




**ATTIKO METPO A.E.**

**TITLE OF THE TENDER: "PROCUREMENT AND INSTALLATION OF EQUIPMENT FOR THE ADDITION OF DIRECT LINE TELEPHONES (DLT) IN THE METRO STATIONS ON LINES 2 AND 3 INTENDED FOR THE INSTALLATION OF THE AUTOMATIC FARE COLLECTION SYSTEM (AFC) GATES OF OASA"  
RFP-313/17 A.Σ. 39270**

**INVITATION TO TENDER**


	<p><b>PROJECT: “PROCUREMENT AND INSTALLATION OF EQUIPMENT FOR THE ADDITION OF DIRECT LINE TELEPHONES (DLT) IN THE METRO STATIONS ON LINES 2 AND 3 INTENDED FOR THE INSTALLATION OF THE AUTOMATIC FARE COLLECTION SYSTEM (AFC) GATES OF OASA”</b></p> <p><b>INVITATION TO TENDER</b></p>	<p><b>RFP-313/17</b></p> <p><b>A.Σ. 39270</b></p>
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**Attachments:**

- 1. SAMPLE A1: Legal Statement**
- 2. SAMPLE B1: Participation Letter of Guarantee in Greek**
- 3. SAMPLE B2: Participation Letter of Guarantee in English**

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## **ARTICLE 1 INTRODUCTION**

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

AM announces an electronic Tender based on the open procedure and invites all interested economic operators to submit offers, in accordance with the stipulations of this Invitation to Tender and its associated documents for the appointment of a Contractor responsible for the procurement and installation of equipment for the addition of direct line telephones (DLT) in the Metro stations on Lines 2 and 3 intended for the installation of the Automatic Fare Collection System (AFC) Gates of the Athens Urban Transport Organization (OASA).


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

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

## **ARTICLE 2 SCOPE – CODE CPV**

**2.1** The scope of this Contract, as extensively described in the document entitled “Technical Description - Specifications” and the remaining Tender Documents, is the procurement and installation of equipment for the addition of Direct Line Telephones (DLT) in the Metro stations on Lines 2 and 3 intended for the installation of the Automatic Fare Collection System (AFC) Gates of the Athens Urban Transport Organization (OASA).

The correct and safe operation of the gates calls for the installation of telephones before and after the gate lines for them to be used by the passengers for communication with the Station Master or the OCC. The pertinent works shall be executed by OASA’s Contractor (TERNA – LG), as regards the gates and the e-ticket (as described below), and

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by the Contractor of this Contract. One hundred and twenty two (122) new telephones shall be required in total.

The scope of the contract includes:


- (a) The installation and commissioning of additional direct line telephones adjacent to the Fireman Box (FB) in each station; i.e. each of the thirty six (36) underground Metro stations in operation in Lines 2 and 3 shall be equipped with one (1) telephone - 36 telephones in total;
- (b) The additions, modifications and upgrading of local (at stations' level) and central (at the OCC level) systems of the direct line telephones (DLT) with additional equipment or software for all new direct line telephones (i.e. for all 122 DLTs), along with testing, commissioning and, in general, those conditions ensuring that all new telephones are correctly and reliably integrated into the direct line telephones system of each station.

It is stressed that the installation of the DLTs on either side of the ticket validation lines of the 36 Metro Stations in Lines 2 and 3, where access gates will be installed, in the framework of the project AFC – OASA, including the metal stanchions, their cabling up to the telecommunications room of each station and the architectural works in the stations' granite floors, shall be implemented by the OASA's Contractor (TERNA – LG). These works concern 86 out of the 122 telephones that are required in total.

More specifically, the scope of the Contract shall include the following:

- The design of items (a) and (b) above;
- The procurement of the 36 new telephone sets adjacent to the FB, the new cabling work and the necessary infrastructure for the installation and connection of these telephone sets, the required cabling routings and the complete installation of the new DLTs;
- The procurement of the necessary interface equipment (e.g. cards), the software and its necessary modifications and upgrading at local and central (OCC) level, testing and commissioning of all telephones (122) to be installed both by the Contractor of this Contract and by OASA's Contractor (TERNA – LG).

The scope of the Contract and the technical requirements are described in detail in the document entitled “Technical Description – Specifications”.

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- 2.2** The terms of the Contract to be signed between AM and the Contractor shall be those included in the contractual documents.
- 2.3** The CPV Code for the Contract is: 32552120-4 “Emergency Telephones”.

**ARTICLE 3 TITLE OF THE TENDER**

The title of the Tender is: “**Procurement and installation of equipment for the addition of Direct Line Telephones (DLT) in the Metro stations on Lines 2 and 3 intended for the installation of the Automatic Fare Collection System (AFC) Gates of the Athens Urban Transport Organization (OASA)**”. This title, accompanied by the reference code **RFP-313/17**, shall be shown on all Envelopes and Sub-envelopes of the Offers and, in general, on all documents to be submitted within the framework of this Tender.

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

- 4.1** The Tender shall be conducted electronically through the web portal [www.promitheus.gov.gr](http://www.promitheus.gov.gr) of E.S.I.D.I.S. - National Electronic Public Procurement System, it shall be based on the open procedure. A summary of this Invitation shall be published in the Greek Press, in DIAVGEIA and in AM’s web page. Moreover, the Invitation to Tender shall be posted on the Central Electronic Registry for Public Contracts (KIDMIS), while all tender documents shall be posted on AM’s website [www.ametro.gr](http://www.ametro.gr).


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

- 4.2** The Tender shall be conducted in accordance with Law 4412/16 (FEK A’ 147/08.08.2016).
- 4.3** The criterion for the Contract award shall be the most advantageous offer, in financial terms, on the basis of the price offered..

**ARTICLE 5 ELIGIBLE TO PARTICIPATE**

- 5.1** Acceptable to the Tender shall be individual economic operators and individual companies or consortia / associations thereof, that are established:

a) in a member – state of the European Union;

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- b) in a member – state of the European Financial Area (EFA), or
- c) in third countries which do not fall under the aforementioned cases and have signed and ratified the Public Procurement Agreement (PPA), to the extent that the contract under award is covered by Annexes 1, 2, 4 and 5 and the general notes of Appendix I of the aforesaid PPA, or
- d) in third countries that do not fall under item c. above and have concluded a bilateral or multilateral agreement with the European Union on issues pertaining to the procedures for the award of public contracts;

AND

They should prove that they fulfil the terms of this Invitation.


- 5.2** Each Bidder shall be eligible to participate in the Tender either individually or as a member of only one consortium / association. **In any other case, all consortia, in which the common member participated, shall be disqualified from the tendering procedure.**

In order to participate in the tender in the form of joint ventures or consortia, the Bidders shall not be obliged to be vested with a specific legal form. However, the Joint Venture or the Consortium to be selected, shall be obliged, if the contract is assigned to it, to submit to AM a notary act about the establishment of the Joint Venture or the Consortium.

In any case, the legalizing documents related to the establishment should prove that each member of the Joint Venture / Consortium is jointly and indivisibly liable before AM for the execution of the contract,

- 5.3** In order to participate in the tender, the economic operators interested in the subject tender shall possess a digital signature granted by an accredited authority providing digital signatures and shall be registered in the electronic system (E.S.I.D.I.S. - National Electronic Public Procurement System – web portal [www.promitheus.gov.gr](http://www.promitheus.gov.gr)), adhering to the registration procedure detailed herebelow, in line with law 4281/2014, articles 134-138 and Decision Π1/16.10.13 issued by the Ministry of Development and Competitiveness.


Visiting the website E.S.I.D.I.S. and following the link <Register as Economic Operator>, the economic operators request their registration (they should provide all necessary information and they

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should accept all terms of use), providing the following identification details:

- Those economic operators having a Greek Tax Payer’s Number (AFM) shall identify and authenticate themselves to the System using their credentials (Username and password) already given to them by the TAXISNET of the General Secretariat of Information System. Upon identification, the registration of the user shall be approved by the General Department of Public Procurement – Department of Procurement Policy - Programming and Information Section.
- Those economic operators – users belonging to the member states of the European Union, not having a Greek Tax Payer’s Number (AFM) shall request for their registration filling in the VAT Identification Number and shall identify and authenticate themselves to the System using the credentials they possess by the respective System. Upon identification, the registration of the user shall be approved by the General Department of Public Procurement – Department of Procurement Policy - Programming and Information Section.
- Those economic operators – users belonging to Third Countries shall request for their registration and shall identify and authenticate themselves via the General Secretariat for Trade, submitting:
  - Either a legal statement – bearing a digital signature – accompanied by an official translation into Greek;
  - Or a statement under oath or a certificate in PDF format accompanied by an official translation into Greek, and in line with the terms prevailing in the member-state where the economic operator is seated; the statement under oath or the certificate shall state / prove the registration of the economic operator in a Professional or Trade Registry and shall be submitted to the Service concerned in a printed form (original or true copy) within three (3) working days.

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

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

**ARTICLE 6 PARTICIPATION LETTER OF GUARANTEE**

- 6.1** For participating in the Tender, along with their Offer, the Bidders shall submit a Participation Letter of Guarantee equal to the amount of **four thousand four hundred EURO (4,400.00€)**, which corresponds to **two percent (2%)** of the estimated budget of the scope of the Supply, VAT excluded.

This Letter of Guarantee shall be valid for a time period of three hundred and ninety (**390**) days months from the expiry of the deadline for the submission of the offers. The said Letter of Guarantee shall be included in Envelope A.


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

- 6.3** The Participation Letter of Guarantee is issued to the benefit of AM, at the sole expense of the Bidder. The letters of guarantee shall be issued by Credit institutions lawfully operating in the member-states of the European Union, or the European Financial Area (EFA) or in the member-states that have signed the Government Procurement Agreement and have this specific right, in line with the applicable provisions. In addition, they can be issued by TMEDE or be provided by depositing a trust of an equal amount or bonds of equal value to the Trusts and Loans Fund. The letters of guarantee shall be compiled in accordance with Sample B1 attached herein.

In case the Letter of Guarantee cannot be issued in Greek because the issuing Bank does not operate in Greece, the Letter of Guarantee shall be issued in English, as per Sample B2 of this Invitation.

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



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

**Bidders not complying with the aforesaid invitation of the Committee shall be disqualified from the Tender.**

- 6.4** It is stressed that AM shall check the validity of the Letter of Guarantee by transmitting a pertinent letter to the Credit Institutions, for this organization to verify in writing the validity of the subject LoG. In case the aforementioned checking shows that an invalid, false or forged Letter of Guarantee for Participation in the Tender has been submitted, then the Bidder shall be disqualified from the Tender, and a criminal complaint shall be filed to the District Attorney.
- 6.5** Offers not accompanied by Letters of Guarantee for Participation in the Tender, as specified above, shall not be accepted. Bidders not complying with the above shall be **disqualified** from the Tender.
- 6.6** The Participation Letter of Guarantee shall be returned interest-free to the nominated Contractor upon the Contract signing and upon the submittal by the nominated Contractor of the required Good Performance Letter of Guarantee. Moreover, the Participation Letter of Guarantee shall be returned to the remaining Bidders, further to their pertinent request, upon communication to them of either of the final decision about the rejection of their offer from the subsequent stages of the awarding process or of the final decision about the award of the contract.
- 6.7** The Letter of Guarantee for Participation **becomes payable** if the nominated Contractor provides false data and information or, even though invited, does not show up to sign the Contract within the deadline set by AM or if he does not submit the required Good Performance Guarantees and/or documents or if he does not adhere to the stipulations of articles 11, 19 and 20 of this Invitation.

**ARTICLE 7 PROVISION OF TENDER DOCUMENTS - CLARIFICATIONS**

- 7.1** The Tender Documents shall be posted on E.S.ID.I.S web portal [www.promitheus.gov.gr](http://www.promitheus.gov.gr) and shall be as follows:
- a) The Financial Offer Form
  - b) The present Invitation to Tender, along with its attachments
  - c) The Conditions of Contract, along with its attachments

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d) The Technical Description – Specifications, along with its attachments.

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

**7.3** Any **questions** and clarifications related to the documents of the Tender can be expressed by the bidders electronically in E.S.ID.I.S web portal [www.promitheus.gov.gr](http://www.promitheus.gov.gr) by **March 15<sup>th</sup> 2017 at 11:00**.

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

AM shall collect all questions through the website and will issue a **Clarifications Document** which shall be posted on E.S.ID.I.S web portal by **March 24<sup>th</sup> 2017** at the latest **at 11:00**. Please note that answers will be provided only to questions that have been submitted electronically.

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


## **ARTICLE 8 DEADLINE AND MANNER OF SUBMITTAL OF THE OFFER**

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

**8.2** The deadline for the submission of the offers expires on **Friday March 31<sup>st</sup> 2017 at 11.00 hours**. Overdue submission of the offers shall entail the disqualification of the bidder, even if the delayed submission is due to force majeure.

**8.3** **Electronic offers shall be unsealed four (4) working days** upon expiry of the deadline for the submission of the offers, i.e. on **April 7<sup>th</sup>. 2017 at 11:00 hours**.

**8.4** **At the penalty of disqualification** bidders shall submit their offers together with their accompanying documents in pdf format at the web portal [www.promitheus.gov.gr](http://www.promitheus.gov.gr) of E.S.I.D.I.S by the deadline and time

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stipulated above, in Greek, and in an electronic file, in line with the provisions of Law 4155/13 (120A') of Ministerial Decision P1/2390/21-10-2013 (2677B') and the stipulations of this Invitation.

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

**8.5** **At the penalty of disqualification and within three (3) working days upon electronic submission to the Awarding Authority (submission to AM’s Document Control Center (DCC) by 15:00),** bidders shall also submit in **printed form** any supporting documents and data that have not been issued/prepared by the same economic operator (bidder) and which do not bear his digital signature. By way of example, such documents are warranties, certificates or attestations issued by public authorities or other bodies. It is clarified that Government Gazette Issues submitted in the electronic offer are not required to be submitted in printed form.

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

The sealed envelope must be accompanied by a **cover letter outside**


**SEALED OFFER**  
Title of the Bidder

**FOR THE TENDER:**  
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STATIONS ON LINES 2 AND 3 INTENDED FOR THE INSTALLATION OF  
THE AUTOMATIC FARE COLLECTION SYSTEM (AFC) GATES OF OASA”  
(REFERENCE CODE RFP-313/17)**

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

**Attention: TENDER COMMITTEE**

**####NOT TO BE OPENED BY DOCUMENT CONTROL OFFICE####**

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the envelope.

**8.6** Offers shall be valid and shall bind the bidders for **three hundred and sixty (360) days** upon the day that follows the deadline for the submission of the offers. The validity of the offer can be extended further to AM’s pertinent request and on condition that the bidder provides its consent for the time period deemed necessary for the completion of the tendering process. Any offers including an expiry date earlier than the aforementioned one, shall be **rejected** as unacceptable.

**8.7** **At the penalty of disqualification**, it is not allowed to submit an offer for a part of the tender scope.

**8.8** The submission of alternative offers is not allowed.

## **ARTICLE 9 MANNER OF PREPARATION AND CONTENT OF THE OFFER**

**9.1** The **content** of the electronic file of the offer shall be set as follows:

- (a) One (Sub)envelope\* bearing the indication “Back-Up Documentation for Participation – Technical Offer” (it shall contain information required in line with articles 11 and 13 of this Invitation). **At the penalty of disqualification**, both information and back-up documentation of the subject Sub-envelope shall be submitted by bidders in pdf format. Any back-up documentation and items issued/prepared by the economic operator himself (Bidder) must bear his digital signature,


and

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

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


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

**9.2** The offers shall be submitted in Greek, which shall be the official language of the Contract.

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## **ARTICLE 10 REASONS FOR DISQUALIFYING THE ECONOMIC OPERATOR**

- 10.1** Each Bidder / Economic Operator **is disqualified** from the procedure related to the conclusion of the contract, if it is proven or if it is known to the awarding authority – in any other way – that there is a final decision against the bidder / economic operator for each of the reasons stipulated in paragraphs 10.1.1. up to 10.1.6.
- 10.1.1 Participation in a criminal organization, as this is defined in article 2 of the Council Framework Decision 2008/841/JHA dated October 24<sup>th</sup> 2008, on the fight against organized crime.
- 10.1.2 Bribery, as this is defined in article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union (EE C 195 dated 25.06.1997 page 1) and in paragraph 1, article 2 the Council Framework Decision 2003/568/JHA dated July 22<sup>nd</sup> 2003 on combating corruption in the private sector (EE L 192 dated 31.07.2003, page 54), and as stipulated in the applicable legislation or in the national law of the economic operator.
- 10.1.3 Fraud, in the sense of article 1 of the Convention on the protection of the European Communities’ financial interests (EEC 316 dated 27.11.1995, page 48), which was ratified by law 2803/2000 (A’ 48).
- 10.1.4 Terrorist offences or offences linked with terrorist activities, as respectively defined in articles 1 and 3 of the Council Framework Decision 2002/475/JHA dated June 13<sup>th</sup> 2002, on combating terrorism (EE L 164 dated 22.06.2002, page 3), or inciting or aiding or abetting an offence, as defined in article 4 thereof.
- 10.1.5 Money laundering or terrorist financing, as defined in article 1, Directive 2005/60/EC of the European Parliament and European Council dated October 26<sup>th</sup> 2005, on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (EE L 309 dated 25.11.2005, page 15), which has been integrated into national legislation via Law 3691/2008 (A’166).
- 10.1.6 Child labour and trafficking in human beings, as defined in article 2, Directive 2011/36/EU of the European Parliament and European Council dated April 5<sup>th</sup> 2011, on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA of the European Council (EE L 101 dated 15.04.2011, page 4), which has been integrated into national legislation via Law 4198/2013 (A’215).

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**10.2** Each Bidder / Economic Operator **is disqualified** from any participation in the contract conclusion procedure:

10.2.1 If AM is aware that the economic operator has not fulfilled his obligations concerning the payment of taxes or social security contributions and that he has been the subject of a final binding judgment or administrative decision, in line with the legal provisions of the country in which he is established or in line with the legislation of the country of the awarding authority.

10.2.2 If AM can prove - using the appropriate means - that the economic operator has not fulfilled his obligations regarding the payment of taxes or social security contributions.

10.2.3 With regard to items 10.2.1 and 10.2.2 above, if the economic operator is a Greek citizen or if his seat is in Greece, then his obligations regarding the social security contributions shall cover both main and auxiliary social security.


10.2.4 With regard to items 10.2.1 and 10.2.2 above, the subject disqualification shall cease to apply when the economic operator fulfils his obligations either by paying all due taxes or social security contributions, including – on a per case basis – the accrued interests or fines, or by being subjected to a binding settlement for their payment.

**10.3** In addition, each Bidder / Economic Operator **is disqualified** from any participation in the contract conclusion procedure if any of the following cases exist, namely:


10.3.1 If AM can prove using any appropriate means that the economic operator has not fulfilled his obligations as these ensue from the environmental, employment protection and working conditions in the framework of public contracts, as per para. 2, article 18 of Law 4412/16.

10.3.2 If the economic operator is under bankruptcy, or is under a consolidation or a liquidation process, or is under coercive administration by a receiver or by the court, or has entered into an agreement with creditors or has postponed his business activities or if he is in any similar situation deriving from similar processes foreseen in national law provisions.

10.3.3 If AM has sufficient reasonable proof leading to the conclusion that the economic operator has concluded agreements with other economic operators with the aim to cause distortion of competition.

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- 10.3.4 If there is a conflict of interests in the sense of article 24, Law 4412/16, that cannot be addressed through less intrusive means.
- 10.3.5 If in the framework of previous participation of the economic operator in the preparation of the contract conclusion procedure there had been distortion of competition, in line with the provisions of article 48, Law 4412/16 that cannot be addressed through less intrusive means.
- 10.3.6 If during the execution of a public contract, the economic operator has exhibited a grave or continuous deficiency in fulfilling an essential requirement in the framework of a previous public contract that he has undertaken, a fact that resulted in the early termination of the previous contract, payment of compensation and other penalties.
- 10.3.7 If the economic operator has been found guilty of serious false statements in providing the information required for ascertaining that there were no reasons for his disqualification or for fulfilling the selection criteria, if he has concealed this information or if he is not in a position to submit the back up documentation required by virtue of article 19 of this Invitation.
- 10.3.8 If the economic operator has attempted to affect in an unlawful manner the decision making process of the awarding authority, to obtain confidential information that may grant him an unfair advantage in the public contract conclusion provision or to provide unintentionally misleading information that may effectively affect the decisions related to the disqualification, the selection of the Contractor or the award of the tender.
- 10.3.9 If AM can prove, using the appropriate means, that the economic operator has committed a grave professional misconduct – that could be ascertained – and that he had been punished through a disciplinary proceedings in any way whatsoever.
- 10.3.10 If the economic operator is subject to a penalty for disqualification from public contracts, in line with the provisions of article 74, Law 4412/16.
- 10.3.11 If the economic operator does not fulfill the selection criteria stipulated in article 12 of this Invitation and is not capable of providing the justification documents for the award of the tender, as these are specified in article 19 of the Invitation.
- 10.4 For all cases mentioned above and upon submitting his Offer, the Bidder shall submit a Legal Statement as per article 11.4.**

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The Bidder to be appointed as the Lowest Bidder is obliged, prior to the Contract signing, to submit all pertinent certificates for which a Legal Statement has been submitted, in line with article 19 of this Invitation.

AM is entitled, at any point throughout the procedure in question, to disqualify any bidder from the tender if it is proven that, due to his actions or omissions, he has fallen or falls under the cases described in this article in the framework of this procedure.

**ARTICLE 11 SUB-ENVELOPE BACK UP DOCUMENTS “PARTICIPATION BACK UP DOCUMENTS – TECHNICAL OFFER”**

The Sub-Envelope bearing the indication “Participation Supporting Documentation - Technical Offer” shall necessarily include the following data:

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

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

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


- 11.2** Legalizing documents proving that the Bidders have been established and are operating legally, as well as the persons legally representing the Bidders and committing him through their signatures.

For the convenience of the Bidders, a list of the legalizing documents is presented below required to be submitted for the following companies which have been established and are operating in accordance with the Greek Law:

- 11.2.1** In case of Sociétés Anonymes:

- a) Legible photocopy of the company’s statutes and any amendments made to them, or legible photocopy of the most recent codified statutes and photocopies of the Government Gazettes (FEK) where they were published.



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- b) Certificate issued by the Business Registry (GEMI) (issued not earlier than thirty (30) days from the deadline for the submission of the offers) on any amendments made to the Statutes, non dissolution of the Company and its winding-up, non existing request, petition or Court Decision for dissolution of the company and the appointment or replacement of a liquidator or co-liquidator, etc.
- c) Legible photocopy of the Resolution, whereby the current Board of Directors (BoD) of the Company was formed into a body, and the Government Gazette (FEK) where this was published.

#### 11.2.2


In case of Public Limited Liability Companies:

- a) Legible photocopy of the company’s statutes and any amendments made to them, or legible photocopy of the most recent codified statutes, and photocopies of the Government Gazettes (FEK) where they were published.
- b) Certificate issued by the Business Registry (GEMI) (issued not earlier than thirty (30) days from the deadline for the submission of the offers) on any amendments made to the Statutes, non dissolution of the Company and its winding-up, non existing request, petition or Court Decision for dissolution of the company and the appointment or replacement of a liquidator or co-liquidator, etc.
- c) Legible photocopy of the Resolutions, whereby the active administrator of the company was appointed, and copy of the Government Gazette (FEK) where these were published.

#### 11.2.3

In case of private capital company, general partnership company or limited partnership company:

- a) Legible photocopy of the company’s statutes and any amendments made to them.
- b) Certificate issued by the Business Registry (GEMI) (issued not earlier than thirty (30) days from the deadline for the submission of the offers) on any amendments made to the Statutes, non dissolution of the Company and its winding-up, non existing request, petition or Court Decision for dissolution of the company and the appointment or replacement of a liquidator or co-liquidator, etc.

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11.2.4 In case of a consortium / joint venture, the aforementioned requirement for submission of legalizing data shall be valid for each member separately.

**11.3** **Minutes of Board of Directors Resolution** of the company (true copy) in case of Societe Anonyme, or resolution of the administrators in case of Public Limited Liability Companies, general partnership company or limited partnership company, whereby:

- Approval is granted for its participation in the tender individually, or as a member of a consortium/joint venture;
- Appointment is made of a legal representative vested with the authority to sign all tender documents and the offer, binding the candidate by his signature.

In case of a consortium / joint venture, the aforementioned Resolution should also include the following items:


- The extent and the type of participation each member in the consortium / joint venture (including the allocation of fee among them).
- The statement that they accept to jointly participate in the tender and in the execution of the contract, and that they are jointly and severally responsible before AM, and that in case of contract award, prior to the conclusion of the contract they will set up a consortium/joint venture, in line with the requirements of the Invitation.

**11.4** **Legal Statement about non-disqualification**

A **Legal Statement** should be submitted in the Envelope including the participation back-up documents by independent bidders (natural or legal entities); the said Statement should be prepared in line with **Sample A1** included herein and should verify that there is no reason whatsoever out of the reasons referred to in article 10 for the Bidders to be disqualified from the tendering process.

If the bidder is a legal entity, the subject Legal Statement shall be signed by the following persons:

- a) Administrators, when the legal entity is a Public Limited Liability Company, a general partnership company or a limited partnership company.
- b) The Chairman of the BoD and the Managing Director, when the legal entity is a Societe Anonyme

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c) In any other case of legal entity, his legal representatives.

The Bidding Consortia/Joint Ventures shall submit a Legal Statement for each member of theirs, signed by the legal representative of the Consortia/Joint Venture’s member, verifying that there is no reason whatsoever, based on the provisions for disqualification, for this member to be disqualified from the Tendering process.

If the content of the aforementioned Legal Statement is false, then the Bidder shall be **disqualified** from the Tendering process.

**11.4.1 If the Bidder invokes third party resources or if the Bidder is aware of the fact that he will award a part of the Contract as a sub-contracting work, third parties/sub-contractors are called upon to submit the Legal Statement for, also in line with the stipulations concerning especially third parties in article 17 herein.**

**11.5 Technical Offer** of the bidders, in line with the requirements of article 13 herein.


**11.6 General Data**

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

Exceptionally, the Legal Statement stipulated in article 11.4 shall be compiled in accordance with Sample A.1 of this Invitation.

It is not required for the Legal Statements to bear a signature authentication; their date shall be one of the last thirty (30) calendar day-period prior to the date of their submission.

**11.6.2** The Committee reserves its right to request any other document deemed necessary upon completion of the review of legalizing and other documents and data to be submitted. Bidders shall be obliged to submit it in line with the stipulations of article 15 herein. Moreover, if there are any doubts, the Committee is entitled to address itself

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directly to the competent authorities to obtain any necessary information on the personal status of the Bidders concerned.

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

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

## **ARTICLE 12 SELECTION CRITERIA**

In order to participate in the tender, bidders should fulfil the requirements for participation, as specified in this article. The Legal Statement specified in article 11.4, included in the envelope “Participation Back Up Documents – Technical Offer”, constitutes a preliminary proof replacing the required certificates.

It is noted that supporting documentation proving that the relevant criteria are met shall be submitted by the “provisional contractor” in the envelope containing the supporting documentation for the award of the tender, on the basis of article 19 herein.


### **12.1 Registration in the Chamber**

Bidders must be registered in one of the Professional or Commercial Registries of the member-state where the Bidder is seated. Registration shall be proven through the submission of a valid **certificate** concerning the registration of the company in the relevant Commercial and Industrial Chamber or Professional or Commercial Registries of the country the Bidder is seated, under the terms foreseen by the legislation of the country of his/her seat.

### **12.2 Credit and Financial Competence – Minimum Preconditions**

#### **12.2.1 Minimum preconditions for Credit and Financial Competence**

The Bidders are required to have a minimum average annual turnover during the last three (3) fiscal years or during the respective time period of operation, if this is less than the three- year period, equal to or greater than **370,000.00€**.

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#### 12.2.2 Documentation proving the Credit and Financial Competence

The documentation required to be submitted in order to prove the Credit and Financial Competence of the Bidder shall include the following:

- Legal statement certifying the overall turnover during the three (3) previous fiscal years, or during the respective time period of operation, if it is less than three (3) years,
- Balance Sheets and Profit and Loss Accounts Statements during the last three (3) fiscal years, or during the respective time period of operation, if it is less than three (3) years.

#### 12.3 **Data related to the Experience**

In view of participating in this Tender procedure, the Bidders shall possess experience similar to the experience required on the basis of this procurement, during the last ten-year period (10 years prior to the offers' submission date).

In view of proving their experience, with regard to the workmanlike and timely completion of the Supply, the Bidders shall submit the following:


- **A list of completed procurements that they have executed during the ten-year period (10 years prior to the offers' submission date), concerning the Design, Manufacturing, Supply, Testing and Commissioning of direct line telephone systems (DLT) in Metro Stations.**

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

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

The aforesaid certificates shall make clear reference to the following:

- a. The scope of the works pertaining to the Supply, Design, Manufacturing and Commissioning of direct line telephone systems (DLT);
- b. Participation percentages on the entire supply;

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- c. The budget of the Supply;
- d. The time for the signing, acceptance of the direct line telephone systems (DLT) and completion of the Contract;

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

However, the Legal Statement cannot replace the necessary certificates related to the execution of the Supplies. This Legal Statement is exclusively and solely submitted to supplement any data not included in the certificates.

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

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


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

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

- 12.4** The aforementioned back up documentation stipulated in paragraphs 12.1, 12.2 and 12.3 of this Document shall be submitted by the Bidder for third parties if the Bidder invokes third parties’ resources, they shall be called upon to submit the aforementioned back up documentation for these third parties, in line with the provisions of article 17.

**ARTICLE 13 TECHNICAL OFFER**

**The Sub-Envelope bearing the indication “Back-Up Documentation for Participation – Technical Offer shall necessarily include the Technical Offer of the Bidders, which, at the penalty of disqualification, must meet the requirements stipulated in AM’s document entitled “Technical Description – Specifications”.**

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### 13.2 Content of the Technical Offer

The Technical Offer is compiled by filling in the relevant special electronic form of the system. Then, the system produces a relevant electronic pdf. file, which is digitally signed and submitted by the Bidder. All information included in the special electronic Form of the system and in the digitally signed electronic file must coincide. In any other case, the system produces a relevant message and the Bidder is called upon to re-submit the electronic pdf. file.

Moreover, the Bidder shall attach to a separate pdf electronic file the following data, which shall bear the digital signature either of the Bidder himself (if the Bidder is a natural entity), or his legal representative (in case of a Consortium or a Joint Venture). In any other case, the Technical Offer is considered invalid.

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

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

**b. Legal Statement of Compliance**

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


**c. Technical Description**

In their offer, Bidders shall submit as a minimum a summary report, diagrams with the proposed direct line telephone system , its architecture and functioning together with technical information on the proposed equipment.

### 13.3 Remarks concerning the Technical Offer

The evaluation of the Technical Offer does not mean acceptance of the terms contradicting any requirements of the Tender Documents or the basic rules for the workmanlike and safe construction/manufacturing. Therefore, during the Design preparation stage and the Supply implementation, the Contractor ought to adjust these terms, in line with AM Specifications, without increasing the offered amounts.

If, in his Technical Offer the Contractor has proposed improvements as compared to AM Specifications, he is obliged to incorporate them

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during the stage of the preparation of the Design and implementation of the Supply without any increase to the offered amounts.

During the evaluation of the Technical Offers, AM can call upon the bidders in writing to clarify or supplement the documents that they have submitted within a reasonable time-period, which cannot be less than seven days upon communication to them of the relevant notice, in line with the provisions of article 3.10, Law 4412/16, whose provisions fully apply to this tender.

#### **ARTICLE 14 CONTENT OF THE SUB-ENVELOPE “FINANCIAL OFFER”**

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

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


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

The “Financial Offer Form” shall include the Table of the Offer properly filled in. The Lowest Bidder shall be the Bidder who offered the lowest price.

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

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



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In addition, at the penalty of disqualification, the Financial Offers of the Bidders submitted should not exceed the amount of AM’s budget.

The offered amounts shall not include VAT, which shall be borne by AM. The offered amounts shall be expressed in EURO.

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

**ARTICLE 15 TENDER PHASES - EVALUATION METHOD OF THE OFFERS**

**15.1 General**

The Tender is carried out by a Committee appointed by AM’s BoD Resolution. This Committee shall be responsible for the conduct of the Tender from the stage of the unsealing of the offers until the stage of submitting the relevant Recommendation before AM’s BoD for the award of the Tender to the lowest bidder, or the annulment of the procedure; in general, it shall opine for any issue that may derive during the awarding procedure, except the examination of the objections to be filed to AM. More specifically, as concerns the examination and the opinion on the objections, AM’s BoD shall set up a separate Committee for Assessing the Objections, whose members shall be different than those of the aforementioned Committee. This Committee shall be responsible for assessing all remaining issues that may derive during the awarding procedure.


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

**15.2 Tender phases**

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

- 15.2.1** 1<sup>st</sup> Phase: Review of the Formal Qualifications and Evaluation of the Technical Offers of the Bidders.

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

	<p style="text-align: center;"><b>PROJECT: “PROCUREMENT AND INSTALLATION OF EQUIPMENT FOR THE ADDITION OF DIRECT LINE TELEPHONES (DLT) IN THE METRO STATIONS ON LINES 2 AND 3 INTENDED FOR THE INSTALLATION OF THE AUTOMATIC FARE COLLECTION SYSTEM (AFC) GATES OF OASA”</b></p> <p style="text-align: center;"><b>INVITATION TO TENDER</b></p>	<p style="text-align: center;"><b>RFP-313/17</b></p> <p style="text-align: center;"><b>A.Σ. 39270</b></p>
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Upon unsealing (Sub)envelopes “Back-up Documentation for Participation – Technical Offer”, those participating in the Tender will have electronic access to the content of the offers that have been unsealed.

Subsequently, during a private meeting, the Committee shall review each Bidder’s submitted documentation and shall decide whether the participation terms that have been set by the Invitation to Tender are fulfilled or not.

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

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


Moreover and at any time during the Tendering process, AM is entitled to request the Bidders to submit all or a part of the back up documentation if this is imposed for the correct conduct of the subject procedure.

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

**Disqualified from the 1<sup>st</sup> Phase of the Tender shall be the bidders:**

- a) who do not fulfil the preconditions and requirements of Article 11.
- b) who are rejected on the basis of the technical evaluation of their technical offers, according to article 16.

Upon completion of the review of the Sub-envelopes containing the Back-Up Documentation for Participation, the Committee shall compile a Proceedings related to the evaluation of the 1<sup>st</sup> Phase, which will include those Bidders accepted to the subsequent phase and those justifiably rejected. The results of the 1<sup>st</sup> Phase of the Tender shall be approved through a Resolution to be made by AM’s BoD and be communicated to the participants through the ESIDIS system.

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Bidders can appeal against the aforesaid BoD Resolution, in line with the provisions of article 15.4 herein.

The final BoD Resolution shall be electronically communicated to the Bidders. In any case, after the final decision issued on the results of the 1<sup>st</sup> phase, Bidders fulfilling the preconditions of the 1<sup>st</sup> phase shall participate in the 2<sup>nd</sup> phase of the Tendering process, i.e. the procedure of the unsealing of Financial Offers.

#### 15.2.2 2<sup>nd</sup> Phase: Unsealing of Financial Offers and Overall Evaluation

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

Following the review of the Financial Offers, the Tender Committee shall prepare the Proceedings concerning the 2<sup>nd</sup> Phase Evaluation, which will include the Final Classification Table, presenting the offers in an ascending order, i.e. from the lowest to the highest one; this Table shall be included in a Proceedings. The results of the Tender shall be approved through the AM’s BoD Resolution, which shall be communicated to the participants via the ESIDIS system.


Those Bidders participating in the 2<sup>nd</sup> Phase of the Tender can appeal against the aforesaid BoD Resolution, in line with the provisions of article 15.4 herein.

The final BoD Resolution shall be electronically communicated to the Bidders.

Further to the finalization of the results of the 2<sup>nd</sup> phase, the Tender Committee calls upon the Bidder who has submitted the lowest offer and is declared as the lowest bidder (temporary Contractor) to submit the Back-Up Documentation for the Award, in line with Article 19 herein.

#### 15.3 Award of the Tender

Upon finalization of the Tender results, the bidder, to whom the project is to be awarded (“provisional contractor”), is called upon within a **fifteen (15) – day period** after the pertinent notification that will be transmitted to him electronically, to submit, through the system, the

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back-up documentation contained in article 19 in .pdf format and in an envelope labelled “Back-Up Documentation for the Award”. The back-up documentation signed by the bidder himself shall be digitally signed. Any statements shall be signed digitally and signature certification is not required.


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

The electronic unsealing of the envelope labelled “Back-Up Documentation for the Award” of the lowest bidder and to whom the project is to be awarded, shall be effected in **two (2) working days** upon submission of the back-up documentation in the printed format, further to the relevant notification of those whose offers were acceptable, who are entitled to becoming cognizant of the submitted documentation.

If the Back-Up Documentation for the Award is not submitted or if during the pertinent review it is ascertained that the information provided is false or if the back-up documentation submitted do not prove that there are no reasons for the bidder’s disqualification – by virtue of article 10 or the provisions of article 11 – or if deficiencies exist, then all the above constitute reasons for disqualifying the lowest bidder and for declaring him forfeited; moreover, his Letter of Guarantee for Participation becomes payable. In this case, AM shall call upon the bidder that comes next in the classification order of the final Classification Table of the Bidders to submit the relevant Back-Up Documentation for the Award and the procedure continues as stipulated above. As to the remaining issues, applicable shall be article 103 of Law 4412/16.

The procedure related to the review of the Back-Up Documentation for Award shall be completed through the compilation on the part of the Committee of the Proceedings and the transmittal of the envelope to AM’s BoD for it to make a resolution about either the award of the contract or the forfeiture of the provisional contractor or the annulment of the procedure.

The awarding resolution, along with a copy of all proceedings pertaining to the review and evaluation procedure of the offers shall be communicated electronically by AM to each Bidder – except the provisional Contractor(-s).

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Bidders can file objections/preliminary appeals against the aforesaid BoD Resolution, in line with the provisions of article 15.4 herein.

Upon occurrence of the legal effects of the awarding resolution, AM shall invite the Contractor to sign the contract, in line with article 20 of this Invitation.

#### **15.4 Objections filed by the Bidders**


**This article is applicable for any disputes that may arise due to AM’s acts or omissions, which are issued or occurred by March 31<sup>st</sup> 2017, given that in line with the provisions of article 50 Law 4446/2016, as of April 1<sup>st</sup> 2017, applicable shall be the stipulations of Book IV, “LEGAL PROTECTION IN THE EXECUTION OF PUBLIC CONTRACTS” (articles 345-375) of Law 4412/16. This article shall also apply in case the commencement of the validity of the provisions of Book IV, Law 4412/16, is further shifted and provided that no other lawful arrangement takes place.**

15.4.1 In case of dispute against an act of AM’s BoD concerning the two (2) phases of the tender, and against the awarding decision as mentioned in the previous articles (15.2.1, 15.2.2 and 15.3), the Bidders can file their objections within a period of five (5) days from the date on which they were copied on the results of each phase, respectively. The objections are filed electronically and addressed to the Chairman of the Tender Committee.

15.4.2 The date when the bidder electronically filed the objection is regarded as the date on which right to objection was exercised. The said objection shall necessarily contain sufficient justification of the raised claims - rendering thus feasible its evaluation – and it must solely refer to matters pertaining to the tender procedure that was completed in the specific phase and not to matters that were examined in earlier Phases.

The resolution regarding the objections is made by the AM BoD, based on the relevant recommendation of the Evaluation Committee. No further objections can be filed against the BoD resolutions. The Committee does not advance to the next phase of the tender procedure unless AM’s BoD has examined and decided on any already filed objections, or unless the deadline for objection filing has elapsed idle. The bidders are informed via email about the acceptance or rejection of their objections.

15.4.3 All objections against the Invitation to Tender are filed the latest five days prior to the deadline for the submission of the offers. These

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objections are resolved upon by AM’s BoD within a deadline of **ten (10) days**. Should this deadline elapse idle, the objection is presumably rejected.

15.4.4 A prerequisite for the objection’s acceptability is, concurrently with the filing of the objection, a deposit in favor of the State, amounting to 1% of the pertinent contract value. This deposit constitutes public revenue and is returned to the depositor on the basis of the awarding agency’s relevant act, provided that the decision-making administrative body has accepted the bidder’s objection.

**Article 16 EVALUATION OF TECHNICAL OFFERS**

**The technical offers shall be evaluated by the Tender Committee.** The technical offers of the bidders shall not be subject to a comparative assessment. They shall be only examined in terms of their compliance with the Specifications set by AM (pass-fail system).

**Non compliance of the Bidders with the Specifications shall result in their disqualifications from the further stages of the tender procedure.**

**ARTICLE 17 INVOCATION OF THIRD PARTY RESOURCES**


The Bidders can invoke and make use of the economic and financial (credibility) or technical and professional capacity of other economic operators, as per article 307 of Law 4412/16, regardless of the legal nature of the existing relationships between the candidates and these operators.

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

The Bidders can invoke and make use of the technical and professional capacity of other operators, only if the third party operators are to execute works or to provide services for which the specific capacities are required.

The Bidders shall incorporate in the sub-envelope “Participation Supporting Documents – Technical Offer” the Legal Statement of the economic operators, whose advantages they invoke.

The back-up documentation for the award of the tender shall include the documentation of the Legal Statement, as per the stipulations of articles 10 11 and 12 of the Invitation, as foreseen for the Bidders. In case the terms of these articles are not adhered to, i.e. non-

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submission of the relevant supporting documents, then the invocation regarding the economic and financial (credibility), or technical and professional capacity of the economic operators shall not be taken into account during the evaluation of the offers.

Moreover, the back-up documentation for the award of the tender shall also include a resolution of the BoD, or other competent statutory Body of the operator whereby approval shall be granted to provide the Bidder with the economic and financial (credibility), or technical and professional capacity (experience), so that this capacity can be available to the candidate in the execution of the project. The relevant reference shall be very detailed, itemizing the specific resources that shall be available for the contract, in a manner enabling AM to evaluate and estimate the significance of these resources and to ascertain the fulfilment of the commitment during the execution of the contract.

As regards the economic and financial (credibility) resources, through this Resolution, the Operator shall be jointly and severally responsible along with the Bidder before AM.

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


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

Under the same terms, a joint venture/association of economic operators can rely of the capacities of those participating in the association or on other economic operators.

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

If for any reason whatsoever, the Bidder fails to make available the invoked resources, then the Participation Letter of Guarantee, stipulated in article 6 of the Invitation, shall become payable to AM.


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

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## **ARTICLE 18 ANNULMENT OF THE PROCEDURE**

- 18.1** The Tender shall be completed upon approval of its results and its award by AM’s BoD.
- 18.2** Further to the BoD Resolution and the opinion of the Tender Committee, AM can annul the procedure for the contract award in the following cases:
- a) If the procedure was fruitless (unproductive) either due to the non-submission of offers, or due to the rejection of all offers or due to the disqualification of all bidders, in line with the contract documents, or
  - b) if no one of the bidders come to sign the contract.
- 18.3** The awarding procedure may also be annulled by virtue of AM’s BoD resolution and further to the Tender Committee opinion, in the following cases, namely:
- a) for irregular conduct of the tender procedure, provided that the result of the Tender is affected by the irregularity;
  - b) if the financial and technical parameters related to the awarding procedure have radically altered and the execution of the contractual scope no longer interests AM;
  - c) if the contract cannot be executed due to force majeure;
  - d) if the offer is deemed to be financially disadvantageous;
  - e) if the validity of the offers expires and the Bidders do not provide the required extensions;
- 18.4** If errors or omissions are noted at any phase of the procedure, the Tender procedure may be partially cancelled and/or, its result may be reformed accordingly by AM’s BoD, or it may be decided by AM’s BoD itself to repeat the Tender from the point where an error or omission was noted.
- 18.5** As to the remaining items, valid shall be the provisions of article 317, Law 4412/16.
- 18.6** In case of cancellation or annulment of the Tender, the participants do not have any right of compensation for any reason whatsoever.



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## ARTICLE 19 BACK-UP DOCUMENTATION FOR THE AWARD

The Back-Up Documentation for the Award that the “provisional contractor” is called upon to submit to AM before the signing of the contract is the following:

### **19.1 Back-up Documentation for the Review of Article 10 “Reasons for Disqualifying the Economic Operator”**


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

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

19.1.2 As far as Greece and items of article 10.2.1 and 10.2.2 are concerned, a dept clearance certificate issued by the competent Tax Authorities must be submitted as well as a certificate of solvency issued by the Social Security Fund (IKA) or the Social Security Organization concerned.

With regard to foreign bidders, they must submit the corresponding certificates issued by the authority concerned of their country of origin accompanied by an official translation. In case the country concerned does not issue such a document or certificate or in case this document or certificate does not cover all the cases stipulated above, then the said document or certificate can be substituted by a statement under oath (affidavit) to be submitted by the interested party; moreover, in the member-states where there is no provision for the issuance of affidavits, these can be replaced by an official statement before the Judicial or Administrative Authority concerned, a notary public or a professional organization of the country of origin of the bidder.

19.1.3 Items under article 10.3.2, as far as Greece is concerned, shall be proven through the submission of the relevant certificates issued by

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the Courts of First Instance concerned. From these certificates it should result that the bidder is not bankrupt, under a consolidation or a liquidation process, or is under coercive administration by a receiver or by the court, or has entered into an agreement with creditors or has postponed his business activities or if he is in any similar situation deriving from similar processes foreseen in national law provisions.

For cases under the items of Article 10.3.2, foreign Bidders must submit other equivalent document issued by the Judicial or Administrative Authority of their country of origin, proving that the aforesaid preconditions are met. Where the country in question does not issue such documents or certificates, or where these do not cover all the cases specified in the above, they may be replaced by a declaration on oath or, in Member States where there is no provision for statement under oath (affidavit), by a legal statement made by the person concerned before a competent judicial or administrative authority, a notary or a competent professional or trade body, in the country of origin or in the country whence that bidder comes.

- 19.1.4 As far as case 10.3.9 is concerned, the bidder shall submit a certificate issued by the competent Authority (Professional Record or the respective Chamber) verifying that no professional misconduct has been committed inducing the imposition of a disciplinary action. The Companies for which there is no disciplinary council shall submit an official statement certifying that no disciplinary council exists and that they have not committed any grave professional misconduct.

With regard to foreign bidders, they must submit the corresponding certificates issued by the authority concerned of the member-state accompanied by an official translation. In case the state concerned does not issue such a document or certificate or in case this document or certificate does not cover all the cases stipulated above, then the said document or certificate can be substituted by a legal statement before the Judicial or Administrative Authority, a notary public or a professional organization of the country of origin of the bidder.

- 19.1.5 For items 10.3.1, 10.3.3, 10.3.4, 10.3.5, 10.3.6, 10.3.7, 10.3.8, 10.3.10, as far as Greece is concerned, the bidder shall submit a statement under oath certifying that the economic operator is not subject to any of the aforementioned cases specified in article 10 herein or, in Member States where there is no provision for statement under oath, by a legal statement made by the person concerned before a competent judicial or administrative authority, a notary or a competent professional or trade body, in the country of origin or in the country whence that bidder comes.

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**19.2 Back-up documentation for the Review of article 12 “Selection Criteria”**

The back-up documentation referred to in detail in article 12 herein, proving that the selection criteria presented in the relevant article are adhered to.


**19.3** In case of awarding a section of the contract – under the form of **sub-contracting work – to third parties**, the “provisional contractor” should submit all information concerning the Subcontractors that he proposes, as well as indicate the section of the contract to be awarded by him. Moreover, as far as Subcontractors are concerned, it is required to submit the supporting documents stipulated in article 19.1, , as well as the Resolution of the BoD or the decision of the competent statutory instrument of the agency concerned whereby approval is granted for the assignment of the sub-contracting work.

**19.4** If the “provisional contractor” invokes and utilizes the financial and credit capacity or the technical and professional capacity of other operators, then as per article 307, Law 4412/16, he should submit a resolution made by his competent body regarding detailed information about the third parties and indicate the resources that he will invoke. The third parties should submit the back-up documentation of para. 19.1, the back-up documentation (concerning the invocation of third party resources) specified in paragraph 19.2 and BoD’s resolution or the decision of the agency’s statutory instrument concerned, approving the granting of financial, credit capacity or technical and professional capacity (experience) by the operator for being available to the bidder throughout the execution of the Contract.

**19.5 Clarifications on the submission of the back-up documentation detailed above**

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

In the required tender documents, at the points where reference is made to the submission of a legal statement, such statement is meant to be, on the one hand as far as Greek companies are concerned, the “Legal Statement of Law 1599/86” and on the other hand as far as foreign businesses are concerned the “Statement on a document with an equivalent validity”. As such is meant an affidavit or, in case an affidavit is not foreseen, an official statement before a Judicial or

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Administrative Authority, Public Notary or the competent (Professional) Organization of the Bidder’s country of origin or domicile.

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


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

AM reserves its right to request any other document deemed necessary upon completion of the study of legalizing and other documents and data to be submitted prior to the signing of the Contract. Moreover, if there are any doubts, AM is entitled to address itself directly to the competent authorities to obtain any information on the personal status of the “provisional Contractor”. In case the information concerns a “provisional Contractor” established in a State other than that of the contracting authority, then the awarding authority may seek the cooperation of the competent authorities. Having regard for the national laws of the Member State where the Bidders are established, such requests shall relate to legal and/or natural persons, including, if appropriate, company directors and any person having powers of representation, decision or control.

In case of a consortium / association, the requirement for submission of the aforementioned documents, data, certificates and official statements shall be valid for each member separately.

**ARTICLE 20 EXECUTION OF THE CONTRACT**

Upon completion of the review of the back-up documentation for the award, the selected Contractor shall be called upon to sign the Contract within twenty (20) calendar days as of the date of the announcement of the results pertaining to the review of the Back-Up Documentation.

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The contract shall be signed - on the part of the Contractor - by his authorized representative who shall initial and stamp each page of the Contract Documents. Contracts to be concluded with Joint Ventures/Consortia shall be signed by the Legal Common Representative on condition that he is legally authorized to this end.

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


**20.1**

In case the “provisional contractor” is a Joint Venture, then five (5) calendar days prior to the signing of the Contract he shall submit a Notary Act for the establishment of the Joint Venture; the following shall necessarily be included therein, namely:

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

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

If the “provisional contractor” is a Company, he shall also appoint – through a notary document – his representative for the execution of the Contract. Statement of the Representative, whereby he accepts his appointment, shall accompany the Notary Act for the Appointment.

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

- 20.2** Five (5) calendar days prior to the signing of the Contract, the Contractor should submit a Certificate by the Insurance Company (-ies) about the insurance coverage of the Contract, in line with the stipulations of article 27 of the Conditions of Contract.


The original insurance policies shall be submitted by the Contractor, within a 15-calendar day deadline as of the Contract signing, along with the receipt for the payment of the first premium instalment. In case the Contractor does not comply with the above, the stipulations of article 27 of the Conditions of Contract are in effect.

- 20.3** Five (5) days prior to the signing of the Contract, the Contractor should provide a draft Good Performance Letter of Guarantee, as per sample A attached to Conditions of Contract and the provisions of article 10.3 of the CC. The Contractor, upon signing the Contract, shall submit the original Good Performance Letter of Guarantee.

- 20.4** Should the deadline for the signing of the contract elapses idle on the appointed Contractor’s liability, who, despite having been called, does not show up for the signing of the Contract or does not submit the required guarantees, or fails to comply with his obligations as stipulated in this document, then the Contractor is declared forfeited without any requirement for the prior communication to him of a special order and the Letter of Guarantee for Participating in the Tender becomes payable in favour of AM. In this case, AM’s Board of Directors can nominate as the Contractor the Bidder whose offer follows in the classification drawn by the Tender Committee. If no one of the bidders comes to sign the agreement, then the awarding procedure shall be annulled. AM reserves the right not to award the Tender and to annul it (in line with article 18 of this Invitation), without this constituting any kind of obligation for any compensation to any interested party.

**ARTICLE 21 LANGUAGE FOR THE CONDUCT OF THE TENDER - LANGUAGE OF THE CONTRACT**

The official language for the conduct of the Tender and the Contract to be signed is Greek. All back up documents, certificates and documents required to be submitted during the conduct of the Tender shall be in Greek. Should the original documents in question have

	<b>PROJECT: “PROCUREMENT AND INSTALLATION OF EQUIPMENT FOR THE ADDITION OF DIRECT LINE TELEPHONES (DLT) IN THE METRO STATIONS ON LINES 2 AND 3 INTENDED FOR THE INSTALLATION OF THE AUTOMATIC FARE COLLECTION SYSTEM (AFC) GATES OF OASA”</b>  <b>INVITATION TO TENDER</b>	<b>RFP-313/17</b>  <b>A.Σ. 39270</b>
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been drawn originally in a language other than Greek, **they should be accompanied by an official translation in Greek and the Greek language shall prevail.**

The translation authenticated by the Greek consular authorities or the Translation Department of the Greek Ministry of Foreign Affairs or by an attorney according to the stipulations of the code of attorneys is accepted as an official translation. The translation includes the seals of the Public Authorities that issue or ratify the documents, as well as the Apostille.


The Contract shall be compiled in the Greek language. The overall written communication between AM and the Contractor shall be conducted in the Greek language.

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

#### **ARTICLE 22 DEADLINES FOR THE EXECUTION OF THE SUPPLY**

The contractual time period foreseen for the delivery of the Supply is defined in **calendar days following the signing of the Contract** and is determined on the following table.

	<b>Scope</b>	<b>Contractual Delivery Time</b> (calendar days)
	Completion of the design, supply, installation and commissioning of equipment for the addition of direct line telephones (DLT) in the operating Metro stations on Lines 2 and 3, i.e. in the Base Project and in all Metro Extensions. More specifically in:  1) the Metro Base Project on Lines 2 & 3 (19 stations) 2) the Extension to Elliniko (4 stations) 3) HOLARGOS, NOMISMATOKOPIO and AGHIA PARASKEVI Stations of Line 3 (3 Stations) 4) Phase A' of the Metro Extensions (7 stations) 5) Extensions to Haidari and Anthoupoli (3	<b>90</b>

	<b>PROJECT: “PROCUREMENT AND INSTALLATION OF EQUIPMENT FOR THE ADDITION OF DIRECT LINE TELEPHONES (DLT) IN THE METRO STATIONS ON LINES 2 AND 3 INTENDED FOR THE INSTALLATION OF THE AUTOMATIC FARE COLLECTION SYSTEM (AFC) GATES OF OASA”</b>  <b>INVITATION TO TENDER</b>	<b>RFP-313/17</b>  <b>A.Σ. 39270</b>
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	stations).	
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More detailed data about the time schedule and the relevant obligations of the Contractor are included in articles 8 and 9 of the Conditions of Contract.

#### **ARTICLE 23 ESTIMATED BUDGET - RETENTION - ADVANCE PAYMENT - PAYMENTS**

**23.1** The Contract Scope overall estimated Budget amounts to two hundred thousand and twenty (220,000.00 €), VAT not included.

**Bidders shall prepare and submit their Financial Offer based on the aforementioned amount. The estimated budget is binding and should not be exceeded by bidders on no account.**

**23.2** No price re-adjustment is foreseen for the Contract validity period.

**23.3** It is clarified that VAT shall be borne by the Project Owner.

**23.4** Provision is made for an interest-bearing Advance Payment to the Contractor equal to ten percent (10%) on the individual Financial Offer. This advance payment shall be optional. The said advance payment shall be provided upon the Contractor’s request, as foreseen in detail in article 10.1 of the CC.

**23.5** The Advance Payment shall be amortized, in line with article 10.1 of the Conditions of Contract.

**23.6** Upon granting the Advance Payment to the Contractor, payments of the Contractual Price shall be effected, in accordance with the provisions of article 10, paragraph 2 of the document entitled “Conditions of Contract”.


**23.7** The Contractor shall bear all taxes, duties, retention, etc., as per the Greek Legislation and article 10 of the CC.

**23.8** The Supply shall be funded by the national part of the Public Investment Plan (2016/ΣΕ/06550001).

#### **ARTICLE 24 APPLICABLE LEGISLATION**

The Contract to be signed, and any claims by both parties deriving due to this contract or on the occasion of this contract from the date when it is assigned to the Contractor, shall be governed by the terms of the contractual documents, the Greek Legislation, Law 4412/16,




	<p style="text-align: center;"><b>PROJECT: “PROCUREMENT AND INSTALLATION OF EQUIPMENT FOR THE ADDITION OF DIRECT LINE TELEPHONES (DLT) IN THE METRO STATIONS ON LINES 2 AND 3 INTENDED FOR THE INSTALLATION OF THE AUTOMATIC FARE COLLECTION SYSTEM (AFC) GATES OF OASA”</b></p> <p style="text-align: center;"><b>INVITATION TO TENDER</b></p>	<p style="text-align: center;"><b>RFP-313/17</b></p> <p style="text-align: center;"><b>A.Σ. 39270</b></p>
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and more precisely by the Civil Code. The Courts of Athens are the only competent authorities.

Prior to the signing of the Supply Contract, the relations with AM are regulated on the basis of Law 4412/16, the Greek Civil Code and the Tender Documents.

#### **ARTICLE 25 PUBLICITY**

The summary of this Invitation to Tender shall be published in the Greek Press, in DIAVGEIA and in AM’s web page. In addition, the Invitation to Tender shall be posted on KIMDIS (Central Electronic Registry for Public Contracts) and all tender documents shall be posted on AM web page.

	<p align="center"><b>PROJECT: "PROCUREMENT AND INSTALLATION OF EQUIPMENT FOR THE ADDITION OF DIRECT LINE TELEPHONES (DLT) IN THE METRO STATIONS ON LINES 2 AND 3 INTENDED FOR THE INSTALLATION OF THE AUTOMATIC FARE COLLECTION SYSTEM (AFC) GATES OF OASA"</b></p> <p align="center"><b>INVITATION TO TENDER</b></p>	<p align="center"><b>RFP-313/17</b></p> <p align="center"><b>A.Σ. 39270</b></p>
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**ΥΠΟΔΕΙΓΜΑ Α1**  
**ΥΠΕΥΘΥΝΗ ΔΗΛΩΣΗ ΤΟΥ Ν.1599/86**

**Άρθρου 11.4 της Διακήρυξης**

**ΥΠΕΥΘΥΝΗ ΔΗΛΩΣΗ**  
(άρθρο 8 Ν.1599/1986)


Η ακρίβεια των στοιχείων που υποβάλλονται με αυτή τη δήλωση μπορεί να ελεγχθεί με βάση το αρχείο άλλων υπηρεσιών (άρθρο 8,παρ. 4 Ν. 1599/1986)

ΠΡΟΣ <sup>(1)</sup> :	<p align="center"><b>ΤΗΝ ΕΠΙΤΡΟΠΗ ΔΙΑΓΩΝΙΣΜΟΥ ΤΗΣ ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</b> <b>«ΠΡΟΜΗΘΕΙΑ ΚΑΙ ΕΓΚΑΤΑΣΤΑΣΗ ΕΞΟΠΛΙΣΜΟΥ ΓΙΑ ΤΗΝ ΠΡΟΣΘΗΚΗ ΑΠΕΥΘΕΙΑΣ ΤΗΛΕΦΩΝΩΝ (DLT) ΣΤΟΥΣ ΣΤΑΘΜΟΥΣ ΤΩΝ ΓΡΑΜΜΩΝ 2 &amp; 3 ΤΟΥ ΜΕΤΡΟ ΓΙΑ ΤΗΝ ΕΓΚΑΤΑΣΤΑΣΗ ΠΥΛΩΝ ΤΟΥ ΣΥΣΤΗΜΑΤΟΣ ΑΣΣΚ ΤΟΥ ΟΑΣΑ », RFP-301/16</b></p>						
Ο – Η Όνομα:			Επώνυμο:				
Όνομα και Επώνυμο Πατέρα:							
Όνομα και Επώνυμο Μητέρας:							
Ημερομηνία γέννησης <sup>(2)</sup> :							
Τόπος Γέννησης:							
Αριθμός Δελτίου Ταυτότητας:			Τηλ:				
Τόπος Κατοικίας:	Οδός:				Αριθ:		ΤΚ:
Αρ. Τηλεομοιοτύπου (Fax):			Δ/ση Ηλεκτρ. Ταχυδρομείου (E-mail):				

Με ατομική μου ευθύνη και γνωρίζοντας τις κυρώσεις<sup>(3)</sup> που προβλέπονται από της διατάξεις της παρ.6 του άρθρου 22 του Ν.1599/1986, δηλώνω ως Διαγωνιζόμενος<sup>(5)</sup> ή νόμιμος εκπρόσωπος<sup>(6)</sup> της εταιρείας ή του νομικού προσώπου με την επωνυμία .....<sup>(7)</sup> ότι μέχρι και την ημέρα υποβολής της προσφοράς μου,


**A.** Δεν υπάρχει σε βάρος μου ή σε βάρος των προσώπων που διοικούν την εταιρεία ή σε βάρος του νομικού προσώπου που εκπροσωπώ, τελεσίδικη καταδικαστική απόφαση για έναν από τους ακόλουθους λόγους με απόφαση ελληνικού ή αλλοδαπού δικαστηρίου<sup>(7)</sup> για:

α) συμμετοχή σε εγκληματική οργάνωση, όπως αυτή ορίζεται στο άρθρο 2 της απόφασης-πλαίσιο 2008/841/ΔΕΥ του Συμβουλίου της 24ης Οκτωβρίου

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2008, για την καταπολέμηση του οργανωμένου εγκλήματος (ΕΕ L 300 της 11.11.2008 σ.42),

- β) δωροδοκία, όπως αυτή ορίζεται, στο άρθρο 3 της σύμβασης περί καταπολέμησης της διαφθοράς στην οποία ενέχονται υπάλληλοι των Ευρωπαϊκών Κοινοτήτων ή των κρατών-μελών της Ένωσης (ΕΕ C 195 της 25.6.1997, σ.1) και στην παράγραφο 1 του άρθρου 2 της απόφασης-πλαίσιο 2003/568/ΔΕΥ του Συμβουλίου της 22ας Ιουλίου 2003, για την καταπολέμηση της δωροδοκίας στον ιδιωτικό τομέα (ΕΕ L 192 της 31.7.2003, σ. 54), καθώς και όπως ορίζεται στην κείμενη νομοθεσία ή στο εθνικό δίκαιο του οικονομικού φορέα,
- γ) απάτη, κατά την έννοια του άρθρου 1 της σύμβασης σχετικά με την προστασία των οικονομικών συμφερόντων των Ευρωπαϊκών Κοινοτήτων (ΕΕ C 316 της 27.11.1995, σ. 48), η οποία κυρώθηκε με τον. 2803/2000 (Α' 48),
- δ) τρομοκρατικά εγκλήματα ή εγκλήματα συνδεδεμένα με τρομοκρατικές δραστηριότητες, όπως ορίζονται, αντιστοίχως, στα άρθρα 1 και 3 της απόφασης-πλαίσιο 2002/475/ΔΕΥ του Συμβουλίου, της 13ης Ιουνίου 2002, για την καταπολέμηση της τρομοκρατίας (ΕΕ L 164 της 22.6.2002, σ.3) ή ηθική αυτουργία ή συνέργεια ή απόπειρα διάπραξης εγκλήματος, όπως ορίζονται στο άρθρο 4 αυτής,
- ε) νομιμοποίηση εσόδων από παράνομες δραστηριότητες, ή χρηματοδότηση της τρομοκρατίας όπως αυτές ορίζονται στο άρθρο 1 της Οδηγίας 2005/60/ΕΚ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 26ης Οκτωβρίου 2005, σχετικά με την πρόληψη της χρησιμοποίησης του χρηματοπιστωτικού συστήματος για την νομιμοποίηση εσόδων από παράνομες δραστηριότητες και τη χρηματοδότηση της τρομοκρατίας (ΕΕ L 309 της 25.11.2005 σ. 15), η οποία ενσωματώθηκε στην εθνική νομοθεσία με το ν.3691/2008 (Α' 166),
- στ) παιδική εργασία και άλλες μορφές εμπορίας ανθρώπων, όπως ορίζονται στο άρθρο 2 της Οδηγίας 2011/36/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 5<sup>ης</sup> Απριλίου 2011, για την πρόληψη και την καταπολέμηση της εμπορίας ανθρώπων και για την προστασία των θυμάτων της, καθώς και για την αντικατάσταση της απόφασης-πλαίσιο 2002/629/ΔΕΥ του Συμβουλίου (ΕΕ L 101 της 15.4.2011, σ. 1), η οποία ενσωματώθηκε στην εθνική νομοθεσία με το ν. 4198/2013 (Α' 215).
- B. Δεν έχω (ή έχει η εταιρεία την οποία εκπροσωπώ)<sup>(7)</sup> αθετήσει τις υποχρεώσεις μου/της:**
- α) όσον αφορά την καταβολή φόρων, σύμφωνα με το ισχύον στην Ελλάδα νομοθετικό πλαίσιο ή (όσον αφορά τους αλλοδαπούς) σύμφωνα με την νομοθεσία του κράτους εγκατάστασής μου (ή εγκατάστασης του νομικού προσώπου που εκπροσωπώ)<sup>(7)</sup>.
- β) όσον αφορά την καταβολή των εισφορών κοινωνικής ασφάλισης (κύριας και επικουρικής), σύμφωνα με τις νομοθετικές διατάξεις της Ελλάδας ή (όσον αφορά τους αλλοδαπούς) σύμφωνα με την νομοθεσία του κράτους

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εγκατάστασης μου (ή εγκατάστασης του νομικού προσώπου που εκπροσωπώ)<sup>(7)</sup>.

- Γ.** Δεν έχω (ή έχει η εταιρεία την οποία εκπροσωπώ)<sup>(7)</sup> αθετήσει τις υποχρεώσεις μου/της, που απορρέουν από τις διατάξεις της περιβαλλοντικής, κοινωνικοασφαλιστικής και εργατικής νομοθεσίας, κατά την εκτέλεση δημοσίων συμβάσεων, σύμφωνα με την παρ. 2 του άρθρου 18 του Ν.4412/16.
- Δ.** Δεν τελώ (ή δεν τελεί η εταιρεία την οποία εκπροσωπώ)<sup>(7)</sup> υπό πτώχευση, ή δεν έχει υπαχθεί σε διαδικασία εξυγίανσης ή ειδικής εκκαθάρισης<sup>(8)</sup> ή δεν τελεί υπό αναγκαστική διαχείριση από εκκαθαριστή ή από το δικαστήριο ή δεν έχει υπαχθεί σε διαδικασία πτωχευτικού συμβιβασμού ή δεν έχει αναστείλει τις επιχειρηματικές της δραστηριότητες ή δεν ευρίσκεται σε οποιαδήποτε ανάλογη κατάσταση προκύπτουσα από παρόμοια διαδικασία προβλεπόμενη σε εθνικές διατάξεις νόμου.
- Ε.** Δεν έχω (ή δεν έχει η εταιρεία την οποία εκπροσωπώ)<sup>(7)</sup> συνάψει συμφωνίες με άλλους οικονομικούς φορείς με στόχο τη στρέβλωση του ανταγωνισμού.
- ΣΤ.** Δεν συντρέχει κατάσταση σύγκρουσης συμφερόντων του άρθρου 24 του Ν.4412/16.
- Ζ.** Δεν συντρέχει κατάσταση στρέβλωσης ανταγωνισμού από πρότερη συμμετοχή της εταιρείας μου κατά την προετοιμασία της διαδικασίας σύναψης σύμβασης, σύμφωνα με τα οριζόμενα στο άρθρο 48 του Ν.4412/16.
- Η.** Δεν έχω (ή δεν έχει η εταιρεία την οποία εκπροσωπώ)<sup>(7)</sup> κατά την εκτέλεση δημοσίων συμβάσεων επιδείξει σοβαρή ή επαναλαμβανόμενη πλημμέλεια κατά την εκτέλεση ουσιώδους απαίτησης στο πλαίσιο προηγούμενης δημόσιας σύμβασης που είχε σαν αποτέλεσμα την πρόωρη καταγγελία της προηγούμενης σύμβασης, αποζημιώσεις και άλλες κυρώσεις.
- Θ.** Δεν έχω (ή δεν έχει η εταιρεία την οποία εκπροσωπώ)<sup>(7)</sup> κριθεί ένοχος/η σοβαρών ψευδών δηλώσεων κατά την παροχή των πληροφοριών που απαιτούνται για την εξακρίβωση της απουσίας των λόγων αποκλεισμού ή την πλήρωση των κριτηρίων επιλογής και ότι είμαι (ή είναι η εταιρεία την οποία εκπροσωπώ)<sup>(7)</sup> σε θέση να προσκομίσω/ει τα δικαιολογητικά που απαιτούνται στο άρθρο 15 της παρούσας.
- Ι.** Δεν έχω (ή δεν έχει η εταιρεία την οποία εκπροσωπώ)<sup>(7)</sup> επιχειρήσει να επηρεάσει με αθέμιτο τρόπο τη διαδικασία λήψης αποφάσεων της αναθέτουσας αρχής, να αποκτήσει εμπιστευτικές πληροφορίες που ενδέχεται να μου/της αποφέρουν αθέμιτο πλεονέκτημα στη διαδικασία σύναψης σύμβασης ή να παράσχει εξ αμελείας παραπλανητικές πληροφορίες που ενδέχεται να επηρεάσουν ουσιωδώς τις αποφάσεις που αφορούν τον αποκλεισμό την επιλογή ή την ανάθεση.
- Κ.** Δεν έχω (ή δεν έχει η εταιρεία την οποία εκπροσωπώ ή δεν έχουν τα πρόσωπα που διοικούν την εταιρεία ή το νομικό πρόσωπο που εκπροσωπώ)<sup>(7)</sup> διαπράξει σοβαρό επαγγελματικό παράπτωμα, που να έχει διαπιστωθεί και τιμωρηθεί πειθαρχικά με οποιοδήποτε τρόπο.

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- Λ.** Δεν έχει επιβληθεί εις βάρος μου (ή σε βάρος της εταιρείας που εκπροσωπώ) η ποινή του αποκλεισμού από διαγωνισμούς δημοσίων συμβάσεων σύμφωνα με τα οριζόμενα στο άρθρο 74 του Ν. 4412/16.
- Μ.** Διαθέτω (ή διαθέτει η εταιρεία την οποία εκπροσωπώ)<sup>(7)</sup> όλα τα κριτήρια επιλογής του άρθρου 12 της Διακήρυξης και είμαι (ή είναι η εταιρεία που εκπροσωπώ) σε θέση να προσκομίσω/σει, όλα τα δικαιολογητικά κατακύρωσης που ορίζονται στο άρθρο 19 της Διακήρυξης, στη περίπτωση που αναδειχθώ/χθεί μειοδότης.


Ημερομηνία:  
..../.../..

Ο – Η Δηλών

(Υπογραφή)

### Υποσημειώσεις

- (1) Αναγράφεται από τον ενδιαφερόμενο πολίτη ή Αρχή ή η Υπηρεσία του δημόσιου τομέα, που απευθύνεται η αίτηση.
- (2) Αναγράφεται ολογράφως.
- (3) «Όποιος εν γνώσει του δηλώνει ψευδή γεγονότα ή αρνείται ή αποκρύπτει τα αληθινά με έγγραφη υπεύθυνη δήλωση του άρθρου 8 τιμωρείται με φυλάκιση τουλάχιστον τριών μηνών. Εάν ο υπαίτιος αυτών των πράξεων σκόπευε να προσπορίσει στον εαυτόν του ή σε άλλον περιουσιακό όφελος βλάπτοντας τρίτον ή σκόπευε να βλάψει άλλον, τιμωρείται με κάθειρξη μέχρι 10 ετών.»
- (4) Σε περίπτωση ανεπάρκειας χώρου η δήλωση συνεχίζεται στην πίσω όψη της και υπογράφεται από τον δηλούντα ή την δηλούσα.
- (5) Σε περίπτωση ατομικής επιχείρησης.
- (6) Εξουσιοδοτημένος από τα διοικούντα όργανα του νομικού προσώπου, σε περίπτωση που συμμετέχει στο διαγωνισμό εταιρεία, είτε ως μεμονωμένος υποψήφιος είτε ως μέλος σύμπραξης ή κοινοπραξίας.
- (7) Διαγράφονται ανάλογα οι φράσεις που δεν χρειάζονται ή δεν αρμόζουν στην περίπτωση.
- (8) Η λέξη εκκαθάριση διαγράφεται όταν ο διαγωνιζόμενος είναι φυσικό πρόσωπο.

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<p align="center"><b>INVITATION TO TENDER</b></p>		

## SAMPLE A1

### LEGAL DECLARATION AS PER LAW 1599/86

#### Article 11.4 of the Invitation


### LEGAL STATEMENT

(article 8 L.1599/1986)


<p>The accuracy of the data contained herein may be cross-checked against the data obtained from other Public Authorities (article 8, paragraph 4 L. 1599/1986)</p>
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TO <sup>(1)</sup> :	<p align="center"><b>THE ATTIKO METRO S.A. TENDER COMMITTEE “PROCUREMENT AND INSTALLATION OF EQUIPMENT FOR THE ADDITION OF DIRECT LINE TELEPHONES (DLT) IN THE METRO STATIONS ON LINES 2 AND 3 INTENDED FOR THE INSTALLATION OF THE AUTOMATIC FARE COLLECTION SYSTEM (AFC) GATES OF OASA”, RFP-301/16</b></p>								
Name:				Surname:					
Father's Full Name:									
Mother's Full Name:									
Date of Birth <sup>(2)</sup> :									
Place of Birth:									
ID Card No.:				Tel:					
Residence:			Street:			No:		P.C:	
(Fax No.:				(E-mail:					

At my sole responsibility and having taken cognizance of the penalties<sup>(3)</sup> foreseen in the stipulations of paragraph 6, article 22 of Law N.1599/1986, I solemnly declare as a Bidder<sup>(5)</sup> or legal representative<sup>(6)</sup> of the company or legal entity styled .....<sup>(7)</sup> that, until the date my offer was submitted,


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- 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 final decision of a Greek or foreign Court<sup>7</sup>, for:
- a) participation in a criminal organization, as per article 2 of the Framework Decision 2008/841/ΔΕΥ of the European Council on 24.08.2008, on combating organized crime (EE L 300 / 11.11.2008 p.42),
  - b) bribery, as per article 3 of the Convention on combating corruption involving employees of the European Communities or employees of EU member-states (EE C 195 dated 25.6.1997, p.1) and as per paragraph article 2 of the Framework Decision 2003/568/ΔΕΥ of the European Council on 22 July 2003, on bribery in the private sector (EE L 192 dated 31.7.2003, p. 54), as well as stipulated in the applicable legislation or national Law of the economic operator,
  - c) fraud, in the sense of article 1 of the Convention on the Protection of European Communities' Financial Interests (EE C 316 dated 27.11.1995, p. 48), which was ratified by Law 2803/2000 (A 48),
  - δ) terrorism or crimes associated with terrorism, as they are respectively defined in articles 1 and 3 of the Framework Decision 2002/475/ΔΕΥ of the European Council dated 13 June 2002, on combating terrorism (EE L 164 dated 22.6.2002, p.3) or instigation, or participation or attempt to commit a crime, as defined in article 4 of the same resolution,
  - ε) legalization of revenues from illegal activities, or terrorism funding, as per article 1 of Council Directive 2005/60/EEC of the European Council dated 26 October 2005, on the prevention of the use of the financial system for the purpose of money laundering and terrorism funding (EE L 309 dated 25.11.2005 p. 15), which was incorporated in the national legislation by Law 3691/2008 (A' 166),
  - στ) child labor and other form of human trafficking, as defined in article 2 of Directive 2011/36/EU of the European Parliament and the European Council dated 5 April 2011, on prevention and combating human trafficking and the protection of victims, as well as on replacing the Framework Decision 2002/629/ΔΕΥ of the European Council (EE L 101 dated 15.4.2011, p. 1), which was incorporated into the national legislation by Law 4198/2013 (A' 215).
- B.** The undersigned (or the company I represent)<sup>(7)</sup> have (has) not breached my (its) obligations pertaining to:
- a) the payment of taxes, in accordance with the legal framework applicable in Greece, or (for foreign entities), in accordance with the legislation applicable in the country of my seat (or the seat of the legal entity I represent)<sup>(7)</sup>.
  - b) the payment of social security contributions (principle and subsidiary insurance) according to the legislative provisions of Greece or (for foreign entities) according to the legislative provisions applicable at the country of my seat (or the seat of the legal entity I represent)<sup>(7)</sup>.

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- C. The undersigned (or the company I represent)<sup>(7)</sup> have (has not) breached my (its) obligations ensuing from the legislation on environment, social insurance and labor legislation in the framework of executing public contracts as per paragraph 2, article 18 of Law 4412/16.
- D. The undersigned (or the company I represent)<sup>(7)</sup> is (are) not subject to bankruptcy, or have (has) not been subject to proceedings for consolidation or special liquidation<sup>(8)</sup>, or is (are) not subject to coercive administration by a liquidator or a court, or is (are) not been subject to a settlement procedure between creditors, or has not suspended its business activities or is not in any other analogous situation arising from a similar procedure foreseen by the national legislation.
- E. The undersigned (or the company I represent)<sup>(7)</sup> has not entered into agreement with other economic operators for reasons of competition distortion.
- F. There is no conflict of interests as described in article 24 of Law 4412/16.
- G. There is no distortion of the competition due to my company's earlier participation in the procedure for the preparation of the contract signing, as per the stipulations of article 48 of 4412/16.
- H. The undersigned (or the company I represent)<sup>(7)</sup> has not exhibited grievance or repeated delinquency in fulfilling an important requirement in the framework of an earlier public contract leading to unscheduled termination of the earlier contract, indemnifications and other penalties.
- I. The undersigned (or the company I represent)<sup>(7)</sup> has (have) not been found guilty for serious false declarations in providing the information required in order to establish the absence of reasons for disqualification or fulfillment of the selection criteria and that the undersigned (or the company I represent)<sup>(7)</sup> is capable to produce the supporting documents required in article 15 herein.
- J. The undersigned (or the company I represent)<sup>(7)</sup> have (has) not attempted to unfairly influence the Awarding Authority's decision making process, to acquire confidential information that can possibly produce an unfair advantage in the contract signing procedure, or to inadvertently provide misleading information that may substantially affect the decisions for disqualification or awarding.
- K. The undersigned (or the company I represent, or the company's managers, or the legal entity I represent)<sup>(7)</sup> have (has) not committed any serious professional breach that has been ascertained and has been disciplinary punished, in any way whatsoever.
- L. The undersigned (or the company I represent) have (has) not been subject to the penalty of disqualification from public contract tenders, as per the stipulations of article 74 of Law 4412/16.
- M. The undersigned (or the company I represent)<sup>(7)</sup> possess all selection criteria stated in article 12 of the Invitation and the undersigned (or the company I represent) is able to produce all supporting documents for the award, as



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specified in article 19 herein, in the event that the undersigned is appointed as the lowest bidder.


Date:            ..../..../...

The undersigned

(signature)

**Footnotes**

- (1) The undersigned states the Public Authority or Service to which the application is addressed.
- (2) Stated in full.
- (3) “Intentional declaration of false events or denial to reveal or to conceal real data in the legal declaration of article 8 carries the sentence of three months imprisonment. If the purpose of the above actions was to produce pecuniary advantage by harming a third entity, the penalty is imprisonment for a period of up to 10 years”.
- (4) In case of insufficient space on the front page of the declaration, the text continues on the back and is signed by the undersigned.
- (5) In case of single-person enterprise.
- (6) Authorized by the legal entity Managers, in case the participant is a company, either as an individual candidate, or as a member of a Consortium or Joint Venture.
- (7) Not applicable phrases are deleted accordingly.
- (8) The word “liquidation” is deleted if the bidder is a natural entity.

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## ΥΠΟΔΕΙΓΜΑ Β1

### ΕΓΓΥΗΤΙΚΗ ΕΠΙΣΤΟΛΗ ΣΥΜΜΕΤΟΧΗΣ

Εκδότης (Πλήρης επωνυμία Πιστωτικού Ιδρύματος)

...../Τ.Μ.Ε.Δ.Ε

Ημερομηνία έκδοσης: .....

Προς: (Πλήρης επωνυμία Αναθέτοντος Φορέα<sup>1</sup>)

.....

.....

(Διεύθυνση Αναθέτοντος Φορέα<sup>2</sup>)

.....

.....

Εγγύηση μας υπ' αριθμ. .... ποσού

..... ευρώ<sup>3</sup>.

Έχουμε την τιμή να σας γνωρίσουμε ότι εγγυόμαστε με την παρούσα επιστολή ανέκκλητα και ανεπιφύλακτα παραιτούμενοι του δικαιώματος της διαιρέσεως και διζήσεως μέχρι του ποσού των ευρώ .....<sup>4</sup> υπέρ του:

(i) [σε περίπτωση φυσικού προσώπου]: (ονοματεπώνυμο, πατρώνυμο) ..... ΑΦΜ: ..... (διεύθυνση) ..... ή

(ii) [σε περίπτωση νομικού προσώπου]: (πλήρη επωνυμία) ..... ΑΦΜ: ..... (διεύθυνση) ..... ή

(iii) [σε περίπτωση ένωσης ή κοινοπραξίας:] των φυσικών/νομικών προσώπων

α) (πλήρη επωνυμία) ....., ΑΦΜ: ..... (διεύθυνση)

.....

β) (πλήρη επωνυμία) ....., ΑΦΜ: ..... (διεύθυνση)


.....

<sup>1</sup> Όπως ορίζεται στα έγγραφα της σύμβασης.

<sup>2</sup> Όπως ορίζεται στα έγγραφα της σύμβασης.

<sup>3</sup> Το ύψος της εγγυητικής επιστολής συμμετοχής καθορίζεται στα έγγραφα της σύμβασης σε συγκεκριμένο χρηματικό ποσό αναγράφεται ολογράφως και σε παρένθεση αριθμητικώς.

<sup>4</sup> Όπως υποσημείωση 3.

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γ) (πλήρη επωνυμία) ....., ΑΦΜ: ..... (διεύθυνση)  
.....

(συμπληρώνεται με όλα τα μέλη της ένωσης / κοινοπραξίας)

ατομικά και για κάθε μία από αυτές και ως αλληλέγγυα και εις ολόκληρο υπόχρεων μεταξύ τους, εκ της ιδιότητάς τους ως μελών της ένωσης ή κοινοπραξίας, για τη συμμετοχή του/της/τους σύμφωνα με την (αριθμό) ..... Διακήρυξη της ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε. για την ανάδειξη αναδόχου για την ανάθεση της σύμβασης: “(τίτλος σύμβασης) ..... ”

Η παρούσα εγγύηση καλύπτει μόνο τις από τη συμμετοχή στην ανωτέρω απορρέουσες υποχρεώσεις του/της (υπέρ ου η εγγύηση) καθ’ όλο τον χρόνο ισχύος της.

Το παραπάνω ποσό τηρείται στη διάθεσή σας και θα καταβληθεί ολικά ή μερικά χωρίς καμία από μέρους μας αντίρρηση, αμφισβήτηση ή ένσταση και χωρίς να ερευνηθεί το βάσιμο ή μη της απαίτησής σας μέσα σε **πέντε (5) ημέρες** από την απλή έγγραφη ειδοποίησή σας.

Η παρούσα ισχύει μέχρι και την .....


Σε περίπτωση κατάπτωσης της εγγύησης, το ποσό της κατάπτωσης υπόκειται στο εκάστοτε ισχύον πάγιο τέλος χαρτοσήμου.

Αποδεχόμαστε να παρατείνουμε την ισχύ της εγγύησης ύστερα από έγγραφο της Υπηρεσίας σας, στο οποίο επισυνάπτεται η συναίνεση του υπέρ ου για την παράταση της προσφοράς, σύμφωνα με το άρθρο 6 της Διακήρυξης, με την προϋπόθεση ότι το σχετικό αίτημά σας θα μας υποβληθεί πριν από την ημερομηνία λήξης της.

Βεβαιώνουμε υπεύθυνα ότι το ποσό των εγγυητικών επιστολών που έχουν δοθεί, συνυπολογίζοντας και το ποσό της παρούσας, δεν υπερβαίνει το όριο των εγγυήσεων που έχουμε το δικαίωμα να εκδίδουμε.

Η Εγγυητική Επιστολή θα είναι εισπρακτέα και πληρωτέα στην Ελλάδα και οποιαδήποτε διαφορά επ’ αυτής θα υπόκειται στην αποκλειστική δικαιοδοσία των αρμόδιων Ελληνικών Δικαστηρίων της Αθήνας κατά το ελληνικό δίκαιο.

(Εξουσιοδοτημένη Υπογραφή)

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**SAMPLE B2**

**PARTICIPATION LETTER OF GUARANTEE**

Issued by (Full name of the Credit Institution)

...../TMEDE

Date of issuance:.....

To: (Full name of the Awarding Body <sup>1</sup> )

.....

(Address of the Awarding Body<sup>2</sup> )

.....

Our Guarantee no. .... against the amount of ..... euro<sup>3</sup>.

We hereby declare that we irrevocably and unreservedly guarantee waiving our rights to to make use of the benefit of division and discussion up to the amount of ..... euro <sup>4</sup> in favour of:

(i) [in case of a physical entity]: (full name, father’s name) ....., Tax Payer’s Number ..... (address) ....., or

(ii) [in case of a legal entity]: (full name) ....., Tax Payer’s Number ..... (address) ....., or

(iii) [in case of a Joint Venture/ Consortium]: of physical/ legal entities

a) (full name) ....., Tax Payer’s Number ..... (address) .....,

b) (full name) ....., Tax Payer’s Number ..... (address) .....,

c) (full name) ....., Tax Payer’s Number ..... (address) .....,

(fill in all members of the Joint Venture/ Consortium)


individually and for each one of the above and jointly and severally liable in their capacity as members of the Joint Venture/ Consortium for its/their participation, in accordance with ATTIKO METRO S.A. Invitation to Tender ..... (number)

<sup>1</sup> As specified in the Contract documents

<sup>2</sup> As specified in the Contract documents

<sup>3</sup> The amount of the Letter of Guarantee for participation in the tender is set in the contractual documents against a specific amount, it is written in full and in numbers in brackets.

<sup>4</sup> See footnote 3

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for the appointment of a Contractor for the award of a Contract “(title of Contract).....”.

This guarantee covers only the obligations of the entity (-ies) (*in favour of whom this guarantee is issued*), as these ensue from the participation to the above tender procedure throughout its validity period.

The aforementioned amount remains at your disposal and shall be paid in full or in instalments. Payment shall be made without disagreement, dispute or objection of any kind on our part, without examining the validity or non validity of your claim, within **five (5) days** upon receipt of your written notification.

The present guarantee shall remain valid until .....

If this guarantee becomes payable, the relevant amount shall be subject to the applicable stamp duty.

We hereby accept to extend the validity period of the guarantee further to the transmission by your Service of the pertinent document, accompanied by the consent of the entity(-ies) in favour of whom/which this guarantee is being issued for the extension of the Offer, in line with article 6 of the Invitation, on condition that your pertinent request is submitted to us prior to the expiry of the Letter of Guarantee.

We hereby certify that the amount of the Letters of Guarantee already provided, including also the amount of the present guarantee, does not exceed the threshold of the Letters of Guarantee that we have the right to issue.

The Letter of Guarantee shall be collectable and payable in Greece. Any dispute to be raised concerning this Letter of Guarantee shall be subject to the exclusive jurisdiction of the competent Courts in Athens, Greece and the Greek legislation.

(Authorized Signature)



**ATTIKO METPO A.E.**

**PROJECT: "PROCUREMENT AND  
INSTALLATION OF EQUIPMENT FOR THE  
ADDITION OF DIRECT LINE TELEPHONES  
(DLT) IN THE METRO STATIONS ON LINES 2  
AND 3 INTENDED FOR THE INSTALLATION  
OF THE AUTOMATIC FARE COLLECTION  
SYSTEM (AFC) GATES OF OASA"**

**INVITATION TO TENDER**

**RFP-313/17**

**A.Σ. 39270**