitted for publication in the Greek Press.

	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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SAMPLE A

To the Invitation to Tender

.....

LEGAL STATEMENT

as per article 11.2 of the Invitation to Tender

To the **Committee responsible for the Tender** for the supply presented above

The undersigned¹,
resident of, holder of the Identity Card no.
....., issued by, on
.....

Bidder² for the Tender or legal representative³ of the company or the legal entity
under the name
.....
.....⁴

I hereby declare, having full cognizance of the consequences of my declaration, as these (consequences) are stipulated in the general provisions concerning legal statements, the following:


A. In accordance with the provisions of article 10 of the Invitation, no proceedings have been conducted against the undersigned or the managers of the company or the legal entity I represent; the undersigned or the managers of the company or the legal entity I represent have not been convicted following issuance of a decision by a

¹ Full name and father's name of the undersigned of the legal statement

² in case of a private-owned company

³ authorized by the managing bodies of the legal entity, in case a company participates in the Tender either as an individual Bidder or as member of a Consortium or Joint Venture

⁴ delete all non-related sentences

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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Greek or foreign Court⁵, for embezzlement, fraud, forgery, perjury, bribery, fraudulent bankruptcy, participation in a criminal organization and legalization of revenues from illegal activities, in accordance with the legislation of the country of my seat (or of the country where the legal entity I represent is seated).

B. Neither I, (nor the company I represent⁶), are the subject of proceedings for a declaration of bankruptcy, for an order of compulsory wounding up⁷ or administration by the court; moreover, no petition has been filed for bankruptcy or administration by the court.

C. I have not (or the company I represent), committed any serious professional breach that has been ascertained and has been disciplinary punished, in any way whatsoever, as per the stipulations of article 10.3 of the Invitation.

D. I have fulfilled my obligations (or the company I represent has fulfilled its obligations) regarding the payment of social security contributions, according to the legislative provisions of Greece.


E. I have fulfilled my obligations (or the company I represent has fulfilled its obligations) regarding the payment of taxes and duties, in accordance with the legislative framework in force in Greece.

F. All the statements made above are true. I am fully aware of the fact that and I hereby accept that the truthfulness of my declarations shall be checked in the event I am appointed as the Contractor for this Contract and that I will be disqualified from the Tender, if any of my declarations is proved to be untrue.

⁵ delete the sentence not applicable in this case

⁶ the sentences not applicable in this case are deleted from items B, C

⁷ the word “wounding up” is deleted in case the bidder is a natural entity

	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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ΥΠΟΔΕΙΓΜΑ Β

ΕΓΓΥΗΤΙΚΗ ΕΠΙΣΤΟΛΗ ΣΥΜΜΕΤΟΧΗΣ

Προς την
ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.
Μεσογείων 191-193
115 25, Αθήνα

ΕΓΓΥΗΤΙΚΗ ΕΠΙΣΤΟΛΗ ΥΠ’ ΑΡΙΘΜ. ΓΙΑ ΠΟΣΟ 1.325.000,00 ΕΥΡΩ,

1. Με την επιστολή αυτή σας γνωστοποιούμε ότι εγγυόμαστε ρητά, ανέκκλητα και ανεπιφύλακτα, ευθυνόμενοι απέναντί σας εις ολόκληρο και ως αυτοφειλέτες υπέρ του/της (τίθεται η επωνυμία ογδόντα πέντε χιλιάδων ΕΥΡΩ (**1.285.000,00** €) για τη συμμετοχή του/της στο Διαγωνισμό που διενεργεί η ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε. για την ανάθεση της Σύμβασης **RFP-273/15 «ΠΡΟΜΗΘΕΙΑ ΤΡΟΧΑΙΟΥ ΥΛΙΚΟΥ (ΣΕΙΡΑ II) ΤΟΥ ΤΡΟΧΙΟΔΡΟΜΟΥ ΤΗΣ ΑΘΗΝΑΣ»**. Η εγγύησή μας καλύπτει τον παραπάνω διαγωνιζόμενο μόνο για την συμμετοχή του στον Διαγωνισμό.
2. Παραιτούμαστε ρητά και ανεπιφύλακτα από την ένσταση του ευεργετήματος της διαιρέσεως και διζήσεως, από το δικαίωμα προβολής εναντίον σας όλων των ενστάσεων του πρωτοφειλέτη ακόμη και των μη προσωποπαγών και ιδιαίτερα οποιασδήποτε άλλης ένστασης των άρθρων 852-856, 862-869 του Αστικού Κώδικα, όπως και από τα δικαιώματά μας που τυχόν απορρέουν από τα υπόψη άρθρα.
3. Με την κοινοποίηση σε εμάς σχετικής έγγραφης ειδοποίησής σας, σας δηλώνουμε ότι αναλαμβάνουμε με την παρούσα επιστολή, τη ρητή υποχρέωση να σας καταβάλλουμε εντός τριών ημερών από την ημέρα κοινοποίησης της ειδοποίησης αυτής στην Τράπεζά μας, χωρίς οποιαδήποτε αντίρρηση, ολόκληρο το ποσό της εγγύησης, σύμφωνα με τις οδηγίες σας.
4. Για την καταβολή της παρούσας εγγύησης δεν απαιτείται καμία εξουσιοδότηση, ενέργεια ή συγκατάθεσή του ως άνω διαγωνιζομένου ούτε θα ληφθεί υπόψη οποιαδήποτε τυχόν ένσταση ή επιφύλαξη ή προσφυγή του διαγωνιζομένου αυτού στη διαιτησία ή στα δικαστήρια, με αίτημα τη μη κατάπτωση της εγγυητικής επιστολής, ή τη θέση αυτής υπό δικαστική μεσεγγύηση.
5. Σας δηλώνουμε ακόμη ότι η υπόψη εγγύησή μας υπέρ του ως άνω διαγωνιζομένου θα παραμείνει σε πλήρη ισχύ για περίοδο τριακοσίων ενενήντα **390** ημερών από την ημερομηνία λήξης της προθεσμίας για την υποβολή των προσφορών. Για όλο αυτό το χρονικό διάστημα θα παραμείνουμε υπεύθυνοι απέναντί σας για την άμεση καταβολή σε εσάς του ποσού της εγγύησης μέχρι να επιστραφεί στην τράπεζά μας η παρούσα εγγυητική επιστολή, μαζί με έγγραφη δήλωσή σας ότι μας απαλλάσσετε από την υπόψη εγγύηση.
6. Οποιαδήποτε διαφορά τυχόν προκύψει σε σχέση με την παρούσα εγγύηση ή με οποιαδήποτε πληρωμή με βάση την εγγύηση αυτή, θα επιλύεται από τα αρμόδια ελληνικά δικαστήρια της Αθήνας.
7. Δηλώνουμε ομοίως, ότι με την έκδοση της παρούσας δεν γίνεται υπέρβαση των ορίων που έχουν τεθεί και ισχύουν για την τράπεζά μας σε ότι αφορά τις εκδιδόμενες από εμάς εγγυητικές επιστολές.

	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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SAMPLE C

PARTICIPATION LETTER OF GUARANTEE

To
ATTIKO METRO S.A.
191-193 Messogeion Avenue
115 25 Athens, Greece

LETTER OF GUARANTEE No. _____ FOR THE AMOUNT OF 1,325,000.00
EURO

1. We hereby advise that we expressly, irrevocably and unreservedly guarantee, being liable toward you in full and as debtors on behalf of(Bidder's name) for the amount of **1,285,000.00** EURO for its participation in the Tender conducted by ATTIKO METRO A.E. for the award of the contract with Reference No. **RFP-273/15** entitled “**SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY**”. Our guarantee shall cover the aforementioned Bidder only for his participation in the Tender.
2. We explicitly and unreservedly waive the right to make use of the benefit of division and discussion; the right of bringing against you all and any of the objections of the primary obligor including even those non-personal and especially any other objections as per Articles 852-856, 862-869 of the Greek Civil Code; and any rights which may arise from said articles.
3. Upon communication to us of your relevant written notification, we declare that we hereby undertake the explicit obligation to pay to you within three days upon receipt of your communication by our Bank, without any objection whatsoever, the amount of guarantee in whole, according to your directions.
4. For the payment of the said guarantee no authorization, action or consent by the aforementioned Bidder is required, nor shall any consideration be given to any objection or reservation or recourse by same to arbitration or the courts requesting the non enforcement of this letter of guarantee, or the placing of same under court sequestration.
5. We further declare that the said guarantee in favor of the aforementioned Bidder shall remain in force for a three hundred and ninety (390) day period, upon the expiry date for the offers submission. Until that time, we shall remain under obligation to directly pay to you the amount of the guarantee until this letter of guarantee is returned to our Bank, together with your written statement that you release us from said guarantee.
6. Any dispute that may arise in relation to this letter of guarantee or any other payment based on this letter of guarantee shall be solved by the competent Greek Courts of Athens.
7. We hereby declare, with the issuance of this letter of guarantee, that there is no violation to the monetary limits established in the regulations for our Bank with regards to the issuance of letters of guarantees.

	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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ΥΠΟΔΕΙΓΜΑ Δ


ΒΕΒΑΙΩΣΗ ΧΡΗΜΑΤΟΛΗΠΤΙΚΗΣ ΚΑΙ ΟΙΚΟΝΟΜΙΚΗΣ ΙΚΑΝΟΤΗΤΑΣ

Προς την
ΑΤΤΙΚΟ ΜΕΤΡΟ ΑΕ
Μεσογείων 191-193
115 25, Αθήνα

Κύριοι,

Σε συνέχεια αιτήματος που μας υπέβαλε η εταιρία(επωνυμία & διεύθυνση διαγωνιζομένου), η οποία όπως δήλωσε, πρόκειται να συμμετάσχει στο διαγωνισμό που πρόκειται να διενεργηθεί στις ή οποιαδήποτε άλλη μετά από ματαίωση, αναβολή ή ακύρωση ημερομηνία, για την εκτέλεση της Προμήθειας **RFP-273/15** με τίτλο «**ΠΡΟΜΗΘΕΙΑ ΤΡΟΧΑΙΟΥ ΥΛΙΚΟΥ (ΣΕΙΡΑ II) ΤΟΥ ΤΡΟΧΙΟΔΡΟΜΟΥ ΤΗΣ ΑΘΗΝΑΣ**», σας βεβαιώνουμε τα εξής:

1. Η ως άνω εταιρία συνεργάζεται με την Τράπεζά μας και η μέχρι σήμερα συναλλακτική συμπεριφορά της κρίνεται ικανοποιητική.
2. Με βάση τη σημερινή οικονομική της κατάσταση μπορεί να πιστοδοτηθεί από την Τράπεζά μας υπό συγκεκριμένους όρους και προϋποθέσεις, μέχρι του ποσού των Ευρώ το οποίο να χρησιμοποιηθεί:
 - Για χρηματοδοτήσεις μέχρι ποσού Ευρώ.....(.....)
(Να συμπληρωθεί ολογράφως και αριθμητικώς)
 - Για εγγυητικές επιστολές μέχρι ποσού Ευρώ.....(.....)
(Να συμπληρωθεί ολογράφως και αριθμητικώς)
3. Σε περίπτωση που η εταιρία αναδειχθεί ανάδοχος της ως άνω Σύμβασης, η Τράπεζα προτίθεται να εξετάσει οποιοδήποτε συγκεκριμένο αίτημα πιστοδοτήσεως υποβληθεί για τη Σύμβαση αυτή:
 - Για χρηματοδοτήσεις μέχρι ποσού Ευρώ.....(.....)
(Να συμπληρωθεί ολογράφως και αριθμητικώς)
 - Για εγγυητικές επιστολές μέχρι ποσού Ευρώ.....(.....)
(Να συμπληρωθεί ολογράφως και αριθμητικώς)
4. Η Τράπεζα, σε κάθε περίπτωση πιστοδοτήσεως, εξετάζει, με τραπεζικά κριτήρια, τους ειδικούς όρους και τις προϋποθέσεις πιστοδοτήσεων που εφαρμόζει, τους ισχύοντες νομισματικούς κανόνες και την οικονομική κατάσταση και τις προοπτικές της εταιρίας κατά τον χρόνο της χρηματοδοτήσεως
5. Η παρούσα δεν επέχει θέσει εγγυητικής επιστολής ή συμβουλής ή συστάσεως κατά τη διάταξη του άρθρου 729 του Αστικού Κώδικα.

	<p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-273/15</p> <p>A.Σ. 20783</p>
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**SAMPLE E
CREDIT AND FINANCIAL COMPETENCE CERTIFICATE**

To
ATTIKO METRO A.E.
191-193 Messogion Av.
115 25, Athens

Dear Sirs,

Following the request submitted by the company(*name and address of the Bidder*), which declared that it shall participate in the tender to be conducted on or on any date following an eventual cancellation, postponement or annulment of the Tender for the execution of the Supply: **RFP-2731/15** entitled “**SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”**, we hereby affirm the following:

1. The aforesaid Company cooperates with our Bank and its transactional behaviour until the present date is deemed to be satisfactory.
2. Based on its current financial status, this Company may be credited by our Bank under specific terms and conditions up to the amount of which can be used as follows:
 - For financing, the limit of EURO..... (.....)
(To be filled in full and in numbers)
 - For letters of guarantee, the limit of EURO..... (.....)
(To be filled in full and in numbers)
3. In the event that the Company is appointed as the Contractor of the aforesaid , our Bank is willing to examine any specific request for crediting that may be submitted in the framework of this Contract:
 - For financing, the limit of EURO..... (.....)
(To be filled in full and in numbers)
 - For letters of guarantee, the limit of EURO..... (.....)
(To be filled in full and in numbers)
4. In any case of crediting, the Bank shall examine - based on banking criteria - the special crediting terms and conditions that it implements, the applicable monetary regulations, as well as the financial status and the perspectives of the Company during the financing period.
5. This certificate shall not serve as letter of guarantee or advice or suggestion, in line with the provisions of article 729 of the Civil Code.


	<p align="center">PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p align="center">INVITATION TO TENDER</p>	<p align="center">RFP-241/13</p>
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ΠΙΝΑΚΑΣ Α

ΔΙΑΓΩΝΙΖΟΜΕΝΟΣ:

ΧΡΗΜΑΤΟΛΗΠΤΙΚΗ ΚΑΙ ΟΙΚΟΝΟΜΙΚΗ ΙΚΑΝΟΤΗΤΑ ΤΟΥ ΔΙΑΓΩΝΙΖΟΜΕΝΟΥ (Σε περίπτωση Κοινοπραξίας)

Α/Α	Όνομα Υποψηφίου ή Μελών της Κοινοπραξίας	Τραπεζικές Βεβαιώσεις							Παρατηρήσεις	
		Πιστωτικό Ίδρυμα	Αριθμός και ημερομηνία εγγράφου	Ύψος χρηματοληπτικής και οικονομικής ικανότητας	Ποσό εγγυητικών επιστολών	Ποσό δανειοληπτικής Ικανότητας	Ποσό για το Έργο			
							Ποσό δανειοληπτικής ικανότητας για το Έργο	Ποσό εγγυητικών επιστολών για το Έργο		
1	2	3	4	5	6	7	8α	8β		

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
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Ημερομηνία
Ο ΥΠΟΨΗΦΙΟΣ



	PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY" INVITATION TO TENDER	RFP-241/13
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TABLE A

BIDDER:

**CREDIT AND FINANCIAL COMPETENCE OF THE BIDDER
(In case of a Consortium)**

No.	Name of the Bidder or Members of the Consortium	Bank Certificates							Remarks	
		Credit Institution	Number and Date of Document	Amount of Credit Competence	Amount of Letters of Guarantee	Amount of credit competence	Amount for the Project			
							Amount of credit competence for the Project	Amount of Letters of Guarantee for the Project		
1	2	3	4	5	6	7	8a	8b		

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
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Date
THE BIDDER