



**TITLE OF THE TENDER: “TECHNICAL CONSULTANT SERVICES FOR  
THE ATHENS METRO PROJECTS”**

**RFP-318/17 A.Σ. 67696**

## **CLARIFICATIONS DOCUMENT 2**

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This Clarifications Document 2 is issued in accordance with the stipulations in paragraph 2.3 of the Invitation to Tender and incorporates responses to question submitted until 23.02.2018, as well as clarifications on the tender documents.

The content of the Clarifications Document 2 is viewed as an integral part of the Invitation to Tender.

**A. RESPONSES TO QUESTIONS**

**Question 1**

**Από 20.2 – Similar Services**

We consider that “similar services” concern respective agreements for **Technical Consultant Services**, as stated in the title of the Tender, and not other activities (such as designs) that, in line with the Conditions of Contract, constitute only a part of the services anticipated to be provided by the Technical Consultant to AM, which are critically wider (see TECHNICAL INFORMATION ABOUT THE CONSULTANT PERSONNEL AND SERVICES, Article 3.1. and 3.2) Kindly confirm.

**Response 1**

In line with paragraph 20.2.3 of the Invitation: “Similar services” means those services that have been provided in Metro projects in the field of CW works and E/M systems.” Therefore, these concern Consultant services.

**Question 2**

**Article 23.2.3.1.**

If an Engineer possesses a MEEP class license, can he / she constitute part of the Consultant’s Group? If yes, then are the requirements stipulated in article 23.2.3.1 (*...shall submit the following required documents concerning the “borrowed competence:”... valid for him/her too?*

**Response 2**

The members of the Consultant’s Group must fulfill the requirements stipulated in Table 11.2 of the Invitation to Tender, regardless of their registration in a Registry. If a certain member of the Consultant Group does not belong to the Bidder, then the back up documentation stipulated in paragraph 23.2.3 of the Invitation must be submitted.

**Question 3**

If a person is a shareholder in the Bidder’s Company but he / she is not integrated into the company’s license, then is it assumed that he/she belongs to the Bidder or does he / she fall under the “third party resources” case?

**Response3**

In order to be assumed that a person belongs to the Bidder, he/she must either have an employment relationship with the Bidder or his/her license must be exclusively used by the Bidder; otherwise he/she is assumed to be a “third parties resource”.

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**Question 4**

As regards the special technical competence that has to be demonstrated through the provision of services (article 20.2.1 of the Invitation), will certificates of completed stages of similar services that have been provided in the framework of active contracts be accepted?

**Response 4**

They will be accepted.

**Question 5**

In case of an Association, whose only one member will provide the required experience as concerns similar services, kindly clarify: will the required length of 10 km. – should this derives cumulatively from the experience of this specific member in different projects – be accepted, on condition that at least the length of one of the subject projects is equal or over 5km.?

**Response5**

It will be accepted.

**Question 6**

In case a member of the Association is a legal entity of a member-state of the European Union and this member does not have a digital signature, kindly clarify: will the European Single Procurement Document (ESPD), signed by the Legal Representative, lawfully certified and affixing the “Apostille” stamp, be accepted?

**Response 6**

No, the ESPD must be digitally signed.

**Question 7**

Similarly, in case the required technical personnel is covered by executives who do not belong to the Bidder, are established in Greece and do not possess digital signature, are they allowed to submit the European Single Procurement Document (ESPD) by a certified signature?

**Response 7**

No. See Response 6 above.

**Question 8**

Article 11.2 of the Invitation, in the Table of Specialized Personnel and, more specifically, as concerns position K1.3 of the Group K1, stipulates as follows “..... *possessing an experience of at least 15 or 25 years in low & medium voltage power supply – distribution, lighting and earthing, out of which **at least 5 years in Metro projects designs, similar to the ones described above***”. Kindly clarify whether the experience in Metro projects concerns all aforementioned designs or just one out them.

**Response 8**

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The aforesaid experience concerns all designs included in the requirements for position K1.3 cumulatively within the 5-year period. In other words, within the 5-year period, the executive K1.3 should have been engaged in all aforementioned scopes, without his continuous engagement in each one of them being a prerequisite.

**Question 9**

Article 11.2 of the Invitation, in the Table of Specialized Personnel and, more specifically, as concerns position K1.6 of the Group K1, stipulates as follows: “... *possessing an experience of at least 15 or 25 years in designs concerning remote-control, wired and wireless data collection systems, SCADA and HMI systems, as well as electrical and mechanical facilities automation, out of which **at least 5 years in Metro systems designs, similar to the ones described above***”. Kindly clarify whether the experience in Metro projects concerns all aforementioned designs or just one out them.

**Response 9**

The aforesaid experience concerns all designs included in the requirements for position K1.6 cumulatively within the 5-year period. In other words, within the 5-year period, the executive K1.6 should have been engaged in all aforementioned scopes, without his continuous engagement in each one of them being a prerequisite.

**Question 10**

Article 11.2 of the Invitation, in the Table of Specialized Personnel and, more specifically, as concerns position K1.8 of the Group K1, stipulates as follows: “... *possessing an experience of at least 15 or 25 years in issues related to train traction power with an 750V DC 3<sup>rd</sup> rail and/or stinger duct, to the evaluation and execution of the relevant simulation tests, testing and commissioning of E/M equipment and underground railway systems, out of which **at least 5 years in Metro systems designs, similar to the ones described above***”. Kindly clarify whether the experience in Metro projects concerns all aforementioned designs or just one out them.

**Response 10**

The aforesaid experience concerns all designs included in the requirements for position K1.8 cumulatively within the 5-year period. In other words, within the 5-year period, the executive K1.8 should have been engaged in all aforementioned scopes, without his continuous engagement in each one of them being a prerequisite.

**Question 11**

Article 11.2 of the Invitation, in the Table of Specialized Personnel and, more specifically, as concerns position K2.3 of the Group K2, stipulates as follows: “*Civil Engineer, Geotechnical, possessing an experience of at least 12 years in the preparation of geotechnical designs, out of which at least 5 years in geotechnical designs of Metro underground works*”. Our question is as follows: can we fill this position by another specialty, e.g. by a Mining and Metallurgical Engineer who possesses a license class C' in category 21 (geotechnical designs) and fulfills the remaining qualifications?

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**Response 11**

This position can be filled either by a Civil Engineer, Geotechnical, or by an Engineer who possesses a license Class C' in category 21 (geotechnical designs) and fulfills the required qualifications.

**Question 12**

Article 11.2 of the Invitation, in the Table of Specialized Personnel and, more specifically, as concerns position K2.11 of the Group K2, stipulates as follows: *“Geologist (University Graduate), possessing at least 12 years of experience in the investigation and evaluation of geological and other information and in the identification of the parameters required for the preparation of structural and geotechnical designs of the works, **out of which at least 2 years in relevant designs of Metro Projects**”*. Our question is as follows: can we fill this position by another specialty, e.g. by a Mining and Metallurgical Engineer who possesses a license class C' in category 20 (geological designs) and fulfills the remaining qualifications?

**Response 12**

This position can be filled either by a Geologist (University Graduate), or by an Engineer who possesses a license Class C' in category 20 (geological designs) and fulfills the required qualifications.

**Question 13**

Kindly verify that the common representative of the joint venture/consortium, who – among other things – signs the Financial Offer Form too, in line with article 21.3.1.c, is a different person than the official representative of the Contractor, who will be one of the two Coordinators (CW and E/M works) of Group K.1.

**Response 13**

See Response 7.d. of Clarifications Document 1.

**Question 14**

In case of a Joint Venture, is the Legal Statement of the Financial Offer – stipulated in paragraph 21.3.2 – signed by the common representative of the Joint Venture or by the legal representative of each member of the joint venture? In the same paragraph, you state that the representative / coordinator must be determined; by “representative / coordinator” you mean the official representative of the Contractor, who will be one of the two Coordinators (CW and E/M works) of Group K.1?

**Response 14**

In line with paragraph 21.3.1 of the Invitation: *...the “Financial Offer Form” that shall be digitally signed by:.... c) all members of the joint venture / consortium lawfully represented or by the appointed common representative (in case of a joint venture / consortium)”*. The same is valid for the legal statement of the Financial Offer.

Paragraph 21.3.2 of the Invitation refers to the legal statement that accompanies the Financial Offer, which is signed by the representative of the Joint Venture and which includes – among other things – his appointment as the representative of the Joint Venture. This representative may not be one of the two Coordinators of Group K.1

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**Question 15**

In line with paragraph 21.1.1.3, *“If the Bidder invokes third party resources, he shall be called upon to submit the ESPD for third parties”*.

Our question is as follows: Must the aforesaid third parties digitally sign the respective ESPD or does it suffice to affix their own physical signature and the digital signature of the common representative of the joint venture? And in this case, must they be submitted in print out, as per article 3.1 of the Invitation? Kindly clarify.

Is the same valid for the CVs too? In other words, does it suffice to affix their own physical signature and the digital signature of the common representative? Kindly clarify.

**Response 15**

See Responses 8 and 14 of Clarifications Document 1.

In addition, it is hereby clarified that according to article 3.1 of the Invitation: *“In line with paragraph 3, article 8 of Decision No. 56902/215/02.06.17, back up documentation and data bearing a digital signature or an advanced digital signature supported by approved certificates shall not be submitted in print-outs; FEK, technical leaflets and the type of information and back up documentation for which – by virtue of law 4250/2014 – the agencies are obliged to accept copies shall not be submitted in print-outs”*. Therefore, it is not required for the ESPDs to be submitted in print outs.

**Question 16**

Will the documents to be reviewed that will be submitted by the Contractors responsible for the construction be in the Greek language or will they be accompanied by the English text too?

**Response 16**

The documents that will be submitted by the Contractors responsible for the construction will be in Greek, except for some specialized electro-mechanical scopes, which shall be submitted in English.

**Question 17**

Kindly verify that a license class E is required in design category 20 - Geological and Geophysical Designs and Surveys - since, on the one hand, only two (2) Geologists are required for this design category and, on the other hand, only very few persons possess this license.

**Response 17**

See Response 1 of Clarifications Document 1.

**Question 18**

Kindly clarify the following: are those candidates who have participated – via their CV – in the relevant tender for the construction of Line 4 or in another tender or in another project of AM's allowed to participate in this tender?

**Response 18**

In line with article 7.1.5.b of the Conditions of Contract:

*“b. the principle of the irreconcilable applies as regards the participation of each natural or legal entity of the Consultant and only if the natural or legal entity in question has undertaken or intends to undertake works or to participate on behalf of another natural or legal entity in works directly or indirectly related with the Metro designs or construction*

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*works, as these are described in the contract document “Technical Data of Services and of the Contractor’s Personnel”.*

Therefore the principle of irreconcilable exists as regards the participation – via the same person – in two tenders with relevant scopes, where this person is, in one case, the reviewer and, in the other case, the person under review.

**Question 19**

Kindly clarify the following: are those companies that have participated in the relevant tender for the construction of Line 4 or in another tender or in another project of AM's under progress allowed to participate in this tender?

**Response 19**

See Response 18 above.

**Question 20**

Kindly inform us about those the railway projects excluded from the experience related requirements, so that the evaluation criteria can be clarified (e.g. trains depots, underground railway projects of any type, signage and signaling of railway projects, etc.).

**Response 20**

In line with article 22.2 “Evaluation Criterion” of the Invitation, the experience of the executives (except K1.9) which is evaluated concerns Metro related Projects.

**Question 21**

In line with article 21.1.1.3 of the Invitation, “.... *the ESPD must also be submitted for the proposed executives in the required positions stipulated in the Invitation, in case the proposed executives do not belong to the Bidder’s personnel (paragraph 21.2.3 herein)...*”

Given that the submission of the ESPD calls for a digital signature, kindly withdraw the obligation for the ESPD’s submission by natural entities, because the foreign natural entities cannot be certified in Greece, since they do not have a Greek Tax Payer’s Number.

**Response 21**

It will not be accepted.

Possessing a digital signature does not necessarily pre-suppose to have a Greek Tax Payer’s Number. Only one of the five approved providers of digital signatures in Greece has such an obligation, i.e. the Certification Authority of the Greek State (APED – [www.aped.gov.gr](http://www.aped.gov.gr)). More specifically, the procedure followed to obtain a digital signature from APED includes 6 steps and is mentioned in detail on the web page of the Certification Authority, in particular at the following link:

<http://aped.gov.gr/more/obtainsignature.html>.

For entities which do not have a Greek Tax Payer’s Number, an alternative procedure is foreseen by APED. More specifically, this procedure is presented in the attached manual (steps 2 and 3 are different). This procedure pre-supposes the physical authentication of the user in a Citizens’ Service Center.

As regards the procedures followed by other Certification Authorities in Greece (not requiring a Greek Tax Payer’s Number), please address yourselves to these Authorities, as well as to the Hellenic Communications and Post Commission (EETT) which has specified the list of acknowledged providers of certification services.

[http://www.eett.gr/opencms/EETT/Electronic\\_Communications/DigitalSignatures/EsignProviders.html](http://www.eett.gr/opencms/EETT/Electronic_Communications/DigitalSignatures/EsignProviders.html)



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This list also includes the contact information of each provider, so that you can be informed about the procedure followed for the issuance of a digital signature.

**Question 22**

Kindly clarify whether persons who have been retired can participate in the Consultant's group, on condition they fulfil the experience-specialization requirements of Table 7.

**Response 22**

See Response 15 of Clarifications Document 1.

**Question 23**

In line with the Invitation, there is not requirement as to the completion of a project, used by the bidder, so as to prove the required special experience from the execution of similar projects. Kindly confirm.

**Response 23**

See Response 4 above.

**Question 24**

In line with article 21.1.1.3 of the Invitation to Tender:

*“If the Bidder **invokes third party resources**, he shall be called upon to submit the ESPD for third parties in line with the stipulations in article 20.3. It is stressed that the ESPD must also be submitted for the proposed executives in the required positions stipulated in the Invitation, in case the proposed executives do not belong to the Bidder's personnel (paragraph 21.2.3 herein).”*

If persons who do not belong to the Bidder are proposed for staffing the “Specialized Personnel” of the candidate Contractor and who are established at foreign countries, kindly clarify whether the ESPD for the proposed executive must bear his/her digital signature.

**Response 24**

Yes, it is required.

**Question 25**

Article 20.1 “Competence to exercise professional activities”

Article 20.1 of the Invitation requires the bidders who are established in Greece to possess a license class E in the design category 20 (“Geological, Hydrogeological and Geophysical Designs and Surveys”). Given that, according to the web page of the pertinent Service ([www.ypex-mele.gr](http://www.ypex-mele.gr)), there are only three (3) Companies possessing license class E – one of them being the “INSTITUTE OF GEOLOGY AND MINERAL EXPLORATION OF GREECE – IGME”, i.e. an organization of public interest – it becomes obvious that the specific term of the tender limits dramatically competition and has a negative impact on Public Interest (. Furthermore and given there are another three (3) companies that possess a license class D in the design category 20, kindly modify article 20.1, so that eligible to participate in the tender shall be also those who – among others – possess license class C and over that in the design category 20 (“Geological, Hydrogeological and Geophysical Designs and Surveys”).

**Response 25**

See Response 1 of Clarifications Document 1.

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**Question 26**

Article 21.1.1.3 in combination with article 21.1.1.1 2) d) of the Invitation to Tender  
Based on article 21.1.3 in combination with article 21.1.1.1 2) d) of the Invitation to Tender, it derives that all proposed executives who do not belong to the Bidder must a) possess digital signature and b) fill in the European Single Procurement Document (ESPD). It is considered that this requirement calls for an excessive endeavor on the part of the Bidders along with a “waste” of human and material resources, at no particular value for the Service / Greek State, since these executives bind themselves - nonetheless – through the signature on the legal statement of Article 23.2.3.1.

**Response 26**

According to article 79 of Law 4412/16, third parties must submit a European Single Procurement Document (ESPD) in accordance with the standardized document of Annex 2 of Regulation (EU) 2016/07 of the European Commission (EC) dated 05.01.2016, provided exclusively in electronic format. As to the remaining issues, see Response 17 of Clarifications Document 1.

**Question 27**

Article 20.2.2

Kindly clarify that the Contract for Similar Technical Consultant Services for Metro Projects - at least 5 km. long - is acceptable as a justification for the Special Technical and Professional Competence, even not fully completed, on condition that at least the designs and tendering process stages have been completed, that the project is at the construction phase and that the relevant certificate on the part of the Employer is available.

**Response 27**

See Response 4 above.

**Question 28**

Article 19.2.5 requires a Certificate by the Department of Scheduling and Coordination of the Labor Inspection Authority.

At the same time, the Independent Single Public Procurement Authority platform contains the information document No. ΕΞ-12161-2018/10001/12.01.18 issued by the Labour Inspection Authority, its subject being “Issuance of Certificate under article 73, paragraph 2 Law 4412/2016” stating that the issuance of the subject Certificate is not possible for the time being. Kindly clarify a) as to whether and b) in which way can the requirement of the subject article be satisfied.

Further to the above clarifications, kindly specify whether the requirement of article 19.2.5 also concerns natural entities that are members of the consultant group and participate as third parties’ resources.

**Response 28**

If the issuance of the above certificate is not possible, this certificate according to the provisions of paragraph 2, article 80 of Law 4412/16 is replaced by an affidavit.

Moreover, it is clarified that in case of participation of third parties resources who have the obligation to submit a European Single Procurement Document (ESPD), the above requirement is also valid.

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**Question 29**

If a participant – either a natural or a legal entity - has not received by the competent authorities the certificates and documentation stipulated in Article 23.1 until the submission expiration date of the Tender, will the protocol number of the application he has made to take delivery of the above certificates and documentation suffice?

**Response 29**

According to article 104 of Law 4412/16: “The right of participation and the terms and conditions of participation, as set in the contractual documents, are examined upon submission of the application to express interest or upon submission of the offer, during submission of the back up documentation provided for in article 80 and upon signing of the contract...”.

**Question 30**

Article 19.5, paragraph 4: “..... *At any point during the tender procedure, AM may request the Bidders to submit all or certain back-up documents if this necessary for the correct conduct of the procedure*”. Must the certificates and documentation stipulated in particle 23.1 be in effect throughout the tendering process?

**Response 30**

Bidders must satisfy the requirements of the Invitation, for which they commit themselves through the European Single Procurement Document (ESPD), and must be in a position to prove the said satisfaction at any time, upon request.

**Question 31**

Kindly describe the procedure for the issuance of digital signature or any alternative means for certifying the digital signature for companies deriving from countries not established in member-states of the European Union.

**Response 31**

Irrespective of the location of the company's seat, the company's members can obtain a digital signature from an approved provider in Greece, or from a provider from the relevant approved list of the European Commission (EC).

If the digital signature was obtained from a non-EU country provider, please contact the Hellenic Communications and Post Commission (EETT), which is the responsible Independent Administrative Authority and can provide you the appropriate guidance.

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**B. CLARIFICATIONS ON THE TENDER DOCUMENTS**

**B1. CONDITIONS OF CONTRACT**

**B1.1 Article 7, paragraph 7.1.5**

.....

- a. the principle of the **irreconcilable** also applies in the case that the bidder participating in this Tender (natural or legal entity, the personnel/executives of the group proposed as personnel of the Consultant inclusive) already participates in an engineering or contracting group, which has undertaken assisted by the natural or legal entity in question, works for AM included in the scope of this Contract. ~~In this case, should he be selected, the bidder, in order to be appointed as the Contractor of this tender, must cease the continuation of the execution of other works related with works or designs of AM, otherwise, the bidder who comes next in the Tender Committee's classification order shall be nominated as the Contractor.~~