	<p>“GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF THESSALONIKI METRO NETWORK”</p> <p>INVITATION TO TENDER</p>	<p>RFP-243/13</p>
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TOTAL PRE-ESTIMATED FEE	3,474,750.00 € (VAT included)
	2,825,000.00 € (VAT excluded)


INVITATION TO TENDER BASED ON THE OPEN PROCEDURE

Type D

**For the award of a framework-agreement
as per article 8 of L.3316/05
having as a scope the preparation of designs¹**

ATHENS

FEBRUARY 2014

	<p>“GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF THESSALONIKI METRO NETWORK”</p> <p>INVITATION TO TENDER</p>	<p>RFP-243/13</p>
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TOTAL PRE-ESTIMATED FEE	3,474,750.00 € (VAT included)
	2,825,000.00 € (VAT excluded)

**INVITATION TO TENDER BASED ON THE OPEN PROCEDURE
FOR THE SELECTION OF A CONTRACTOR TO
COMPILE DESIGNS BASED ON A FRAMEWORK - AGREEMENT**

ATTIKO METRO S.A.²

a n n o u n c e s

**for the selection of a contractor his scope being the compilation of designs
based on the framework - agreement**

**“GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS
EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS
AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF
THESSALONIKI METRO NETWORK”**

of a total pre-estimated fee 3,474,750.00 € (VAT inclusive)

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 in the Official Journal of the European Union (EEEE) and under the terms of the present document, and

hereby invites the interested parties

to submit an offer for the appointment of a Contractor of this framework-agreement


	<p>“GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF THESSALONIKI METRO NETWORK”</p> <p>INVITATION TO TENDER</p>	<p>RFP-243/13</p>
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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 is the body, 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 / Supervision, is the Engineering Department of ATTIKO METRO A.E., seated at 191-193 Messogion Avenue 115 25 Athens.

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:

- Interested Party: every interested natural or legal entity, or associations of entities without legal personality, intending to participate in this tender procedure.
- 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, that submits an offer for this tender.

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- Tender documents: The documents mentioned in article 7 of this document, which, following the signing of the contract, become contractual documents.
- Committee: The Tender Committee, which is formed and functions in line with article 21 of L. 3316/2005.

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

- 2.1 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 20 EURO⁷, i.e. **until 7 April 2014⁸**. 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.

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 7 April 2014 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.

- 2.3 Until **27 March 2014 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 the Service conducting the Tender.

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. (Clarifications Document) 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 9 April 2014** 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

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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.

2.4 **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 8 April 2014**. In case the Administrative Authority 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.

2.5 **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:

- a) The document entitled Technical Data of the Project¹¹;
- b) The justification of the advisability of the Project;
- c) The schedule regarding the required designs and services;
- d) The pre-estimated fee for the design.


Article 3: Preconditions for valid participation – Submission of the Participation 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:

	<p>“GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF THESSALONIKI METRO NETWORK”</p> <p>INVITATION TO TENDER</p>	<p>RFP-243/13</p>
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<p align="center">SEALED OFFER <i>(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)</i></p> <p align="center">FOR THE TENDER: “GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF THESSALONIKI METRO NETWORK”</p> <p align="center">(Reference Code RFP-243/13)</p> <p align="center">To: ATTIKO METRO A.E. 191-193 Messogion Avenue 115 25 Athens</p> <p align="center">Attention: Tender Committee</p> <p align="center">NOT TO BE OPENED BY DOCUMENT CONTROL OFFICE</p>
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Each Bidder's participation envelope shall contain, at the penalty of disqualification, the following three separate sealed envelopes:


- the envelope with "Supporting documents for participation"
- the envelope with the "Technical Offer"
- 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: “GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF THESSALONIKI METRO NETWORK”**

the title shall be accompanied by the Reference Code **RFP-243/13**,

	<p>“GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF THESSALONIKI METRO NETWORK”</p> <p>INVITATION TO TENDER</p>	<p>RFP-243/13</p>
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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.

The envelope with the Financial Offer must be securely **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 sealed¹², 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 sent 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 offer was timely submitted and whether the financial offer was submitted in a sealed envelope,

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

- the completeness of the envelope entitled :Supporting Documents for Participation“, as per article 21
- the eligibility to participate in the tender procedure, as per article 18
- the fulfillment of the requirements for participation of article 19
- the existence of the (possibly additionally required) particular technical and professional competence, as per article 20 of this Document¹³.

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 No. I** contain 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 guarantee, etc., are recorded on the basis of the number each envelope received.

Proceedings No. I is completed with the justified decision of the Committee about the disqualification of the bidders who do not satisfy the requirements for participation in the tender procedure; the Proceedings is then posted at the care of the Committee’s Chairman to the Bulleting Board of ATTIKO METRO A.E. (6th floor).

A relevant **announcement**, indicating the particulars of the Proceedings, the relevant Contract, the deadline for filing of 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 day to the bidders, which is available at the premises of ATTIKO METRO A.E., without any request or checking the power of attorney of their representatives.¹⁵

The deadline for filling 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 associated deadline, or until the bidders eventually declare in writing that they weave their right to file objections. Should there be deadlines for the filling disputes or 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.

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- 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 Committee unseals during a public meeting the Technical Offers of these bidders, it initials their content of each envelope and records this content in the **Proceedings No. 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 No. 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 the **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 envelopes of the technical offer of the bidders.

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

- posting it on the bulletin board of the Service (6th floor) conducting the Tender, and
- transmitting a relevant written notification to the bidders not disqualified during the previous stage. The announcement specifies the deadline and the address/entity for filling 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 representatives¹⁵.


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 Offers¹⁶, the Committee invites 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 the 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 the **Proceedings No. III**.

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

The financial offers are considered acceptable provided that¹⁷:

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- a) if the quantities of the physical scope correspond to the quantities specified in the Tender documents, especially in the pre-estimated fee analysis.¹⁸
- b) if they have been compiled in accordance with **paragraph 21.8** of this document.

Following the scoring of the accepted 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 the **Proceedings No. 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, the Proceedings No. III is posted at the care of the Committee's Chairman to the Bulletin Board of ATTIKO METRO A.E. that conducts the tender (6th floor). A relevant announcement indicating the deadline for filing of 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 ATTIKO METRO A.E., without any request or checking the power of attorney of their representatives¹⁵.

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 the Proceedings No. 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 Documentation”** and to the lawfulness of the relevant documentation, the Committee ought to, always respecting the principle of equal treatment, to invite the Bidders, using any available means, to “explain” or “supplement” the data of the Envelope, within a specific deadline.

The only data which cannot be supplemented or clarified is 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 data specified in article 20 of this document during the checking of the Bidders suitability.

 ATTIKO METPO A.E.	<p align="center"> “GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF THESSALONIKI METRO NETWORK” </p> <p align="center"> INVITATION TO TENDER </p>	<p align="center"> RFP-243/13 </p>
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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 the latter's Technical Offer, in order to verify the declared data, adhering to the principle of their equal treatment.

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**¹⁹.

4.8 Objections


The interested parties who have 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 the 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 opinion submitted by the Committee.

Especially with regard to the objections against Proceedings No. 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 deadline²⁰. 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 relevant Resolution about the award of the design, following the concurrence of the Tender Committee. This Resolution is copied via Fax or through e-mail or by means of the AM employees²¹ 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 demonstrably invited to submit, **within a deadline of 20 days**, the individual supporting documents mentioned in article 23, against which he submitted the legal declaration of paragraph 21.3, as well as the license mentioned in paragraph 21.2. 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.b of this document, this foreign candidate shall submit CVs of his personnel in order to prove a general experience, in line with paragraph 18.2.3.

If the information submitted are not considered to be the appropriate ones, then the Administrative Authority shall request their supplementation of 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:

- the above data are not provided on time, or they are not in agreement with the already submitted legal declaration, or
- the bidder or one of its members in case of a joint venture or a consortium, was deleted from the Engineering Registers, or was placed to a lower category which is not eligible to participate in the tender on the basis of the stipulations of paragraph 2, Article 14 of L. 3316/05,
- 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 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 of the framework agreement – signing of the agreement– signing of the individual contracts

- 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 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 Service conducting the tender,
- b. the legal declaration of the 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 3314/2005” and the provisions applicable at each given time²²
- b. the result of the review conducted by the Court of Auditors²³ concerning the lawfulness of the contractor’s selection procedure is positive.

The framework agreement 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 Share Holder), 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 private agreement at a designated place and time. The private agreement 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 No. 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 framework agreement, the Contractor has to deposit the good execution letter of guarantee, as well as the remaining supporting documents, as per the stipulations of the Conditions of Contract, and to state his seat and his attorney-at-law, resident of Athens, the seat of the Managing Department of the contract.

On the part of the employer, the Contract shall be signed by the representative²⁴ authorized to this end by ATTIKO METRO S.A. Board of Directors.

6.4 The award of the individual contracts is based on the stipulations of paragraphs 3 and 7, article 8 of L. 3316/05, as amended and valid today. During the validity period of the framework agreement and under the preconditions of paragraphs 3 and 7, article 8 of L.3316/05, whenever the need arises to prepare designs falling within the scope of the agreement, the Contractor is invited in writing by the Managing Department to come

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within a deadline of ten (10) days^{24a} in order to sign the agreement of the individual contract concerning the preparation of a specific quantity of surveys and designs under the terms of the framework agreement, bringing with him the additional good execution guarantee mentioned in paragraph 15.3 of this document. The individual contract can be signed earlier if both parties agree to that. If the Contractor does not show up within the prescribed deadline or does not produce, at his liability, the good execution guarantee, it is assumed that he declines to conclude the individual contract, he is declared forfeited as per the stipulation of paragraph 4, article 23 of L. 3316/05 and the good execution guarantee of paragraph 15.2 of this document become payable in favor of the Employer.

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:

1. The private agreement
2. The private agreement of each individual contract
3. This Invitation to Tender with its Attachments and the Clarifications Document that may be issued
4. The Financial Offer of the Contractor
5. The Conditions of Contract document (CC)²⁵
6. The Technical Specifications
7. The Technical Offer of the Contractor
8. The document entitled Technical Data with its Annex, the required Designs Program and the Project's Feasibility documentation
9. The document entitled Pre-estimated Fee with the specific calculations of the pre-estimated fee per design category, in accordance with Article 4, para 2 and Article 7, para 2.d 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 and supporting documents concerning foreign Companies and which shall be submitted by the bidders during the conduct of the Tender shall be lawfully attested either by 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 certified 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. This

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document must have been ratified by an attorney, as per article 454 of the Code for Civil Procedure and article 53 of the Code of Attorneys.

- 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 3316/05** (FEK A 42) “*About the award and execution of Public Contracts related to the preparation of designs and the provision of services*”, as amended and supplemented through Laws 3481/2006 (FEK A 162), 3621/2007 (FEK A 279), 3919/2011 (FEK A 32), 4070/2012 (FEK A 82), Law 4199/2013 (FEK A 216) and **all regulative acts** (PD and MD) that have been issued for its execution, as well as **all circulars** that have been issued for its interpretation²⁶;
2. The stipulations of L.2859/2000 concerning the VAT (FEK A' 248) as amended by article 12 of L.3336/2005 (FEK A'96) and Laws 3883/2010 (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)²⁷, as amended through article 63 of Law 4055/12, article 11 of Legislative Act 05.12.12 (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 1673B/23.08.2007) “About the documentation regarding the adherence to the Registers of Law 3310/2005, as amended through Law 3314/2005”²⁸
5. Law 2741/99 “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) and 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)²⁹, Law 4129/2013 (FEK 52A/28.02.13) and Law 4146/2013 (FEK 90A/18.04.2013)³⁰;
6. Legislative decree 2726/1953, about amendments and supplementation of article 59 of Legislative decree 17.7/16.08.1923, 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 Regulations;
8. PD 138/2009 “Register of Engineers and Engineering Firms” published in implementation of the provisions of paragraph 7 article 39 Law 3316/2005;
9. Law 3548/2007, as applicable about the publication of the Invitations to Tender in the Prefectural and Local Press and Law 4070/2012 (FEK A 82), article 138 paragraph 2b about the “posting”/publication of the summary of Invitations;

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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 contract 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.

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

The participation in the tender procedure constitutes a 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;
- 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 there is a 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 – Overall Pre-estimated Fee – Maximum Number of Individual Contracts – Deadlines

11.1 The present Invitation is related to the award of the framework – agreement entitled **“GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF THESSALONIKI METRO NETWORK”**

and also to the conclusion with the selected Contractor four (4)³¹ individual contracts for design preparation, as a maximum.

The scope of this Contract is the preparation of Geological and Geotechnical Surveys and Designs for Evosmos Extension and Completion of Geological and Geotechnical Surveys and Designs for Stavroupoli Extension and Pylea Depot of Thessaloniki Metro Network and more specifically:

(a) Extension to Evosmos:

The extension begins after the forestation of the NEW RAILWAY STATION of Thessaloniki Metro Base Project and is held towards Evosmos; the length of the alignment is approximately 4.5km and includes four (4) stations. The train stabling area is also included in the above length.


The following works are foreseen to be executed in this area: a) geological surveys and a geological design, and b) geotechnical surveys which shall include borehole drillings accompanied by geological and geotechnical field works and laboratory tests, as well as scheduling of surveys, presentation of the results and evaluation of the geotechnical surveys.

(b) Extension to Stavroupoli:

This extension begins from DIMOKRATIAS Station of Thessaloniki Metro Base Project and is headed towards Efkarpia; the length of the alignment is approximately 5.3km and includes five (5) stations. Even though geological and geotechnical surveys and designs have already been prepared for this extension, they must be supplemented and completed.

(c) Pylea Depot:

In order to accommodate the needs of Thessaloniki Metro extensions to Evosmos and Stavroupoli, Pylea Depot needs to be expanded. This expansion shall occupy the NE end of the existing Depot under construction and shall cover an area of approximately 51,000m². Geotechnical surveys shall be carried out in this area and they shall include borehole drillings accompanied by geological and geotechnical field works and laboratory tests, as well as scheduling of surveys, presentation of the results and evaluation of the geotechnical surveys.

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The terms of the contract and the main features of the scope of the individual designs of the framework are detailed in the documents described in article 7 of the present Invitation.

- 11.2 The overall estimated fee for all individual designs of the framework - agreement rises to the amount of **2,825,000.00 €** (VAT excluded), it concerns designs of categories 20 and 21 and is allocated as follows:

For Designs of Category 20 (Geological - Hydrogeological - Geophysical Designs and Surveys), **375,000.00 €**;

For Designs of Category 21 (Geotechnical Designs and Surveys)³¹, **450,000.00 €**;

The right to participate in the tender is specified in article 18.1 of the present document. The re-estimated fee is defined in the Pre-Estimated Fee Document. The Technical Data Document contains a pre-estimated fee determination sheet, wherein the following are generally defined: a) the maximum pre-estimated fee per design category and b) the maximum overall pre-estimated fee, made up of the sum of the individual per category pre-estimated fees, without an analysis to physical scope units per category.

The design has been incorporated into the Designs Plan of ATTIKO METRO S.A. and the contracts to be awarded to the Contractor shall be funded by the Public Investments Program own capital and/or National Funds³³. The design can be co-funded in the framework of the NSRF, as long as the required funds are secured.


- 11.3 The duration of the framework agreement is set to be **thirty five (35) months**³⁴.
- 11.4 The date of signing of the private agreement is set to be the starting date for the deadlines of the framework agreement. The individual contracts can be awarded to the Contractor during the validity period of the framework agreement.

The deadlines for the execution of the individual contracts and the starting date of each deadline are defined in the relevant private agreement. The specified deadlines shall be reasonable, i.e., corresponding to the quantities of each individual contract. The contractor is obliged to execute the works of the individual contract, while any dispute of the contract relating to the specific deadline shall be settled in accordance with article 41 of L. 3316/05.

- 11.5 The Contractor shall be working in his offices and/or in the project's area, whenever this is required.

Article 12: Procedure for the selection of the Contractor for the framework contract – Criterion of contract award

- 12.1 The selection of the Contractor for the framework contract shall be based on the open procedure, as described in paragraph 5 of article 1 of L. 3316/2005.

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- 12.2 The criterion for the contract’s award in the “most economically advantageous offer”, as per paragraph 6 of article 8 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 on articles 18, 19 and 20³⁴ 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 (article 21.3 of the Invitation), the Special Technical and Professional Competence, the Technical Offer, the Letter of Guarantee for participation and for good execution of the project and the Content of Envelope entitled “Participation Supporting Documents”. The utilization of the samples is mandatory.
- 13.2 No alternative offers shall be accepted, nor any offers for part of the scope of the framework agreement.
- The offers shall be in effect for a period of **12³⁶ 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 **April 15th 2014 at 15:00h**.


Applications and offers submitted **after the above deadlines** are rejected (as article 3.2).

Article 15: Participation and Good Execution Guarantees

15.1. Guarantee for participation in the tender procedure

In order to participate in the Tender, a participation guarantee amounting to **fity six thousand five hundred Euros (56,500.00 €)**³⁷ is required, which consists of a) letters of guarantee from TSMEDE or from banks lawfully operating in Greece or in any other member-state of the European Union, the EFA and 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 **13³⁸ months** after the expiry of the deadline for the submission of the offers. If the letter of guarantee is

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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.

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, 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 **shall be returned** as follows: a) of the first three in the classification order, immediately after the announcement of the awarding resolution and on condition that they waive the right to file administrative or court recourses or after the recourse deadlines have elapsed idle. In case a bidder is disqualified at an intermediate stage, the letters are returned to this bidder upon his application, on condition that he waives the right to file an objection, or if the disqualification decision is no longer subject to administrative recourses.

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** when the appointed contractor, even though invited, does not show up, at his liability, to sign the Contract, or does not deposit the required good execution guarantees, or does not comply with the obligations ensuing from this document.

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

15.2. Letter of guarantee for good execution of the framework agreement

In order to be awarded the framework agreement, the Contractor shall deposit a good execution letter of guarantee amounting to **fifty six thousand five hundred Euros**

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(56,500.00 €)³⁹, as per the sample of Appendix VI of this document, which must fulfill the terms of the Conditions of the Contract.

15.3 Letter of guarantee for good execution of each individual contract

In order to have the private agreement for each individual contract signed, the contractor has to submit an additional guarantee for the good execution of the specific contract. The amount of this guarantee rises to 3% on the amount of the individual contract, VAT excluded, so that the total amount of the good execution guarantee for the individual contract rises to a percentage of 5% of its contractual price

Article 16: Contractor's fee – Method of Payment


- 16.1 The Contractor's contractual fee is the sum of the fees for the various design categories. The design fee per category results as the product of the prices per unit of physical scope, as these are indicated in the Service's Price List in the Pre-estimated Fee Document, by units of physical scope the contractor shall be called to execute with the signing of the individual contracts, after applying this category's discount indicated in the Financial Offer Form (VAT excluded), during the validity period of the framework agreement. This fee is not revised.

In case the deadline is extended not due to the Contractor's liability and for the part of the fee corresponding to works executed after the expiry, a revision is due, in line with article 30 of Law 3316/2005.

- 16.3 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/EC⁴⁰, as amended by Directive 2005/51/EC and Regulation No. 1564/2005 of the European Commission⁴¹, as per the standards applicable each time, and as valid today, shall be transmitted to the Official European Journal and the TED Databank on February 19, 2014⁴².
- 17.2 A summary of the present invitation⁴³ shall be published a) in TTE Webpage, b) in the ATTIKO METRO S.A. Webpage and c) in the Greek Press⁴⁴, 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)⁴⁵.
- 17.3 The expenses related to the publication of the summary Invitation⁴⁶ shall be borne by the Contractor, cannot be higher than 10,000.00 €⁴⁷ and they are collected with the first payment certificate of the first individual contract. The expenses for the publication of any previous tenders for the same design, as well as the expenses for publication not required by the law, shall be borne by the

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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 TTE Webpage 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 2004/17/⁴⁸EC, as amended by Directive 2005/51/EC and Regulation No. 1564/2005 of the European Commission shall be transmitted to the Official European Journal, as per the above⁴⁹.

	<p>“GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF THESSALONIKI METRO NETWORK”</p> <p>INVITATION TO TENDER</p>	<p>RFP-243/13</p>
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CHAPTER C´

Article 18: Eligible to participate in the Tender

18.1 The license categories as per article 2 of L. 3316/2005, which are required⁵⁰ for the framework agreement be concluded and the respective called category of each license, according to the pre-estimated fees described in paragraph 11.2 herein, are the following:

- **For design category 20 “Geological, Hydrogeological and Geophysical Designs and Surveys”** license class C’ or D’ or E;
- **For design category 21 “Geotechnical Designs and Surveys”**, license classes D or E⁵¹,

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)⁵².


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 are holders of licenses of the design categories and classes mentioned in the previous paragraph 18.1, or

18.2.2 originate from member-states of the EU or the EFA which keep similar registries, as per article 52 of Directive 2004/18/EC⁵³, and they are registered in design categories and classes corresponding to those indicated in the above paragraph 18.1, or

18.2.3 originate from member-states of the EU or the EFA 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/EC⁵⁴ or in the respective registers of the state of their seat and the possess a general experience corresponding to the 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.:

- For design category 20 “Geological, Hydrogeological and Geophysical Designs and Surveys”, at least one executive who has obtained his degree twelve years ago and has a proved experience in the said category or at least one executive who must have obtained his degree twelve years ago and has a proved experience in the said category and one executive who must have obtained his degree eight years ago and has a proved experience in the said

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category and two executives who have obtained their degrees four years ago and have a proved experience in the said category or at least two executives who must have obtained their degree twelve years ago and have a proved experience in the said category and one executive who has obtained his degrees eight years ago and have a proved experience in the said category and four executives who must have obtained their degree four years ago and have a proved experience in the said category


- For design category 21 “Geotechnical Designs and Surveys”, at least one executive who has obtained his degree twelve years ago and have a proved experience in the said category and one executive who must have obtained his degree eight years ago and has a proved experience in the said category and two executives who must have obtained their degree four years ago and have a proved experience in the said category or at least two executives who have obtained their degrees twelve years ago and have a proved experience in the said category and one executive who must have obtained his degree eight years ago and has a proved experience in the said category and four executives who must have obtained their degree four years ago and have a proved experience in the said category^{55, 56}.

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 requires 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 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 pre-condition 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

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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**⁵⁷. 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.

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.

[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.


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- 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: Technical and Professional Competence of the Bidders⁵⁸

- 20.1 Each bidder fulfilling the prerequisites of article 18, shall also possess, at the penalty of disqualification, an additional and special experience and professional competence, as per the stipulations of this article⁵⁹. This special technical competence is demonstrated through:
- a) the preparation of designs similar to this one⁶⁰, which have been implemented through contracts awarded to the candidate natural or legal entity within the last ten (10) years⁶¹. Consideration shall be given to contracts whose deliverable design stages were approved within this time period.
The following design types per category⁶² are regarded as similar designs.
- Geological surveys and designs
 - Field geotechnical works and laboratory tests, GI Factual Reports.
- b) the provision of the following specialized personnel forming, respectively, the “design team” mentioned in the Technical Offer Envelope⁶³
- Person in charge of Geotechnical Survey Field Works (as stipulated in specification E101-83, Appendix, paragraph 4, as supplemented by MD 6019, paragraph 2, published in FEK29B/11.02.1986), whose responsibility will be the supervision and the proper conduct of the drillings and site tests: one Geologist (Graduate Engineer) or Licensed Engineer (Graduate Engineer) specialized in geotechnical surveys possessing at least five (5) years of experience in the supervision/monitoring of the sample drillings and site tests.
 - Laboratory Chief(s): this person shall be either the licensed Chief (as regards KEDE operation permit, as stipulated in the MD DEE/036 FEK B’ 289/24.03.1998), or the person responsible of the Project authorized to sign (as regards accreditation from ESYD), for the specific laboratory authorized to conduct soil engineering and rock engineering tests, to be made available by the Contractor according to paragraph 20.1.c herein. Whenever more than one (1) laboratory is made available, the Bidder must provide the respective laboratory chiefs as above.

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- Drill Geologists (Graduate Engineer) (as stipulated in specification E101-83, , Appendix, paragraph 4 and in PD 344/29.12.2000) (FEK 292 A'), Article 15, paragraph 5): five geologists, one per drill, possessing at least three (3) years of professional experience in the supervision/monitoring of sample drillings and site tests.
 - Person in charge of the pumping tests: one (1) geologist (University Graduate), who has a proven record in programming, monitoring, processing and assessing at least one pumping test in investigation water-jet drilling; this person may be one of the geologists (University Graduates) covering another position of specialized staff indicated in this paragraph (e.g. person in charge of the geotechnical survey filed works, drill geologist, etc.).
 - Data Base Technician, University or Technical Institution Graduate, with a proven experience of three (3) years in the processing of data bases and digital data within the last decade.
- c) the provision of laboratory (-ies) for soil engineering and rock engineering tests possessing either a) an accreditation from ESYD (or a similar foreign entity in case of foreign laboratories) as per ELOT EN ISO/IEC 17025: 2005 for all tests mentioned below, or b) a KEDE operation permit for tests in the Geotechnical Engineering Field, as mentioned below:
- Soil Engineering Tests:
- Preparation of dry soil sample for laboratory tests
 - Determination of soil natural moisture
 - Determination of cohesive material unit weight
 - Determination of soil unit weight
 - Determination of liquid limit
 - Determination of plasticity limit and plasticity index
 - Soil particle size analysis tests
 - One-dimension consolidation test
 - Unconfined compression test
 - Triaxial test in cohesive soil
 - Direct shear test
- Rock engineering tests:
- Determination of natural moisture of rock samples
 - Porosity and density determination
 - Determination of unconfined compression strength
 - Determination of point loading strength
- d) the provision of at least the following technical equipment to be also included in the “methodology report” of the Technical Offer Envelope:
- Five drilling rigs with drills of a horsepower $\geq 30\text{Hp}$.

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 cumulatively⁶⁴ by all members of the joint venture/consortium or by one only member in the same design category.

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As per paragraph 3, article 17, L. 3316/05⁶⁵, 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) 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 the above 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 design, 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^{64A}**, the following three envelopes:

- a the closed envelope of **“Participation supporting documents”**,
- b the closed envelope of the **Technical Offer** and
- c the properly 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 21.03, must be drafted in line with Appendix I herein.

With regard to the ratification of copies, it is clarified that copies ratified by KEP or a policy authority or a lawyer shall be accepted. Legal Statements certifying that the submitted are copies true – instead of the required ratified copies - shall not be accepted.

ATTIKO METRO S.A. 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 S.A. 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 S.A. 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:

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A. “PARTICIPATION SUPPORTING DOCUMENTS” ENVELOPE

Bidders must submit the following data **in original copies or duly certified copies, 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) and 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 Team Coordinator, then the Legal Statement should not indicate the capacity of the Design Team 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’ 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 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 submit a Legal Statement along with the envelope with the participation supporting documents, drafted according to **Sample 1 of Appendix I** herein, in case of natural entities, or **Sample 2 of Appendix I** herein,

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in case of legal entities, to the effect that none of the disqualification reasons mentioned in article 19 herein applies.

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, **at the penalty of disqualification**, 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 competence⁶⁶

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 preparation of designs similar to the design to be awarded (paragraph 20.1.a):

- A list of the main similar designs prepared during the last decade⁶⁷ by the independent bidder or at least one member of the bidding Joint Venture or Consortium out of those members of the Joint Venture or Consortium in the respective design category, or the invoked “operator”. This list shall necessarily be prepared according to the attached ***Sample 1 of Appendix II***.
- Contract execution certificates for the designs listed in the aforementioned list (as listed in the field “CONTRACT EXECUTION CERTIFICATE”), in original or legally certified copies.
- A certificate issued by the Project Owner of the designs about the workmanlike, successful and effective preparation of the designs prepared by the Bidders or the member of the bidding Joint Venture / Consortium, or the invoked operator, accompanied by the certificates. If such a certificate cannot be issued, the respective legal statements are required.
In the event of “borrowed competence” to prepare similar designs, 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, as stated in the list also submitted*


	<p align="center">“GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF THESSALONIKI METRO NETWORK”</p> <p align="center">INVITATION TO TENDER</p>	<p align="center">RFP-243/13</p>
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herein. We/I clearly commit ourselves/myself to provide to the aforementioned Bidder this specific resource for the preparation of the designs 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 S.A. 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 **Samples 3 and 4 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:

- 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 Design Team. 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 drafted in accordance with **Sample 3 of Annex II**⁶⁸ which shall be signed by the person concerned. 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 team 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. 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 Design Team.
In the event of “borrowed competence” provided by specialized personnel, the following are also required for the invoked “operator”, lender of the competence:
- Decision issued by the competent Statutory Body (only whenever an expert made available belongs to a legal entity) stating that *“We shall approve the provision to (name of the Bidder) of (name of expert) 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).*

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- 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 competence 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 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 **Samples 3 and 4 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 competence” must be also submitted).
- In general, permanent or external associates, holders or non-holders of a design license, are deemed as operators.

21.4.3 Concerning the availability of laboratories for Soil and Rock Engineering tests, as specified in para. 20.1c of this Invitation

- Table of the required laboratory (-ies) for Soil and Rock Engineering tests. This table must be necessarily drafted in line with **Sample 4, Appendix II** herein.
- Operation permit issued by KEDE for **all** the tests specified in article 20.1c herein or Accreditation granted by ESYD for **all** the tests specified in article 20.1c herein. If the operation permit issued by KEDE has expired, then together with the permit, it is required to submit the relevant document proving that the procedure for the renewal of the permit has been initiated for **all** the tests specified in article 20.1.c herein. This document can be either the relevant certificate provided by KEDE or the application filed to KEDE for renewal of the operation permit whose date must be anterior to the expiry date of the permit together with the Protocol Number of the application filed to KEDE. All these documents are submitted in original or certified copy.

In the event of “competence borrowed” for a laboratory for soil and rock engineering tests, the following documents must be also provided for the third party invoked lending the relevant competence:

- Decision made by the Concerned Statutory Body of the invoked operator to provide the laboratory stating that: *“we hereby approve to provide to the _____ (Bidder) the privately-owned laboratory entitled _____ and _____ more precisely, its facilities, its equipment and its human resources for the execution of*

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this contract in case of contract award to the bidder. We explicitly commit ourselves that we will provide to the aforementioned bidder these specific resources for the execution of the Contract in case he is awarded this contract and that we will be jointly and severally responsible along with the Bidder before ATTIKO METRO S.A. for these resources”.

- Legal Statement of the invoked operator certifying that there are no reasons for his disqualification from the Tender, in line with the stipulations of Article 19 of this Invitation. The Legal Statement must be drafted in line with **Samples 3 and 4 of Appendix I**, depending on whether this operator is a natural or legal entity, and the requirements of article 21.3 of this Invitation.


21.4.4 Concerning the availability of technical equipment, as specified in para. 20.1.d of this Invitation

- Table of the necessary technical equipment required as per Article 20.1.d. This table must be necessarily drafted in line with **Sample 5, Appendix II** herein.

In the event of “competence borrowed” for technical equipment, the following documents must be also provided for the invoked operator lending the relevant competence.

- Decision made by the Concerned Statutory Body or Legal Statement (for natural entities) stating that the invoked operator shall decide (or shall legally state that):
*“We hereby approve to provide / I hereby provide to the _____ (Bidder) the following technical equipment we/I own, consisting of:
A drilling rig of horsepower _____ Hp (state the manufacturer, year of manufacture, registration number, chassis no.)
(The above information must be provided separately for each drilling rig to be provided)
for the execution of this contract if the bidder is awarded the tender. We/I explicitly commit ourselves/myself that we/I will provide to the aforementioned bidder these specific resources for the execution of the Contract in case he is awarded this contract and that we/I will be jointly and severally responsible along with the Bidder before ATTIKO METRO S.A. for these resources”.*
- Legal Statement of the invoked operator certifying that there are no reasons for his disqualification from the Tender, in line with the stipulations of Article 19 of this Invitation. The Legal Statement must be drafted in line with **Samples 3 and 4 of Appendix I**, depending on whether this operator is a natural or legal entity, and the requirements of article 21.3 of this Invitation.

NOTE: The invoked operators are strongly advised to use unedited the texts related to their commitment to provide their resources to the Bidders, as these are specified in para. 21.4.1 to 21.4.4. in quotation marks for eliminating the possibility of making ambiguous/ deficient commitments.

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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 a 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 nominalization⁶⁹. This obligation only concerns **Societe Anonyme (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.
- 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

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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 Methodology Report, common for the entire design, including:

- a) the main activities – actions for the preparation of the design with a brief description of each one them, an approach of the scope of the framework-agreement and utilization of the equipment/ software made available, where necessary.

- b) the foreseen internal Company procedures related to the preparation of the design.


The Methodology Report (any appendixes included) must not exceed the reasonable size of 35 pages⁷⁰ of text in paper A4 and must be drafted using a medium size font.

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 evaluation⁷¹), any redundant material shall not be taken into consideration in the evaluation.

21.7.2 Design Team related Report including:

- a) presentation of all Design Team executives as follows: i) the designers to staff the design team of the Bidder for each design category, also including –in any case- designers of the natural or legal entities (members of the Consortium or Joint Venture, or invoked “third parties”) possessing the special technical and professional competence to prepare designs such as those mentioned in paragraph 20.1.a herein, ii) the specialized personnel, as specified in para. 20.1.b, and iii) the Design Team Coordinator. Any previous cooperation with the bidder must be stated, while the Table presenting the relation of the cooperation (**Sample 1, Appendix III**) must also be attached.

Under column “working relation” of this Table, state all executives or permanent or temporary associates or employees under a salaried work agreement. In case of a Consortium, state the member of the Consortium with whom the work agreement is concluded.

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b) Presentation of the duties to be undertaken by the Design Team staff, accompanied by an Organization Chart presenting in a schematic manner the allocation of the responsibilities between the team members.

c) Data on any previous cooperation between the members of the design team during the last ten years maximum (**Sample 2, Appendix III**)

This table must be accompanied by the following certificates in original or legally certified copies:


- Certificate of the employer of the design from which the attested cooperation must derive for the specific members of the team responsible for the preparation of the design. If such a certificate cannot be issued, it is required to include Legal Statements of the subject members certifying that these members participated in the team responsible for the preparation of the design. More precisely, with regard to the evidence on the coordinator's experience, consideration shall be given, apart from the designs prepared under Law 3316/05, to any designs prepared under the earlier legislation, on condition that in the framework of a specific Invitation to Tender provision had been made for the duties of a “Design Team Coordinator” or in the framework of a specific tender, such duties were performed in practice.
- Certificate of the employer of the design of the subject members who participated in the team responsible for the preparation of the design, certifying that the design has been prepared in a flawless manner. If such a certificate cannot be issued, it is required to include Legal Statements of the subject members who participated in the design team certifying that the design has been prepared in a flawless manner.

With regard to the design team members 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 team cooperates and must be co-signed by the cooperating member of the team. The submission of copies of Receipts for the Provision of Services or agreements is not required.

The Design Team design (including any appendices and excluding any legal Statements for Cooperation and any certificates proving previous cooperation between the members of the proposed design team) must not exceed the reasonable size of 25 pages⁷² in paper A4 using a medium size font, with the exception of the aforementioned organization chart.

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 evaluation⁷³), 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 team, the Committee reserves its right to request further information from the relevant employers.

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NOTE: Any persons, besides any required specialized personnel as specified in article 20.1b (for proving the special technical and professional competence), who have been included in the bidder’s design team must necessarily be included only in the sealed envelope of the Technical Offer; otherwise, **they shall not be taken into consideration in the evaluation**. The same applies for the person to be the “Design Team Coordinator”, whose capacity must only be stated in the sealed envelope of the Technical Offer.

It is noted that the invoked operator resources must be stated in the form a special reference in the documents/ data to be submitted in the Technical Offer Envelope.

21.7.3 VOID⁷⁴

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 designer 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 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 design category and must be written in full at the **penalty of disqualification**.

In view of deriving the amount of the offered discount for the entire contract, the discount percentage: a) is converted to a discount amount per design category, b) the amounts of the categories are summed up to give the total offered price, which is subsequently converted into a discount percentage (negative or positive⁷⁵) of the pre-estimated fee, rounded up to the second decimal point.

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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REMARK

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 a Contractor

22.1 Offer evaluation criteria – Importance (weight) of criteria

The review of the Technical Offers and the justification of their scoring shall be made in accordance with the instructions of Circular E2 under Ref. No. Δ17γ/06/11/ΦΝ439/18.01.2010 of the Ministry of Infrastructures, Transport and Networks.

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.

22.1.1 Technical Offer Scoring

Criterion of the Technical Offer

This criterion is made up of the following sub-criteria

a) Effective structure of the Methodology Report proposed in paragraph 21.7.1

- The extent in which the presented main activities – actions for design preparation meet the design’s technical requirements.
- The extent of efficiency of the foreseen internal procedures for design production and workmanlike preparation.


The sub-criterion shall be scored using a grade U1A, which is a whole number from 1 to 100.

The technical offers are considered acceptable, provided that their scoring exceeds 60 units.

In the event that the Methodology Report volume is considerably larger than the reasonable volume foreseen in the previous article, only the foreseen maximum number of pages is evaluated. The weight of sub-criterion a in the framework of the entire score of the Technical Offer is **40%**.

b) Organizational effectiveness of the Design Team proposed in para. 21.7.2

More specifically, the following fields are evaluated:

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- The degree of effectiveness of the proposed team to meet the requirements of the Project scope, in terms of the number of scientists and specialties. A sufficient design team must allocate, in the framework of preparing each design category, the minimum required – for this category – resources and specialized personnel described in paragraph 20.1.b herein and provide the design team Coordinator. Insufficient staffing receives negative score.
- The coherence of the proposed design team, i.e. the work relation (permanent or temporary) between the members of the design team and the candidates, as well as the extent of previous co-operations among the team members. In the event that the Bidder demonstrably utilizes in the Design Team executive staff additional to the basic staff, i.e. staff which is basically sufficient for the preparation of the design, this is taken into account during the evaluation. 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 Invitation⁷⁶.
- The extent of the effectiveness of the proposed Organization Chart structure in view of design preparation,
- The extent of effectiveness of the proposed team and particularly of the Coordinator as regards their foreseen duties⁷⁷ and earlier cooperation in the framework of similar design contracts.

The sub-criterion shall be scored using a grade U1B, which is a whole number from 1 to 100.

Offers are considered acceptable, provided that their scoring exceeds 60 units.

In the event that the Design Team Report volume is considerably larger than the reasonable volume foreseen in the previous article, only the foreseen maximum number of pages is evaluated. The weight of sub-criterion b in the framework of the entire score of the Technical Offer is **60%**.

The scoring of the Technical Offer U τ.π. results from the following equation:


$$U \tau.\pi. = 40\% U1A + 60\% U1B$$

The weight of this criterion **B1 = 75%**.

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 **B2 = 25%**.

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Grade U ο.π. concerning each overall financial offer $ΟΠ$ arises from the ratio of the lowest submitted financial offer $ΟΠ_{min}$ to this financial offer $ΟΠ$ as follows:

$$U \text{ ο.π.} = 100 \times \frac{ΟΠ_{min}}{ΟΠ},$$

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:

$$U = U \text{ τ.π.} \cdot 75\% + U \text{ ο.π.} \cdot 25\%$$

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 (for all his members in case of consortia or joint venture) the following individual supporting documents, legalization and personal status documents:

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 (Government Gazette Issue (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 Execution 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 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

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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; 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. 19.10. Greek engineers and Engineering Companies/Firms shall submit a certificate issued by the Tax Authority concerned in original copy or photocopy, authenticated either by the issuing authority or the authority awarding the design, which can ratify, based on the original, a photocopy of the clearance certificate.

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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All the above supporting documents described in paragraph 19.1 to 19.9 shall be also submitted for the invoked operators.

- 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.
- 23.1.4** In case operator resources are invoked, proof of cooperation between the Contractor and the Operator must be produced (a private agreement with certified signatures or notary act).
- 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.
- 23.5** Supplementing and/or clarifying the above supporting documents is possible during their review procedure.

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Article 24 – Miscellaneous:

The opinion (Session #12, Act 56) dated 17.04.2013 of the Public Works Council / Engineering Division of the General Secretariat of Public Works of YPOMEDI, as provided for in paragraph 1, article 8 of Law 3316/05 has preceded this Invitation.

Athens, February 2014

APPROVED BY

Resolution under reference no. of ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε. BoD⁷⁸

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APPENDICES

APPENDIX I : Sample of Legal Statement

SAMPLE 1 : Sample of Legal Statement in case the Bidder is a natural entity

SAMPLE 2 : Sample of Legal Statement in case the Bidder is a legal entity

SAMPLE 3 : Sample of Legal Statement in case the person submitting the Statement is the Invoked Third Party and is a natural entity

SAMPLE 4 : Sample of Legal Statement in case the person submitting the Statement is the invoked Third Party and is a legal entity

APPENDIX II : Technical Competence Samples

SAMPLE 1 : List of similar designs provided

SAMPLE 2 : List of Specialized Personnel to be made available by the Candidate in the framework of the Special and Professional Competence, as specified in para. 20.1.b

SAMPLE 3 : Detailed CV

SAMPLE 4 : List of Laboratories for Soil and Rock Engineering Tests

SAMPLE 5 : List of Technical Equipment

APPENDIX III : Technical Offer Samples


SAMPLE 1 : List of Proposed Personnel

SAMPLE 2: List of Earlier cooperation between the members of the engineering group


APPENDIX IV : Financial Offer Sample

APPENDIX V : Sample of Participation Letter of Guarantee

APPENDIX VI : Sample of Good Performance Letter of Guarantee

	<p>“GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF THESSALONIKI METRO NETWORK”</p> <p>INVITATION TO TENDER</p>	<p>RFP-243/13</p>
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APPENDIX VII : List of Attachments

	<p>“GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF THESSALONIKI METRO NETWORK”</p> <p>INVITATION TO TENDER</p>	<p>RFP-243/13</p>
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SAMPLE 1 OF APPENDIX I

(valid for a Natural Entity)

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 design presented above

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

candidate² for the Tender³

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, 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 Court⁴, 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.
3. Fraud, in the sense of article 1 of the Convention on the Protection of European Communities' Financial Interests.

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

² in case of a private-owned company

³ delete all non related sentences

⁴ delete the sentence non applicable in this case

	<p>“GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF THESSALONIKI METRO NETWORK”</p> <p>INVITATION TO TENDER</p>	<p>RFP-243/13</p>
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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,.

B. I am not⁵ the subject of proceedings for a declaration of bankruptcy,⁶ or administration by the court.

C. I have not 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 fulfilled my obligations regarding the payment of social security contributions, according to the legislative provisions of Greece.

E. I have 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 or in the event that the Joint Venture or the Consortium I participate in is 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

⁵ In cases B, C, D, E delete sentences accordingly

⁶ Delete the word “wounding-up” if the candidate is a natural entity

	<p>“GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF THESSALONIKI METRO NETWORK”</p> <p>INVITATION TO TENDER</p>	<p>RFP-243/13</p>
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SAMPLE 2 OF APPENDIX I

(valid for a Legal Entities)

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 design presented above

The undersigned⁷, resident of
....., holder of the Identity Card no.,
issued by, on

legal representative⁸ of the company or the legal entity under the name
.....
.....

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 Court⁹, 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.

⁷ Full name and father's name of the undersigned of the legal statement

⁸ 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

⁹ delete the sentence non applicable in this case

	<p>“GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF THESSALONIKI METRO NETWORK”</p> <p>INVITATION TO TENDER</p>	<p>RFP-243/13</p>
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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 country where the legal entity I represent is seated).

B. I am not (or the company I represent) the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding-up or administration by the court.

C. I (or the company I represent, or the managers of the company or the legal entity I represent) have (have) not 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 (or the company I represent) have fulfilled my obligations regarding the payment of social security contributions, according to the legislative provisions of Greece.

E. I (or the company I represent) have 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 will be disqualified from the Tender, if any of my declarations is proved to be untrue.

Place - Date.....

The undersigned

	<p>“GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF THESSALONIKI METRO NETWORK”</p> <p>INVITATION TO TENDER</p>	<p>RFP-243/13</p>
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SAMPLE 3 OF APPENDIX I

(In case the invoked party is a natural entity)

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 design presented above

I, the undersigned,,
¹⁰, resident of, holder of the Identity Card no.,
issued by, on
providing ¹¹technical/professional competence to the Bidder
that participated in the Tender RFP-243/13, 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, 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 Court¹², 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.
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.

¹⁰ Full name and father's name of the undersigned of the legal statement

¹¹ delete the sentences not needed

¹² delete the sentence non applicable in this case

	<p>“GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF THESSALONIKI METRO NETWORK”</p> <p>INVITATION TO TENDER</p>	<p>RFP-243/13</p>
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5. Embezzlement, fraud, forgery, perjury, bribery and fraudulent bankruptcy following a definitive decision, in accordance with the legislation of the country of my seat.

B. I am not¹³ the subject of proceedings for a declaration of bankruptcy,¹⁴ or administration by the court.

C. I have not 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 fulfilled my obligations regarding the payment of social security contributions, according to the legislative provisions of Greece.

E. I have 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 the aforementioned bidder to whom I provide the subject technical/professional competence, is appointed as the Contractor for this contract, as per article 15, para. 1 of Law 3316/05, and that no consideration shall be made to the provision of the technical/professional capacity to the aforementioned bidder, if any of my declarations is proved to be untrue.

Place - Date.....


The undersigned

SAMPLE 4 OF APPENDIX I
(in case the invoked party is a legal entity)
To the Invitation to Tender

.....

¹³ In cases B, C, D, E delete sentences accordingly

¹⁴ Delete the word “wounding-up” if the candidate is a natural entity

	<p>“GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF THESSALONIKI METRO NETWORK”</p> <p>INVITATION TO TENDER</p>	<p>RFP-243/13</p>
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LEGAL STATEMENT

as per article 21.3 of the Invitation of the Tender

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

The undersigned¹⁵, resident of
, holder of the Identity Card no.,
 issued by, on

legal representative¹⁶ of the company or the legal entity under the name providing
 technical/professional competence to the Bidder that
 participated in the Tender RFP-
 243/13,.....

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 Court¹⁷, 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.
3. Fraud, in the sense of article 1 of the Convention on the Protection of European Communities' Financial Interests.

¹⁵ Full name and father's name of the undersigned of the legal statement

¹⁶ 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

¹⁷ delete the sentence non applicable in this case

	<p>“GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF THESSALONIKI METRO NETWORK”</p> <p>INVITATION TO TENDER</p>	<p>RFP-243/13</p>
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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 country where the legal entity I represent is seated).

B. The company I represent is not the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding-up or administration by the court.

C. I (or the company I represent, or the managers of the company or the legal entity I represent) have (have) not 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. The company I represent has fulfilled my obligations regarding the payment of social security contributions, according to the legislative provisions of Greece.

E. The company I represent has 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 will be disqualified from the Tender, if any of my declarations is proved to be untrue.

Place - Date.....

The undersigned

	<p>“GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF THESSALONIKI METRO NETWORK”</p> <p>INVITATION TO TENDER</p>	<p>RFP-243/13</p>
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SAMPLE 1 APPENDIX II
(ONLY THE SPECIAL TECHNICAL AND PROFESSIONAL COMPETENCE OF THE BIDDERS IS REQUIRED)

MAIN SIMILAR DESIGNS
performed during the last 10 years (from 2004 todate)

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, eg. category 13 – Hydraulic Works).

1. TITLE OF DESIGN:

(Full title of the design, 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).

DESIGN STAGE:

(Write the design stage or stages which have been prepared or are to be prepared. Conceptual Design, Preliminary Design, General Final Design, Detailed Final Design, etc.).

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 tendered design. Description can also be made of the

	<p>“GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF THESSALONIKI METRO NETWORK”</p> <p>INVITATION TO TENDER</p>	<p>RFP-243/13</p>
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particularities of the scope, difficulties, etc. in the judgment of the candidate).

**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 design falling in the category in which the candidate participates, the candidate's participation percentage in the category and the final fee which results thereof).

DESIGN IMPLEMENTATION:

(Details regarding implementation or not of the design. If the project is under construction, information must be provided as regards the successful implementation of the design. In the event certificates of the Project Owner for the implementation of the design are provided, these should be also submitted).

**CONTRACT
EXECUTION CERTIFICATE:**


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

2. TITLE OF DESIGN: (Full title of the design, as stated in the Contact).

(The list shall be supplemented with all designs 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**

 ATTIKO METPO A.E.	<p>“GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF THESSALONIKI METRO NETWORK”</p> <p>INVITATION TO TENDER</p>	<p>RFP-243/13</p>
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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.



**“GEOLOGICAL AND GEOTECHNICAL SURVEYS
AND DESIGNS FOR EVOSMOS EXTENSION AND
COMPLETION OF GEOLOGICAL AND
GEOTECHNICAL SURVEYS AND DESIGNS FOR
STAVROUPOLI EXTENSION AND PYLEA DEPOT OF
THESSALONIKI METRO NETWORK”**

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INVITATION TO TENDER

SAMPLE 2 APPENDIX II

LIST OF SPECIALIZED PERSONNEL TO BE MADE AVAILABLE BY THE CANDIDATE IN THE FRAMEWORK OF THE SPECIAL TECHNICAL AND PROFESSIONAL COMPETENCE, AS SPECIFIED IN PARA. 20.1.b OF THIS INVITATION TO TENDER

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				

(Place – Date)

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

INVITATION TO TENDER

SAMPLE 3 APPENDIX II

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
<i>Greek</i>			

(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 described in para. 20.1.b of the Invitation and not the years since the graduation date).



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INVITATION TO TENDER

- 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, as described in para. 20.1.b of the Invitation. 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 design to be awarded:**
(Data recorded starting from the most recent designs. The experience stated must concern the specialized scope, as specified in para. 20.1.b of the Invitation).

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



**“GEOLOGICAL AND GEOTECHNICAL SURVEYS
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Place – Date

Signature



**“GEOLOGICAL AND GEOTECHNICAL SURVEYS
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INVITATION TO TENDER

SAMPLE 4 APPENDIX II

**LIST OF LABORATORY(-IES) FOR SOIL AND ROCK ENGINEERING TESTS
TO BE MADE AVAILABLE BY THE CANDIDATE FOR THE EXECUTION OF THE CONTRACT
(IN THE FRAMEWORK OF THE SPECIAL TECHNICAL AND PROFESSIONAL COMPETENCE
AS SPECIFIED IN PARA. 20.1.c OF THE INVITATION)**

NAME OF CANDIDATE: (title of the Company or Natural Entity that this table concerns. In case of a Joint Venture, state all participating members)

Name of Laboratory	Laboratory Owner	Accreditation / Test Licensing Agency	Accredited / Licensed tests as per para. 20.1.c (in detail)	Validity of the accreditation/ licensing of each test as per para. 20.1.c

Place – Date

Stamp –Signature



**“GEOLOGICAL AND GEOTECHNICAL SURVEYS
AND DESIGNS FOR EVOSMOS EXTENSION AND
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INVITATION TO TENDER

Of the Legal Representative of the Company or the Joint Representative



**“GEOLOGICAL AND GEOTECHNICAL SURVEYS
AND DESIGNS FOR EVOSMOS EXTENSION AND
COMPLETION OF GEOLOGICAL AND
GEOTECHNICAL SURVEYS AND DESIGNS FOR
STAVROUPOLI EXTENSION AND PYLEA DEPOT OF
THESSALONIKI METRO NETWORK”**

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INVITATION TO TENDER

SAMPLE 5 APPENDIX II

**LIST OF TECHNICAL EQUIPMENT
TO BE MADE AVAILABLE BY THE CANDIDATE FOR THE EXECUTION OF THE CONTRACT
(IN THE FRAMEWORK OF THE SPECIAL TECHNICAL AND PROFESSIONAL COMPETENCE
AS SPECIFIED IN PARA. 20.1.d OF THE INVITATION)**

NAME OF CANDIDATE: (Name of the Company or the Natural Entity that the list concerns.
In case of a Joint Venture, state all participating members)

s/n	Type of Technical Equipment	Owner of Technical Equipment	Detailed Description of the Technical Equipment (Manufacturer, year of manufacture, registration number, chassis no.)
1	2	3	4
1	Drilling rig of horsepower___ Hp		
2	Drilling rig of horsepower ___ Hp		
3	Drilling rig of horsepower ___ Hp		
4	Drilling rig of horsepower ___ Hp		
5	Drilling rig of horsepower ___ Hp		



**“GEOLOGICAL AND GEOTECHNICAL SURVEYS
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THESSALONIKI METRO NETWORK”**

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INVITATION TO TENDER

(Place – Date)

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



**“GEOLOGICAL AND GEOTECHNICAL SURVEYS
AND DESIGNS FOR EVOSMOS EXTENSION AND
COMPLETION OF GEOLOGICAL AND
GEOTECHNICAL SURVEYS AND DESIGNS FOR
STAVROUPOLI EXTENSION AND PYLEA DEPOT OF
THESSALONIKI METRO NETWORK”**

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INVITATION TO TENDER

SAMPLE 1 APPENDIX III

TABLE OF PROPOSED PERSONNEL

S/N	FULL NAME	SPECIALTY	PROPOSED POSITION	EMPLOYMENT RELATIONSHIP WITH THE BIDDER

(Place – Date)

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

INVITATION TO TENDER

SAMPLE 2 APPENDIX III

TABLE

**of previous cooperation between the members of the design team over the last decade
maximum**

Members of the proposed design team having already cooperated in the past	Design Title	Awarding Authority (Administrative Authority)	Contracting Engineering Scheme (Joint Engineering Firms)	Contract Commence ment ----- Contract Completion	<u>Main Design Stages Prepared</u>	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)

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



**“GEOLOGICAL AND GEOTECHNICAL SURVEYS
AND DESIGNS FOR EVOSMOS EXTENSION AND
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THESSALONIKI METRO NETWORK”**

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INVITATION TO TENDER

Stamp – Signature

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



**“GEOLOGICAL AND GEOTECHNICAL SURVEYS
AND DESIGNS FOR EVOSMOS EXTENSION AND
COMPLETION OF GEOLOGICAL AND
GEOTECHNICAL SURVEYS AND DESIGNS FOR
STAVROUPOLI EXTENSION AND PYLEA DEPOT OF
THESSALONIKI METRO NETWORK”**

RFP-243/13

INVITATION TO TENDER

APPENDIX IV

FINANCIAL OFFER FORM (in EURO)

	DESIGN CATEGORY	PRE-ESTIMATED FEE OF THE PROJECT FILE	Offered Discount PERCENTAGE % (in full letters)	Offered Discount PERCENTAGE % (in numbers)	OFFERED PRICE PER DESIGN CATEGORY
A.	20. Geological, Hydrogeological and Geophysical surveys and designs	375,000.00 €			
B.	21. Geotechnical designs and surveys	2,450,000.00 €			
	TOTAL (before VAT)	2,825,000.00 €			
	Average presumed discount on the overall pre-estimated fee				



**“GEOLOGICAL AND GEOTECHNICAL SURVEYS
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INVITATION TO TENDER

(PLACE - DATE)

SIGNATURE – STAMP



**“GEOLOGICAL AND GEOTECHNICAL SURVEYS
AND DESIGNS FOR EVOSMOS EXTENSION AND
COMPLETION OF GEOLOGICAL AND
GEOTECHNICAL SURVEYS AND DESIGNS FOR
STAVROUPOLI EXTENSION AND PYLEA DEPOT OF
THESSALONIKI METRO NETWORK”**

RFP-226/12

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APPENDIX V

LETTER OF GUARANTEE FOR PARTICIPATION IN THE TENDER

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

Athens

**LETTER OF GUARANTEE No FOR AN AMOUNT
OF EURO 56,500.00**

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 **fifty six thousand five hundred Euros** (56,500.00€) being liable towards ATTIKO METRO A.E. in full and as debtors, in favor of

.....
.....¹⁸ for its participation in the conducted Tender dated¹⁹, 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 **“GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF THESSALONIKI METRO NETWORK”** 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) 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.

¹⁸ *Name of the candidate-natural entity or legal entity (Firm / company) or Consortium or Joint Venture, as stated in the application for participation.*

¹⁹ *Deadline for the submission of the offers.*



**“GEOLOGICAL AND GEOTECHNICAL SURVEYS
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COMPLETION OF GEOLOGICAL AND
GEOTECHNICAL SURVEYS AND DESIGNS FOR
STAVROUPOLI EXTENSION AND PYLEA DEPOT OF
THESSALONIKI METRO NETWORK”**

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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.

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.

Respectfully,



**“GEOLOGICAL AND GEOTECHNICAL SURVEYS
AND DESIGNS FOR EVOSMOS EXTENSION AND
COMPLETION OF GEOLOGICAL AND
GEOTECHNICAL SURVEYS AND DESIGNS FOR
STAVROUPOLI EXTENSION AND PYLEA DEPOT OF
THESSALONIKI METRO NETWORK”**

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Appendix VI
GOOD PERFORMANCE LETTER OF GUARANTEE

Athens

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

GOOD PERFORMANCE LETTER OF GUARANTEE No
FOR AN AMOUNT OF EURO 56,500.00

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 favour of (*) for the amount of fifty six thousand five hundred Euros (€ **56,500.00**). 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 **“GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR EVOSMOS EXTENSION AND COMPLETION OF GEOLOGICAL AND GEOTECHNICAL SURVEYS AND DESIGNS FOR STAVROUPOLI EXTENSION AND PYLEA DEPOT OF THESSALONIKI METRO NETWORK”**, 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) 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



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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.

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 a Joint Venture/ Consortium, all participating members must be indicated.

s/n	<u>SUPPORTING DOCUMENT</u>	ARTICLE OF THE INVITATION	SAMPLE	YES	NO	QUANTITY
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.	21.2.1				
2b	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	21.2.2				
2c		21.2.3				

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	the registration in the Register of designers and a relevant Legal statement.					
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 – 1, 2			
3c	A Legal statement certifying that no reasons for disqualification from the Tender (article 19 of the Invitation) exist, in case the undersigned is the Invoked Third Party	21.3	Appendix I – 3, 4			
4a	Lists of Designs similar to the tendered one	21.4.1	Appendix II -1			
4b	Certificates concerning Designs similar to the tendered one	21.4.1				
4c	Legal statements concerning the workmanship-like, successful and effective preparation of the designs	21.4.1				
4d	Licenses for classification in the requested design categories and classes (or similar evidence for foreign bidders) of invoked operator providing designs of a similar nature to the tendered one	21.4.1				
4e	Decision of the responsible Statutory Body concerning the commitment of the invoked operators (in case of legal entities) providing designs of a similar nature to the tendered one	21.4.1				
4f	Legal statement certifying the commitment of the invoked operator (in case of legal entities) providing designs of a similar nature to the tendered one	21.4.1				
4g	Legal statement of the invoked operator providing designs of a similar nature to the tendered one certifying that no reasons for his disqualification from the Tender (article 19 of the Invitation) exist	21.4.1	Appendix I – 3, 4			
5a	List of executives responsible for the preparation of the designs (including only	21.4.2	Appendix II –2			

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	the specialized personnel specified in para. 20.1.b)					
5b	Detailed Curriculum Vitae (only the specialized personnel specified in para. 20.1.b)	21.4.2	Appendix II –3			
5c	Decision of the responsible Statutory Body concerning the commitment of the invoked operator (in case of legal entities) providing his specialized personnel	21.4.2				
5d	Legal statement of the specialized personnel certifying acceptance of the aforementioned Decision	21.4.2				
5e	Legal statement of the involved operator (in case of natural entities) providing his experience as specialized personnel	21.4.2				
5f	Legal statement of the invoked operator providing the specialized personnel, certifying that no reasons for his disqualification from the Tender (article 19 of the Invitation) exist	21.4.2	Appendix I – 3, 4			
6a	List of Laboratories for Soil and Rock Engineering Tests	21.4.3	Appendix II –4			
6b	Operation Permit by KEΔΕ or Certification by ΕΣΥΔ of the laboratory (-ies)	21.4.3				
6c	Decision of the responsible Statutory Body concerning the commitment of the invoked operator providing the laboratory	21.4.3				
6d	Legal statement of the invoked operator providing the laboratory, certifying that no reasons for his disqualification (article 19 of the Invitation) exist	21.4.3	Appendix I – 3, 4			
7a	List of Technical Equipment	21.4.4	Appendix II -5			
7b	Decision of the responsible Statutory Body concerning the commitment the invoked operator (in case of a legal entity) providing the equipment	21.4.4				
7c	Legal statement of the invoked operator (in case of a natural entities) that he commits himself to provide the equipment	21.4.4				
7d	Legal statement of the invoked operator providing the equipment certifying that no reasons for his disqualification (article 19	21.4.4	Appendix I – 3, 4			

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	of the Invitation) exist					
8	Participation Guarantee	21.5	Appendix V			
9a	Detailed List (analytical list with the details of the company shareholders) for Societes Anonymes registered in the Register of Engineering Companies/ Firms	21.6.aa				
9b	Certificate issued by the responsible authority of the country of establishment proving that the shares of the Societe Anonymes are nominal	21.6.bb.i				
9c	Detailed list of shares	21.6.bb.ii				
9d	Other evidence proving that shares are nominal up to a natural entity level	21.6.bb.iii				
9e	Valid and updated list of the shareholders possessing at least 1% of the shares	21.6.cc.i				
9f	List of 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	21.6.cc.ii				
9g	Justification of the reasons why these shareholders (who possess at least one per cent (1%) of the shares) are not known	21.6.cc.iii				
9h	Legal Statement that the company is registered in the Stock Exchange of the country of establishment.	21.6				

Place – Date

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

INVITATION TO TENDER

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 e.g. “The Greek State/YPEHODE/GGDE/Design Department for Roadworks” or “The District of Western Greece / Public Works Department”, etc.

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. The Administrative Authority ensues by virtue of article 45, paragraph 2 of Law 3316/05 and must be indicated with particular attention, so as to respond to the authority provided for by the Law.

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).

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⁹ e.g., to be paid by the recipient.

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

¹¹ The table is drafted by the Service, depending on the design category and the provisions of the ministerial decision of article 4, paragraph 4, Law 3316/2005, as soon as this is applicable. Until then, the content of the envelope is described indicatively in article 4 paragraph 1 and is as follows (for example): The Technical Data Document with the time schedule for the execution of the design under award, the justification of the Project's feasibility. The program of the required designs and services, the document containing the Pre-estimated Fee, a map of the area where the design will be executed, etc.

¹² Clarification: the term “sealed” means the envelopes within a paper-wrap or the envelopes within the appropriate mail envelopes.

¹³ **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”.

¹⁴ 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.

¹⁵ **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.

¹⁶ 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.

¹⁷ N/A.

¹⁸ Any explicit 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.

¹⁹ However, the Law gives the service the option to choose both e-mail or mail.

²⁰ 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**.

²¹ Fax, e-mail, mail, per each Service's choice.

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²² 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.**

²³ 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 10,000,000 (VAT excluded). **The relevant reference – on a per case basis - is omitted if the amount is lower than the aforementioned.**

²⁴ Anyway, either **another body** can be set, or, vaguely, “the legal body, in line with the applicable provisions”.

^{24a} Per the Awarding Authority judgment, the deadline within which the Contractor must show up to sign a partial contract is set, per the Awarding Authority judgment.

²⁵ ATTENTION! The Conditions of Contract must explicitly indicate whether, in the framework of the contract scope, any provisions exist for the supervision and/or evaluation of investigation works, per article 7, paragraph 5, Law 3316/05.

²⁶ The decisions and circulars are posted on the web-page of the Ministry of Y.ME.DI/GGDE (ggde.gr).

²⁷ **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.

²⁸ 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.

²⁹ 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).

³⁰ The potential number of the individual contracts must necessarily be estimated, so that it can be possible to further determine the required licenses, given the provision of paragraph 3 (clause 2) of article 8, law 3316/05, stipulating that “called upon are the licenses corresponding to the average figure of the pre-estimated fee of the individual contracts that are to be awarded up to and including 75% of the overall pre-estimated fee”. If, for example, the overall pre-estimated fee amounts to EURO 400,000 and it is estimated that 4 individual contracts will be signed, then the licenses corresponding to a pre-estimated fee of 100,000 EURO are called upon (= 400,000/4) up to EURO 300,000 (=400,000 x 75%). Further on, not the precise but the maximum possible number of contracts is estimated; therefore, due to this reason, the number is not binding.

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³¹ All designs must be similar, otherwise there is not any possibility for the conclusion of a framework agreement; in other words, they must belong to the same category or categories of designs, however, they can be grouped per amount of the pre-estimated fee; e.g. 1 topographical survey of a pre-estimated fee of EURO 90,000 and 3 topographical surveys of a pre-estimated fee of EURO 60,000 and 5 topographical surveys of a pre-estimated fee of EURO 30,000.

³² Should it be a contract financed by community funds, reference must be made to the Measure by which this contract is funded.

³³ Up to 3 years.

³⁴ Article 20 is referred to only of the Invitation calls for a special technical and professional competence.

³⁵ 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.

³⁶ The percentage of the participation guarantee equals to 2% on the amount of the pre-estimated fee – VAT excluded (article 7, paragraph 2.12, Law 3316/2005).

³⁷ A time period over one month than the validity period of the offer, as determined by article 13.2 is set.

³⁸ An amount equal to 2% of the pre-estimated fee of the framework contract is set.

³⁹ Should the Awarding Authority is one of the agencies exempted.

⁴⁰ See GGDE circular 37/2005 (ggde.gr).

⁴¹ 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”.*

⁴² 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).

⁴³ (Same as footnote 41).

⁴⁴ 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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⁴⁵ As these publications are set in article 12, Law 3316/05.

⁴⁶ 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 to a number of printed material over the one foreseen by the Law.

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

⁴⁸ 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, then a summary – compiled on the basis of the simplified sample of the YPEHODE (relevant circular....) is published.

⁴⁹ 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.

⁵⁰ (the classes and categories are set depending on the scope and the overall pre-estimated fee of each design category, as determined in paragraph 11.2 of this document, regardless of whether all stages or some of them are awarded or not – article 7 paragraph 2c of law 3316/05).

⁵¹ The license classes are determined by virtue of the provision of clause b, paragraph 3, article 8 of law 3316/2005; i.e. all classes are called upon from each individual contract that corresponds to the average figure of the pre-estimated fee (as derives from the division of the maximum pre-estimated fee of the framework-agreement to the maximum number of the individual contract; this information is stipulated in paragraph 11.2 of this Invitation) up to each individual contract that corresponds to the amount that derives as a percentage of 75% of the overall pre-estimated fee.

⁵² 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.

⁵³ Directive 18 or 17 is set, depending on the application field.

⁵⁴ For License Class A', 1 designer possessing a 4-year experience in the subject category;

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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.

⁵⁵ As many design categories as required for the entire design are added hereto.

⁵⁶ 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 team is still in force or not and whether their renewal has been timely requested or not.

⁵⁷ 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.

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. Moreover, the selection of certain (and/or all) proofs – indicated in article 17 paragraph 1 – about the existence of technical competence **is optional too**. 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”.

⁵⁸ 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.

⁵⁹ 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.

⁶⁰ **Five- to fifteen-year period** (article 17, paragraph 1a of Law 3316/05). It is advisable, for facilitating the tendering procedure, to clarify which contracts will be taken into consideration. For example, it can be stated that consideration will be given to the contracts in the

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framework of which the deliverable design stages were submitted for approval within this time period, regardless of when these contracts were signed or approved.

⁶¹ The special competence (experience in the preparation of specialized designs) can be requested only for certain individual design categories, as per the Administrative Authority judgment, i.e. those designs having the special characteristics that require the specialized experience.

⁶² It concerns the possibility to use scientific personnel - except for the specialties of the design categories - should this be necessary for the workmanlike completion of the design. For example, the design of a recreational area (e.g. theatre), may call that the design team incorporates an Acoustics Specialist.

⁶³ 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.

⁶⁴ Indicated only in Invitations to Tender with a pre-estimated fee **exceeding the thresholds** for application of the Directive (2004/18 or 2007/17 depending on the awarding authority).

^{64A} The penalty of disqualification is imposed in this case only if one entire envelope is missing.

⁶⁵ 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 fact that relevant reference is made also to the pertinent documentation.

⁶⁶ 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.

⁶⁷ 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.

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⁶⁸ Paragraph 21.6 is set only if the design pre-estimated fee exceeds the amount of EURO 1,000,000 (VAT excluded).

⁶⁹ If the design that will be prepared 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.

⁷⁰ (i.e., reasonable size set shall be fairly evaluated for all bidders).

⁷¹ (same as footnote 69).

⁷² (same as footnote 70).

⁷³ N/A.

⁷⁴ **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.

⁷⁵ 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'.

⁷⁶ The inefficient number of the team 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 – in line with relevant YPEHODE Circulars (e.g. E1/2007) the participation in design teams 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, designers whose degrees are given to engineering firms that do not participate in the tender, etc.

⁷⁷ of the competent body of the employer – Awarding Authority (article 7, paragraph 1, Law 3316/2005).