



**“TECHNICAL CONSULTANT SERVICES FOR
THESSALONIKI METRO PROJECTS”**

RFP-256/14

INVITATION TO TENDER

TOTAL PRE- ESTIMATED FEE	22,127,472.08 € (VAT included)
	17,989,814.70 € (VAT excluded)

INVITATION TO TENDER BASED ON THE OPEN PROCEDURE

Type C

**For the award of a contract for the provision of services
as per article 9 of L.3316/05¹**

ATHENS

NOVEMBER 2014

INVITATION TO TENDER

TOTAL PRE-ESTIMATED FEE	22,127,472.08 € (VAT included)
	17,989,814.70 € (VAT excluded)

**INVITATION TO TENDER BASED ON THE OPEN PROCEDURE
FOR THE SELECTION OF A CONTRACTOR TO
PROVIDE SERVICES**

ATTIKO METRO S.A.

a n n o u n c e s

a public tender based on the open procedure
for the selection of a contractor to provide the following service²:

TECHNICAL CONSULTANT SERVICES FOR THESSALONIKI METRO PROJECTS”

of a total pre-estimated fee 17,989,814.70 € (plus VAT 23%)

The Tender shall be conducted in accordance with L. 3316/2005 and its executive decrees and decisions, as they are valid on the date on which the summary Invitation was transmitted for publication³ on November 28, 2014 and under the terms of the present document, and

hereby invites the interested parties

to submit an offer in line with the terms of this document.

INVITATION TO TENDER

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CHAPTER A'

Article 1: Project Owner – Awarding Authority

- 1.1** The Project Owner is the company ATTIKO METRO A.E.⁴.
Employer – Awarding Authority is ATTIKO METRO A.E.⁵.
The Administrative Authority (AA) is the Board of Directors of ATTIKO METRO A.E., which has been established through Resolution No. 874(b)/09.05.2007 made by the Board of Directors of ATTIKO METRO A.E., seated at 191-193 Messogion Avenue 115 25 Athens.
The Managing Department, is Thessaloniki Metro Department of ATTIKO METRO A.E., seated at 40, 26th Octovriou Street, Thessaloniki 54627.
The body which opines for the Petitions for Redress is: the Minister of Infrastructures, Transport and Networks.
The pertinent Technical Board is: the Engineering Department of the Projects Council of the Public Works General Secretariat.

- 1.2.** The Service that carries out the tender procedure is⁶ ATTIKO METPO A.E.; the following offers shall be deposited at this Service.

Street : 191-193 Messogion Avenue

Postal Code : 115 25 – Athens

Tel.- fax : 210-6792351 - 210-6726126

Changing the above authorities, bodies or services, in accordance with the applicable stipulations, or their transfer to another address does not affect the lawfulness of this invitation to tender or of the contract to be signed as a consequence. The Awarding Authority or the Employer is, similarly, obliged to inform all interested parties about the changes. Any failure to update the interested parties leads to a cancellation of the procedure and a new invitation to Tender, only provided that it demonstrably results in obstructing the interested party to participate in the tender procedure.

- 1.3** For easy understanding of the stipulations contained herein, the terms mentioned below shall have the meaning assigned to them as follows:

- a) Interested Party: every interested natural or legal entity, or associations of entities without legal personality, intending to participate in this tender procedure.
- b) Bidder: The interested party that has submitted a participation envelope, i.e., either the individual firm (natural or legal entity), or the joint venture or association of natural or legal entities.
- c) Tender documents: The documents mentioned in article 7 of this document, which, following the signing of the contract, become contractual documents.
- d) Committee: The Tender Committee, which is formed and functions in line with article 21 of L. 3316/2005.

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Article 2: Delivery of the Tender Documents – Provision of clarifications

- 2.1 The Invitation and the tender documents accompanying the Invitation are available at ATTIKO METRO Premises, at 191-193 Messogion Avenue, 6th floor, Information: K. Saiti tel.: 210 – 6792473, 210 - 6792351 during the office days and from 09:00 to 15:00.

The Interested Parties can pick-up the above documents **the latest eight (8) days** prior to the deadline for the submission of the offers, from ATTIKO METRO A.E. premises, upon payment of 15 EURO⁷, i.e. **until February 16th 2015⁸**.

ATTIKO METRO A.E. ought to distribute the documents the latest within six (6) days after the receipt of the application.

- 2.2 The interested parties can also take delivery by mail of the information of the tender that is made available, provided that they have previously communicated with ATTIKO METRO A.E. as regards the method of payment of the amount for reproduction and mail expenses⁹. ATTIKO METRO A.E. delivers the above tender documents, as specified in the above paragraph 2.1, at its premises, or transmits them via the postal service of the candidate's preference, without being responsible for the timely arrival of the said documents. Moreover, the documents are posted on ATTIKO METRO A.E. webpage (<http://www.ametro.gr>). It is stressed that, according to article 21.8 herein, in case of participation in the Tender, the interested parties must necessarily obtain the Financial Offer Form from ATTIKO METRO A.E. premises at no charge.
- 2.3 The Interested Parties can be informed about the “project file” located in the ATTIKO METRO A.E. premises and get photocopies of its content, during the office days and hours, **the latest eight (8) days** before the deadline for the submission of the offers, i.e. until **February 16th 2015 at 15:00h**. Until that date and time, the Interested Parties can visit ATTIKO METRO A.E. in order to examine any of these documents in relation with the scope to be awarded, following the appropriate arrangements.
- 2.4 Until **February 2nd 2015 and at 15:00h**, the Interested Parties can also be provided with additional information or clarifications relating to the tender documents, by submitting in writing questions to ATTIKO METRO A.E.

In case the Interested Parties promptly raise questions concerning, as per ATTIKO METRO A.E. judgment, issues of general interest (i.e. issues that also concern other parties), the relevant written responses of the ATTIKO METRO A.E. shall be copied to all Interested Parties, who received the tender documents, **the latest within six (6) days** prior to the deadline for the submission of the offers, i.e. until **February 18th 2015** via¹⁰ mail services or FAX, or by ATTIKO METRO S.A. employees. The Interested Parties must take into consideration only the contents of the published summary Invitation, this Invitation and the accompanying documents, as well as the related official correspondence. The bidders are not entitled to invoke verbal responses or clarifications given by the Service conducting the tender.

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- 2.5 **Objections against the Invitation** and the Tender documents (as per para. 5, article 13 of Law 3316/05) can be filed the latest **seven (7) days prior to the tender**, i.e. **until February 15th 2014**. In case the AA does not opine on the Objection the latest two (2) days prior to the submittal of offers, it is considered that it has tacitly rejected the Objection.
- 2.6 **Table** with the contents of the project file.
The project file includes the following information, as per the stipulations of article 4 of L. 3316/05:
1. Technical Data Document;
 2. Justification for the Advisability of the Project;
 3. The pre-estimated fee.

Article 3: Preconditions for valid participation – Submission of Envelope

- 3.1 In order to **validly** participate in the tender, the interested parties submit the Participation Envelope in accordance with the applicable stipulations and the requirements of this document, within the deadline specified in article 14 of the Invitation. The **cases of disqualification** from the tender procedure **are clearly indicated** in this Invitation.

Moreover, the bidders are excluded from the Tender should this is explicitly foreseen by the **provisions of the Law**, even if no explicit reference is made herein.

In **any other case of non compliance** with clauses and terms of the Invitation, the Bidders are not excluded and ATTIKO METRO A.E. requests that the relevant information be supplemented or clarified, in line with article 4.6.

The offers of the Bidders must be written and deposited in a sealed envelope necessarily bearing the following label:

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SEALED OFFER

***(The company name – mailing address – telephone & fax numbers
of the bidder and, in case of a consortium or joint venture, the
particulars of all its members)***

FOR THE TENDER:

**“TECHNICAL CONSULTANT SERVICES FOR THESSALONIKI METRO
PROJECTS”**

(Reference Code RFP-256/14)

**To: ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.
191-193 Messogion Avenue
115 25 Athens**

Attention: Tender Committee

NOT TO BE OPENED BY DOCUMENT CONTROL OFFICE

Each Bidder's participation envelope shall contain the following three separate sealed envelopes:

- a) the envelope with "Supporting documents for participation"
- b) the envelope with the "Technical Offer"
- c) the envelope with the "Financial Offer".

The content of each individual envelope of the offer is described in article 21 of this invitation.

The following information is displayed on the individual envelopes:

- a) **the content (title) of the envelope** (Participation Documentation Envelope, or Technical Offer Envelope, or Financial Offer Envelope) and
- b) **the title** (or titles, in case of Consortium or Joint Venture) of the Bidder
- c) **the title of the Contract under award: “TECHNICAL CONSULTANT SERVICES FOR THESSALONIKI METRO PROJECTS”**

the title shall be accompanied by the Reference Code **RFP-256/14**,

In case some envelopes do not contain the aforementioned information, a relevant note must be made during the unsealing of the envelope by the Committee.

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The envelope with the Financial Offer must be **sealed**, so that it cannot be unsealed and sealed again without any traces. **It is forbidden** to use a self-adhesive envelope. If the envelope of the Financial Offer is not sealed in accordance with the above, the bidder **is disqualified**.

The **remaining envelopes** can be **simply sealed**¹¹, i.e. their content should not be visible, without excluding the introduction of additional measures to secure the confidentiality of their content, as per the judgment of the interested parties.

- 3.2** The participation envelopes can be submitted by any means deemed profitable by the Bidders, as long as they are delivered to the **Document Control Center** (DCC) of the ATTIKO METRO A.E. conducting the tender the latest by the date and time (deadline) specified in article 14.

ATTIKO METRO A.E. is not responsible for the safety of content of the envelopes until their delivery, nor for any delay in their arrival, while the Bidders are exclusively responsible to submit their offer in a timely manner. It is **strictly forbidden** to pick up any envelopes or other documents from any post office.

The **delayed arrival and recording** of participation envelope results in the **disqualification** of the relevant bidder, even if the delay was due to reasons of force majeure. If the Committee is unable to meet on the designated day by reason of force majeure (such as a strike), this meeting shall take place on the **same working day and time of the following week** and, should this day be a Holiday, on the first subsequent working day. In this case, ATTIKO METRO A.E. informs through FAX or e-mail all bidders on the postponement and the date and time of the new meeting.

Any participation envelopes transmitted to ATTIKO METRO A.E. DOCUMENT CONTROL OFFICE after the expiry of the date and time set in article 14 **are considered invalid** and the Bidders **are disqualified with a relevant reference** of the reason for their disqualification made in the Proceedings No. I.

In case that **this impediment still exists** during the new working day and time, the aforementioned procedure is repeated.

Article 4: Procedure for the Acceptance and Evaluation of the Offers - Objections

- 4.1** The start of the public meeting is declared by the Chairman of the Committee, upon the expiry of the deadline for the submission of offers, as specified in article 14 of this document, at which time the Committee takes delivery of the participation envelopes that were submitted or transmitted to the Document Control Center. In case of **massive arrival** of Bidders at the DCC on the expiry of the deadline, the participation envelopes of all bidders who arrived at the DCC **on time**, i.e., before the expiry of the deadline, are recorded and collected, under the responsibility of the Tender Committee.
- 4.2** During a public meeting, the Committee initially examines whether the participation envelope was timely submitted and whether the financial offer was submitted in a sealed envelope, as per article 3.1, **numbers and initials** all participation envelopes, as well as the envelopes contained therein. Subsequently, the Committee unseals the envelopes with the “Supporting Documents for Participation” of all bidders, **initials**

INVITATION TO TENDER

their content and examines each one as to its valid participation, as per the stipulation of the present document, i.e.:

- a) the completeness of the envelope entitled: “Supporting Documents for Participation”, as per article 21
- b) the eligibility to participate in the tender procedure, as per article 18
- c) the fulfillment of the requirements for participation of article 19
- d) the existence of the (possibly additionally required) particular technical and professional competence, as per article 20 of this Document¹².

In case the public meeting is interrupted, the review process continues on the immediately following days. A relevant written announcement by the Committee Chairman is posted, informing about the date and time of the next public meeting. The Committee’s **Proceedings I** contains a relevant reference about this interruption of the meeting and the issuance of the announcement.

- 4.3 Following the completion of the review of the envelopes with the “Participation Supporting documents” of all bidders, the Committee drafts the Proceedings No. I, wherein the trade name of the Bidder, the class and category of each license, the authorized representative and the other details required by the Invitation, such as the participation letter of guarantee, etc., are recorded on the basis of the number each envelope received.

Proceedings I is completed with the justified decision of the Committee about the disqualification of the bidders who do not satisfy the necessary requirements for valid participation in the tender procedure; the Proceedings is then posted at the care of the Committee’s Chairman to the Bulletin Board of ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.¹³ (6th floor).

A relevant **announcement**, indicating the content of the Proceedings, the relevant Contract, the deadline for filing objections and the Body or Service to which Objections, if any, are filed, is signed by the Committee’s Chairman and is then **transmitted** to the bidders. A **copy of the proceedings** is provided on the same date at the premises of ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε. without any request or checking the power of attorney of their representatives.¹⁴

The deadline for filing Objections commences upon notification of the announcement and any delay related to the transmittal or receipt of the Proceedings does not postpone the commencement.

The Envelopes of the Technical and Financial Offers of the bidders that were disqualified (for any reason whatsoever) as per the above remain sealed and safeguarded at the Committee’s care until the lapse of the relevant deadline, or until the bidders eventually declare in writing that they waive their right to file objections. Should there be deadlines for the filling of appeals to administrative services or courts, these envelopes are safely kept for as long as it is required for the needs of the proving procedure. With regard to the conditions for safeguarding the envelopes, Decision No. Δ17γ/04/157/ΦΝ/439.3/18.10.2006 of the Minister of PEHODE (Government’s Gazette B’ 1561) is applicable.

- 4.4 Following the publication of the Proceedings I, on the same day, or, if this is not feasible, on one of the immediately following working days, when the proceedings is transmitted to the bidders who were not disqualified on the basis of Proceedings I, the

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Committee unseals during a public meeting the Technical Offers of these bidders, it initials the content of each envelope and records this content in the **Proceedings II**.

Thereafter, the Committee, during private meetings, reviews, judges, evaluates the Technical Offers, and scores them according to the evaluation criteria mentioned in paragraph 22.1.1 of this document. Once the Administrative Authority has made a resolution on the objections that may have been filed against Proceedings I and having taken into consideration the above resolution, the Committee reviews, judges, evaluates and scores the Technical Offers of the bidders whose objections were accepted, and completes **Proceedings II**.

The Proceedings is accompanied by tables showing the score the bidders received on each criterion, the final score of each Technical Offer, with a brief justification of this scoring, which is based on the contents of the envelope of the technical offer of the bidders.

The Chairman of the Committee **announces** Proceedings II by:

- a) posting it on the bulletin board of the Service (6th floor) conducting the Tender, and
- b) transmitting a relevant written notification to the bidders not disqualified during the previous stage. The announcement specifies the deadline and the address/entity for filing objections. A copy of the proceedings is handed on the same day to the bidders at ATTIKO METRO A.E. premises, without having previously requested or checked the power of attorney of their representatives¹⁴.

Any delay in the transmittal or receipt does not have any consequence on the commencement of the deadline.

If an objection is filed and accepted with regard to the lawfulness of the Bidder's technical offer, the Administrative Authority modifies accordingly the Proceedings II. If an objection against the scoring is filed and accepted, the Administrative Authority returns Proceedings II to the Tender Committee, with specific comments regarding the deficiencies in the scoring process. The Committee re-scores the Technical Offers by drafting new (corrective – supplementary) Proceedings, taking into account these comments.

- 4.5 After finalizing the scoring of the Technical Offers¹⁵, the Committee invites in writing to a public meeting those Bidders whose Technical Offers were found acceptable. The date of this public meeting is set to be at least five days after the written invitation. The deadline starts counting on the day that follows the announcement. On the date and time of the public meeting, the Committee unseals the Financial Offers, initials them and records their content in **Proceedings III**.

The financial offers receive a score if they **are accepted**.

The financial offers are considered acceptable provided that¹⁶:

- a) the quantities of the physical scope correspond to the quantities specified in the Tender documents, especially in the pre-estimated fee analysis.¹⁷
- b) they have been compiled in accordance with **paragraph 21.8** of this document.

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Following the scoring of the acceptable financial offers and the weighing of the score given to the technical and financial offer of each bidder, the Committee determines the most advantageous offer and records its actions and recommendation for the award in **Proceedings III**. In case the majority of the bidders received the same weighed score, the candidate with the highest score in the Technical Offer qualifies.

After its completion, Proceedings III is posted at the care of the Committee's Chairman to the Bulletin Board of ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε. that conducts the tender (6th floor). A relevant announcement indicating the deadline for filing objections, as well as the pertinent Body or Service, is then transmitted to the bidders not disqualified during the previous stages.

A copy of the Proceedings is provided on the same day to the bidders, which is available at the premises of ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε., without any request or checking the power of attorney of their representatives¹⁴.

Any delay in the transmittal or receipt does not have any consequence on the commencement of the deadline.

The Committee opines on the objections that may have been filed against Proceedings III and recommends to the Administrative Authority to award the contract to the bidder who submitted the most advantageous offer, as per the stipulations of **paragraph 22.2** of this document.

4.6 Clarifications of the submitted documents

Before deciding to disqualify a Bidder for reasons related to the completeness of the envelope “**Participation Supporting Documents**” and to the lawfulness of the relevant documentation, the Committee ought to, respecting the principle of equal treatment, to invite the Bidders, using any available means, to “explain” or “supplement” the data included in the Envelope within a specific deadline.

The only data which cannot be supplemented or clarified are those for which there is a clear reference in this Invitation or the Law, i.e. that they constitute a reason of disqualification.

The term “explain” means to provide clarifications about the content of documents already submitted. The term “supplement” means to submit new data, on the assumption that, in combination with the already submitted data of the “Formal Qualifications Envelope” the additional data demonstrate that they come in support of one of the preconditions set in this Invitation.

It is not possible to replace a posteriori non submitted documentation and data.

The Committee is entitled to request information directly from the employers of the Bidders to whom reference is made in the relevant Tables, in order to consider and verify the experience-related information specified in article 20 of this document during the checking of the Bidders suitability.

It is not allowed to make any additions or corrections to the data and documents contained in the envelope of the **Technical Offer**. These ambiguities and omissions are assessed during the scoring process. The Committee is entitled to obtain information from the Bidder's employers stated in their Technical Offer, in order to verify the submitted data, adhering to the principle of their equal treatment.

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The **Financial Offer** of the Bidders is corrected and supplemented by the Committee, if this is allowed on the basis of the stipulations of article 21.8.

4.7 Communication of the Service's documents

Communication of the Service's documents related to the tender, such as announcements about the posting of proceedings and about public meetings, Proceedings and resolutions of the AA related to objections and the approval of the result of the tender, are made **via fax or e-mail or through ATTIKO METRO A.E. employees**¹⁸.

4.8 Objections

Interested parties who have officially taken delivery of the tender documents can file objections against the Invitation to Tender and the tender documents until the date stipulated in article 2.4.

Only the bidders who participate in a certain stage of the tender or who were disqualified from this stage are entitled to file objections against the Proceedings of the Committee. The objections are addressed to the Chairman of the Committee and are filed in the Document Control Center of ATTIKO METRO A.E.. The deadlines for filing objections start counting on the day that follows the announcement and the posting of the proceedings, and they are as follows:

- against Proceedings I, five (5) working days
- against Proceedings II, ten (10) calendar days
- against Proceedings III, five (5) working days.

The Administrative Authority resolves on the objections, on the basis of the Committee's opinion.

Especially with regard to the objections against Proceedings I, the Administrative Authority resolves **within a period of ten (10) working days**. This deadline is indicative and aims at expediting the tendering process; in any case, the Administrative Authority can issue its resolution upon expiry of the deadline¹⁹. The decisions on the objections are communicated, at the care of the Committee's Chairman, to all bidders who participated in the respective stage or were disqualified from same.

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Article 5: Completion – Cancellation – Partial Repetition – Award

- 5.1 The tender procedure is completed upon issuance by the Administrative Authority of the Resolution concerning the award of the technical consultant services, following concurrence of the Tender Committee. This Resolution is copied via Fax or through e-mail or by means of AM employees²⁰ to all bidders, except the selected Contractor, in which case, the procedure stipulated in paragraph 5.3, is adhered to.
- 5.2 The Administrative Authority is entitled, on the basis of a justified resolution, to recall the Invitation and to cancel the result before or after the award, in accordance with the stipulations of paragraph 10, Art. 7, applied in combination with paragraph 12, Article 6 of L. 3316/05.
- 5.3 Following the issuance of the awarding resolution, the selected contractor is invited to submit, **within a deadline of 20 days**, the individual supporting documents mentioned in article 23, on the basis of which he submitted the legal declaration of paragraph 21.3, as well as the license mentioned in paragraph 21.2.1. In case the contracting joint venture includes **a foreign candidate**, who participated in this tender through the legal declaration – certificate stipulated in paragraph 21.2.3 of this document, this foreign candidate shall submit CVs of his personnel, in order to prove the relevant general experience, in line with paragraph 18.2.3.

If the information submitted is not considered to be the appropriate ones, then the Administrative Authority shall request their supplementation or clarifications thereof within a reasonable deadline.

The Bidder is disqualified, the awarding resolution is recalled and the contract is awarded to the bidder who comes next in the classification order, under the same preconditions, in case:

- a. the above data are not provided on time, or they are not in agreement with the already submitted legal declaration, or
- b. the bidder or one of its members in case of a joint venture or a consortium, was deleted from the Engineering Registers, or was downgraded to a lower class, which is not eligible to participate in the tender, on the basis of the stipulations of paragraph 2, Article 14 of L. 3316/05,
- c. it is proved, in line with paragraph 23.1.1, that the legal representative who signed the offer was not vested with the necessary power as it ensues from the relevant statutes and the bidder is not entitled for participating in the subject tender.

If so requested, the Administrative Authority is obliged to inform the bidders about the outcome of the review of the supporting documents submitted by the selected Contractor and to provide the bidders with photocopies of the said documents, before announcing the awarding decision to the selected Contractor.

Article 6: Conclusion and signing of the contract

- 6.1 The Contract is signed after the Administrative Authority has issued its awarding resolution to the selected Contractor with proof of evidence, provided that the preconditions mentioned below are all met:

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- a. the information stipulated in paragraph 5.3 of this document is submitted on time the candidate Contractor, is reviewed and approved by the Service conducting the tender,
- b. the legal declaration stipulated in the JMD 20977/23.08.2007 made by the Development and State Ministers (FEK B'/1673/23.08.2007) “About the documentation regarding the adherence to the Registers of Law 3310/2005, as amended through Law 3414/2005” and the provisions applicable at each given time²¹
- c. the result of the review conducted by the Court of Auditors²² concerning the lawfulness of the contractor’s selection procedure is positive.

The Contract can be concluded even after the expiry of the offers validity period, on condition that the Contractor does not object in writing to that.

The Contract about joint ventures or consortia shall be signed by the Legal Common Representative appointed at the time the Offer was submitted, should this person is legally authorized to this end. Otherwise, his/her legalization must be submitted to AM before the signing of the pertinent agreement.

If, prior to the signing of the contract, an irrevocable decision is issued by a Penal Court, as per the provisions of Law 3414/2005 (About the Basic Shareholder), proving an irreconcilability between the condemnatory party and the Contractor, then the selected Contractor shall be disqualified (article 5, Law 3310/05, as amended through Law 3414/05) and the possibility to award the contract to the bidder who comes next in the classification order is examined (as per the stipulations of the following paragraph).

6.2 Upon completion of the procedure described in paragraph 6.1, the awarding resolution is communicated to the Contractor, who is invited, as per the stipulations of article 23 of L. 3316/05, to appear for the signing of the Contract at a designated place and time. The Contract can be signed even earlier, if both parties agree on that. In case the Contractor does not show up on time at his liability, the Contractor is declared forfeited, as per paragraph 4, article 23 of L. 3316/05 and the Letter of Guarantee for Participating in the Tender becomes payable in favor of AM, who may award the Contract to the bidders coming next in the order of classification, as this ensues from proceeding III of the Tender Committee and as per the stipulations of paragraph 11 of Article 7 of L. 3316/05.

6.3 In order to sign the Contract, the Contractor has to deposit the Good Performance Letter of Guarantee, as well as the remaining required supporting documents, as per the stipulations of the Conditions of Contract, and to state his seat and his attorney-at-law, resident of Athens or Thessaloniki.

On the part of the employer, the Contract shall be signed by the representative²³ authorized to this end by ATTIKO METRO S.A. Board of Directors.

Article 7: Tender documents – Contractual documents

The Tender Procedure documents, which, upon signing of the private agreement shall constitute the contractual documents, are by order of prevalence as follows:

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1. The private agreement
2. This Invitation to Tender with its Attachments and the Clarifications Document that may be issued
3. The Financial Offer of the Contractor
4. The Technical Offer of the Contractor
5. The Conditions of Contract document (CC)
6. The document entitled Technical Data

7. The document entitled Pre-estimated Fee with the detailed calculations of the pre-estimated fee, in accordance with Article 4, para. 2 and Article 7, para. 3.c of Law 3316/2005.

Article 8: Language of the Tender Procedure

- 8.1 The official language of the procedure is Greek and all documents of the Awarding Authority shall be drafted in the Greek language.

- 8.2 All public documents concerning foreign Companies and which shall be submitted by the bidders during the conduct of the Tender shall be legible photocopies of the lawfully attested ones either by the Consular authorities in the country of the bidder, or by affixing the “Apostille” stamp as per the Hague Convention dated 05.10.61 (ratified by Law 1497/84) as a proof of their authenticity. These documents can be translated either by the Translation Department of the Greek Ministry of Foreign Affairs or by the appropriate Consular Authorities, or by an attorney, as per article 454 of the Code for Civil Procedure and article 53 of the Code of Attorneys or by a chartered translator of the country of the bidder, if such a procedure exists in this country.

Any public and supporting documents concerning foreign Companies can be submitted in the form of a legible photocopy either by a legal certified document by the Consular authorities in the country of the bidder or by the original document affixing the “Apostille” stamp as per the Hague Convention dated 05.10.61.

- 8.3 The prevailing wording shall be always in Greek and any eventual objections shall be submitted into the Greek language.

- 8.4 All written and verbal communications between the Service (at all levels) and the Contractor shall be necessarily in Greek. The Contractor is obliged to facilitate the communication of his foreign employees with the Service by making arrangements for the presence of interpreters.

Article 9: Applicable legislation

With regard to the Contract’s award and execution, the following provisions are mainly in force, as these are valid at the time this Invitation is published:

1. **Law 3316/2005** (FEK A 42) *“About the award and execution of Public Contracts related to the preparation of designs and the provision of similar services and other provisions”*, as amended and supplemented through Law 3481/2006 (FEK A 162,),

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- Law 3621/2007 (FEK A 279), Law 3919/2011 (FEK A 32), Law 4070/2012 (FEK A 82), Law 4199/2013 (FEK A 216) and **all regulative acts** (Presidential Decrees and Ministerial Decisions) that have been issued for its execution, as well as **all circulars** that have been issued for its interpretation²⁴;
2. The stipulations of L.2859/2000 concerning the VAT (FEK A' 248), as amended by article 12 of Law 3336/2005 (FEK A 96) and Laws 3833/2010 (FEK A 40) and 3845/2010 (FEK A 96);
 3. Law 3886/2010 - “Court protection during the stage that precedes the conclusion of contracts” (FEK A 173)²⁵, as amended by article 63 of Law 4055/2012, article 11 of Legislative Act 051212 (FEK A 237) and article 74 of Law 4146/2013 (FEK A 90)
 4. Law 3310/2005, as amended by Law 3414/2005 about the cross checking of the Contractor's information with the information of the Radio-TV Council, and the JMD 20977/23.08.2007 issued by the Development and State Ministers (FEK 1673 B /23.08.2007) “About the documentation regarding the adherence to the Registers of Law 3310/2005, as amended through Law 3414/2005”²⁶ ;
 5. Law 2741/99 about “pre-contract examination by the Court of Auditors” (FEK 199 A /28-09-1999), as amended and supplemented by Law 3060/2002 (FEK 242A/11-10-2002) , Law 3090/2002 (FEK 329A/24-12-2002), Law 3310/2005 (FEK 30 A/14.02.2005), Law 3614/2007 (FEK 267 A/03.12.2007), Law 4129/2013 (FEK 52 A/28.02.2013) and Law 4146/2013 (FEK 90 A/18.04.2013)²⁷;
 6. Legislative decree 2726/1953 “about amendments and supplementation of article 59 of Legislative Decree 17.7/16.08.1923 concerning planning and construction of cities, towns and communities of the State”, as valid after its amendment through Law 3919/2011 (FEK A 32);
 7. PD 696/74, as valid as to the Second Book (Specifications) and as a comparative element for the pre-estimate of design fees, not covered by the Fees Regulation;
 8. PD 138/2009 “Designers' and Engineering Firms' Records” issued in execution of the provisions of paragraph 7 article 39 Law 3316/2005;
 9. Law 3548/2007 about the publication of the Invitations to Tender in the Prefectural and Local Press and Law 4070/2012 (FEK A 82) article 138 paragraph 2.b about the posting/publication of the Invitation Summaries;
 10. The remaining (other than those already mentioned) regulatory provisions issued in execution of the above laws, as well as other provisions explicitly mentioned or ensuing from the stipulations of the contractual documents of this contract and, in general, every stipulation (of a Law, PD, Ministerial Decision, etc.) that governs the award and execution of the present Contract, even if it is not explicitly mentioned above.
 11. The applicable Specifications for the design categories to be awarded.
 12. Law 4278/14 (FEK 157/A'/04.08.14), article 59 about the abolishment of restrictions concerning the participation of Contracting Companies in Public Works.
 13. Law 4281/14 (FEK 160/A'/08.08.14), article 157 about guarantees.
 14. Law 4250/14 (FEK 74/A'/26.03.14), article 1 about the abolishment of the obligation for certifying photocopies of documents.

Article 10: Presumption ensuing from the participation in the tender procedure

The participation in the tender procedure constitutes proof that the bidder and all its members (in case the bidder is a consortium/joint venture) has taken full cognizance of:

a) the present document and the remaining accompanying documents;

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- b) the legislation governing “The award and execution of Public Contracts related to the preparation of designs and the provision of services” (Law 3316/05), and the remaining provisions of the previous article and
- c) the information included in the project file.

The terms of this document shall be interpreted in such a way so as not to create any discrepancy with the rules of law. In case of conflict between a term of this Invitation (including its documents) and a compulsory rule of public law or a rule of public order, then the rule of public law shall prevail.

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CHAPTER B´

Article 11: Scope –Pre-estimated Fee – Funding – Contractual Deadline The present Invitation is related to the award of the agreement for the provision of services entitled:

“TECHNICAL CONSULTANT SERVICES FOR THE THESSALONIKI METRO PROJECTS”

The main features of the contractual scope are detailed in the remaining documents described in article 7 of the present Invitation and accompany it.

11.1 Scope

11.1.1 In the framework of this Tender, AM intends to assign the provision of services to an experienced Technical Consultant, who will possess the necessary know-how, in order to support AM in the implementation of the Base Project of Thessaloniki Metro and its Extensions, as described in detail in the Document entitled “Technical Data”.

The Consultant is obliged to make available two Groups of personnel, namely:

Group 1 – Basic; it includes specialized executives, possessing special technical and professional competence, who shall cover the positions required in line with the progress of the works.

Group 2 – Supporting; it includes executives possessing general experience, who shall cover positions as needed by the progress of the works.

More specifically, in the framework of the organizational structure of AM and in cooperation with AM's personnel, the Consultant shall provide specialized services in the fields presented below:

A. He supports and provides consulting services to AM on engineering works of Civil Works

- Structural designs - especially concerning underground projects, boring of tunnels using Tunnel Boring Machines, Earth Pressure Balance Shields (TBM – EPB).

B. He supports and provides consulting services to AM on engineering works of electromechanical and railway systems

Special support from the Consultant is required in the following fields:

- the interfaces (between systems, between systems and Civil Works, as well as those involving rolling stock, etc.) and the interconnection between the project under construction and the Project's future extensions
- Depots
- Signaling, traction, ventilation and air-conditioning, telecommunications, BACS, rolling stock and other related issues.

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- C. He supports the supervision of Civil Works
- D. He supports the supervision of the construction of works relating to the installation of electromechanical and railway systems
- E. He supports the execution of systems' testing and commissioning, including:
 - Organization and management of the integrated systems testing to be performed by the Contractors.
 - Organization and management of the performance testing for the “effectiveness” of the system to be performed with the participation of the Contractors.
 - Organization and management of the Trial Run of the systems.
- F. He monitors and supports the Quality Assurance and Quality Control of the Projects.
- G. He supports and provides consulting services to AM on the following up for the execution of the architectural works.
- H. He supports and provides consulting services to AM on topographical works
- I. He supports and provides consulting services to AM on geotechnical designs and surveys.
- J. He supports and provides consulting services to AM on the preparation of technical tender documents for the Extensions.
- K. He provides consulting services, review and monitoring in view of assuring the reliability, availability, maintainability and safety (RAMS) of the Electromechanical and Railway Systems, as well as of the Rolling Stock.
- L. He provides consulting services in issues related to cost (new prices, etc.), contracts (RTW, etc.) and time-scheduling.

The Consultant shall opine on all issues related to designs, supervision, quality, safety, contracts, quantities, cost, time schedules, testing and commissioning of the works and systems.

11. 2 Pre-estimated Fee

The overall pre-estimated fee rises to the amount of **17,989,814.70 €** (VAT excluded), and is allocated to individual pre-estimated fees as follows:

1. 918,472.50€ for services corresponding to design category 6 (Architectural Designs for Building Works)
2. 7,243,686.45€ for services corresponding to design category 8 (Structural Designs)

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3. 6,181,932.24€ for services corresponding to design category 9 (Mechanical – Electrical – Electronic Designs)
4. 1,189,115.73€ for services corresponding to design category 10 (Traffic Works Designs)
5. 901,327.68€ for services corresponding to design category 16 (Topographical Designs)
6. 1.555,280.10€ for services corresponding to design category 21 (Geotechnical Designs and Surveys)

The contract for the provision of Consultant services shall be funded by funds of the 5th Programming Period in the framework of the Operational Program “Transports Infrastructures, Environment and Sustainable Development” 2014-2020.

- 11.3 The physical scope units or the employment units, the quantitative elements and the unit prices utilized for the calculation of the aforementioned pre-estimated fees – in line with article 4, paragraph 2 of Law 3316/2005, are stipulated in the document entitled “Pre-estimated Fee” of Article 7 of this Document.
- 11.4 The date of signing of the private agreement is set as the **date of commencement of the Contract’s deadlines**. However, the awarding authority maintains its right to set, during the signing of the private agreement, another time period for the commencement of the contractual deadlines (as per article 23, para. 3 of Law 3316/05).

The **overall deadline** for the completion of the scope of the Contract is set to **60 months** from the signing of the private agreement.

The awarding authority maintains its right to set, during the signing of the private agreement, later time period for the commencement of the contractual deadlines (as per article 23, para. 3 of Law 3316/05).

- 11.5 The Contractor shall be working – depending on the contract requirements - in AM’ offices in Thessaloniki and Athens (should it be required) and in the worksites of the Project in Thessaloniki and/or in its temporary offices next worksites ²⁸.

**Article 12: Procedure for the selection of the Contractor for the provision of services –
Criterion for the contract award**

- 12.1 The selection of the Contractor for the provision of services shall be based on the open procedure, as determined in paragraph 5 of article 1 of L. 3316/2005.
- 12.2 The criterion for the contract’s award sn the “most economically advantageous offer”, as per paragraph 4 of article 9 of L. 3316/2005.
- 12.3 The most economically advantageous offer shall result after the evaluation of the Technical and Financial offers of the Bidders who have not been disqualified, based

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on articles 18, 19 and 20²⁹ of the present document. The evaluation of the offers and the appointment of the Contractor shall be exclusively based on the criteria for the evaluation of the Technical and Financial Offer, as these criteria are described in detail in article 22 of the present document, having previously weighted their score in accordance with article 22.2 of this document.

Article 13: Offers – Offer Validity Period

- 13.1 The offers shall be compiled in accordance with the requirements of this Invitation, whereto the Financial Offer Form and sample documents related to the following are attached: the Legal Declaration, the Technical Competence, the Technical Offer and the Letters of Guarantee for Participation and for Good Performance.

The utilization of the samples is mandatory.

- 13.2 No alternative offers shall be accepted, nor any offers for part of the contract scope of the services.

The offers shall be in effect for a period of **twelve (12)³⁰ months** after the expiry of the deadline for the submission of the Offers stated in the following Article.

Article 14: Expiry of the Deadline for the collection of the participation envelopes

The deadline for the submission of the participation envelopes to the Awarding Authority is set to be Tuesday **February 24th 2015 at 15:00h**.

Applications and offers submitted **after the above deadlines** are rejected (as article 3).

Article 15: Participation and Good Performance Letters of Guarantee

15.1 Guarantee for participation in the tender procedure

In order to participate in the Tender, a participation guarantee amounting to three hundred fifty nine thousand seven hundred ninety six **(359,796.00) Euros**³¹ is required, which consists of a) letters of guarantee from ETAA/TSMEDe or from banks lawfully operating in Greece or in any other member-state of the European Union, the EFA or the WTO, or b) by depositing a trust of an equal amount or bonds of equal value to the Trusts and Loans Fund (article 24, paragraph 2 of L. 3316/2005).

The letters of guarantee shall be compiled in accordance with sample of **(Appendix V)** of this document and must be valid for a minimum period of **thirteen (13)³² months** after the expiry of the deadline for the submission of the offers. If the letter of guarantee is issued by a non-Greek bank, then it can be drafted in one of the official languages of the EU, but it must be necessarily accompanied by an official and certified translation in the Greek language, which prevails over the text in the foreign language.

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It is stressed that AM shall verify the validity of the Letter of Guarantee. Should this verification reveal that the deposited Participation Letter of Guarantee is void, false or counterfeit, then the Bidders shall be disqualified.

This guarantee shall be collectable and payable in Greece, shall be governed by the Greek legislation and shall be subjected to the exclusive competence of the Athens Courts, in case any type of dispute arises during the tender procedure.

The letters of guarantee for participation shall be returned to the Contractor, upon submission of the Good Performance Letter of Guarantee, and to the remaining Bidders within a four (4) – day period as of the communication to them of either the final decision about the rejection of the offer from the remaining stages of the awarding procedure or of the final decision about the award of the Contract.

The letters of guarantee shall be immediately returned to all bidders in case the procedure is cancelled and on condition that no recourses or petitions for interim measures shall be filed against the relevant decision. In all cases, each letter of guarantee whose validity period has expired rendering it thus invalid shall be returned, under the condition that this letter has not been extended or its validity has not been renewed by the guarantor and the bidder.

In the event that the bidder is a joint venture/consortium, the participation guarantee shall be common in favor of all members of the joint venture/consortium. In this case, it is possible to issue more than one letters of guarantee, whose total sum shall cover the total amount of the required guarantee, on condition that each of these letters of guarantee shall be issued in favor of all members of the joint venture/consortium and not in favor of individual members.

Any offer not accompanied by a participation letter of guarantee, as per the above, shall not be accepted.

The participation letter of guarantee **becomes payable** if the Bidder withdraws his offer, when still valid, provides false information regarding the reasons for disqualification, does not submit on time the back-up documentation for the award or does not present himself on time for signing the contract.

In case the tender procedure duration exceeds the period of thirteen (13) months, then AM requests the extension to the validity period of the deposited participation letters of guarantee, as well as a respective extension to the validity period of the Bidders' offers. Any bidders not complying with this request are disqualified.

15.2. Letter of guarantee for good performance

Upon signing of the private agreement, the Contractor shall deposit a good performance letter of guarantee, as per the sample of **(Appendix VI)** of this document, which must fulfill the terms of the Conditions of the Contract. The amount of the Good Performance Letter of Guarantee shall be 5% on the value of the contract, VAT excluded.

Article 16: Contractor's fee – Method of Payment

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- 16.1 The Contractor's financial offer also constitutes his contractual fee (VAT excluded). This fee is revised only in cases set in para. 1 of article 30 of Law 3316/05, and in line with the provisions of the Decision made by the Minister of PEHODE, Δ17γ/05/157/Φ.Ν 439.3/18-10-2006 (FEK B' 1591).

Payments to the Consultant shall be made through the monthly payment certificates, for which the Consultant shall submit the relevant accounts that shall be drawn as foreseen in the document of the Conditions of the Contract.

The Contractor is charged with taxes and duties, retention and other charges ensuing from the Greek legislation.

It is clarified that as per the stipulations of Law 1642/86 concerning the application of the Value Added Tax (FEK A' 25), the VAT is borne by the Project Owner.

The Contractor's fee shall be paid in accordance with Article 30 of Law 3316/05.

- 16.2 The detailed elements that make up the Contractor's fee, the withholdings and the remaining financial surcharge, the method of payment and all relevant details and terms are described in the Conditions of the Contract.

Article 17: Publication – Publication Expenses

- 17.1 A summary of the present invitation, drafted in accordance with the relevant sample of Directive 2004/17/EC³³, as amended by Directive 2005/51/EC and Regulation No. 1564/2005 of the European Commission³⁴, as per the standards applicable each time, and as valid today, shall be transmitted to the Official European Journal and the TED Databank on November 28, 2014³⁵.
- 17.2 A summary of the present invitation³⁶ shall be published a) in TEE Webpage, b) in the ΑΤΤΙΚΟ ΜΕΤΡΟ S.A. Webpage and c) in the Greek Press³⁷, as per the Greek legislation (article 12, para 1, L3316/2005, as replaced by para 2b, article 138 L.4070/2012 and L.3548/2007)³⁸.
- 17.3 The expenses related to the publication of the summary Invitation³⁹ shall be borne by the Contractor, cannot be higher than 10,000 €⁴⁰ and they are collected with the first payment certificate of the first individual contract⁴¹. The expenses for the publication of any previous tenders for the same contract, as well as the expenses for publication not required by the law, shall be borne by the Awarding Authority and they are paid from the funds of the ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε. for the contract being awarded.
- 17.4 The awarding decision shall be transmitted for publication in TEE Web page and the ΑΤΤΙΚΟ ΜΕΤΡΟ S.A. Webpage, as per 5, L3316/2005, as replaced by para 2c, article 138 L.4070/2012.

Moreover, a notice concerning the concluded contract, along with the information provided for in the relevant Annex of the Directive 2004/17/EC⁴², as amended by



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Directive 2005/51/EC and Regulation No. 1564/2005 of the European Commission shall be transmitted to the Official European Journal, as per the above⁴³.

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CHAPTER C´

Article 18: Eligible to participate in the Tender

18.1 Eligible to participate in the tender are natural or legal entities, either individually or in a joint venture or consortium that possess – as a minimum – the following general professional experience and staffing⁴⁴, namely:

- For design category 6 “Architectural Designs of Building Works” license class E, and
- For design category 8 “ Structural Designs” (designs related to bearing structures of buildings and major or special technical projects) license class E, and
- For design category 9 “Mechanical, Electrical and Electronic Designs”, license class E, and
- For design category 10 “Transportation Works and Traffic Designs”, license class E, and
- For design category 16 “Topographical Designs”, license class E, and
- For design category 21 “Geotechnical Designs and Surveys”, license class E

applicable for the Greek Designers Registry or Greek Engineering Firms Registry indicated in article 39 of L. 3316/2005 and its relevant Presidential Decree 138/2009 (FEK A/85/24.09.09).

18.2 Eligible to participate in the tender are natural or legal entities, either individually or in a joint venture or consortium, which will or has been established, provided that these entities or their members:

- 18.2.1 are registered in the Greek Registers of Designers or Engineering Firms and they possess the experience and staffing stipulated in paragraph 18.1, as proven on the basis of respective back-up documentation of L 3316/2005, or
- 18.2.2 originate from member-states of the EU or the EFTA which keep similar registries, as per article 52 of Directive 2004/18/EC⁴⁵, and they are registered in design or services category and class corresponding to those indicated in the above paragraph 18.1, or
- 18.2.3 originate from member-states of the EU or the EFTA which do not keep the registries mentioned in the previous paragraphs, or from states that have ratified the agreement about public contracts of the World Trade Organization, which are registered in the professional-commercial Registry provided in Annex IX C of Directive 2004/18/EC⁴⁶ or in the respective registers of the state of their seat and they possess a general experience corresponding to the

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experience resulting from the registration in the Registry of Designers – Engineering Firms, i.e., their **executives** possess the following experience in the respective design categories, as per article 39 of L. 3316/2005, as follows.:

- For design category 6 “Architectural Designs of Building Works, at least two (2) executives of twelve (12) years of experience, one executive of eight (8) years of experience and four (4) executives of four (4) years of experience⁴⁷
- For design category 8 “Structural Designs (designs related to bearing structures of buildings and major or special technical projects)”, at least two (2) executives of twelve years of experience, one executive of eight (8) years of experience and four (4) executives of four (4) years of experience
- For design category 9 “Mechanical, Electrical and Electronic Designs”, at least two (2) executives of twelve years of experience, one executive of eight (8) years of experience and four (4) executives of four (4) years of experience
- For design category 10 “Transportation Works and Traffic Designs”, license class D or E, at least one (1) executive of twelve years of experience, one executive of eight (8) years of experience and two (4) executives of four (4) years of experience
- For design category 16 “Topographical Designs”, license class D or E, at least two (2) executives of twelve years of experience, one executive of eight (8) years of experience and four (4) executives of four (4) years of experience
- For design category 21 “Geotechnical Designs and Surveys”, license class E, at least two (2) executives of twelve years of experience, one executive of eight (8) years of experience and four (4) executives of four (4) years of experience.

Whenever more executives of more extensive experience are available, the requirements pertaining to the inferior categories are reduced respectively. The total resulting equivalent personnel must correspond to the stipulations of paragraphs 4 and 6, article 39 L.3316/2005.

- 18.3. Each bidding engineering scheme must fulfill the requirements of paragraph 18.1, at their entirety, i.e. cover in their entirety the required classes per design category. Each member of a joint venture or a consortium must fall under at least one of the cases of paragraph 18.2, otherwise the entire bidding joint venture or consortium is deprived the right to participate in the tender procedure and is disqualified. Possession of a valid license by the bidders is checked both during the time the offer is submitted and when the contract is signed. If even one of the bidder’s licenses is invalid, the **bidder is disqualified**.

The consortium of physical or legal entities can be related to the same or different design categories. If a joint venture/consortium is formed in the same category, the

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maximum number of the members shall not exceed three (3), **at the penalty of disqualification** of the bidding joint venture/consortium.

In order to meet eligibility requirements, the Bidders registration in the relevant registries and catalogues **must be valid** on the date the envelopes for participation in the Tender procedure are received.

Maintaining a valid registration with its legal revisions constitutes a necessary precondition for the conclusion of the contract, as regards the entities registered in the Designers and engineering firm registries under category D15. Eligibility is judged both when the Expression of Interest or the offer is submitted, as well as when the contract is signed. Review of the license and classification to a higher than the required class of license is not a reason for disqualification as long as the candidate was classified in the required class when the offer was submitted. However, lowering the license to a class not requested for this tender procedure and deletion from the Registry of Designers does constitute a reason for disqualification.

- 18.4 Each natural or legal entity is entitled to participate in one only bidding entity, either individually, or as a member of a joint venture or consortium. Otherwise, all bidders forming the bidding scheme that includes the specific entity **shall be disqualified**.
- 18.5 In the framework of the valid participation of engineering Firms/Offices, the firm license must be valid, or if the firm license has/have expired, a petition for their renewal **must have been submitted prior to the date of the tender within a deadline specified by the relevant legislation**. Otherwise, the Bidding Engineering Firm/Office **is disqualified**⁴⁸. According to PD 138/09, the validity period of the individual license is extended *ipso jure* and expires on the date of expiry of the firm's license.
- 18.6 The simultaneous participation in the execution of the main design or work contract, which this contract aims at (e.g. as supervision or control contract, etc.), constitutes an entanglement in terms of conflict of interests and this is the reason why participation in this tender is not allowed; if it were allowed, then there would be confusion of roles between the party conducting the subject control and the party subject to the said control⁴⁹. **Participation** in the bidding form executing the main contract consists in either direct or indirect participation; moreover it concerns both the entanglement and the executives of the bidders in the tendering procedure. The participation – despite this entanglement – and/or any relationship leading to conflict of interests and involving a bidder or the contractor of the design or the project constitutes a reason for the bidder's **disqualification** from this tender and the contractor's **forfeiture** from the contract for the provision of services.

Article 19: 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 19.1 to 19.6, 19.8 and 19.9.

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[For the cases numbered 19.7 and 19.10, the bidder can be disqualified on the basis of an especially documented decision, once the actual circumstances and facts for each case have been examined, and once consideration has been given to the data and explanations submitted by the bidder through the participation envelope. If the bidder files an objection against the disqualification, then the bidder can submit additional information and explanations].

- 19.1 Participation in a criminal organization, as per article 2 paragraph 1 of the joint action 98/773/JHA of the European Council.
- 19.2 Bribery, as per article 3 of the Council's act dated 26.05.1997 (21) and article 3 paragraph 1 of the joint action 98/742/CEP&S of the European Council.
- 19.3 Fraud, under the light of article 1 of the convention for the protection of the economic interests of the European Communities.
- 19.4 Legalization of income generated from unlawful activities, as per article 1 of Directive 91/308/EEC, in order to prevent using the existing funding/ financing system for the legalization of income resulting from unlawful activities.
- 19.5 Has been convicted through a final decision for one of the following crimes: embezzlement, fraud, forgery, perjury, bribery and fraudulent bankruptcy.
- 19.6 Is under bankruptcy, liquidation, or coercive administration.
- 19.7 Has demonstrably committed a grievous professional offense.
- 19.8 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.
- 19.9 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.
- 19.10 Has made a false declaration during the provision of the above information, or has not provided this information.

For the cases 19.1 to 19.5, 19.7 and 19.10 the bidding legal entity and/or the joint venture/consortium in which it participates is disqualified if a member of its management body, among those specified in paragraph 23.1.2a of this document, has committed the offense.

Article 20: Special Technical and Professional Competence of the Bidders⁵⁰

- 20.1 Each bidder fulfilling the prerequisites of article 18, shall also possess additional special technical and professional competence, as per the stipulations of this article⁵¹. This special technical competence is demonstrated through:

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a) the preparation of services similar to this one⁵², which have been implemented through contracts awarded to the candidate natural or legal entity within the last ten (10) years⁵³.

Similar services means those services that have been provided in CW related works and E/M systems of underground railway projects⁵⁴.

b) the provision of the following specialized personnel, in line with the stipulations of the Document entitled “Technical Data”⁵⁵

TABLE OF SPECIALIZED PERSONNEL⁵⁶

No.	POSITION	NUMBER max	DESCRIPTION	EXPERIENCE
Group 1. Basic Group				
	Consultant's Coordinator			
1.1	Head Coordinator – Consultant	1	Civil Engineer, Coordinator of the Consultant's Team, possessing an experience of 15 years in management/administration/coordination of major Civil Works, 5 out of which in management/administration/coordination of Metro projects.	15 years
1.2	Civil Engineer - Designs	1	Structural Civil Engineer, possessing an experience of 15 years in Civil Work designs, out of which 5 in underground railway projects.	15 years
1.3	Quality Engineer	1	Civil or Mechanical or Electrical Engineer possessing an experience of 15 years in Quality Control, Quality Assurance as regards ISO certification procedures etc.,	15 years
1.4	Civil Engineer - Construction	1	Structural Engineer possessing an experience of 15 years in the organization and construction of Civil Works, out of which 5 in underground railway projects.	15 years
1.5	Electrical Engineer – Installation, Testing and Commissioning	1	Electrical Engineer possessing an experience of 15 years in E/M Works, out of which 5 in underground railway projects.	15 years
1.6	Contracts Engineer	1	Civil Engineer possessing an experience of 15 years in the administration of large public projects contracts.	15 years
1.7	Costing Engineer–	1	Civil or Mechanical or Electrical Engineer possessing an experience of 15 years in the costing of large public projects contracts.	15 years
1.8	TBM Engineer	1	Civil or Mineral or Mechanical Engineer possessing an experience of 15 years in the organization and construction of civil works, out of which 5 in projects constructed with a TBM, concerning tunneling works using Tunnel Boring Machine – Earth Pressure Balance Shield (TBM-EPB).	15 years
1.9	SCADA Engineer	1	Electrical Engineer possessing an experience of 15 years in E/M Works, out of which 5 in SCADA Systems for Railway, Industrial or Major Building Works	15 years
1.10	Trackwork Engineer	1	Civil or Mechanical or Topographer Engineer , possessing an experience of 15 years in the design or construction, 5 out of which in trackwork projects.	15 years

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1.11	Power Engineer	2	Electrical Engineer possessing an experience of 15 years in E/M Works, out of which 5 in Electrical Systems for Power Supply or Distribution for Railway, Industrial or Major Building Works	15 years
1.12	Ventilation Engineer	1	Mechanical Engineer, possessing an experience of 15 years in Mechanical designs, out of which 5 in tunnel ventilation designs, station ventilation and air conditioning, as well as Building and E/M Automation and Control Systems (BACS)	15 years
1.13	Signaling Engineer	1	Electrical Engineer, possessing an experience of 12 years in E/M works, out of which 5 in underground railway projects.	12 years
1.14	Telecommunications and Weak Currents Engineer	1	Electrical Engineer, possessing an experience of 15 years in E/M works, out of which 5 in underground railway projects, specialized in telecommunication systems in the framework of design support in the areas of telecommunications and weak currents.	15 years
1.15	Telecommunications and Weak Currents Engineer	2	Electrical Engineer, possessing an experience of 12 years in E/M works, out of which 5 in telecommunication and weak currents systems for Railway, Industrial or Major Building Works	12 years
1.16	Rolling Stock Engineer	1	Rolling Stock Electrical or Mechanical Engineer, possessing an experience of 15 years in E/M systems, out of which 5 in Rolling Stock.	15 years
1.17	Operation Engineer	1	Electrical or Civil or Mechanical Engineer, possessing an experience of 15 years, out of which 10 years in Metro systems commissioning and operation.	15 years
1.18	Maintenance Engineer	1	Electrical Engineer, possessing an experience of 15 years, out of which 10 years in trains and railway systems maintenance organization	10 years
Total for Group 1		19		

20.2 With regard to joint ventures and consortia in the same category, and under the explicit reservation of article 18, paragraph 18.3, the special competence required by this article 20, to the extent it exceeds the general competence resulting on the basis of article 18 herein, may be covered either cumulatively⁵⁷ by all members of the joint venture/consortium or by one only member in the same design category.

As per **paragraph 3, article 17, L. 3316/05**⁵⁸, the Bidders in order to improve their technical competence (a technical competence which they do not possess at all or possess to a lesser extent – e.g. part of the requested experience or part of the necessary personnel) can rely on the capabilities of other companies or natural entities (“operators”) which do not already participate in the tender procedure and shall be provided in the framework of the implementation of the contract, without having to maintain with them legal relationships of a specific type. This commitment is demonstrated by means of a decision issued by the operator’s competent body (in case of a legal entity) or by means of a legal declaration (in case of natural entity)

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whereby approval should be granted to the provision to the candidate of the subject technical and professional competence, which will be available to the Bidder in the framework of implementing the contract. The specific reference must be analytical and itemize the specific resources to be available for the contract, enabling AM to evaluate and assess the importance of the subject resources during the tender stage and to verify, during the execution of the contract, the implementation of this commitment. Moreover, the entity shall explicitly commit itself in the same document (Decision or Legal Statement) that it will make available to the Bidder the specific resources in the framework of the contract and that it shall be fully and jointly with the Bidder responsible before AM for the subject resources.

The invoked operators shall originate from member-states of the EU, or the EFTA, or states that have ratified the Public Procurement Agreement of the World Trade Organization, and they shall not be liable for disqualification according to the stipulations of the above article 19.

All supporting documents that must be submitted in case operator resources are invoked, are listed in article 21.4.

The aforementioned documents must be submitted for each invoked operator and for any other entities that this invoked operator shall invoke, even if the involved entities are affiliated companies of the Bidder or the invoked operator. If this requirement is not adhered to, the invocation shall not be taken into account.

Upon contract signing, the Bidder binds himself to provide the technical and professional resources of other entities invoked for the execution of the services, while the declarations and documents to be submitted in the framework of operator resources invocation shall form part of the contract.

If, for any reason whatsoever, the Bidder is unable to honor the above commitment, then the Participation Letter of Guarantee mentioned in article 15 herein becomes payable in favor of AM.

In this case, AM's Board of Directors can appoint as the Contractor the Bidder whose offer comes next in the classification order determined by the Tender Committee.

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CHAPTER D´

Article 21: Content of the participation envelope

The participation envelope shall include, **at the penalty of disqualification**, the following three envelopes:

- a the closed envelope of **“Participation supporting documents”**,
- b the closed envelope of the **Technical Offer** and
- c the sealed envelope of the **Financial Offer** (at the penalty of disqualification).

Where in the required supporting documents reference is made to the submission of an official statement, as regards Greek companies, this means the “Official Statement as per L. 1599/86”, while, as regards foreign companies, this means a statement of relevant validity, i.e. an affidavit, or if there is no such provision, an official statement before a court or administrative authority, a notary or the professional agency concerned of the country of origin of the Candidate.

It is clarified that in case the legal representative of the bidder is or resides in Greece, he may submit a Legal Statement of Law 1599/86, duly noted on the body of the statement that the undersigned fully understands the content of the statement having read its translation into a language he understands.

Legal Statements are not required to bear a signature certification and their issuing date must fall within the last thirty (30) calendar day-period prior to the expiry of the offers submission.

Exceptionally, the Legal Statement specified in article 21.3, must be drafted in line with Appendix I herein.

With regard to the ratification of copies, applicable shall be the provisions of article 1 of Law 4250/14 about the abolishment of the obligation for certifying photocopies of documents.

ATTIKO METRO A.E. reserves its right to request any other document/information deemed necessary upon reading of the legalizing and other data and documents to be submitted by the bidders. Moreover, ATTIKO METRO A.E. is entitled to, when in doubt, to directly contact the authorities concerned in order to obtain information required concerning the personal status of the bidders. When the necessary information concerns bidders located in another member state, then ATTIKO METRO A.E. is entitled to seek the cooperation of the authorities concerned. The request for the provision of information may concern legal and/or natural entities, including, possibly, company managers or any other person vested with representation, decision-making or auditing power of the candidate, as stipulated by the national legislation of the member state where the candidate is established.

The envelope must specifically include the following:

A. “PARTICIPATION SUPPORTING DOCUMENTS” ENVELOPE

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Each Bidder must submit the following data in legible photocopies of the original documents or of the certified copies of the documents, in line with the provisions of article 1 of Law 4250/14, either for himself (if the bidder is an individual natural or legal entity) or for each member of the bidding form (if the bidder is a joint venture or a consortium), namely:

21.1 Application to express interest – submit an offer for participation in the Tender in two (2) original copies; **one** copy must be outside the Participation Envelope (for facilitating the Document Control Center) without the relevant accompanying information and the **other** copy must be included in the formal qualifications envelope accompanied by the relevant attachments (Table and Legal Statements).

The **application** must include the following data, namely: the tender that it concerns, the particulars of the bidder (of each individual bidder, Joint Venture or Consortium), i.e. title (or name and surname of the natural entity), contact details (postal address, telephone number, fax, e-mail).

The application **must be accompanied** by the following items, namely:

(a) Table of Contents drafted in line with the Sample attached hereto (**Appendix VII**), duly filled in with all the supporting documents foreseen in the Invitation to Tender and incorporating the relevant YES/NO indication, depending on the submission or non-submission of the supporting documentation.

(b) Legal Statements of the members of the **Joint Venture** or Consortium concerning the appointment of (i) a Common Representative and (ii) the Alternate Common Representative of the Bidder.

It is pointed out that in case the common representative or his/her alternate is also the Design Group Coordinator, then the Legal Statement should not indicate the capacity of the Design Group Coordinator.

(c) Declaration of the appointed common representative and his alternate that they accept their appointment.

(d) Declaration of the common representative concerning the distribution of the fee of the contracting firms. This statement is not required in the event of a Joint Venture.

The **application must be signed** (on a per case basis) by:

- the **bidding** natural entity – designer or
- the **legal representative of the bidding** legal entity or
- the **legal representatives of all** natural and legal entities participating in the Consortium or Joint Venture or
- the **common representative**, appointed as per the above.

With regard to the legalization of the bidders, **please note the following**:

a) The submission of an offer in the framework of this tender, as specified in this Invitation to Tender, denotes that the relevant decision has been lawfully made by the bidder's bodies concerned, if the application is signed by a legal representative of the company. If no justified reaction is raised by the statutory bodies of the company during the tender procedure, then the submission of an offer, accompanied by the relevant envelope for participation in the tender is binding to the Company.

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b) The submission of an offer on behalf of a Joint Venture denotes that a relevant decision has been made by the bodies of those participating in the Joint Venture for participation in the tender in the form of a Joint Venture with its remaining members. If no reaction is raised by a member of the Joint Venture, it shall be assumed that the relevant legalization of the legal representative is valid and if it is not strictly stated that those participating in the Joint Venture submit an application “as a Consortium”, then it shall be assumed that they participate in the form of a Joint Venture.

[**Note** that, according to the Greek Law, the Joint Venture of firms constitute special (as regards their members) taxable entities and fall under the stipulations of the Tax Code and Legal Entities Income Tax Provisions, are established by virtue of a private agreement and are holders of separate Tax Payer’s Number].

Any details missing from the Application to Express Interest are added *a posteriori* in line with paragraph 4.6 herein, if they are not inferred by the remaining supporting documents.

21.2 Documentation proving their eligibility to participate in the tender

21.2.1 The bidders stated in **para. 18.2.1** submit a license classified in the requested design categories and classes, as specified in this article.

21.2.2 The bidders stated in **para. 18.2.2**, submit a registration certificate in official lists of service providers of the country of their seat, in a category and class equivalent to the ones stated in the designs of para 18.1, as per article 52 of Directive 2004/18/EC.

21.2.3 The bidders stated in **para. 18.2.3** submit:

a) **practice license** as per article 46 of Directive 2004/18/EC, i.e. a certificate of registration in the professional/commercial register of the country of their seat, based on the stipulations of para. 18.2.3 herein and, in case such a document cannot be issued, they submit a statement under oath certifying the inability to have a certificate issued, as well as their registration in the registry.

b) **a legal statement/certificate** made by the foreign bidder’s legal representative (participating either individually or as a member of a Joint Venture/Consortium) stating that **aa)** the necessary personnel is at his disposal possessing the specialties and experience required in the Invitation, stating at the same time their names, field of expertise and years of experience, and **bb)** that in case he is appointed as the Contractor (either individually or as a member of a Joint Venture/Consortium he participates in) he shall submit the **CVs** of the required personnel, **at the penalty of disqualification.**

21.3 Personal Status Documentation

The independently participating Bidders (natural or legal entities) submit a Legal Statement along with the envelope with the participation supporting documents, drafted according to **Appendix I** herein stating that none of the disqualification reasons mentioned in article 19 herein applies.

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The Bidding Joint Ventures or Consortia shall submit a separate Legal Statement for each of its participating members signed by their Legal Representative, stating that none of the reasons of disqualification is applicable in their case.

It must be clearly concluded by the submitted statement that no reason exists for the Bidder's disqualification, otherwise the Bidder is **disqualified**.

It is stressed that the Legal Statement must be dated within the last thirty (30) calendar days before the deadline for the submission of the offers.

21.4 Documentation related to the special technical and professional competence⁵⁹

In order to prove the special technical and professional competence requested by article 20 herein, the bidders submit the following supporting documents (in case of “borrowed competence” in the sense of paragraph 20.2 the supporting documents shall concern the person or economic operator who lends the competence called hereinafter “operator”):

21.4.1 For the provision of similar services :

- A list of the main similar services, according to the attached **Sample 1 of Appendix II**, provided prepared during the last decade⁶⁰ by the independent bidder or by all members of the bidding Joint Venture or Consortium, or the invoked “operator”, accompanied by a Legal Declaration of the bidder concerning the flawless, successful and effective provision of services This list shall necessarily be prepared.
In the event of “borrowed competence” to provide similar services, the following items are additionally required as regards the invoked “operator” who lends the capacity:
- Licenses classifying the invoked operator to the requested design categories and classes (or equivalent proof in case of foreign companies), similar to those indicated in article 20.1.2 herein.
- Decision issued by the competent Statutory Body or Legal Statement (in case of a natural entity) wherein the invoked operator shall resolve or legally state, respectively, that *“We/I shall approve the provision to (name of the Bidder) the relevant competence in similar designs/services, as stated in the list also submitted herein. We/I clearly commit ourselves/myself to provide to the aforementioned Bidder this specific resource for the provision of the services during the execution of the Contract, provided that it is awarded to him, and that we are/I am jointly and fully responsible along with the Bidder before ATTIKO METRO A.E. for this resource”*.
- Legal Statement by the invoked “operator” to the effect that none of the disqualification reasons mentioned in article 19 herein applies, drafted according to **Sample 1 of Appendix I**, depending on whether this “operator” is a natural or legal entity, and the stipulations of article 21.3 herein.

21.4.2 For the provision of specialized personnel, as stated in paragraph 20.1.b herein:

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- A list including degrees and professional qualifications (years of experience) of the required specialized personnel. This list must be drafted in line with the attached **Sample 2 of Appendix II**. It is stressed that this list shall concern only the specialized personnel mentioned in article 20.1.b and not the remaining members of the Group responsible for the provision of services Persons to be listed in addition to those required by paragraph 20.1.b, shall not be taken into consideration in the evaluation of the Technical Offer (article 21.7.2).
- Detailed CVs of the required specialized personnel, which must be necessarily drafted in accordance with **Sample 3 of Annex II**⁶¹ which shall be signed by the person concerned. It is stressed that the CVs shall concern only the specialized personnel mentioned in article 20.1.b and not the remaining members of the Group responsible for the provision of services. In field 10 of Sample 3 of Appendix II, the stated years of experience of each person do not concern his overall professional experience, or his overall experience as a designer, but rather the years resulting from the overall duration of designs or projects in the framework of which he has practiced duties similar to those requested in article 20.1.b, as these shall be stated in field 13 of the CV. In cases where the available experience (or part thereof) is not related with the participation of this person in a design Group or in a project (e.g. experience of the Chief of the Laboratory or the Data Base Technician), the duration of this experience shall result from his employment background, as stated in field 12 of the CV.
In the event of “borrowed capacity” provided by specialized personnel, the following are also required for the invoked “operator”, lender of the capacity:
- Decision issued by the competent Statutory Body (only whenever an expert made available for the specialized personnel belongs to a legal entity) stating that *“We shall approve the provision to (name of the Bidder) of (name of expert made available for the specialized personnel) as a (indicate the precise field of expertise). We clearly commit ourselves to provide to the aforementioned Bidder this specific resource for the execution of the Contract, provided that it is awarded to him, and that we are jointly and fully responsible along with the Bidder before ATTIKO METRO S.A. for this resource”*.
- The aforementioned Resolution of the Statutory Body shall necessarily be accompanied by a Legal Statement made by the specialized personnel, stating that: *“I accept to be made available to (name of the Bidder) as a (indicate the precise field of expertise), as it results from Resolution No. (indicate the Statutory Body Resolution details) made by (indicate the trade name of the legal entity).*
- Legal Statement (only in case that the person made available as specialized personnel is a natural entity), wherein the invoked “operator” shall state that: *“I shall provide to (name of the Bidder) my capacity as (field of expertise). I clearly commit myself to provide to the aforementioned Bidder this specific resource for the execution of the Contract, provided that it is awarded to*

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him, and that I shall jointly and fully be responsible along with the Bidder before ATTIKO METRO S.A. for this resource”.

- Legal Statement by the invoked “operator” (legal or natural entity making available the specialized personnel) to the effect that none of the disqualification reasons mentioned in article 19 herein applies, drafted according to **Sample 1 of Appendix I**, depending on whether this “operator” is a natural or legal entity, and the stipulations of article 21.3 herein.

In case the specialized personnel mentioned in paragraph 20.1.b herein also includes persons not belonging to the Bidder (such as holders of individual designer permits not incorporated in the Bidder’s license), these persons are considered as “operator” resources, even if they are associates of the Bidder (e.g. for persons declared as “permanent associates” of the Bidder, but are holders of an individual designer permit, the aforementioned required documents of “borrowed capacity” must be also submitted).

In general, permanent or external associates, holders or non-holders of a design license, are deemed as operators.

21.5 The participation guarantee of article 15.1 must be compiled according to the sample attached hereto (Appendix V). The following items aa – dd must be listed in the participation guarantee, **at the penalty of disqualification**:

- aa)** The obligation of a credit institution to pay a pre-defined amount on the sole basis of a statement made by the beneficiary
- bb)** Details demonstrating that the guarantee concerns the specific tender and was issued in favor of a specific bidder. Any mistakes in these details that do not cause confusion (as regards the specific Tender or the Beneficiary) do not affect the lawfulness of the participation guarantee
- cc)** The amount of the guarantee (according to article **15.1** herein)
- dd)** Guarantee issuance date and validity for a period equal or longer than the period indicated in the Invitation or until its return.

Any **mistakes or omissions in the guarantee** other than the above necessary items are corrected or supplemented *a posteriori* as per article 4.6 herein.

21.6 Supporting documents for share nominalization⁶². This obligation only concerns **Societes Anonymes** (SAs) that participate in the tender procedure either individually or as members of Joint Ventures/Consortia. **Exempted** from this obligation are companies listed in the Stock Exchange of their country of installation and submit a relevant Legal Declaration by their legal representative. For all other matters, the following items are submitted:

- aa) Companies registered in the Engineering Firms/Offices Registry** submit an analytical list with the details of the company shareholders and the number of each shareholder stocks, as these data are registered in the Company Book of Shareholders, the latest within thirty working days before the submission of the offer.

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bb) Foreign companies, provided that, according to the legislation of their installation country, they issue nominal shares, submit the following:

- i) Certificate issued by the Authority of the country of its seat proving that the company's shares are nominal.
- ii) 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, dated the latest within thirty (30) working days prior to the submission of the offer.
- iii) Any other document, proving the nominalization up to the natural entity level of the shares that has been effected within the last thirty (30) days prior to the submission of the offer.

The above supporting documents are submitted to the awarding authority before contract signing, actualized in the same manner.

cc) The foreign companies which do not issue, as per their country's legislation, nominal shares, submit:

- i) a valid and updated list of their shareholders, who possess at least one per cent (1%) of the shares
- ii) In case the company does not keep an updated list of its shareholders, then it shall submit a relevant list of the shareholders who possess at least one per cent (1%) of the shares in accordance with the last General Assembly, should these shareholders are known to the Company.
- iii) Otherwise, the Company ought to justify the reasons why these shareholders are not known. The Tender Committee cannot judge the adequacy of the justification; however, if the relevant Committee can demonstrate the ability to obtain or to have such a list drafted, the firm is disqualified.

The above documents under b and c must be accompanied by an official translation and those originating from public authorities must be certified by the responsible authority in the country of installation, according to article 8.2 herein.

Any omissions to the above supporting documents are supplemented as per article 4.6 herein.

B) TECHNICAL OFFER ENVELOPE

21.7 The **sealed** envelope of the “Technical Offer” shall include all required documentation, based on which the technical offer shall be evaluated according to the stipulations of para. 22.1.1 of this Invitation. In particular:

21.7.1 Technical report for this specific contract, which must be based on the information of the document entitled “Technical Data” of the Project File, and must include a description of the scopes of the contract under award along with their commentary, indicating problems, if any, and recommending the method for their settlement.

The technical report (including any appendices) shall not exceed A4 thirty (30) pages⁶³ of text using fonts of medium size (e.g. Arial 11), apart from photographs and drawings.

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If the content of the Report exceeds the **reasonable limit set**, then, in the judgment of the Tender Committee (formed on the basis of the principle of fair evaluation⁶⁴), any redundant material shall not be taken into consideration in the evaluation.

21.7.2 Methodology Report, common for the entire contract, including:

- a) the main activities – actions for the provision of services with a brief description of each one them, as well as utilization of the equipment/ software made available, where necessary.
- b) the presentation of the foreseen internal Company procedures related to the provision of services.

The Methodology Report (any appendixes included) must not exceed the reasonable size of 30 pages⁶⁵ of text in paper A4 and must be drafted using a medium size font, apart from the aforesaid Time Schedule.

If the content of the Report exceeds the **reasonable limit set**, then, in the judgment of the Tender Committee (formed on the basis of the principle of fair evaluation⁶⁶), any redundant material shall not be taken into consideration in the evaluation.

21.7.3 Report about the Group responsible for the provision of services including:

- a) presentation of all executives of the Group responsible for the provision of services (Groups 1 and 2), included in the Technical Data Document, with reference to their prior cooperation with the candidates, accompanied by the Table of the sample attached hereto (**sample 1 of appendix III**), indicating their cooperation relationship with the candidates.
- b) Presentation of the duties to be undertaken in relation to the provision of services, accompanied by an Organization Chart presenting in a schematic manner the allocation of the responsibilities between the Group members.
- c) Data on any previous cooperation between the members of the Group during the last ten years maximum (**Sample 2, Appendix III**)

With regard to the Group members responsible for the provision of services, who do not belong to the staff of the bidder, as specified in criterion of article 22.1.1.b, it is required to submit a Legal Statement of the bidder concerning the working relation with these members, clearly stating the time period and the scope of the cooperation. The above Legal Statement must be signed by the legal representative of the company (engineering firm) with which the member of the design Group cooperates and must be co-signed by the cooperating member of the Group. The submission of copies of Receipts for the Provision of Services or agreements is not required.

The report about the Group responsible for the provision of services (including any appendices and excluding any Legal Statements for Cooperation and any certificates proving previous cooperation between the members of the proposed design Group) must not exceed the reasonable size of 25 pages⁶⁷ in paper A4 using a medium size font, with the exception of the aforementioned organization chart.

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If the content of the Report exceeds the **reasonable limit set**, then, in the judgment of the Tender Committee (formed on the basis of the principle of fair evaluation⁶⁸), any redundant material shall not be taken into consideration in the evaluation. With regard to the data stated in relation to the members of the design Group, the Committee reserves its right to request further information.

NOTE: Any persons, besides any required specialized personnel, as specified in article 20.1b (for proving the special technical and professional capacity), who have been included in the bidder's design Group must necessarily be included only in the sealed envelope of the Technical Offer; otherwise, **they shall not be taken into consideration in the evaluation.**

C. FINANCIAL OFFER ENVELOPE

21.8 The “Financial Offer” envelope shall contain the relevant offer form provided by the Awarding Authority, filled out in hand using a blue or black ball pen. It is stressed that no Financial Offer form other than the one provided in ATTIKO METRO S.A. premises can be utilized, **at the penalty of disqualification.**

The Financial Offer form must contain the Bidder's details, as they are shown in the Application to Express Interest and be signed by:

- a) the bidder himself (in case of a natural entity)
- b) the legal representative of the legal entity and
- c) in case of Joint Venture or Consortium, either by all its members lawfully represented, or by the appointed joint representative.

Any omissions in the Financial Offer reasonably leading to reasonable confusion as to the bidding entity that submitted the offer, or its lawful signing, constitute **reason for disqualification.**

The offered discount (positive or negative) is only granted per man-month for each position and must be written in full **at the penalty of disqualification.**

In view of deriving the amount of the offer submitted by the bidder for the entire contract, the discount percentage: a) is converted to an offered unit price per man-month for each position, as well as to an overall fee per position on the basis of the man-months number, b) the overall fees per position are summed up to give the total offered fee, which is subsequently converted into a discount percentage (negative or positive⁶⁹) of the pre-estimated fee, rounded up to the second decimal point.

Due consideration of the notes stipulated in paragraph 11.3 of this Document **must be given.**

Any mistakes, discrepancies between the prices in words and in numbers, accounting errors to sums and products, as well as rounding up errors, are corrected by the Tender Committee, taking as a basis the discount percentage shown in words per category, so as to derive the final discount percentage of the offer.

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REMARKS

The supporting documents of the Bidders participation envelopes shall be numbered per page and sorted out following the same numbering system that applies in the paragraphs of article 21 herein.

In case of Joint Venture/Consortium, the obligation pertaining to the submission of all documents, details, certificates and legal statements applies for each member individually.

Article 22: Offer evaluation criteria – Appointment of the Contractor

22.1 Offer evaluation criteria – Importance (weight) of criteria

In order to identify the most advantageous, in financial terms, offer the Technical and Financial offers of the Bidders not disqualified during the phase of review of the participation supporting documents shall be evaluated, on the basis of the following criteria⁷⁰.

22.1.1 Technical Offer Scoring

1st Criterion of the Technical Offer

Evaluation will be made of the fullness and workmanlike assessment of the contract scope, as it derives from the Technical Report under paragraph 21.7.1 and more specifically:

- The extent of the fullness of the assessment of the contract scopes;
- The extent of the fullness and correctness of their commentary and, especially, any problems identified;
- The extent of effectiveness of the proposals made for addressing any problems.

If the Technical Report exceeds indeed the **reasonable size**, foreseen in the aforementioned article, then, only the foreseen reasonable number of pages⁷¹ is actually evaluated.

Technical solutions related proposals shall not be evaluated.

The 1st criterion shall be scored U1, consisting in a whole number from 1 to 100. Offers that will receive in this criterion a score lower than 60 are rejected as unacceptable⁷².

The **importance of criterion 1** is **B1=30%** of the total scoring of the bidder.

2nd Criterion of the Technical Offer

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This criterion is made up of the following sub-criteria:

a) Effectiveness of the Methodology Report proposed in paragraph 21.7.1

More specifically, the following fields are evaluated:

- The extent to which the presented activities satisfy the technical requirements of the contract;
- The extent of efficiency of the foreseen internal procedures for the provision of services for the workmanlike execution of the contract.

The sub-criterion shall be scored using a grade U2A, which is a whole number from 1 to 100.

b) Organizational effectiveness of the Group responsible for the provision of services proposed in para. 21.7.3

More specifically, the following fields are evaluated:

- The degree of effectiveness of the proposed Group to meet the requirements of the Project scope, in terms of the number of scientists and specialties. A sufficient Group must allocate, in the framework of preparing each category, the minimum required – for this category – resources. Insufficient staffing receives negative score.
- The coherence of the proposed Group, i.e. the work relation (permanent or temporary) between the executives of the Group and the candidates, as well as the extent of previous co-operations among the Group members. The terms executive staff mean employees of the Bidder who fall under the requested license class and the terms basic executive staff mean the minimum staff per category requested in the Invitation⁷³.
- The extent of the effectiveness of the proposed Organization Chart structure in view of services provision,
- The extent of effectiveness of the proposed Group and particularly of the Coordinator as regards their foreseen duties⁷⁴ and earlier cooperation in the framework of similar services provision related contracts.

The sub-criterion shall be scored using a grade U2B, which is a whole number from 1 to 100.

The scoring U2 in this criterion results from the following equation:

$$U2 = 40\% U2A + 60\% U2B$$

The weight of this criterion **B2 = 45%**. Offers that will receive in this criterion a score lower than 60 are rejected as unacceptable.

Total scoring of the Technical Offer

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The total score of each “Technical Offer” shall arise from the equation presented below:

$$U \text{ T.Π.} = (U1 * B1 + U2 * B2) / 0.75 > 60$$

Offers are considered acceptable, provided that:

- a) scoring of the individual criteria exceed the minimum required ones;
- b) their weighted scoring, in line with the above, exceeds 60 units.

22.1.2 Financial Offer Scoring

Provided that the financial offer deemed acceptable per paragraph 5, article 4 herein, it is scored on a scale from 1 to 100.

The weight of this criterion **B3 = 25%**.

Grade U.O.Π. concerning each overall financial offer ΟΠ arises from the ratio of the lowest submitted financial offer ΟΠmin to this financial offer ΟΠ as follows:

$$U \text{ O.Π.} = 100 \times \text{ΟΠmin} / \text{ΟΠ},$$

The resulting score is rounded up to the second decimal point.

Only the Financial Offers of the bidders, whose Technical Offers are considered acceptable, receive a score based on the previous paragraph.

22.2 Determination of the most advantageous, in financial terms, offer

The weighted score (WS) of each offer **U** results from the following sum:

$$U = U \text{ T.Π.} * 75\% + U \text{ O.Π.} * 25\%$$

The most advantageous, in financial terms, offer is the one with the highest weighted score. In case more than one offers receive an equal score, then the Financial Offer of the Bidder, whose Technical Offer received the highest score, is considered as the most advantageous Financial Offer.

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Article 23: Review of the Legalization and the Personal Status of the selected Contractor

23. 1 Upon issuance of the awarding decision, the selected Contractor shall be called upon to submit) the following individual supporting documents, legalization and personal status documents (in case of consortia or joint venture these documents must be submitted for each member of its, unless it derives that the subject documentation is submitted in total on behalf of the subject Joint Venture or Consortium):

23.1.1 A **signed note** of the legal representative of the Engineering Firm or the joint representative of a J/V or the legal counsel of the Bidder, whereby the legal representative's signature authorization results. The awarding authority can request the relevant documents supporting this note (FEK including the statutes of the company in case of a Greek SA or LTD or copy of the lawfully published statutes of the company as to all other cases of legal entities or legal entities participating in consortia or joint venture or the corresponding as per the Law of the country of origin documents). Should it arise that a legal representative has signed a document while not vested with the signature authorization and Bidder refuses to acknowledge in writing his commitments, then this Bidder is disqualified and the contract shall be concluded with the candidate who follows in the order of classification, by applying article 5.3 herein.

IT IS STRESSED that issuance and submission of Participation and Good Performance Guarantees by the Bidder is regarded as a strong evidence of his consent to submit an offer in the framework of the tender.

23.1.2 a) With regard to the cases described in paragraphs 19.1 to 19.5, extract of the penal record or other equivalent document issued by the judicial or administrative authority of the country of origin of the bidder or each of its members (in case of consortia or joint venture). 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),
- as well as the natural entity signing the Financial Offer on behalf of the legal entity, if other than the above.

Should reference is made in the penal record to offences for which it does not clearly ensue whether these fall in the cases causing disqualification of the bidder, then the latter should submit an affidavit or an official statement if affidavits are not issued in the country of origin, about the nature of the offence. Should any of the offences entail disqualification of the bidder, then the condemnatory decision should be also submitted, so that it may be judged whether this offence is related or not with the professional conduct of the executive.

b) Certificate issued by the responsible judicial or administrative authority for the case described in para. 19.6. Bankruptcy and cohesive administration certificates shall

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be issued from the concerned Court of the First Instance and the certificate about the placement under liquidation shall be issued by the Court of the First Instance in the case of General Partnership Companies, Limited Liability Companies and Limited Partnership Companies and by the Ministry of Development and the relevant Departments of Commerce in the case of Sociétés Anonymes.

Designers – natural entities shall **not** submit a certificate certifying that they have not been placed under liquidation.

- c) Certificate issued by the responsible authority for the case described in para. 19.7. With regard to the designers-natural entities established in Greece, submission shall be made of a TEE certificate or of the corresponding Chamber (if vested with disciplinary power on its members) certifying that they have not committed an offence for which the disciplinary penalty has been imposed. Engineering Firms/Companies, as well as natural entities-designers, irrespective of their country of establishment (Greece or abroad), which do not fall under the jurisdiction of the aforementioned disciplinary bodies, shall submit a certificate issued by the body to the jurisdiction of which they fall (if vested with disciplinary power on its members); otherwise, they shall submit a legal statement certifying that a) there is no disciplinary body and that b) they have not committed a grievous professional offence.
- d) A **social security** contributions clearance certificate issued by the relevant insurance bodies for the case described in para. 19.8. Greek designers-natural entities shall submit a certificate issued by TSMEDE or any other insurance organization, which they are insured with.

Greek Engineering companies/Firms shall submit a social security contributions clearance certificate for their personnel under dependent work relationship (TSMEDE for those insured – members of TEE, IKA for the remaining personnel). No clearance certificates for the executives participating in the company as partners shall be accepted as social security contributions clearance certificates for the bidding Joint Venture.

Foreign bidders (natural and legal entities) failing to submit the aforementioned certificates shall submit an official statement whereby it shall be certified that they do not employ personnel that they are obliged to insure in national insurance organizations. Should they employ such personnel, the relevant social security contributions clearance certificate should be submitted.

- e) A **tax clearance** certificate issued by the responsible authority of the bidder's country of origin for the case described in para. 19.9. Greek engineers and Engineering Companies/Firms shall submit a certificate issued by the Tax Authority concerned in legible photocopy

Foreign bidders shall submit an official statement certifying that they are not obliged to pay taxes in Greece. In case they are subject to this obligation, they shall submit a relevant certificate issued by the Tax Authority concerned.

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- 23.1.3** Whenever a **foreign Bidder** (per **paragraph 18.2.3**) participates in the Contractor's scheme, then CVs are submitted for the personnel necessary to meet the general experience requirement.
- 23.2** The supporting documents stated in paragraphs 19.1 to 19.9 can be replaced or supplemented with an affidavit of the bidder (or of the member that the supporting document concerns, in case of Consortia or Joint Venture), if the country of origin of the latter does not issue the relevant document or certificate or if the issued document does not cover all the cases stated in these paragraphs. In case preparation of an affidavit is not foreseen in the country of origin, supporting documents can be replaced by an official statement made before the responsible judicial or administrative authority, a notary or the associated professional organization of the country of origin or establishment. In the statement in question reference should, firstly, be made to the impossibility of having these supporting documents issued in the corresponding country. Should it be ascertained in any way whatsoever that the subject certificates are issued in the said country, then the case of a false statement is real and the selected contractor shall be disqualified.
- 23.3** All certificates and documents stated in para. 23.1.2 must be valid upon submission in accordance with the special provisions governing them. Should these provisions not stipulate otherwise, the above should not have been issued earlier than three months from the date of the **Invitation** of the Awarding Authority, in order to be accepted.
- 23.4** If the selected Contractor submits a certificate certifying his registration as “Designer” in the Official Lists of Recognized Service Providers of his country, in the sense of article 52 of Directive 2004/18/EC, then he shall be exempted from the obligation to submit the supporting documents stated in the registration certificate.

Supplementing and/or clarifying the above supporting documents is possible during their review procedure.



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Article 24 – Miscellaneous⁷⁵:

Opinion No. 08.05.14 (Meeting No. 8, Act No. 39) made by the Public Works Council/Engineering Section of YPOMEDI/GGDE foreseen by article 9, paragraph 1 Law 3316/2005, has preceded this Invitation.

Athens, September 2014

APPROVED BY

Resolution under reference no. of ATTIKO METRO A.E. BoD⁷⁶ 1282(c)/11.09.14.

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APPENDICES

APPENDIX I : Sample of Legal Statement

**APPENDIX II : Technical Capacity Samples
(ONLY IF SPECIAL TECHNICAL AND PROFESSIONAL CAPACITY IS
REQUESTED)**

SAMPLE 1 : List of similar services provided

SAMPLE 2 : List of Specialized Personnel to be made available by the
Candidate in the framework of the Special Technical and
Professional Competence stipulated in paragraph 20.1.b

SAMPLE 3 : Detailed CV

APPENDIX III : Technical Offer Samples

SAMPLE 1 : List of Proposed Personnel

SAMPLE 2: List of Earlier cooperation between the members of the Group
responsible for the provision of services

APPENDIX IV : Financial Offer Form

**APPENDIX V : Sample of Participation Letter of Guarantee in Greek and
English**

**APPENDIX VI : Sample of Good Performance Letter of Guarantee in Greek
and English**

APPENDIX VII : List of Attachments

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APPENDIX I

To the Invitation to Tender

.....

LEGAL STATEMENT

as per article 21.3 of the Invitation of the Tender

To the **Committee responsible for the Tender** for the service provided, as presented above

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

candidate² for the Tender or legal representative³ of the Company or of 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, as well
as in Law 3316/05, the following:

A. The undersigned or the managers of the company or the legal entity I represent, in
accordance with the provisions of para. 23.1.2 of the Invitation, has (have) not been
convicted following issuance of a decision of a Greek or foreign Court⁵, for:

1. Participation in a criminal organization, as per article 2, paragraph 1 of Joint Action 98/773/JHA of the European Council.
2. Bribery, as per article 3 of the Act of the Council dated 26 May 1997 (21) and article 3 paragraph 1 of Joint Action 98/742/CFSP of the Council.

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 candidate or as member of a Consortium or Joint Venture

⁴ delete all non related sentences

⁵ delete the sentence non applicable in this case

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3. Fraud, in the sense of article 1 of the Convention on the Protection of European Communities' Financial Interests.

4. Legalization of revenues from illegal activities, as per article 1 of Council Directive 91/308/EEC on the prevention of the use of the financial system for the purpose of money laundering.

5. Embezzlement, fraud, forgery, perjury, bribery and fraudulent bankruptcy following a definitive decision, in accordance with the legislation of the country of my seat (or of the seat of the legal entity I represent).

B. I am not (or the company I represent)⁶ the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding-up⁷ 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 23.1.2c of the Invitation.

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

E. I have (or the company I represent) fulfilled my 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, as per article 15, para. 1 of Law 3316/05, and that I or the Joint Venture or the Consortium I participate in will be disqualified from the Tender, if any of my declarations is proved to be untrue.

Place - Date.....

The undersigned

⁶ In cases B, C, D, E delete sentences accordingly

⁷ Delete the word “winding-up” if the candidate is a natural entity



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SAMPLE 1 APPENDIX II
(ONLY IF THE SPECIAL TECHNICAL AND PROFESSIONAL COMPETENCE OF THE
BIDDERS IS REQUIRED)

MAIN SIMILAR SERVICES
provided during the last 10 years (from 2004 todote)

NAME OF THE CANDIDATE: (Name of the Company or the Natural Entity that the list concerns. In case of Consortium, a separate list must be submitted for each member).

DESIGN CATEGORY: (Design category that this list concerns, e.g. category 13 – Hydraulic Works).

**1. TITLE OF
SERVICE:**

(Full title of the service, as stated in the Contract).

AWARDING AGENCY:

(Full name of the Agency, Project Owner, Administrative Authority, Managing Department, e.g. Ministry of PEHODE / GSPW / Directorate D6 Section A).

TYPE OF SERVICE:

(Write the type of the services provided).

CONTRACTOR:

(Full name of the Contracting Scheme. In case of a Consortium, all members must be stated. In case of a Joint Venture, the name of the Joint Venture and all its members must be stated).

**COMMENCEMENT
OF THE CONTRACT:**

(Date of the conclusion of the Contract).

CONTRACT COMPLETION:

(Date of the approval of the Contract and the number of the relevant approving Resolution. If approval has not been granted yet, the relevant reasons must be stated. If an intermediate stage has been approved, write the date and the approving resolution)

DESCRIPTION OF SCOPE:

Summary description of the technical characteristics of the project and its magnitude using characteristic quantitative data and the expenses for its construction (if available) in such a manner so that the scope may arise and so that it be possible for the Service to evaluate whether it is of similar nature to the service to be provided under this tender. Description can also be made of the particularities of the scope, difficulties, etc. in the judgment of the candidate).

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**BUDGET
FOR THE CONSTRUCTION
OF THE PROJECT:**

(Budget for the construction of the project of the category in which the candidate participates, e.g. category 13 – Hydraulic Works).

FEE:

(Final fee for the provision of services falling in the category in which the candidate participates, the candidate's participation percentage in the category and the final fee which results thereof).

**IMPLEMENTATION
OF THE SCOPE OF SERVICES:**

(Details regarding implementation or not of the scope of the service provided..

**CONTRACT
EXECUTION CERTIFICATE:**

(Type of the certificate submitted, e.g. Employer's Certificate, Approving resolution, Candidates' Legal Statements, etc.).

2. TITLE OF THE SERVICE:

(Full title of the services to be provided, as stated in the Contact).

(The list shall be supplemented with all services provided deemed of similar nature in the judgment of the candidate. Completed stages of contracts under execution may also be stated).

(Place – Date)

**Stamp – Signature of the Legal
Representative of the Company or the Joint
Representative**

Note: This appendix may also be submitted in the form of a table with columns; the content of the columns must be identical and without any alteration whatsoever with the relevant provisions of this sample.

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SAMPLE 2 APPENDIX II

(ONLY IF THE SPECIAL TECHNICAL AND PROFESSIONAL COMPETENCE OF THE BIDDERS IS REQUIRED)

LIST OF SPECIALIZED PERSONNEL TO BE MADE AVAILABLE BY THE CANDIDATE IN THE FRAMEWORK OF THE SPECIAL TECHNICAL AND PROFESSIONAL COMPETENCE STIPULATED IN PARAGRAPH 20.1.b OF THIS DOCUMENT

NAME OF CANDIDATE: (Name of the Company or the Natural Entity that the table concerns. In case of Joint Venture, all members must be stated)

S/N	Full Name	Degree (Graduate of Higher Education Institution (AEI), etc. – Specialty)	Position in the candidate's scheme	Professional Experience
1	2	3	4	5
1				
2				
3				
4				
5				
6				
7				
8				
9				

**Stamp – Signature of the Legal Representative of the Company or the Joint Representative
(Place – Date)**

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SAMPLE 3 APPENDIX II
(ONLY IF THE SPECIAL TECHNICAL AND PROFESSIONAL COMPETENCE OF
THE BIDDERS IS REQUIRED)

DETAILED CURRICULUM VITAE

1. **Surname** :
2. **Name** :
3. **Date and place of birth** :
4. **Nationality** :
5. **Family Status** :
6. **Training** :

INSTITUTION:	
<i>Date:</i> <i>From (months/years)</i> <i>(Months/years)</i>	
Degree:	

(In case of studies in more than one Institutions or more than one degrees, the table shall be modified accordingly)

7. **Languages:** (Rate competence from 1 to 5, use 5 for “Excellent”):

LANGUAGE	COMPREHENSION	ORAL SPEECH	WRITING
Greek			

(Add or remove rows as required)

8. **Member of professional associations:**
9. **Current position:** (State the current employment – position in an Enterprise, Organization of the Public or Private Sector, freelance, etc.)
10. **Years of professional experience:** (State the total number of years of actual professional experience in the specialized field of the type of the specific service and not the years since the graduation date).

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- 11. Main qualifications:** (State the main qualifications and competences of the person gained from the professional or other experience until the present date).
- 12. Professional employment:** (State his/her employment in all Enterprises or Services until the present day, starting from his/her current employment position in relation to the specialized scope of the type of service. Provide information, such as the duration of his/her presence in each different Enterprise or Service or, possibly, a different position, his/her duties and responsibilities at each position held).

Duration: From (month/year) to (month/year)

Country:

Name of Enterprise - Service:

Position in the Enterprise - Service:

Duties - Responsibilities:

Duration: From (month/year) to (month/year)

Country:

Name of Enterprise - Service:

Position in the Enterprise - Service:

Duties - Responsibilities:

- 13. Experience related to the service to be awarded:**
(Data recorded starting from the most recent services. The same time restriction included in Sample 1 of Appendix II is stated herein. The experience stated must concern the specialized scope of the type of service).

COUNTRY	DATE: From (month/year) Up to (month/year)	NAME AND SUMMARY DESCRIPTION OF THE SERVICE POSITION AND DESCRIPTION OF DUTIES

Place – Date

Signature

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SAMPLE 2 APPENDIX III

TABLE

of previous cooperation between the members of the Group responsible to provide the requested services over the last decade maximum

Members of the proposed Group responsible for the provision of services having already cooperated in the past	Title of the Services to be Provided	Awarding Authority (Administrative Authority)	Contracting Engineering Scheme (Joint Engineering Firms)	Contract Commencement ----- Contract Completion	Main Types of Services Provided	Certificate YES / NO (*)
1.					1.	
2.					2.	
3.					3.	
4.					4.	
5.					5.	
6.					6.	
1.					1.	
2.					2.	
3.					3.	
4.					4.	
5.					5.	
6.					6.	
1.					1.	
2.					2.	
3.					3.	
4.					4.	
5.					5.	
6.					6.	
1.					1.	
2.					2.	
3.					3.	
4.					4.	
5.					5.	
6.					6.	
1.					1.	
2.					2.	
3.					3.	
4.					4.	
5.					5.	
6.					6.	

(Place – Date)

Stamp – Signature

**of the Legal Representative of the Company or
the Joint Representative**

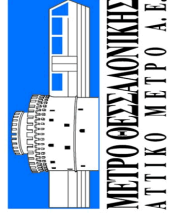
(*) *Kindly attach any of the following certificates: Certificate issued by the Employer, Approving Decision, Legal Statement of the Candidate, etc.*



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APPENDIX IV

FINANCIAL OFFER FORM (amounts in EURO)

	POSITION	PRICE LIST No	No OF MAN- MONTHS	PRE-ESTIMATED UNIT PRICE PER MAN-MONTH	PRE-ESTIMATED FEE	<u>PERCENTAGE of Discount (%)</u> on the unit price		OFFERED UNIT PRICE PER MAN- MONTH	OVERALL PRICE PER POSITION
COD E					EURO	(In full)	(In numbers)		
Group 1 Basic									
1.1	Head Coordinator – Consultant	A.T.1	60,00	12.246,30	734.778,00				
1.2	Civil Engineer - Designs	A.T.1	60,00	12.246,30	734.778,00				
1.3	Quality Engineer	A.T.1	60,00	12.246,30	734.778,00				
1.4	Civil Engineer - Construction	A.T.1	60,00	12.246,30	734.778,00				

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1.5	Electrical Engineer – Installation, Testing and Commissioning	A.T.1	60,00	12.246,30	734.778,00				
1.6	Contracts Engineer	A.T.1	60,00	12.246,30	734.778,00				
1.7	Costing Engineer	A.T.1	60,00	12.246,30	734.778,00				
1.8	TBM Engineer	A.T.1	24,00	12.246,30	293.911,20				
1.9	SCADA Engineer	A.T.1	20,00	12.246,30	244.926,00				
1.10	Trackwork Engineer	A.T.1	18,00	12.246,30	220.433,40				
1.11	Power Supply Engineer	A.T.1	36,00	12.246,30	440.866,80				
1.12	Ventilation Engineer	A.T.1	14,00	12.246,30	171.448,20				
1.13	Signalling Engineer	A.T.1	50,00	12.246,30	612.315,00				
1.14	Telecommunications and Weak Currents Engineer	A.T.1	24,00	12.246,30	293.911,20				

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1.15	Telecommunications and Weak Currents Engineer	A.T.1	20,00	12.246,30	244.926,00				
1.16	Rolling Stock Engineer	A.T.1	28,00	12.246,30	342.896,40				
1.17	Operation Engineer	A.T.1	18,00	12.246,30	220.433,40				
1.18	Maintenance Engineer	A.T.1	12,00	12.246,30	146.955,60				
Total of Group 1:			684,00		8.376.469,20				
Group 2. Support									
2.1	Civil Engineer – Construction	A.T.1	150,00	12.246,30	1.836.945,00				
2.2	Architect Engineer	A.T.1	75,00	12.246,30	918.472,50				
2.3	Topographer Engineer	A.T.1	70,00	12.246,30	857.241,00				
2.4	Civil Engineer – Structural Designs	A.T.1	60,00	12.246,30	734.778,00				

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2.5	Civil Engineer – Geotechnical Designs	A.T.1	48,00	12.246,30	587.822,40			
2.6	E/M Construction Engineer	A.T.1	100,00	12.246,30	1.224.630,00			
2.7	Contracts Engineer	A.T.1	95,00	12.246,30	1.163.398,50			
2.8	Costing Engineer	A.T.1	45,00	12.246,30	551.083,50			
2.9	Costing Engineer	A.T.1	20,00	12.246,30	244.926,00			
2.10	Quality Engineer	A.T.1	72,00	12.246,30	881.733,60			
2.11	Time Schedule Engineer	A.T.1	50,00	12.246,30	612.315,00			
Total of Group 2:			785,00		9.613.345,50			
TOTAL (before VAT): ΣΣ= 17.989.814,70								ΣΠ=
Average presumed discount on the overall Pre-estimated Fee				Εμ= _____ = _____	ΣΣ-ΣΠ			
					ΣΣ			

(PLACE - DATE) SIGNATURE – STAMP:



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APPENDIX V

LETTER OF GUARANTEE FOR PARTICIPATION IN THE TENDER

To

Athens,

ATTIKO METRO S.A.
191-193 Messogion Avenue
Athens 115 25

**LETTER OF GUARANTEE No FOR AN AMOUNT
OF EURO 359,796.00 EURO**

We hereby advise you that we hereby irrevocably and unreservedly guarantee, waive our right to object invoking the benefit of division and discussion, up to the amount of three hundred fifty nine thousand seven hundred ninety six EURO (359,796.00€) being liable towards ATTIKO METRO A.E. in full and as debtors, in favor of

.....¹ for its participation in the conducted Tender dated², or on the new date to be set in the event of postponement of the Tender, for the appointment of the Contractor for the project entitled **TECHNICAL CONSULTANT SERVICES FOR THESSALONIKI METRO PROJECTS”** in accordance with your relevant Invitation.

We explicitly and unreservedly waive our right to raise against you all the objections of the principal debtor, including even the non-personal ones and, in particular, any other objection falling within articles 852-856, 862-869 of the Greek Civil Code, as well as our rights that may arise from the aforementioned articles.

The guarantee covers only the obligations of the entity, in favor of which the guarantee is issued, ensuing from his participation in the aforementioned tender throughout the validity period of the guarantee.

The aforementioned amount shall be kept at your disposal and shall be paid to you in full or in part without any complaint or objection on our part and without the validity of the request being examined, within three (3) working days upon receipt of a simple written notification prepared by yourselves.

If the guarantee becomes payable, the payable amount shall be subject to the standard duty stamp, applicable at each given time.

This guarantee of ours shall remain in force exclusively for a period of thirteen (13) months upon the expiry of the deadline for the submission of the offers and on condition that, in the mean while, you do not communicate to us, in a lawful manner, through a bailiff, a statement prepared by yourselves certifying that the guarantee has become payable, then we waive our right to any obligation of ours ensuing from this guarantee.

¹ Name of the candidate-natural entity or legal entity (Firm / company) or Consortium or Joint Venture, as stated in the application for participation.

² Deadline for the submission of the offers.

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Our guarantee is valid until it is returned to us or until we receive a written statement of yours certifying that we may consider our Bank free from any relevant obligation, however, not after the expiry of the aforementioned deadline.

Any dispute that may arise with regard to this guarantee or to any payment thereunder, shall be settled by the competent courts of Athens, Greece, in accordance with the Greek Law.

We hereby solemnly declare that the amount of the Letters of Guarantee we have issued does not exceed the limit of the guarantees we are entitled to issue.

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Appendix VI
GOOD PERFORMANCE LETTER OF GUARANTEE

To

Athens

ATTIKO METRO S.A.
191-193 Messogion Avenue
Athens 115 25

GOOD PERFORMANCE LETTER OF GUARANTEE No
FOR AN AMOUNT OF EURO

1. We hereby advise you that we explicitly, irrevocably and unreservedly guarantee, being liable towards ATTIKO METRO A.E. in full and as debtors, in favor of (*) for the amount of EURO (€.....). Our liability before your company is limited to the aforementioned amount as regards good execution by the Contractor (*) and strict adherence to all the terms of the Contract **“TECHNICAL CONSULTANT SERVICES FOR THESSALONIKI METRO PROJECTS”**, concluded between the aforementioned Contractor and ATTIKO METRO S.A.
2. We explicitly and unreservedly waive our right to object invoking the benefit of division and discussion, our right to raise against you all the objections of the principal debtor, including even the non-personal ones and, in particular, any other objection falling within articles 852-856, 862-869 of the Greek Civil Code, as well as our rights that may arise from the aforementioned articles.
3. Upon communication to our Bank of your relevant written notice, we state that we hereby undertake the explicit obligation to pay to you within three (3) working days of the communication of the said notice to our Bank, without any objection, the entire amount or a part of this guarantee, according to your instructions.
4. For the payment of the subject guarantee, no authorization, action or concurrence of(*) is required, nor shall any consideration be given to any objection or reservation or recourse of the said bidder to arbitration or to the courts, requesting the non payment of this letter of guarantee or the placing of this guarantee under court sequestration.
5. We further declare that this guarantee of ours shall remain in force until this letter of guarantee is returned to us along with your written statement that you release us from the said guarantee. Until then, we shall remain under the obligation to directly pay to you the guarantee amount.
6. Any dispute that may arise with regard to this guarantee or to any payment thereunder, shall be settled by the competent courts of Athens, Greece, based on the Greek Legislation.

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We, moreover, certify that by the issue of this letter of guarantee there is no breaching of the provisions concerning the setting of a maximum limit with regard to the issuance of letters of guarantee by our Bank.

(*) name of the Contractor (natural or legal entity) and in the event of a Joint Venture or Consortium, name of the entire contracting scheme. In this case, the guarantee shall be common in favor of all members of the Joint Venture/Consortium and concerns the total of the contract (article 20, para. 3, Law 3316/05).

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**APPENDIX VII
LIST OF THE “SUPPORTING DOCUMENTS FOR PARTICIPATION” ENVELOPE**

NAME OF CANDIDATE: Title of the Company or the Natural Entity that the table concerns.
In case of Joint Venture/ Consortium, all participating members must be indicated.

s/n	<u>SUPPORTING DOCUMENT</u>	ART. OF THE INVITATION	SAMPLE	YES	NO	QNT
1	Application (in duplicate) - the first copy must be placed outside the participation envelope for receiving a protocol number - the second copy with attachments 1a,1b,1c and 1d	21.1				
1a	Table of Contents	21.1.a				
1b	Legal statement of the members of the Joint Venture/Consortium concerning the appointment of a common Representative and Alternate.	21.1.b				
1c	Legal statement of the appointed common representative accepting the appointment and a similar Legal statement drafted by his Alternate.	21.1.c				
1d	Legal statement of the common representative concerning the fee allocation to the members of the Joint Venture.	21.1.d				
2a	A license for classification in the requested design categories and classes for those registered in the Greek Register of Designers or Engineering Firms or a registration certificate in official lists of service providers for bidders originating from member-states of the European Union or the EFA, where such registries are kept in a design category and class equivalent to the one of the Greek Registers of Designers or a practice license or a statement under oath for member-states originating from member-states of the European Union or the EFA, where no such registries are kept and possess a general experience equivalent to the one which ensues from the registration in the Register of designers and a relevant Legal statement.	21.2.1				
2b		21.2.2				
2c		21.2.3				

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3a	A Legal statement for each bidder separately certifying that no reasons for disqualification from the Tender exist (article 19 of the Invitation)	21.3	Appendix I – 1, 2			
3b	A Legal statement for each member of the bidding Joint Venture or Consortium certifying that no reasons for disqualification from the Tender (article 19 of the Invitation) exist, signed by the member's legal representative.	21.3	Appendix I			
4a	Lists of Services similar to the tendered one	21.4.1	Appendix II -1			
4b	Certificates of Services similar to the tendered one	21.4.1				
4c	Legal Statements about the workmanlike, successful and effective preparation	21.4.1				
4d	Licenses for classification in the requested design categories and classes (or respective proving documentation for foreign entities) for invoked party that provides designs of nature similar to the tendered design	21.4.1				
4e	Resolution made by the competent statutory body committing the aforesaid invoked party (in case of legal entity) that provides services of nature similar to the tendered service	21.4.1				
4f	Legal Statement committing the invoked party (in case of natural entity) that provides services of nature similar to the tendered service	21.4.1				
4g	Legal Statement that no grounds exist for disqualification (article 19 of the Invitation) of the invoked party that provides services of nature similar to the tendered service	21.4.1	Appendix I			
5a	List of Executives responsible for the preparation of the design (including only the specialized personnel stipulated in paragraph 20.1.b)	21.4.2	Appendix II - 2			
5b	Detailed CVs (only for the specialized personnel stipulated in paragraph 20.1.b)	21.4.2	Appendix II - 3			
5c	Resolution made by the competent statutory body committing the invoked party (in case of legal entity) that provides specialized personnel	21.4.2				
5d	Legal Statement of the person belonging to the specialized personnel about the	21.4.2				

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	acceptance of the aforesaid Resolution					
5e	Legal Statement of the invoked party (natural entity) that provides his experience as specialized personnel	21.4.2				
5f	Legal Statement that no grounds exist for disqualification (article 19 of the Invitation) of the invoked party that provides specialized personnel	21.4.2	Appendix I			
6	Letter of Guarantee for Participation	21.5	Appendix V			

Place – Date

**Stamp – Signature
of Legal Representative of the Company or the
Common Representative**

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NOTES – REMARKS

This text includes footnotes – suggestions to the Services drafting the Invitation to Tender, while it provides (per YPEHODE) the interpretation of certain terms of the Invitation. For this reason, it must be delivered to the interested parties along with the tender documents in order to assist them in the preparation of their Offer correctly and in order to inform them on the way the Service interprets the terms of this Invitation.

(The text of the Invitation must be adjusted accordingly)

¹ The Invitation concerns tenders using pre-estimated fee either higher or lower than the threshold set by the community directives 2004/18/EC and 2004/17/EC. The differentiations that come as a result in the text in both cases are noted in the footnotes of the subject document.

² The title of the Contract is stated, namely “Technical Consultant to support THE SERVICE for the supervision of the Project.....”

³ In the Official Journal of the European Communities (EC) or in the Greek Press, on a per case basis.

⁴ Reference is made to the public or other legal entity (legal entity of public sector, Organizations of Local Government – Grade A’ or B’, Societe Anonyme belonging to the public sector, etc.) to which the project for which the designs are prepared belong.

⁵ Reference is made to the legal entity that will conclude the contract, either on its behalf or on the part of the Project Owner.

⁶ The Administrative Authority or other authority (body, service of the Awarding Authority) which is responsible for conducting the Tender.

⁷ The amount is not determined in an arbitrary manner and must correspond to the expenditure for the reproduction of the documents.

⁸ **The calculation of the deadlines stipulated in this paragraph and in the subsequent one** does not take into consideration the date for the submission of the offer; in other words, if the day for the submission of the offer is Tuesday, then the 8-day deadline expires on preceding Monday. If the expiry day of the deadline is a Holiday, then the deadline expires on the preceding working day (e.g. if the day for the Offer’s submission is Monday, the 8-day deadline expires on preceding Sunday and since Sunday is a holiday, then the subject deadline expires on preceding Friday. The same method for calculating the deadlines is applicable to the remaining cases of the same article (6-day period, 7-day period).

⁹ e.g., to be paid by the recipient.

¹⁰ Fax, e-mail, post per each Service’s choice.

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¹¹ Clarification: the term “sealed” means the envelopes within a paper-wrap or the envelopes within the appropriate mail envelopes.

¹² **If the Invitation does not require** that the bidders possess a special technical and professional competence (as per article 20 herein), then **the following phrase is deleted:**

“d- the existence of the (possibly additionally required) particular technical and professional competence, as per article 20 of this document”.

¹³ The Committee’s attention is drawn to the case of the bidders’ disqualification in case they do not possess (any) special technical and professional competence; in this case, the justification of the reasons for disqualification must be particularly well-documented, so as to avoid raising any issues pertaining to the validity of the procedures.

¹⁴ **The transmission of Proceedings via FAX to the bidders is not forbidden**, on condition that the Service possesses the means to do so, especially in cases the bidders’ seat is not in the Service’s place of origin.

¹⁵ As regards the finalization of the scoring of the technical offers and the risks entailed by the unsealing of the Financial Offers while there are still appeals against the technical offers’ stage, see Circular **E15/07** of the Minister of PEHODE.

¹⁶ The fee for the provision of services shall be calculated on the basis of the time foreseen for the employment of the persons to be engaged in the project or on a lump sum basis, based on the physical scope.

¹⁷ Any reference of the Financial Offer to different quantities of physical scope units, as compared to those referred to in the Project file, entails failure of comparing the offers. A fundamental obligation of the Bidders is to submit offers for the same physical scope, i.e. the scope contained in the Project file.

¹⁸ However, the Law gives the service the option to choose both e-mail or mail.

¹⁹ It is advisable for the Resolution on Proceedings I to be issued rapidly, because lack of the aforesaid resolution means that the evaluation of the technical offers can commence **but it cannot be completed**.

²⁰ Fax, e-mail, mail, per each Service’s choice.

²¹ For design contracts with a contractual scope (as it will be configured on the basis of the Contractor’s offer) exceeding the amount of EURO 1,000,000 (VAT excluded). **The relevant reference is omitted if the amount is lower than the aforementioned.**

²² For design with a pre-estimated fee over EURO 1,000,000 (VAT excluded). In case of co-funded designs for the current period (3rd CSF) and for the new period (NSRF, 2007-2013) the aforesaid amount amounts to EURO 5,000,000 (VAT excluded). **The relevant reference – on a per case basis - is omitted if the amount is lower than the aforementioned.**

²³ Unless **other competent body** exists, in which case, it is modified accordingly.

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²⁴ The decisions and circulars are posted on the web-page of the Ministry of Y.PI.ME.DI/GGDE (ggde.gr).

²⁵ **It is indicated only** in case the amount of the pre-estimated fee, depending on the awarding authority, exceeds the application threshold set by Directives 2004/18 and 2004/17/EC.

²⁶ It is indicated in case, based on the contract amount (EURO 1,000,000 - VAT excluded), the provisions pertaining to the Radio-TV Council review become applicable.

²⁷ Should the tendering process, due to the amount of the pre-estimated fee (EURO 1,000,000 - VAT excluded), is subject to the pre-contract review by the State Council - see footnote 22 for the co-funded designs-services).

²⁸ The Service formulates the paragraph depending on the requirements of each contract.

²⁹ Article 20 is referred to only if the Invitation calls for a special technical and professional competence.

³⁰ The time duration is determined by the Awarding Authority, by estimation of the particularities of the Tender. **An average time period** required for the completion of the procedure is from 3 to 8 months. Therefore, a time period equal to the aforesaid must be set as the validity period of the offers.

³¹ The percentage of the participation guarantee equals to 2% on the amount of the pre-estimated fee – VAT excluded (article 157, Law 4281/2014).

³² A time period over 30 days than the validity period of the offer, as determined by article 13.2 is set.

³³ Should the Awarding Authority is one of the agencies exempted.

³⁴ See GGDE circular 37/2005 (ggde.gr).

³⁵ Paragraph 17.1 is drafted **only in case** the pre-estimated fee exceeds the application thresholds set by the directives; **otherwise the following text is introduced, namely:** *“There is not any obligation for transmitting the Invitation Summary to the Services of the Official Publications of the European Union and to the Data Bank TED”*.

³⁶ The summary for the Greek Press is compiled as per the applicable appendix of Circular E.15/2007 of YPEHODE (prot. No. D17c/01/85/FN 439/30.05.2007).

³⁷ (Same as footnote 36).

³⁸ It is clarified that the fifty two (52)-day period that intervenes until the date when the Offers are received by the Awarding Authority starts counting after the transmittal of the Invitation to the Information Bulletin and to the web page of the Technical Chamber of Greece and to the Greek Press (as per the stipulations of paragraph 1, article 12 of Law 3316/05) and not only the transmittal for publication by the Official Journal of the European Communities.

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³⁹ As these publications are set in article 12, Law 3316/05.

⁴⁰ The aforementioned limit of the publication expenditure is set in the Invitation for reasons of transparency and in order to avoid any surprise on the part of the bidders, who, in this way, calculate this expenditure in their financial offer. If greater publication expenditure derives due to the pricing policy of the newspapers, then the amount exceeding the budgeted expenditure shall be borne by the awarding authority. To this end, **a review of the publication expenses** by the awarding authority is required.

In any case, this expenditure shall only concern the publication of the foreseen summary in the press provided for by Law 3316/05; in no case shall it concern the publication of the entire Invitation or the publication of a number of printed material over the one foreseen by the Law.

⁴¹ For designs of low financial scope, e.g. up to EURO 30,000, it can be provided for that the publication expenses shall be borne by the Service (given that in Law 3316/05 there is no such provision, there is not any obligation – by virtue of the Law – on the part of the Contractor to pay the relevant publication expenses).

⁴² 18 or 17 is set, depending on the awarding authority.

⁴³ The second clause of paragraph 17.4 is set only if the pre-estimated fee of the design exceeds the application thresholds set by the community directives. If the fee does not exceed the application thresholds set by the Directives, than a summary – compiled on the basis of the simplified sample of the YPEHODE (relevant circular....) is published.

⁴⁴ According to paragraphs 2, 3 and 4, article 14, Law 3316/05, eligible to participate in the tenders conducted for the award of services are the following: a) entities possessing the license stipulated in article 39, in all cases, b) entities possessing the license stipulated in article 39, proving additional experience in the supervision of works, in case the contract awarded concerns project supervision (paragraphs 2 and 3 article 14) and c) entities possessing the license stipulated in article 39 or persons certified by a certification organization, in case the contract to be awarded concerns services related to the execution of a project, except supervision. The license class of article 39 derives from the pre-estimated fee of the contract and the license categories are determined by the Awarding Authority. These categories must fulfill the necessary, in the Awarding Authority's view, categories of designs or works, required for the preparation of the design or the execution of the project related to the provision of services.

It is hereby stressed **the option/possibility** given by article 15, paragraph 3 Law 3316/05 (as amended and in force) to request – further to the opinion of the competent technical council – **licenses higher** than those required, in line with the applicable provisions.

⁴⁵ It is hereby stressed **the option/possibility** given by article 20, paragraph 4 Law 3316/05 to request – further to the opinion of the competent technical council – **licenses higher** than those required, in line with the applicable provisions.

In addition, the **option/possibility** is given by article 20, paragraph 4 Law 3316/05 to request licenses of the higher and/or lower class, further to the opinion of the competent technical council.

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⁴⁶ Should the Awarding Authority be an operator out of those who are subject to Directive 2004/17/EC, then the relevant provision of this Directive is referred to.

⁴⁷ Directive 18 or 17 is set, depending on the application field.

⁴⁸ For License Class A', 1 designer possessing a 4-year experience in the subject category;
For License Class B', 1 designer possessing an 8-year experience in the subject category;
For License Class C', 1 designer possessing a 12-year experience in the subject category;
For License Class D', at least 1 designer possessing a 12-year experience and 1 designer possessing an 8-year experience and 2 designers possessing a 4-year experience in the subject category;

For License Class E', at least 2 designers possessing a 12-year experience and 1 designer possessing an 8-year experience and 4 designers possessing a 4-year experience in the subject category.

In case more engineers are made available who possess a greater experience, then the requirements in terms of smaller experience are respectively reduced. The overall equivalent man-power that derives must correspond to the stipulations of paragraphs 4 and 6 article e39 Law 3316/05

⁴⁹ It is self-evident that if the specific bidder is appointed as the contractor of the Project, prior to the conclusion of the contract (as determined in article 14.2, clause 3 of Law 3316/05 and in the provisions of the designers' registers) a checking shall be made as to whether, apart from his corporate license class, the license class of each executive of the Contractor's Group is still in force or not and whether their renewal has been timely requested or not.

⁵⁰ For this paragraph to be valid, the contract for the provision of services must be related to a project or design contract under execution at the same time, as the case is when a contract for the provision of services concerns the support to a service during the execution or the supervision of a contract, etc. This way, coincidence of the capacities of the entity performing the review and the entity subject to review is avoided. No such issue is raised if, for example, this awarding procedure concerns the support to the service during the supervision or management of a project and the entity prepared the design of the project wishes to participate in the subject tender.

However, in such a case an impediment could emerge due to the eventual advantageous position of this bidder, as compared to the remaining bidders, if it is deemed that during the preparation of his/her offer he/she was favored due to the special skills he/she acquired during the preparation of the design. See also a more detailed analysis in the **Circular E29/06** regarding conflict of interests.

⁵¹ In line with **article 15, paragraph 1, law 3316/05**, the Awarding Authority is entitled for requiring, through the invitation, beyond the general experience stipulated in article 18 herein, proof of special experience and/or other special requirements for technical competence, to be proved per article 17, paragraph 1 of law 3316/2005.

Especially for contracts including supervision services, it is foreseen that: (paragraph 3, article 14) the candidates **should** prove additional experience in projects' supervision or construction.

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Therefore, this article is **optional** and is set as per the assessment of the Awarding Authority itself in order to ensure the quality of the design, through its award to an entity possessing increased technical competence. However, it is stressed that the nature of the contracts related to the provision of services that do not precisely correspond to the design categories of article 2 Law 3316/05 renders **almost necessary** the requirement for special technical competence in order to ensure the quality of the services provided.

In case the Awarding Authority decides not to include the subject article, then the following phrase must be added, namely: “There is not any requirement for any technical and professional competence, beyond the general competence, as this derives from article 18”.

⁵² The requested additional special, technical and professional competence **must** – at the penalty of annulment of the procedure – **not exceed the thresholds imposed by the general principle of proportionality**, in order to ensure the quality of the design in combination with the obligation for ensuring adequate competition. Any excess of this option must be avoided, since there is the risk for “photographic terms”, in case the increased competence is not justified by the nature and complexity of the Contract scope.

It is stressed that the special, technical and professional competence requested by category must correspond with the license classes per category.

⁵³ Apart from the experience of the Group in construction of supervision matters – which is mandatory for contracts including supervision - in line with article 17, law 3316/05 the Awarding Authority can choose any of the information referred to in paragraph 1 of the article, in order to prove the special technical and professional competence of the bidders. The required qualifications pertaining to the special competence must correspond to the back up documentation, per paragraph 21.4, that are submitted for reasons of proving the above.

⁵⁴ **Five- to fifteen-year period** (article 17, paragraph 1a of Law 3316/05). The time period must correspond to the specialty of the services required, so as to ensure the necessary competition among as many bidders as possible .

⁵⁵ The special competence (experience in the preparation of specialized services) can be requested only for certain individual services of the entire contract, as per the Administrative Authority judgment, i.e. those having the special characteristics that require the specialized experience.

⁵⁶ It concerns the possibility to use scientific personnel - except for the specialties of the design categories - should this be necessary for the workmanlike provision of the service. For example, the provision of service of a recreational area (e.g. theatre), may call that the design Group incorporates an Acoustics Specialist.

Apart from this specialty, relevant provision can be made for specific general and/or special experience, e.g. of a hydraulic engineer possessing an at least 20-year experience and an at least 5-year experience in the administration of technical consultant services contracts.

Depending on the needs of the contract, e.g. civil engineer or survey engineer possessing an at least 20-year experience and an at least 10-year experience in the supervision of technical projects.

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However, it is stressed that the nature of the contracts related to the provision of services that do not precisely correspond to the design categories of article 2 Law 3316/05 renders **almost necessary** the requirement for special technical competence in order to ensure the quality of the services provided.

⁵⁷ Paragraphs 3 and 4 article 14 Law 3316/05 are hereby stressed; (i) during the procedure for the award of services for the supervision of a public work – apart from their registration in the pertinent record of article 19 of Law 3316/05 – the bidders must also prove the experience they acquired from the construction or supervision of projects of a corresponding category; (ii) in case respective records are not kept in Greece, then eligible to participate are in the tendering process: Greek natural or legal entities registered in the Designer’s Record or in the Engineering Firms Record or entities certified by a recognized certification organization, as to be described in more detail in the Invitation to Tender.

⁵⁸ The term “cumulatively” refers to the required special experience in terms of quantity and not in terms of quality. E.g. if experience in the design of three (3) waste treatment plants for areas with a population equivalent of more than 70,000 inhabitants is required, the relevant experience can derive from the Joint Venture of two bidders in the same category where one bidder holds one project and the other bidder, the remaining two projects. However, if experience is required in one (1) waste treatment plant for areas with a population equivalent of more than 70,000 inhabitants is required, then the experience in question cannot result from the experience of one of the bidders in one (1) treatment plant for areas with a population equivalent of 30,000 inhabitants and the experience of the other bidder in one (1) plant for areas with a population equivalent of 40,000 inhabitants in the same category.

⁵⁹ Indicated only in Invitations to Tender with a pre-estimated fee **exceeding the thresholds** for application of the Directive (2004/18 or 2004/17 depending on the awarding authority).

⁶⁰ Paragraph 21.4 is set only in case the invitation to tender requires proof for this competence; otherwise it is omitted. In addition, **special attention** must be drawn so as the required documentation be **in absolute correspondence** with the requirements concerning the special and professional competence, stipulated in article 20. The subject Invitation to Tender sets two criteria for the review of the technical competence of the candidates (bidder’s experience and qualifications of special associates) and the respective documentation required for proving that the above criteria are met. If the Awarding Authority wishes to set other criteria too, it shall see to the fact that relevant reference is made also to the pertinent documentation.

⁶¹ Five- to fifteen-year period, in the Awarding Authority’s judgment. The time period must correspond to the specialty of the services required, so as to ensure the necessary competition among as many bidders as possible.

⁶² It concerns ascertainment of the suitability of the **required specialized personnel**. The required specialized personnel can derive from the candidate’s executives, from permanent associates and/or independent associates either holding or not an engineering degree.

⁶³ Paragraph 22.1.5 is set only if the design pre-estimated fee exceeds the amount of EURO 1,000,000 (VAT excluded).

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⁶⁴ If the design (service) that will be prepared (provided) is not particularly specialized or if it is highly specialized, then the limit of the page numbers of the Technical Offer in general can be either **smaller or greater**, in the Awarding Authority’s judgment.

⁶⁵ (i.e., reasonable size set shall be fairly evaluated for all bidders).

⁶⁶ (same as footnote 65).

⁶⁷ (same as footnote 66).

⁶⁸ (same as footnote 65).

⁶⁹ (same as footnote 66).

⁷⁰ **Positive discount** means the offer which is lower than the pre-estimated fee and **negative discount** means the offer which is higher: e.g., if the pre-estimated fee is EURO 100,000, a 15% positive discount equals to an offer amounting to EURO 85,000, while a 15% negative discount equals to an offer amounting to EURO 115,000.

⁷¹ The Invitation may set (not necessarily) lower limits for acceptable scoring per criterion (articles 7 paragraph 2.ia and 8 Law 3316/05. However, the Awarding Authorities must take into account that the establishment of such limits can be very strict **even prohibitive** for the free participation of bidders in certain cases. Thus, as per the Service’s judgment, the utilization of lower limits for acceptable scoring per criterion can either be not provided for or this limit may be very low (e.g. 30 out of the 100 units of the criterion scoring).

⁷² In case any report of the Technical Offer is prepared based on different structuring of pages – as compared to the one provided for in article 21 – then the Evaluation Committee shall assess the extent of the respective Report corresponding to the structuring foreseen as above.

⁷³ The acceptable limit of the technical offers of this criterion can be determined by the Invitation. For **the importance of the lower acceptable scoring** per criterion, see note 74.

⁷⁴ For example, in case of a design – category 10, which allows for the participation of engineers with License Class C’ and D’, the main executive is 1 designer with a at least 12 years of experience corresponding to License Class C’.

⁷⁵ The inefficient number of the Group members as compared to the magnitude of the project as well as the excessive number of the subject members are negatively evaluated. It is stressed that the Tender Committees must be careful in evaluating the participation in design Groups of bidders and persons, whose participation is forbidden by the spirit and the letter of Law 3316/2005, such as employees salaried by Awarding Authorities, etc.

⁷⁶ This article makes reference to the approvals **that may be required**, as per article 9 paragraph 1 Law 3316/05.

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⁷⁷ of the competent body of the Administrative Authority (per article 9, paragraph 2 Law 3316/2005).